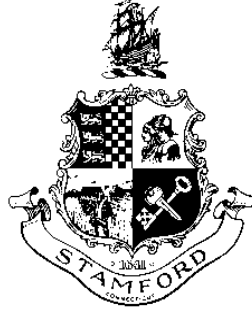


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CITY OF STAMFORD

BOARD OF ETHICS

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STAMFORD, CONNECTICUT 06904-2152
Tel. (203) 977-4172
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April 18, 2024

Representative Kindrea Walston
c/o Board of Representatives
888 Washington Boulevard, P.O. Box 10152
Stamford, CT 06904-2152

Dear Ms. Walston,

The Board of Ethics (the “Board”) has reviewed your email and your statements to the Board at its March 20, 2024 meeting in connection with your request for an advisory opinion (“Request”) concerning your ethical obligations as a member of the Board of Representatives. As set forth below, the Board is of the opinion that your conduct generally complies with the Stamford Code of Ethics (the “Code”). Thank you for your service to the City of Stamford and for your request of an advisory opinion.

Specifically, you asked whether the Code is implicated by your role on the Housing Community Development Committee of the Board of Representatives as a result of your opposition to the development of the West Side, affecting voters in your district. In addition, you are also seeking guidance as to whether your signing a petition objecting to the construction of a marijuana dispensary in District 5 implicates any of your obligations under the Code.

Of relevance to our analysis are the following sections of the Code: Section 19-3, Section 19-4, Section 19-5.

Section 19-4(A) of the Code sets forth, in relevant part, the following general rule regarding conflicts of interest:

To avoid the appearance and risk of impropriety, a city officer or employee shall not take any official action that such person knows is likely to affect the economic interests of:] . . . (1) the officer or employee . . .¹

¹ The Stamford Municipal Code of Ethics, §19-4, *available at* https://library.municode.com/ct/stamford/codes/code_of_ordinances?nodeId=COOR_CH19ETCOOF (last accessed April 18, 2024). All citations to the Code can be accessed herein.

Further, Section 19-4(B) of the Code requires a city officer or employee to do as follows when his or her conduct falls under the prohibition of Section 19-4(A):

Recusal and disclosure. A city officer or employee whose conduct would otherwise violate subsection (a) must recuse themselves. From the time that the conflict is, or should have been recognized, such person shall: [] (1) Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter; and [] (2) A supervised employee shall promptly bring the conflict to the attention of such employee's supervisor who will then, if necessary, reassign responsibility for handling the matter to another person; and [] (3) A member of a board shall promptly disclose the conflict to other members of the board and shall not be present during the board's discussion of, or voting on, the matter.

Sections 19-3 and 19-4(c) define the term “economic interest”.

Economic interest. "Economic interest" includes, but is not limited to, legal or equitable property interests in land, chattels, intangibles, and contractual rights, each having more than de minimis value. Ownership of stock in a publicly traded corporation does not constitute ownership for purposes of this code if the employee or officer owns less than five (5%) percent of the voting stock or shares of the entity or the value of the stock is less than fifteen thousand dollars (\$15,000.00).

Section 19-4(c) further clarifies that for purposes of a conflict of interest “[a]n action is likely to affect an economic interest if it is likely to have an effect on that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof[.]”

Additionally, Section 19-5(A) further provides certain other limitations on the conduct of a city officer or employee as follows:

General rule. A city officer or employee may not use such person's official position to advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including for such person) any form of special consideration, treatment, exemption, or advantage in violation of established or written city policy, procedure, or legal requirement. A city officer or employee who represents to a person that such officer may provide an advantage to that person based on the officer's position on a board or commission or employee's position with the City violates this rule.

For the avoidance of doubt, nothing in this provision shall prohibit constituent representation, notwithstanding that such representation may advance or impede private interests.

Armed with the above provisions of the Code and based on the information presented in the Request, the Board is of the opinion that your involvement in community discussion concerning Pacific House and your opinion about the proposed location of a marijuana dispensary do not violate the foregoing sections of the Code.

As you explained to us, you are not affiliated with Pacific House or other parties that have an economic interest in the matter as defined by the Code. Nor do you have an economic interest in the marijuana dispensary or other parties that may be involved therein as defined under the Code. Voicing your opinion and your participation in open discussion on these topics is part of “constituent representation” that is expected of you as a member of the Board of Representatives.

This advisory opinion is a public document. The opinions stated herein are expressly based on the accuracy and completeness of the information presented to the Board and are confined to the specifics of the question(s) put to the Board in rendering such opinions. The Board wishes to emphasize that its finding pertains only to your specific circumstances and should not be construed as precedent for any future requests for an advisory opinion or complaint filed with the Board.

Sincerely,

Fred C. Springer

Fred C. Springer
Chair, Board of Ethics

FCS/kh

cc: File