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.
In its Annual Report for the 1974 Fiscal Year, the Board noted that seventeen disclosure statements had been filed indicating that business had been transacted with the Town and indicated that the sudden increase “may only be a result of urging by the Selectmen’s office.”
July 1975 – June 1976

The Annual Report of the Board of Ethics for the 1976 Fiscal Year indicates that three requests for Advisory Opinions were received in that Fiscal Year and that two were acted upon, but provides no summary of the opinions. No records relating to the Opinions have been found. The report also indicates that no Complaints were received.
The Annual Report of the Board of Ethics for the 1977 Fiscal Year indicates that three requests for Advisory Opinions were received in that Fiscal Year and reports only that “the action reported would not violate the Code.” The report also indicates that one Complaint was received and investigated, but that the Board found that the Town Officer “was not, in fact in violation of the Code.” No further records have been found with regard to the Opinions or Decision rendered in FY 1977.
Date: [Not Available]

Topics: Contractors; Financial Interest; Indirect Interest; Investments: Town Officers

Code Section: Section 4

Statement of Facts:
The complainant alleged that a competing contractor had gained an unfair advantage in securing Town contracts because a Town Officer had an investment in the competing contractor.

Question Presented:
Does an investment by a Town Officer in a contractor who does business with the Town create a financial interest in the transactions?

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. However, the Code of Ethics does not preclude persons from participating in Town government because of a potential conflict; it only prohibits participating in specific
actions or transactions in which the individual has a substantial direct or indirect financial interest.

An investment in a business creates a financial interest in either the profits or losses of the business and can create a direct or indirect interest in transactions with the Town. Whether such an interest is a substantial interest depends in part on the nature of the investment and in part on the size of the Town transaction relative to the overall operations of the business. Upon investigation, however, the Board found that the allegations made in the complaint in this instance were groundless.

The Annual Report of the Board of Ethics for the 1978 Fiscal Year indicates that three requests for Advisory Opinions were filed and that the requests “showed an awareness of possible ethical problems. In each case, we found that the individuals had nothing to concern themselves with.”
The Annual Report of the Board of Ethics for the 1979 Fiscal Year indicates that two Complaints and three requests for Advisory Opinions were received in that Fiscal Year. In the case of the Complaints, the Board indicated, “in both cases we found the Officers to be acting within the Code.” The Board further stated, “in our various deliberations, we found that any deviations from the Code, if they existed at all, were very trivial in nature.” The Board also stated that “[i]n our opinion, a more serious problem exists where the Board has found an officer quite innocent of any violation of the Code, and yet the perception remains that the Town Officer is taking advantage of his position.” The Board asked for thoughts from the public.