CITY OF STAMFORD

Stamford Board of Ethics

February 6, 2020

STIPULATED AGREEMENT RESOLVING ETHICS COMPLAINT

This Stipulated Agreement is entered into this 6th day of February 2020 by and between the Investigating Board (defined below) and Representative Anabel Figueroa ("Figueroa").

WHEREAS, Figueroa is an elected member of the City of Stamford Board of Representatives; and

WHEREAS, Figueroa serves on the Board of Representative's Appointments Committee; and

WHEREAS, Figueroa has a son who is employed as a police officer with the City of Stamford Police Department; and

WHEREAS, Figueroa has previously abstained from voting on matters relating to the Stamford Police Department when she believed that her son's compensation might possibly be impacted; and

WHEREAS, before the Appointments Committee on June 25, 2019, Figueroa participated in a discussion of, and voted on the appointment of a candidate to be Chief of Police for the Stamford Police Department (the "Vote"); and

WHEREAS, Figueroa's son, in his current position, does not report to the Chief of Police directly but does indirectly report to the Chief of Police through a chain of command;

WHEREAS, at the time of the Vote, it is undisputed that Figueroa did not believe that her participation in the Vote would constitute a violation of the Stamford Municipal Code of Ethics (the "Code"); and

WHEREAS, at the time of the Vote, a prior Board advisory opinion issued approximately five years earlier in another matter (the "Coppola Advisory Opinion") authorized a member of the Board of Representatives to vote on a matter concerning the appointment of the Director of Operations who the representative's spouse indirectly reported to through a chain of command; and

WHEREAS, an ethics complaint dated June 28, 2019 (the "Ethics Complaint") was filed against Figueroa by Lindsey Miller (an elected member of the City of Stamford Board of Representatives) which alleges inter alia that Figueroa violated Section 19-5 of the Code by participating in the Vote on June 25, 2019 because her son is a police officer; and

WHEREAS an Investigating Board of the Stamford Board of Ethics (the "Investigating Board") was appointed by the City of Stamford Board of Ethics' (the "Board") chairman to investigate the Complaint; and

WHEREAS, on July 3, 2019, Figueroa formally requested an advisory opinion from the Board in order to determine whether it would constitute a violation of the Code for her to participate in an anticipated forthcoming vote of the Board of Representatives concerning the candidate for the Chief of Police (the "Final Vote"); and

WHEREAS, on July 17, 2019, the Board issued an advisory opinion (the "Figueroa Advisory Opinion") concluding that it would constitute a violation of the Code for Figueroa to participate in the forthcoming Final Vote before the Board of Representatives; and

WHEREAS, following issuance of the Figueroa Advisory Opinion, Figueroa has complied with the Board's directives, including abstaining from participating in the Final Vote when the Board of Representatives voted on whether the candidate for the Chief of Police should be approved;

WHEREAS, on September 5, 2019, the Investigating Board advised Figueroa that it had concluded that there was probable cause to believe that she had violated Code sections 19-4 and 19-5 when she participated in the Vote on June 25, 2019;

WHEREAS, the Investigating Board subsequently communicated that it did not wish to pursue the prosecution of an asserted violation of section 19-5 and stipulated to its agreement with Figueroa that the alleged violation of section 19-5 should be dismissed; and

WHEREAS, the Investigating Board and Figueroa now wish to resolve the remaining allegation against Figueroa in order to avoid the time and expense of engaging in a public hearing regarding the above-discussed undisputed facts;

NOW, THEREFORE:

1. Figueroa acknowledges that she respects the decision issued in the Figueroa Advisory Opinion and, consistent with the Figueroa Advisory Opinion, she will not in the future deliberate or participate in any vote on any board or committee pertaining to the Stamford Police Department that could impact her son unless she requests and receives an advisory opinion from the Board authorizing her to do so.
2. Figueroa acknowledges that she regrets not having requested an advisory opinion prior to her participation in the Vote.
3. As demonstrated by her abstention from the Final Vote, Figueroa acknowledges that, had she requested an advisory opinion and been advised of the Board's position (as communicated in the Figueroa Advisory Opinion) regarding the Vote, she would not have participated in the Vote.
4. The Board acknowledges that Figueroa's actions relating to the Vote were not motivated by self-interested concerns and, instead, were motivated by her sincere desire to represent her constituents and fulfill her duties as an elected member of the Board of Representatives.
5. The Investigating Board acknowledges that, because its Figueroa Advisory Opinion appears inconsistent with its Coppola Advisory Opinion, Figueroa and

others may in good faith previously have believed that it would not constitute a violation of the Code for Figueroa to participate in the Vote.

6. The Investigating Board and Figueroa jointly request that a majority of the members of the Board approve this stipulation as a full and final resolution of the Complaint.

Respectfully submitted,

THE INVESTIGATING BOARD

Myrna I. Sessa

Monica S. Smyth

Fred Springer

REPRESENTATIVE ANABEL FIGUEROA

Anabel Figueroa

APPROVED BY THE STAMFORD BOARD OF ETHICS

Allan Lang, Chair
City of Stamford Board of Ethics