

CITY OF STAMFORD
Board of Ethics
Stamford Government Center
(Meeting held virtually via Zoom)
March 23, 2022
Minutes

This Meeting was recorded and the audio recording is available from the Board of Ethics and the City of Stamford. Such audio recording is intended to be the official public record of the Meeting and not these minutes, and such recording is incorporated into these minutes by reference and made a part hereof. These minutes summarize the proceedings and are not intended as verbatim notes.

Present Members:

Allan Lang, Chair
Christine Dzujna, Member
Benjamin Folkinshteyn, Member
Monica Smyth, Member
Kevin Quinn, Alternate
Fred Springer, Alternate

Other:

Stephen Conover, Counsel
Amy LiVolsi, Assistant Corporation Counsel
Cara Gilbride, Board of Representatives Member
Kimberly Hawreluk, Human Resources Processing Technician
Various members of the public

The meeting was called to order by Chair Lang at 7:03 p.m.

1. Chairman Lang presented the February 16, 2022, Board of Ethics ("BOE") Meeting Draft Minutes for review and approval. Subject to several minor corrections, Ms. Smyth moved to approve the minutes, Ms. Dzujna seconded, Mr. Springer abstained because he did not attend the February meeting, all others in favor. The motion passed.
2. Mr. Folkinshteyn reported that he has not yet completed the draft opinion requested by Representative Bonnie Kim Campbell at the February BOE meeting and will have it ready to share with BOE members for review in another week.
3. Cara Gilbride, new Member of the Board of Representatives ("BOR") appeared before the BOE to request an advisory opinion. She explained that she is a photographer and shoots for various non-profits in and around Stamford, including on behalf of an organization that has applied to receive a block grant from the city on which the BOR will soon vote. She works for them as an independent contractor and earns about \$10k a year.

Mr. Conover clarified that any opinion the BOE might issue will only address the application of the Code of Ethics to her question as to whether she can vote as a BOR member on the block grants at issue, and that the BOE does not have the authority to address any questions regarding the block grant public disclosure form members of the BOR were asked to complete.

After Representative Gilbride left the meeting, Mr. Springer moved to have Chairman Lang obtain clarity from her as to whether she received sufficient input from the BOE to address her need, or would like the BOE to provide an advisory opinion on the question of reconciling her position as a BOR member with her position as an independent contractor photographer for a block grant recipient. Mr. Folkinshteyn seconded the motion, all others in favor. The motion passed unanimously.

4. Stamford Assistant Corporation Counsel Amy LiVolsi appeared before the BOE to address questions on the new Code of Ethics and engage in an exercise in which she presented potential Code violation scenarios for discussion on how to apply the Code to each situation.

In response to a question from Chairman Lang, Ms. LiVolsi clarified that, as a general rule, a conflict of interest under section 19-4 cannot be found unless an economic interest component is present.

As to the question of whether an advisory opinion establishes a precedent, Ms. LiVolsi offered that an advisory opinion does what the Code says it does under 19-14 C(1)(c), and that an advisory opinion can only be used as an absolute defense is when it is issued to the individual that originally requested the opinion and when the facts of the situation that triggered a Code review have not changed. As to others, such opinions may be instructive to them, but are not binding.

In response to a question as to whether the BOE is complying with the new rules on how to notice a public meeting, Ms. LiVolsi offered to provide guidance to Ms. Hawreluk. Ms. LiVolsi also confirmed that the BOE is only required to post "action alerts" for the public within 48 hours of a BOE meeting containing the results of any vote taken at such meeting; full meeting minutes need not be posted within that same timeframe.

Chairman Lang adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Christine Dzujna, Secretary