



CITY OF STAMFORD
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Board of Ethics

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Chris [Signature]
STAMFORD TOWN CLERK

November 9, 1993

Mr. Andrew Moore, Jr.
Dept. of Public Works
Government Center
888 Washington Blvd.
Stamford, Ct. 06904

Dear Mr. Moore,

In your letter of October 4 you requested an advisory opinion as to whether your dual responsibilities as an employee of the Department of Public Works and a member of the Zoning Board constitutes per se, a violation of Ordinance 706 Supplemental, the Code of Ethics. The Board met with you on October 7th, 1993. A draft of this opinion had previously been provided to you in early October. This final letter was approved at the Board's special meeting of November 8, 1993.

It is our understanding that you are employed by the Public Works Department as a "Clerk of the Works". Your responsibilities, salary and conditions of employment are set forth in an employment contract dated September 1991. You advised the Board that your position involves supervising various projects principally road paving, repairs and other capital projects. In your position you often work closely with the Director of Capital Projects. You also advised us that the Director is responsible for most if not all of the City's requests that come before the Zoning Board. The Board has noted that your position is an "at

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will" position. Your position with the City is not covered by the Civil Service program. Continuation of your employment is at the whim of your supervisors including the Director of Capital Projects, the Commissioner of Public Works and ultimately the Mayor. The Board notes that the signatories to your employment contract include both the then Commissioner of Public Works and the former Mayor.

Written documentation submitted by you to the Board establishes the fact that you were initially appointed to the Zoning Board by then Mayor Thom Serrani on May 5th, 1986. Your tenure on the Zoning Board involves many hours of voluntary, unpaid service.

You have explained to this Board the function of the Zoning Board and the types of matters that come before the Zoning Board. With regard to the Code of Ethics, the Board is of the opinion that there are three types of matters that come before the Zoning Board.

The first involves an application by a person(individual, corporation, or other entity) other than the City of Stamford where no one within the line of your supervisors has expressed an opinion(either publicly or to you directly) as to the merits or desirability of the application. In these types of matters it is the Board's opinion that the duality of your positions does not in and of itself present a conflict of interest under the present Code of Ethics.

The second type of matter also involves a person(individual, corporation, or other entity) other than the City of Stamford where an individual within the line of your supervisors has expressed an opinion(either publicly or to you directly) as to the merits or desirability of the application. In an instance where either the Capital Projects Director, Public Works Commissioner or the Mayor has expressed an opinion with respect to the application you should recuse yourself. In the event that you do not recuse yourself in this type of situation you may be in violation of Sections 5(A) of the Code of Ethics.

The third type of matter is where the City is the applicant. Most, but not all, of these involve an application filed by your immediate supervisor.. It is the opinion of the Board of Ethics that your participation in these applications as a member of the Zoning Board could result in a violation of Section 4 and Section 5(A) of the Ordinance. In the event of an application by the City, you could, in your capacity as an employee of the City, represent the City before the Zoning Board. Such representation is specifically permitted by Section 6(A) of the Ordinance.

The Board appreciates your having taken the time and effort to seek an advisory opinion.

Very truly yours,

John A. Marsalisi
Secretary