

PROPOSED EDITS TO SECTION 19-14 of the CODE OF ETHICS

de la Cruz, Virgil

Sun 9/20/2020 9:37 PM

To: Rosenson, Valerie <VRosenson@StamfordCT.gov>;

Cc: Lee, Benjamin <BLee@StamfordCT.gov>;

Valerie,

Could you please forward the email below to the members of the Special Code of Ethics Revision Committee and copy the rest of the Board of Reps members.

Many thanks,

Virgil

"Dear Special Code of Ethics Revision Committee Members,

The Board of Ethics, unfortunately, is vulnerable to being resorted to by persons intent on scoring political points and/or harassing members of Boards and Commissions for taking positions they disagree with. It is also subject to being misused by persons that simply misunderstand what constitutes unethical actions.

Once the Board of Ethics proceeds to the step in paragraph D. (1) (c), the door is opened to the expenditure of taxpayer's funds for the defense of the accused, and it becomes the burden of the accused to disprove the allegations therein- "D. (2)(b) The respondent shall have the right to appear and be heard and to offer any information by way of answer or denial of the allegation."

Since it is far too easy to file a complaint, I propose the following changes to the process contained in Sec. 19-14 of the ordinance in order to avoid unnecessary expenditure of tax payers funds and burdening members of Board and Commission with the task of defending against spurious allegations.

After section D (1) (b) insert the following as (c) and re-label subsequent paragraphs:

"As a condition for taking further action on any complaint, the Board of Ethics shall thoroughly vet complaints to ensure that each and every allegation made is supported by relevant materials submitted with the complaint. In the absence of supporting information, allegations there in shall be dismissed."

Delete entirely section D. (1) (d):

"Subsequent to the filing of the original complaint, **the Investigating Board members may, at their discretion, amend any complaint filed with the Board to include other violations which they reasonably suspect to have occurred**, based on allegations in the original complaint. Any such amendments shall be in writing, and a copy shall be sent by registered or certified mail or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within seven (7) days of such amendment." **(emphasis added)**

The above section permits the Board of Ethics Investigating Committee members to embark on fishing expeditions in the hope of finding something else to charge the accused with which was not included in the original complaint. This troublesome clause casts the Board as accuser, judge, and jury, and provides a loophole around the prohibition in D. (1) (b) "No member or alternate member of the Board of Ethics may initiate a complaint."

Delete in two places the following in existing paragraph D. (1) (c):

"and any subsequent changes"

Kindly yours,

Virgil de la Cruz

cc. Board of Representatives