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CITY OF STAMFORD

BOARD OF ETHICS

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May 20, 2021

Ms. Sandra L. Dennies
Director of Administration
City of Stamford
Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901

Dear Ms. Dennies,

In a letter dated April 6, 2021, Kathryn Emmett, Director of Legal Affairs & Corporation Counsel, on your behalf, requested an Advisory Opinion from the City of Stamford Board of Ethics ("Board"). We reviewed your request at our April 21, 2021 meeting. In the Emmett letter and at our meeting you advised us of the following:

1. You are the Director of Administration for the City of Stamford.
2. Among your supervisory roles, you oversee the Recreation Department.
3. A Recreation Department employee ("Employee") has, as one of his duties, the responsibility for renting fields.
4. The Recreation Department has a procedure that the public follows in order to rent fields. A fee is charged for rentals.
5. There are two Recreation Department employees who are responsible for field rentals.
6. The Employee has become an officer of an organization that regularly requests field rentals.
7. An allegation of wrongdoing has been lodged against the Employee. A member of the public has alleged that the Employee is giving preferential treatment to the organization in which the Employee holds an officer.
8. This allegation is the subject of an internal audit of the Recreation Department.
9. The audit will among other issues review fees charged and whether the process to rent fields is a fair one.

You have asked the Board whether the Employee would violate the Code of Ethics when the Employee rents fields to the organization of which he is an officeholder.

Of relevance to our analyses are the following sections of Stamford Municipal Code of Ethics (the "Code"). Section 19-4 sets forth the following regarding conflicts of interest:

“No officer or employee shall engage in any business or transaction or have a personal, immediate family or business interest, directly or indirectly, which is in material conflict with or incompatible with the proper discharge of his or her official duties or that by creating a divided loyalty might influence or impair his or her independence of judgment and action in the performance of said duties. A conflict of interest exists whenever an officer or employee will more likely than not benefit, disproportionately from other citizens of the city, directly or indirectly, from a decision over which they have influence.”

Section 19-5(A) of the Code provides as follows:

“Unless otherwise provided by law, an officer or employee shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if said individual or any member of his or her immediate family or a business with which he or she is associated would be likely to gain or lose a material benefit that is not common to the general interest of other citizens of the city.”

Section 19-7 of the Code – Prohibited use of city property and facilities provides as follows:

“No officer or employee shall use or authorize others to use city-owned property, including vehicles and facilities, except:

* * * *

B.— For purposes and on terms generally available to other persons.”

Based on the information presented, the Board is of the opinion that a conflict of interest would exist and a violation of the Code would arise when the Employee rents fields to the organization of which he is an officeholder. By renting to the organization of which he is an officeholder, the Employee is benefiting disproportionately from other citizens in violation of Section 19-4.

The Employee would also likely gain or lose a material benefit that is not common to the general interest of other citizens of the city in violation of Section 19-5(A).

Finally, under the information provided, when the Employee presides over field rentals and rents to an organization of which he is an officeholder, the Employee would violate Section 19-7, which prohibits use of city property in preferential terms not otherwise available to the general public.

This Advisory Opinion pertains only to the facts presented here and included within your request. This Advisory Opinion cannot be relied on by any other officer or employee, or construed as legal precedent.

Thank you for proactively seeking advice on how to handle potential conflicts of interest.

Very truly yours,



Board of Ethics