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DEPARTMENT OF LAW
429 ATLANTIC STREET

Library

May 8, 1975

Mr. Armen Guroian
Mr. Salvan Ross, Jr.
Board of Representatives
Stamford, Connecticut

Gentlemen:

We have your letter of May 5, 1975 asking our opinion as to whether employees of the Board of Education, who are also members of the Board of Representatives, can vote on the budgetary matters pertaining to the Board of Education for the coming fiscal year which are now before the Board of Representatives.

On May 15, 1974, we wrote to you and certain other members of the Board of Representatives indicating that "to the extent that such voting activity (voting by certain employees of the Board of Education on 1974-5 fiscal year budgetary items of the Board of Education as members of the Board of Representatives) influenced the final outcome of the budget of the Board of Education, a serious ethics problem has arisen which property should be referred to the Board of Ethics. We cited two sections of the Code of Ethics which might have been violated by such voting activity.

Thereafter, the matter was referred to the Board of Ethics which, after holding hearings on the matter, rendered an advisory opinion earlier this year pursuant to Section 2-2 of the Code.

In its opinion, the Board of Ethics dismissed the charges that the employees had, by voting, acted directly in conflict of interest. However, the Board found that the employees had created an appearance of conflict of interest, the result of which was to put them in a situation of indirect conflict with their interests as employees of the Board of

yes #104

Mr. Armen Guroian
Mr. Salvan Ross, Jr.

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Education on the one hand and members of Board of Representatives on the other.

The Board of Ethics specifically recommended that all public officials should not only avoid actual conflict of interest situations but should also avoid the appearance of any such conflict by abstaining from all participation in any such situation.

The Board of Ethics also found that to avoid such a situation, such employee representatives must not only not vote on budgetary matters pertaining to the Board of Education but must not participate in "...committee meetings and private discussions as well as open meetings and discussions..." concerning such matters as well.

The opinion of the Board of Ethics was issued pursuant to Section 2-2 of the Code. All persons affected by the opinion had an opportunity to participate in hearings held by the Board prior to rendering its opinion. To our knowledge, no one has attacked the validity of the opinion since its issuance nor disputed its conclusions. As a result, the opinion stands as binding upon the subject matter.

Based upon the opinion of the Board of Ethics, any participation by employees of the Board of Education who are members of the Board of Representatives in any committee meetings and private discussions as well as open meetings and discussions of the Board of Representatives on budgetary matters pertaining to the Board of Education, or any participation by such members in the actual votes taken on such budgetary matters, would constitute a violation by such employee Representative of the Code of Ethics, Section 2-1 of the Code of Ordinances as interpreted. As to the question of whether or not the employee representative can nevertheless vote, we refer you to our opinion of July 1, 1974 by Deputy Corporation Counsel Barry Jay Boodman in a letter to Representative Theodore Boccuzzi (copy attached).

Sincerely,

JEF/dl

Enc.

Copies to:

Mr. Frederick Miller
Mr. Anthony D. Truglia
Mr. Joseph R. DeRose
Mr. Vincent R. Martino
Mr. Theodore J. Boccuzzi

Joel E. Freedman
Corporation Counsel

MAYOR
FREDERICK P. LENZ, JR.



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CITY OF STAMFORD, CONNECTICUT 06901
MUNICIPAL OFFICE BUILDING
429 ATLANTIC STREET

May 5, 1975

Joel Freedman, Esq.
Corporation Counsel
Municipal Office Building
429 Atlantic Street
Stamford, Connecticut

Re: Regarding petition from Board of
Representatives - Board of Ethics

Dear Mr. Freedman:

If you will recall, a petition signed by a number of Board of Representatives was presented to you regarding the possibility of a conflict of interest with employees of the Board of Education who are also members of the Board of Representatives when they voted on the Education budget. At that time you referred us to the Board of Ethics.

Now that you have the opinion of the Board of Ethics, we respectfully request your opinion on this matter. In view of the Board of Ethics recommendation that even an appearance of a conflict of interest should be avoided by all public officials, we ask that you render an opinion on whether Board of Education employees, who are members of the Board of Representatives, can vote on the upcoming Board of Education budgets.

Sincerely,

Salvan Ross, Jr. (cm)
Salvan Ross, Jr., 15th District

Armen Guroian (cm)
Armen Guroian, 7th District

SR/dm

cc: Advocate
WSTC