

Advisory #1992-2



CITY OF STAMFORD

888 WASHINGTON BOULEVARD

P.O. BOX 10152

STAMFORD, CT 06904-2152

RECEIVED FOR RECORDS  
STAMFORD BOARD OF ETHICS

JUL 11 07 AM '92

July 8, 1992

Representative John F. Leydon, Jr.

[REDACTED]

Dear Representative Leydon,

On June 13, 1992 you wrote the Board and requested an advisory opinion. The statute governing such requests is Section 13(c)(1) of Ordinance 640 Supplemental. In addition to the data contained in your letter, you met with the Board on July 2, 1992. You have represented to us the following:

You were elected to the Board of Representatives in November of 1991. During the election process you solicited, in accordance with various city and state statutes, campaign contributions. Sometime in 1992, considerably after your election, the Zoning Board issued a decision in a matter involving the area known as Ridgeway Center. Several parties to the Zoning Board action have brought an appeal to the Board of Representatives. The appeal process is provided for by city ordinance and or Charter provision. You have expressed to us your belief that at least one and possibly four individuals who legally contributed funds to your campaign may have a personal and or financial interest in the appeal before the Board of Representatives. Further these individuals may include long time personal friends. It is the Board's understanding that you have neither a financial nor personal interest in the matter which now comes before your Board on appeal. Further you have represented to us that the matter involves real estate that is not situated within the district you represent.

You have requested an advisory opinion as to whether you may represent your district and vote on this matter when it comes to the Board. The board also has considered your desire to participate in the hearing that a committee of the Board of Representatives will conduct as part of the appeal process.

As expressed you in our meeting of July 2, the Board appreciates your request and again expresses its preference for dealing with such matters on a prospective basis. As provided by the statute, an advisory opinion is an absolute defense to an complaint or allegation that one has violated the Code provided that the representations made to the Board are accurate and complete.

The Board notes that Section 9 of Ordinance 640 prohibits the acceptance of certain gifts. However Section 9(3) expressly permits the acceptance of "Political contributions received in compliance with law". It is the opinion of the Board that the acceptance of the contributions described above would not in and of themselves preclude you from participating in the matter described above.

As set forth in the Ordinance, a copy of this letter is being filed with the Town Clerk. In accordance with your request your identity is being disclosed.

Yours truly,

*John Marsalisi*  
John A. Marsalisi  
Acting Secretary

cc: Mrs. Lois-Pont Briant, Town Clerk