

CITY OF STAMFORD
Board of Ethics
Stamford Government Center
(Meeting held virtually via Zoom)
April 21, 2021

Present Members:

Allan Lang, Chair
Thomas Hynes, Vice-Chair
Myrna Sessa, Member
Monica Smyth, Member
Christine Dzujna, Member
Benjamin Folkinshteyn, Member
Fred Springer, Alternate
Kevin Quinn, Alternate

Other:

Steven Conover, Counsel
Kimberly Hawreluk, Human Resources Processing Technician
Kathryn Emmett, Stamford Director of Legal Affairs
Sandra Dennies, Stamford Director of Administration
Jonathan Jacobson, Board of Representatives Member

The meeting was called to order by Chair Lang at 7:15 p.m.

1. Mr. Springer moved to accept the minutes of the March 17, 2021 Meeting of the Board of Ethics ("BOE"). Subject to a change Ms. Smyth suggested in section 3 to add the actual date when the Figueroa hearing should commence, Ms. Smyth moved to accept the minutes, Mr. Hynes seconded, all others in favor. Motion passed.
2. Mr. Lang addressed the request for an advisory opinion from Jonathan Jacobson, a Board of Representatives member, who asked for an understanding of what the BOE believes the City Code of Ethics ("Code") allows as to when a complainant can disclose a complaint he/she submitted once probable cause has been found by an investigating board. Ms. Smyth noted her understanding that it is not within the BOE's jurisdiction to provide an interpretation of the Code. Discussion ensued about whether the BOE should accept the request for an opinion and consider whether it could answer the question posed.

Mr. Conover advised that the BOE should decide whether to accept or decline to offer an opinion, and pointed out that Code section 19-14C(1)(a)1., appears to allow Jacobson's request, and he also pointed out that under 19-14C(1)(b) the BOE could vote to decline to consider a request for an Advisory Opinion. Mr. Springer moved to accept the request, Ms. Sessa seconded, Ms. Smyth opposed, all others in favor. Motion carried.

Mr. Jacobson clarified that he was asking as to when a complainant can release a complaint he/she filed if probable cause has been determined by the investigating board but before the public hearing on the complaint has taken place. After discussion, the BOE arrived at a conclusion that neither the complaint, nor any finding by an investigating board, can be made public until a public hearing has been commenced, or a stipulated agreement has been reached at a public hearing.

Mr. Jacobson asked for an opinion in writing. The BOE agreed to draft an opinion and then review and take a final vote on the matter. Chair Lang will draft the opinion.

3. Mr. Lang addressed the request for an advisory opinion from Kathryn Emmett on behalf of Sandra Dennies, the City's Director of Administration. Ms. Dennies apprised the BOE that an allegation had been made about a city employee who facilitates rentals of the city's recreational fields while he is also an officer for an organization that rents fields from the city, and that he may be providing preferential treatment to his organization with regard to field scheduling. Dennies sought an opinion as to whether this presents a conflict.

There was again some discussion about whether the BOE should agree to offer an advisory opinion on the matter. Mr. Springer moved to accept, all others in favor. Motion carried.

After further discussion, the BOE agreed that a conflict exists pursuant to sections 19-4 and 19-5 of the Code regarding conflicts of interest, and section 19-7 on prohibited uses of public property. Ms. Smyth agreed to draft the opinion.

4. Mr. Lang addressed the approval of the advisory opinion that has been prepared for Elena Kalman. Mr. Hynes moved to approve the opinion, Mr. Springer seconded, all others in favor. Motion passed.

Ms. Smyth questioned the propriety of the draft having been circulated with all members of the BOE via email for comment, as this appeared to deviate from past practice. Mr. Conover suggested that best practice would be to share draft advisory opinions with BOE members individually for their consideration, and to avoid sharing via group emails where a quorum might be unintentionally reached about the opinion and could be perceived to have been an unscheduled public meeting.

5. Mr. Lang addressed the effort by the Board of Representatives committee that is working on revisions to the Code, and noted that the entire BOE was invited to attend that committee's meeting on May 6th and offer feedback. Mr. Springer suggested that a request be made to the revision committee to have the BOE present at their next meeting after May 6th to allow the BOE sufficient time to obtain Mr. Conover's opinion and to hold a special BOE meeting to discuss the suggested revisions.

6. Mr. Hynes moved to amend the agenda to add an item in connection with the upcoming public hearing in the Figueroa matter, seconded by Mr. Springer, all others in favor. Motion passed.

On behalf of the investigating board, Mr. Hynes requested a 30-day extension of the time within which to commence the public hearing, moving the start date from May 10th to June 9th. Mr. Springer seconded, all others in favor. Motion passed.

7. Mr. Springer moved to adjourn the meeting, Ms. Sessa seconded, all others in favor. Motion passed. At 9:12 p.m. the meeting was adjourned.

Respectfully submitted,

Christine Dzujna, Secretary