

Town of Greenwich

Board of Ethics



Official Reports

for

Fiscal Years 1970 - 1974



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EDITOR

This contains reports of the Advisory Opinions of the Board of Ethics of the Town of Greenwich, Connecticut. The reports contain information drawn from the Board's official records. Consistent with the Greenwich Code of Ethics, information concerning the specific identity of the person requesting an advisory opinion has not been included. However, the relevant facts presented to the Board are summarized, the issues dealt with are identified and the conclusions of the Board are reported using the language from the original opinion or previous reports thereof to the extent possible. Please refer to the Introduction for important additional information concerning the use of these reports.

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July 1969 – June 1970

According to the Annual Report of the Board of Ethics for the 1970 Fiscal Year, no requests for Advisory Opinions were received in that Fiscal Year. The report also indicates that one Complaint was received and investigated, but the Board found no evidence to support it.

July 1970 – June 1971

Decision No. 71-01

Date: Unavailable

Topics: Financial Interests; Town Officers; Town Services

Code Section: Section 4

Statement of Facts:

A Town Officer used a Town-operated communications system to circulate materials espousing the Town Officer's official view on a controversial subject.

Questions Presented:

Does a Town Officer have a personal financial interest in the Town services used by the Town Officer?

Where a Town Officer has discretion over the use of Town services that provide a personal benefit to the Town Officer, does the use of that discretion to permit the use of the service violate Section 4 of the Code of Ethics?

Discussion and Conclusion

Section 4 of the Code of Ethics prohibits elected or appointed officials, employees, consultants and agents of the Town from using their position as a Town Officer to exert influence or vote on matters in which they have a substantial financial interest.

A discretionary decision by a Town Officer to employ Town property or services involves a transaction for personal services or the use of property. Whether the Town Officer has a personal interest in the matter depends on the nature and purpose of the transaction. Where the transaction is of a nature that is ordinary and

customary as part of the operations of Town government and the benefit to the Town Officer is only incidental, the interest of the Town Officer will not be considered a personal interest because the interest is common to the other citizens of the Town. Thus, it would not be a violation of the Code for a supervisor to direct ordinary snow removal efforts on the public road that passed in front of the supervisor's residence. If, however, the supervisor were to direct that these efforts include the removal of snow from the supervisor's own private driveway, it would constitute a violation of the Code because the removal of snow from the driveways of private residences is not an ordinary and customary part of the Town's snow removal efforts. Thus, when a Town Official directs the use of Town property or personal services for purely personal purposes, a violation of the Code is likely to exist.

If the primary purpose for directing the use of Town property or services is in discharging the Town Official's public responsibilities, however, and the personal benefit to the Town Officer is secondary to those responsibilities, the predominant public purpose will outweigh the personal benefit. Clearly, public officials have a responsibility to make their official positions known on controversial matters. Where the timing and the means used to communicate those positions are appropriate to discharging that responsibility, the interest of the public in knowing the position and the interest of the Town Official in disseminating that information are common. In certain instances, as, for example, when the timing of the communication is remote from the point of public necessity or where the methods and means of communication are disproportionate in relation to the normal methods used to communicate such methods, the personal interest of the Town Officer may be seen as the primary interest behind the communication.

In this case, the Board did not feel that the dissemination of the information was necessarily a violation of the Code, but it did caution Town Officers to use extreme care when electing to use such methods of distribution, as in some circumstances the use of such methods might be construed as a violation of the Code.

See Related: D-03-01

July 1971 – June 1972

Advisory Opinion No. 72-01

Date: 3/29/72

Topics: Town Employees; Boards and Commissions

Code Section: Section 4

Statement of Facts:

An employee of the Board of Parks and Recreation is also a member of the Flood and Erosion Control Board. An employee of the Board of Education is also Chairman of the Republican Town Committee.

Question Presented:

Is there a conflict of interest in serving two different town positions simultaneously?

Discussion and Conclusion:

Under Section 4, what is prohibited is actually having an interest in a specific transaction, rather than having a potential interest in a transaction. There is no automatic disqualification. However, the Board might find a conflict in a particular transaction.

(Editor's note: The Annual Report for the Board of Ethics for FY 1972 incorrectly indicates that the Board issued no Advisory Opinions during the year.)

July 1972 – June 1973

Statement No. 73-01

In its Annual Report for the 1973 Fiscal Year, the Board noted that ten statements had been filed disclosing that no business had been transacted with the Town and commented that “[t]he Code of Ethics does not require filings of...[that]...variety.”

July 1973 – June 1974

Records of the Board of Ethics for the 1974 Fiscal Year indicate that no Complaints or requests for Advisory Opinions were received in that year.