

**Town of Greenwich**

**Board of Ethics**



**Official Reports**

**for**

**Fiscal Years 2000 -2004**



*Paul de Bary*

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.*

Copyright © 2012 Paul de Bary, Editor

Library of Congress Control Number: 2012914945

The contents have been excerpted from the Greenwich Board of Ethics Official Reports and have been made available for review by Town residents and employees by permission of the author. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, mechanical, electronic, photographic, recording or otherwise, without written permission from the author, except in the case of brief quotations.

PRINTED IN THE UNITED STATES OF AMERICA

## July 1999 – June 2000

### Statement No. 00-01

**Date:** 1/31/00

**Topics:** Advisory Opinions; Town Officers; Authority to provide Advisory Opinions to members of the general public

**Code Sections:** Section 8 (b), Section 2 (a) (3)

**Statement of Facts:**

The Board received a request for an Advisory Opinion from a person who was not a Town Officer. The request asked whether a Town Officer was using improper influence to use his or her title as a Town Official in addressing the RTM on a matter unrelated to his or her duties as such Town Official. There was no indication that the Town Officer had a substantial direct or indirect financial interest in the matter testified about.

**Question Presented:**

Can the Board of Ethics render an Advisory Opinion on its own initiative to a person who is not a Town Officer?

**Discussion and Conclusion:**

Section 8 (b) of the Code requires the Board to render Advisory Opinions upon the written request of a Town Officer. Significantly, the Code indicates that the Advisory Opinion is to be rendered “to such town officer.” The Board concluded that it had no jurisdiction to render Advisory Opinions to persons who are not Town Officers. The request did not indicate that the RTM believed that the official was presenting an official position of the Town or that there was any substantial

financial interest involved. The Board did not consider the request to be a Complaint.

## July 2000 – June 2001

### Advisory Opinion No. 01-01

**Date:** 5/18/01

**Topics:** Conflict of Interest; Financial Interest; Common Interests; RTM Members; Exerting Influence; Discussion; Voting

**Code Section:** Section 4

**Statement of Facts:**

An Advisory Opinion was requested by a person who was a Town Officer as a member of the RTM and lived in public housing. The Board noted that the Town provides only a small portion of the funds used to support public housing.

**Questions Presented:**

Does the potential for a conflict of interest disqualify the Town Officer from participating in the activities of the RTM?

Under what circumstances should a Town Officer living in assisted housing participate in discussion and voting on matters pertaining to public housing?

**Discussion and Conclusions:**

Section 4 of the Code of Ethics prohibits Town Officers from using their office 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.

The Board noted that the individual could provide value to the RTM as a person with firsthand knowledge of public housing matters from a consumer viewpoint. The Board encouraged the individual to participate in discussions and votes on matters that relate to public housing generally and broadly affect all 800 units of public housing across town, but encouraged clear disclosure of the resident's personal interest prior to any such discussion or voting.

In general, the Board felt that the Town Officer could vote on the overall budget as a member of the RTM where funds for public housing were not specifically at issue in the vote, pointing out that the funds for public housing were usually a miniscule part of the overall budget. However, the Board indicated that the Town Officer should refrain from discussing or voting on matters that specifically affect the particular building or unit in which the Town Officer resides, finding that the individual would have a substantial financial interest in such matters.

**See Related: A-98-1**

### **Advisory Opinion No. 01-02**

**Date:** 6/1/01

**Topics:** Improper Influence; Indirect Interest; Employees; Gift or Favor; Contributions; Inland and Wetlands Agency; Landowners

**Code Sections:** Section 3, Section 4, Section 2 (a) (1)

**Statement of Facts:**

Member of the Inlands, Wetlands and Watercourses Agency (the "Agency") is also an executive of a non-profit organization that owns substantial property in the Town. The organization is currently in the process of a major capital campaign, the purpose of which is to refurbish both programs and facilities. As a member of the Agency, the

individual may be called upon to participate in the review of and vote on permit applications affecting property near the employer's property. The Town Officer submitted two requests for advice on a number of related hypothetical questions.

**Questions Presented:**

Does the Code of Ethics require the Town Officer to refrain from participating in and/or voting on permit applications under the following circumstances?

The applicant requesting a permit recently contributed to the employer's capital campaign.

The applicant recently contributed to the capital campaign and is now requesting a permit to modify a permit previously issued.

The applicant is represented by a consultant who previously, or currently, works for the employer.

The permit concerns land that is directly adjacent to a parcel of land owned by the employer.

The permit concerns land that is next to land that itself is directly adjacent to land owned by the employer.

**Discussion and Conclusions:**

The Board stressed the importance of avoiding the appearance of a conflict, but also reminded the individual requesting the opinion that the knowledge and experience that the members bring to the Agency are valuable and that the Town shouldn't be deprived of it because a suspicious, misguided or uninformed person might perceive a conflict. A member of the Agency should not be automatically disqualified because the potential for a conflict exists. Instead, members must look at the relevant facts and all the attendant circumstances in order to determine if a conflict exists in any particular case. Clearly, in the hypothetical provided, the Agency member did not consider the contributions as a gift or favor intended to influence the performance of the member's duties, since the questions address only the matter of when to refrain from voting or discussion. As to those questions the Board responded as follows:

The Board did not see a distinction between the fact situations posed in questions 1 and 2. In each case, an action was to be taken by the Board subsequent to the receipt of a contribution by the Agency member's employer. Whether it was a new permit approval, or a modification, is relevant only if the circumstances of the contribution make it so. In general, the Board felt that such contributions would not necessarily create a direct or indirect financial interest on the part of the employee to warrant refraining from the approval process. However, the Board felt that a conflicting interest could exist depending on the specific circumstances of a particular case, including the amount, timing and conditions relating to the contribution, the timing and nature of the application and the degree of involvement of the Agency member in soliciting, discussing or receiving the contribution, as well as any direct interaction with permit applicant.

The Board felt it was likely that participation in issues directly related to land adjacent to land owned by the Agency member's employer would be perceived as a conflict and encouraged the member to refrain from discussion or vote on such matters. As to land that is not directly adjacent to the employer's property the question is not whether it is contiguous to their land, but the nature of the property involved, its expected uses and the financial impact and significance of the permit being requested to the employer's or employee's interests.

Whether a consultant's dual role creates a conflict will depend on the nature of the affiliations involved, how extensive and recent they are and other factors.

The Board commended the individual submitting the request for his/her sensitivity in understanding the potential for conflicts in these situations; expressed confidence that, should such circumstances arise, the individual would be able to avoid conflicts of interest; and indicated its willingness to assist should its further advice be considered useful.

**See Related: A96-01, A-02-03, A-04-04**



## July 2001 – June 2002

### Advisory Opinion No. 02-01

**Date:** 8/24/01

**Topics:** Gift: Value

**Code Section:** Section 3

**Statement of Facts:**

A member of the Board of Estimate and Taxation received a “coffee table book” of undetermined value from a vendor that had recently installed the town’s wide area network for the town’s computers.

**Question Presented:**

Should the book be considered a gift under section 3 of the Code of Ethics?

**Discussion and Conclusion:**

Section 3 of the Code provides that:

“No town officer shall accept any valuable gift, thing, favor, loan or promise which might tend to influence the performance or non-performance of his official duties.”

The Board noted that the book was likely to be of miniscule value relative to the service provided, but was reluctant to assume a lack of value where no information had been provided as to its value. Since it was apparently unsolicited, the Board considered it unlikely that a gift received after the service was provided could have influenced the Town Officer in the performance of official duties. However, since there was no documentation as to its value, there could be some chance, no matter how remote, that the book could be seen as valuable, and its receipt part of a general practice or a prior understanding with the vendor. The Board therefore

recommended that it should be returned in order to avoid the appearance of a conflict.

## **Advisory Opinion No. 02-02**

**Date:** 1/31/02

**Topics:** Conflict of Interest: Financial Interest: Boards and Commissions: RTM Members: Voting: Family Members

**Code Sections:** Section 4, Section 2 (8)

**Statement of Facts:**

Commissioner on the Condemnation Commission represents the members of an Improvement District as an RTM member and is a resident of the Improvement District.

**Questions Presented:**

Should the commissioner refrain from participating in and voting on all issues regarding the sewer in the Improvement District because of representation of the residents in the RTM or because of the residence of the commissioner in the Improvement District?

Should the commissioner refrain from participating in and voting on issues in which Town residents that the commissioner knows might have a financial interest?

**Discussion and Conclusion:**

Section 4 of the Code of Ethics prohibits the use of a Town Office to influence or vote on actions in which a Town Officer has a substantial financial interest. Section 2 (a) (2) excludes from the definition of substantial financial interest any interest that is "common to the interests of other citizens in the town." The fact that a matter affects the district that a commissioner represents does not, in and of itself, create a substantial financial interest, nor does the mere fact that the commissioner might

know someone who is financially affected. Thus, there is no automatic disqualification of the commissioner participating in discussion or voting on all matters relating to a sewer in the district in which the commissioner resides and represents as a member of the RTM.

However, care must be taken to refrain from discussing or voting on actions in which the commissioner or a family member personally has a direct or indirect financial interest. A commissioner would have a substantial financial interest in matters that affected assessments of property owned by the commissioner or a family member.

**See Related: A-04-03**

### **Advisory Opinion No. 02-03**

**Date:** 1/31/02

**Topics:** Conflict of Interest; Indirect Interests; Non-profit Entities; Leases of Town Property

**Code Sections:** Section 2 (a) (1), Section 4

**Statement of Facts:**

A member of the Board of Selectmen also sits on the board of a non-profit organization that is planning to lease property from the Town.

**Question Presented:**

Where a member of the Board of Selectmen also serves on the board of a non-profit entity, may the member participate in matters relating to a lease that the Town is entering into with the non-profit entity?

**Discussion and Conclusion:**

Section 4 of the Code prohibits the use of a Town office to influence a matter in which a Town Officer has a substantial direct or indirect financial interest. Section 2

(a) (1) of the Code defines indirect interest to include the interest of any person or his immediate family in any corporation, firm or partnership, which has a direct or indirect interest in any transaction with the Town.

The Board of Ethics concluded that a management role in the non-profit organization could provide a substantial indirect interest in the lease transaction, since managers have a personal interest in the financial performance of entities that they manage. As the member of the Board of Selectmen had indicated a desire to avoid any appearance of a conflict, the Board recommended that the Selectman refrain from any involvement in discussions or votes pertaining to an actual or prospective lease of town property to the non-profit or similar matters.

**See Related: A-96-01, A-01-02, A-04-04**

### **Advisory Opinion No. 02-04**

**Date:** 1/31/02

**Topics:** Conflict of Interest; Town Services Committee; Town Employees; Firefighters; Interests in Departmental matters

**Code Sections:** Section 4, Section 6 (a) (1)

**Statement of Facts:**

Paid firefighter in the Town Fire Department also serves on the Town Services Committee of the Town.

**Questions Presented:**

May a Town employee serve on a committee that has oversight responsibilities for the department in which the employee works?

May the employee participate in discussions and vote on matters that relate to the department in which the employee works?

**Discussion and Conclusion:**

The Town Services Committee has responsibility for a number of areas that do not involve the department in which the employee works. Thus, the Board found no general disqualification of his services to the Town Services Committee.

As to matters relating specifically to the fire department, the Board noted that the employee had indicated an awareness of those situations that might present a conflict and sensitivity to how they should best be handled. The Board offered to provide additional assistance with respect to specific issues if requested.

### **Advisory Opinion No. 02-05**

**Date:** 6/4/02

**Topics:** Indirect Interest; Commissioner employed by business operating in the Town

**Code Sections:** Section 2 (a) (1), Section 4

**Statement of Facts:**

Member of the Planning and Zoning Commission is also an employee of a custom home builder. The employer does not do business directly with the Town, but may seek permits or variances from the Board with respect to certain of its projects.

**Questions Presented:**

Does employment by a company that may engage in a transaction that the commission would be called upon to review prevent the employee from serving on the commission?

Does employment by a company that may engage in a transaction that the commission would be called upon to review create an indirect interest?

**Discussion and Conclusions:**

The potential for a conflict does not disqualify an individual from serving on a Town board or commission. Rather, Section 4 of the Code of Ethics prohibits an

individual from using his/her position as a Town Officer to influence or vote on matters in which they have a substantial financial interest.

Section 2 (a) (1) defines indirect interest to include the interest of any person or his immediate family in any corporation, firm or partnership, that has a direct or indirect interest in any transaction with the town. Whether that interest would be substantial would depend on the circumstances of the transaction. The Board recognized the potential for a conflict, but expressed confidence that if a matter concerning the commissioner's employer were to present a conflict, the commissioner would refrain from participating in or voting on the matter.

## July 2002 – June 2003

### Decision re Complaint 03-01

**Date:** 8/14/02

**Topics:** Conflict of Interest; Exerting Influence; Town Action; Substantial Financial Interest

**Code Section:** Section 4

**Statement of Facts:**

Three citizens complained that a member of the Board of Selectmen used improper influence as a Town Officer to have, at no cost, the Department of Public Works place “No Parking” signs in front of the Board Member’s property to facilitate some contracted work on the property. It was alleged that an ordinary citizen would have been charged \$50 for having such signs placed. However, the Commissioner of Public Works and numerous other citizens of the Town testified that it was the longstanding practice of the Town to place such signs for persons with construction projects without cost, and that a cost was only assessed if it was necessary to restrict parking at metered spaces. There were no metered spaces at the residence of the Town Officer, who also testified without contradiction that the Town had placed signs at the property under similar circumstances prior to being elected as a member of the Board of Selectmen and that all other Town fees and charges in connection with the project were fully and promptly paid.

**Question Presented:**

Did the Town Officer exercise undue influence to arrange the placement of the sign at no cost?

**Discussion and Conclusion:**

Section 3 of the Code provides that:

“No town officer shall accept any valuable gift, thing, favor, loan or promise which might tend to influence the performance or non-performance of his official duties.”

Since the free placement of such signs was common practice for all citizens regardless of their position as a Town Officer, there was no reason why the request to have the signs placed should be considered to be an exercise of undue influence. Town Officers are entitled to equal access to the benefits of Town government that are available to other citizens. There was no indication that the Town Officer had received preferential treatment. It was not necessary to determine whether a charge of \$50 was a substantial financial interest, since no such charge was appropriate under the circumstances.

**Statement No. 03-01**

**Date:** 8/23/02

**Topics:** Conflict of Interest; Financial Interest; Town Officers: Employment

**Code Section:** Section 4

**Statement of Facts:**

An RTM Member who had been selected for a fellowship in Washington, DC, that included working with Congress, wrote to the chair of the Board for advice on whether there might be any conflicts of interest. The chair responded to the letter, but did not treat it as a formal request for an Advisory Opinion.

**Question Presented:**

Can a member of RTM serve in another government position?

**Discussion and Conclusion:**



The chair expressed the opinion that nothing in the Code of Ethics addresses the matter of whether an RTM member or any other holder of Town office can participate in a program of the sort described in the letter. He also noted a number of instances where Town Officers had also held simultaneous federal or state offices in the past and indicated that it seemed unlikely that the RTM would have a matter for discussion or vote that would involve the financial interest that the RTM member has in the fellowship. As to political issues that might be dealt with at a federal and local level, unless they involve matters that have a personal financial impact on the RTM member, they are not proscribed by the Code.

However, the Chair indicated that there might be other provisions in the Town Charter that might be affected and that the individual might benefit from conferring with the Town Attorney.

## June 2003 – June 2004

### Advisory Opinion No. 04-01

**Date:** 10/8/03

**Topics:** Conflict of Interest; Town Officers; Related Business

**Code Sections:** Section 4

**Statement of Facts:**

Two Town employees involved with land use regulation propose to provide consulting services related to soil analysis in nearby communities and potentially in Greenwich.

**Question Presented:**

Does the Code of Ethics prohibit outside employment by Town employees in areas related to their position with the Town?

**Discussion and Conclusion:**

Section 3 of the Code provides that:

“No town officer shall accept any valuable gift, thing, favor, loan or promise which might tend to influence the performance or non-performance of his official duties.”

The persons requesting the opinion did not suggest that outside employment was a vehicle for a gift or favor that would influence the performance of their official duties. Accordingly the Board assumed that it would not be so used. Unless outside employment is a gift or favor that might influence the Town employee in the performance of official duties, there is nothing in the Code of Ethics prohibiting a

Town Officer from having alternative employment and supplementing his or her income.

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. As a Town Officer, a Town employee should not exercise influence on behalf of an employer that is involved in a transaction with the Town or could be affected by a Town action, but the potential for a conflict of interest is not the same as an actual conflict of interest. The Code of Ethics does not preclude the potential for a conflict of interest; it only prohibits influencing specific actions or transactions in which the individual has a substantial direct or indirect financial interest.

The Board noted that the persons requesting the opinion indicated that they would not represent any clients before any land use agency of the Town of Greenwich and that they were aware that the representation of clients outside the Town of Greenwich could create conflicts within the Town. Accordingly, the Board expressed confidence that the individuals involved would recognize conflicts that might arise in particular situations and refrain from involvement in such matters.

The Board expressed no opinion as to whether the outside employment might conflict with job responsibilities and requirements other than the Code of Ethics.

### **Advisory Opinion No. 04-02**

**Date:** 1/28/04

**Topics:** Gift; Loan or Favor; Town Officers; Vendors Travel

**Code Section:** Section 3

**Statement of Facts:**

An automobile manufacturer invited a Town Officer with responsibility for the Town of Greenwich fleet, to be its guest, "as promised," at a Commercial Product

Preview to be held at a resort in Rancho Mirage, California, “just outside of Palm Springs.” All expenses of the trip would be paid for by the manufacturer. The invitation, which was mailed on January 5, closed with a note that the person extending the invitation was looking forward to seeing the Town Officer “in the sunny Palm Desert.”

**Question Presented:**

Does payment of travel expenses to attend a sales function constitute a gift or favor that might influence the performance of official duties?

**Discussion and Conclusion:**

Section 3 of the Code provides that:

“No town officer shall accept any valuable gift, thing, favor, loan or promise which might tend to influence the performance or non-performance of his official duties.”

It is necessary and appropriate that potential vendors to the Town provide for the payment of many expenses related to their sales efforts. However, a Town Officer must be careful to avoid situations where expenses that would normally be considered the responsibility of the Town or the individual are covered by a potential vendor. Particularly in the case of travel to remote resort locations, there is a possibility that the vendor is covering the cost with the expectation that the Town Officer will consider the opportunity to attend the event as a favor that might influence the performance of his/her official duties. Therefore, the Board recommended that the Town Officer should not accept the manufacturer’s offer for the payment of travel, including transportation, meals and hotel expenses. If the Town considers it important for the individual to attend the function, it should provide funds to cover the travel expenses itself. Personal expenses, such as the costs of entertainment, greens fees, spa services and other similar amenities should be paid for by the Town Officer personally.

## Advisory Opinion No. 04-03

**Date:** 1/28/04

**Topics:** Action by Town; Public Works Commission; Assessments; Exerting Influence; Boards and Commissions; Discussion

**Code Section:** Section 4

**Statement of Facts:**

A member of the Public Works Commission questioned whether a commissioner of the Condemnation Commission is allowed to participate in discussions or vote on the individual assessments for a sewer project in the district in which the commissioner owned property.

**Questions Presented:**

Is an assessment an action or transaction of the Town?

Does a resident have a direct or indirect interest in the assessment?

If there is a substantial interest, must the member refrain from participating in discussion or voting on the individual assessments?

**Discussion and Conclusion:**

Section 4 of the Code of Ethics prohibits Town Officers from participating in or voting on any "action taken by the town" in which the Town Officer has a substantial financial interest. Although the Code of Ethics does not define the word "action," a sewer assessment falls within the plain meaning of the word.

Section 2 (a) (2) of the Code excludes from the definition of "substantial financial interest" interests that are common to other citizens of the Town. Thus, as to matters involved in the sewer project that are broad in scope, the Board indicated in Advisory Opinion 02-02 that the Commissioner was not automatically required to abstain from participation. However, as a property owner in the affected district, the

Commissioner has an interest in the assessments of the district that is of a magnitude and directness unique to members of the affected district, as compared to other citizens of the Town.

Participation in discussion of, or voting on, the assessments as a member of the Condemnation Commission involves Commissioner in the use of the office of Commissioner to influence the outcome of the matter. The Commissioner should not participate in the discussions of the assessment process or vote on the individual assessments for a sewer project in a district in which the Commissioner or members of the Commissioner's immediate family own property because of a "direct substantial financial interest" as a property owner.

**See Related: A-02-02**

### **Advisory Opinion No. 04-04**

**Date:** 2/18/04

**Topics:** Exerting Influence; Town Employees; Non-profit Entities

**Code Sections:** Section 3, Section 4

**Statement of Facts:**

An employee of the zoning enforcement office of the Building Department serves as a volunteer for a charity. The charity raises funds from contractors and other sources whose work may be subject to inspection by the Building Dept. The employee will not personally receive any of the money collected by the charity and will make arrangements for others to inspect any work done by any of the benefactors of the charity.

**Question Presented:**

Is the solicitation of charitable contributions from persons who might do business with a Town department by an employee of the department prohibited by the Code of Ethics because it may be seen as a favor or a solicitation of funds to influence the outcome of a Town action?

**Discussion and Conclusion:**

Section 3 of the Code of Ethics provides that:

“No town officer shall accept any valuable gift, thing, favor, loan or promise which might tend to influence the performance or non-performance of his official duties.”

Under Section 4 of the Code, “No town officer having a substantial, financial interest in any transaction with the Town or in any action to be taken by the town shall use his office to exert his influence or to vote on such transaction or action.”

The Board was concerned that the solicitation of charitable contributions could be seen as an invitation to purchase favorable treatment by the department, but noted favorably that this employee’s duties did not include inspecting projects of the donors or reviewing or approving their applications to the Department. This tended to remove any suggestion that the contributions might be seen as favors intended to influence the performance of official duties. Since the employee receives no compensation from the charity and receives no part of the contributions, there is no substantial direct or indirect financial interest the contributions. Under these circumstances, the Board felt it was difficult to see how the Code would be violated.

**See Related: A-96-01, A-01-02, A-02-03**

## Statement No. 04-01

**Date:** 2/19/04

**Topics:** Exerting Influence; Personnel

**Code Section:** Section 4

**Statement of Facts:**

The board chair of a facility operated and managed by the Town sent a letter to the chair of the Board of Ethics requesting a review of the selection process used in the replacement of a key employee of the facility due to various concerns that had been raised by several members of the facility's Board of Directors. There were numerous allegations of improper procedures and challenges to the criteria involved in the selection. However, no evidence was presented concerning any financial interest that any of the Town Officers involved in the process had in the outcome of the selection or of any gift or favor provided to them in return for selecting the person chosen to fill the position.

The Chair of the Board of Ethics indicated that a copy of the Code of Ethics had been faxed to the person requesting the investigation and indicated that the Board would look into the matter further if, after reviewing the Code, the person still felt that a violation of the Code had occurred.

**Question Presented:**

Did the efforts described as influencing the selection of the employee in question suggest a violation 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. In the instant matter, there were no financial interests identified; therefore Section 4



of the Code of Ethics did not appear to be applicable to the matters addressed in the letter.

### **Advisory Opinion No. 04-05**

**Date:** 4/6/04

**Topics:** Conflict of Interest; Condemnation Commission – Qualification of members

**Code Section:** Section 4

**Statement of Facts:**

A person who has been appointed as a member of the Condemnation Commission owns a private company that provides services in connection with the Town's sewer system of the residents.

**Question Presented:**

Is the individual disqualified from serving as a member of the Condemnation Commission because his company has a contract with the Town to provide residents with services relating to the Town's sewer system?

**Discussion and Conclusion:**

The Code of Ethics does not establish qualifications for, or attempt to hinder the service of qualified persons on the Condemnation Commission or any other Town position. Rather it establishes standards of conduct for such individuals as Town Officers. The Board of Ethics expressed appreciation that the individual requesting the opinion is sensitive to the potential for a conflict and expressed confidence that the member of the Commission would proceed appropriately if the circumstances arise.