

Board of Ethics
City of Stamford
888 Washington Boulevard
Stamford, CT 06901

Advisory #2006-1

September 19, 2006

Ed Palitz
[REDACTED]

RE: Request for Advisory Opinion

Dear Mr. Palitz:

You have requested the Board of Ethics (the "Board") issue an advisory opinion addressing several issues. In issuing this Advisory Opinion, the Board relies on the information contained in your written requests (08/09/06, 8/23/06) and on the statements made in person at our recent meetings.

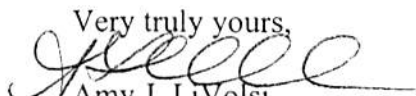
You are a career Fire Fighter employed by the City of Stamford (the "City"). You are currently assigned to the Glenbrook Fire Department a.k.a. The New Hope Fire Company, Inc. (the "Company"). The Company is an independent entity that operates separately from the City. You are employed under a labor contract between the Company and the City. The Company is run in accordance with its Constitution and By-Laws, which require certain Company decisions be decided by membership vote. The Company membership is comprised of both City employees and volunteer members. As an employee of the City you are bound by the City's Code of Ethics.

As you are both a City Employee and a member of the Company, you have asked the Board to determine whether a conflict of interest exists under the Code of Ethics if you were to vote on certain Company business. Specifically, you have asked whether you may vote on (1) any issue relating to the terms and conditions of your employment that the Company is obliged to negotiate with the Union or address as part of any operative Collective Bargaining Agreement, (2) the election of Chief, and (3) the election of Company President. At our most recent meeting (09/06/06) you verbally withdrew your request as relates to the election of the Company's Executive Board; consequently, this Opinion does not address that scenario.

It is the Board's opinion that you may not vote on any issue relating to a term(s) or condition(s) of your employment that the Company is obliged to negotiate with the Union or address as part of any operative Collective Bargaining Agreement. It is also the Board's opinion that you may not participate in the election of Chief, and may not participate in the election of Company President. The Board believes that for you to participate in these decisions would pose a conflict under §19-5 of the Code of Ethics.

This opinion is binding upon the Board unless amended or revoked, and your reliance upon this opinion in good faith is an absolute defense to any action or proceeding brought under the provisions of the Code of Ethics.

Thank you for taking the time to request an advisory opinion, and for your service to the City of Stamford.

Very truly yours,

Amy J. LiVolisi
Chairman, Board of Ethics

cc: Donna Loglisci (Town Clerk), Tom Cassone (Law Dept.)
Members of the Board of Ethics (Summons, Anderson, Levine, Young, Lang, Bader)