

## 1. Board Of Ethics Meeting Documents

Documents:

[REQUEST FOR ADVISORY OPINION - COMMISSION ON AGING.PDF](#)  
[MEETING AGENDA .PDF](#)

**Town of Greenwich, Connecticut  
Board of Ethics**

**Request for Advisory Opinion**

*Section 2.12(b) of the Town Code of Ethics requires the Board of Ethics to render advisory opinions with respect to the Code of Ethics upon the written request of any Town Officer. For this purpose, a Town Officer includes any official, employee or agent of the Town, any consultant to the Town or any member of any board, department, commission, committee, legislative body or other agency of the Town, whether elected or appointed.*

**Name: Patricia Burns and Steven Katz**

**Town Office: Chairperson and Vice-Chairperson Greenwich Commission on Aging**

**Request on Behalf of Another: Yes \_\_\_X\_\_\_ No \_\_\_\_\_ (on behalf of the members of the Greenwich Commission on Aging)**

*(The Board's policy is to render advisory opinions that do not name the individual requesting the opinion. However, the Connecticut Freedom of Information Act requires all filings with the Board to be made available to the general public upon request. One Town Officer may file a request on behalf of another Town Officer.)*

**Please attach a statement describing the issues involved concisely, but in reasonable detail. For issues of the following types, please describe:**

(Please note that a transaction or series of transactions having an aggregate value in any 1200 per year is not reportable under the Code.)

- a. The interest or interests involved
  - b. How the Town is involved in the transaction or actions relating to the interest
  - c. The nature of the action or vote that may be influenced
  - d. How the Town Official involved might be influenced
- (2) Acceptance of a thing of value:**  
*(Please indicate if member of immediate family is involved.)*
- a. The gift, favor, loan, promise or other thing that might be accepted
  - b. The official duty or duties that might be influenced
  - c. How the Town Official involved might be influenced
- (3) Definitions or interpretation**
- a. The word or phrase in the Code that is ambiguous
  - b. The circumstances under which it might be ambiguous
  - c. Possible alternative interpretations
- (4) Procedure for filing disclosure statements:**
- a. Requirement in question
  - b. Possible alternatives for satisfying requirement
  - c. Problems affecting compliance

I am the Chairperson of the Commission on Aging (hereinafter referred to as the "COA") and am seeking an advisory opinion from the Board of Ethics on behalf of the members of the COA so that we have a clear understanding as to how to best address common issues that the members of the COA may have in conducting themselves as officers of the Town of Greenwich (hereinafter referred to as the "Town").

### Background

The COA consists of 7 members appointed by the Representative Town meeting on the nomination of the Board of Selectmen. The primary role of the COA is to be a community resource on issues affecting older adults. In this light the Commission to date has worked primarily on educating and advocating on behalf of older adults and their families both by conducting events, programs and activities. The Director of the Commission on Aging is a Town Employee and her staff works directly with older adults and their families to assist them where needed in finding and coordinating resources and providing them with information and materials relating to their needs. The COA Director also runs the senior provider network which is open to all provider of older adult services in the Town. The COA Director along with the COA also oversees the operations Greenwich Senior Center. The COA only votes and gives input on its own budget and that of the Greenwich Senior Center.

COA members are assigned to work on different projects on behalf of the COA such as senior transportation, senior property tax relief, senior programming etc.... THE COA also assigns its members to cover meetings of other Town departments, governmental committees and events that are related to interests of older adults in Town, including but not limited to social services, human resources, The Nathaniel Witherell, the BET, senior transportation, Department of Health etc....

Going forward the COA will be conducting a needs assessment survey and making recommendations to the Selectman so that the Town of Greenwich can be certified as an Age Friendly and Dementia Friendly Community. This is the COA's first initiative into helping to set Town policy for older adults and is at the planning stage.

The Friends of the Greenwich Senior Center is a not-for-profit 501(c)3 (hereinafter referred to as the "Friends") that supports the work of the Senior Center and related senior activities. Funds are donated to support programs of the Senior Center and the Commission on Aging through members of the senior provider network, individuals and estates. Several of the members of the COA also sit on the Board of the Friends and may have business relationships with donors to the Friends whose donations are used to support programs of the Senior Center and the Commission on Aging. Members of the COA may also be donors to the Friends to support programming at the senior center or the COA either directly or through businesses where they have a significant financial interest as part of a broader and publicly open fundraising effort offered to all participants in the senior provider network.

Over half the members of the COA work professionally and have a significant financial interest in businesses servicing the older adult community. It is their expertise in the field that makes them particularly suitable to be members of the COA. As a result, several of the members of the COA throughout the course of the year have business dealing with each other which may be of a direct monetary nature or indirectly through the referral of business for which there is no monetary exchange.

Similarly, several of the members of the of the COA have dealing with entities of the Town such as The Nathaniel Witherell or the Department of Social Services or with other officers of the Town on other

Boards and parts of Town government that provide oversight and review of budgets affecting services to older adults. Some of the business dealing may be of a direct monetary nature with Town entities or other Town officials. Other business dealing may be done in the ordinary course of their business but are indirectly through the referral of business from unrelated third parties for which there is no monetary exchange between the member of the COA or his business and the any Town employee or organization. In addition, they may be given as to the unrelated third party as one of several professionals or entities that the unrelated third party can consider for such a referral along with any other provider of the third parties choice. Referrals may also be of different types. Where some are made by the third party themselves without any input from a Town entity or employee or by other organizations with the unrelated third party before they do business with the Town. For example, a patient of Nathaniel Witherell may choose to work with a certified home health provider that he has worked with in the past upon discharge of Nathaniel Witherell or the patient may have determined what home care provider he chooses to work with prior to entering Nathaniel Witherell with the assistance of the discharge planner from Greenwich Hospital. In both cases when the patient is discharge to a provider from Nathaniel Witherell it is deemed to be a referral from Nathaniel Witherell in the industry sense of the word. Alternatively, a discharge planner from Nathaniel Witherell may provide a patient with the names of several eldercare attorneys to work with and let the patient choose whomever he likes. How would these referrals be disclosed and what value would be placed on them in disclosure without imposing a significant accounting requirement on the members of the COA.

Issues:

1. What is the proper manner for the members of the COA to conduct themselves when working with each other and voting on items on behalf of the Commission if they have either direct or indirect (via referrals) business dealing with each other so as to avoid violating any part of the Town of Greenwich Code of Ethics.
2. In what situations could the members of the COA be considered to potentially exert undue influence in violation of the Town of Greenwich Code of Ethics and what is the proper procedure and protocols that should be used by the COA and its members to avoid these issues yet still function professionally in the normal course of business. Some issues to be address may include but should not be limited to:
  - a. Does the referral of potential business to an unrelated third party between businesses owned by officers of the Town or between a Town entity and a business in which an officer of the town has a substantial financial interest in the normal course of business, where there is no monetary exchange made by any party in exchange for the referral and where the third party may select among several referred vendors or any other vendor of his choosing constitute a potential violation of the Greenwich Code of Ethics and is there a process which can mitigate any potential ethics violation without impinging on the normal business operations of the members of the COA.
  - b. Is the mere covering and brief reporting to the COA of a public meeting with publicly available minutes by a member of the COA of another town entity, department or board a potential violation of the Greenwich Code of Ethics if a) the member of the COA directly transacts business where money is exchanged either with the town entity or department or other officers of the Town that are part of the meeting or b) if the member of the COA indirectly receives referrals of business with the town entity or

department or other officers of the Town that are part of the meeting. Given that the majority of COA members may fall into (a) or (b) this might significantly limit the COA ability to cover such meetings for the benefit of the entire COA.

3. Is there any issue with COA members or businesses in which they hold a significant financial interest making a donation and being sponsors on terms available to the public and all other members of the senior provider network to the Friends in support of the Greenwich Senior Center or COA programs and events?
4. As the COA embarks on more policy initiative such as Age Friendly and Dementia Friendly Greenwich can COA members who interests might be aligned with the public but also serve the older adult community participate in these initiatives and vote on recommendations that may be given to other Town officials and entities which they may conduct business with directly or indirectly through referrals as noted above. Again since the majority of the COA members might find themselves in this situation are there any safeguards or protocols that can be implemented to make sure the Town's Code of Ethics is not violated.
5. Are there any other issues the COA and its members should be concerned with as it involves the Greenwich Code of Ethics and proper disclosure.

Please let us know if you would like clarification of any of the items in this Ethics Advisory Opinion request. We would appreciate a response by the end of June as many of the items above are in active process and to comply with the Town's annual disclosure requirement.

**T O W N O F G R E E N W I C H**

**Board of Ethics**

**Regularly Scheduled Meeting**

**Tuesday June 6th, 2017  
5:30 P.M.**

**Gisborne Conference Room  
1<sup>st</sup> Floor, Town Hall  
101 Field Point Road, Greenwich CT**

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**A G E N D A**

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- 1. Report of Chair**
- 2. Continuing Items**
  - a. Request for Advisory Opinion from  
Commission on Aging**
- 3. Other Matters**
- 4. Adjournment**