

**PUBLIC HEARING NOTICE  
CITY OF STAMFORD  
BOARD OF REPRESENTATIVES - CONTINUED**

shall disclose [his or her] **such member's** knowledge of such investigation to a third party, except to the extent necessary to conduct [their] **the** investigation. The respondent shall have the right to appear and be heard and to offer any information by way of answer or denial of the allegations.

- (3) **Finding of probable cause.**
    - (a) A decision regarding probable cause shall be made by the Investigating [Board members] **Committee** within sixty (60) days after the date that the Board received the complaint. A finding [that] of probable cause to believe that the respondent has violated the Code of Ethics exists shall require two (2) concurring votes.
    - (b) **Not later than three (3) business days after the termination of the investigation, the Board of Ethics shall inform the complainant and the respondent of its findings and provide them a summary of its reasons for making that finding. Such notification shall be either by registered or certified mail, or personal service by a sheriff, constable or indifferent person.**
    - (c) If the Investigating [Board members] **Committee** determines that probable cause **does not exist** that the respondent has violated the Code of Ethics [does not exist, they], **it shall dismiss the complaint and all records of the complaint will remain confidential, except upon the request of the respondent.**
    - (c)(d) If the Investigating [Board members] **Committee** determines that probable cause **does exist** that the respondent has violated the Code of Ethics [does exist, they], **it shall**
      - i. submit a written report **detailing each finding of probable cause and the evidence supporting such finding** to the Chairperson of the Board of Ethics [to] **who shall** initiate public hearings, unless they and the respondent reach a stipulated agreement to resolve the complaint. Once probable cause has been determined, any such stipulated agreement shall require the approval of a majority of the non-Investigating Board members. Notwithstanding the foregoing, in the event an agreement is stipulated to or a withdrawal of the complaint is filed prior to a determination of probable cause, approval by a majority of the non-Investigating Board members shall not be required.
      - ii. **The complainant and respondent shall be notified in writing of the decision regarding probable cause by the Chairperson of the Board of Ethics not later than three (3) business days after such decision has been made. Such notification shall be either by registered or certified mail, or personal service by a sheriff, constable or indifferent person.**
      - iii. **Within five (5) business days make public the finding of probable cause. At such time the entire record of the investigation and the written report shall become public, except that the Board of Ethics may postpone the release of such public records for a period not to exceed fourteen (14) days for the purpose of reaching a stipulated agreement with the respondent. The Respondent shall have the right to request postponement for the purpose of pursuing a stipulated agreement. Such postponement shall not be denied without good cause. Any such stipulated agreement shall require the approval of a majority of the non-Investigating Committee members. The Board of Ethics is to ensure the public records are posted to the city's Board of Ethics web page within the required time frames. The Board of Ethics is to ensure Stipulated Agreements are posted to the city's website within five (5) business days of the agreement being signed by the Respondent. If no stipulated agreement is reached, public hearings shall commence within thirty (30) days of receipt by the Chairperson of the aforesaid written report.**
  - (e) **All Stipulated Agreements shall include language indicating the Respondent requests the Stipulated Agreement be made public and posted on the city of Stamford's public website. The Board of Ethics is to ensure Stipulated Agreements are posted to the city's website within five (5) business days of the agreement being signed by the Respondent.**
  - (d)(f) In any public hearing held to determine a violation of the Code of Ethics, the Investigating [Board members] **Committee** with the assistance of the Office of Legal Affairs or other counsel, shall have the responsibility of gathering and presenting evidence, together with the complainant, to the Hearing Board members. If necessary, outside counsel should be retained to represent the Hearing Board with respect to any public hearings, assuming the Office of Legal Affairs will be unable to do so because of its prior and/or continuing representation of the Investigating Board. The Investigating Board members shall not participate in any manner in the vote to determine a violation of the Code of Ethics.
  - (e) The complainant and respondent shall be notified in writing of the decision regarding probable cause not later than seven (7) days after such decision has been made. Such notification shall be either by registered or certified mail, or personal service by a sheriff, constable or indifferent person.]
- (4) **Extension of time.** Upon extraordinary circumstances, reasonable extensions of time to any of the time limitations specified herein, **if not controlled by state law**, may be granted by the Board upon a vote of four (4) sitting members.
  - (a) The Board shall give written notice of any extension(s) of time to the respondent and the complainant, **that includes a brief description of the extraordinary circumstances used to justify the extension.**
  - (b) Exceptions.
    - 1. No extensions may be given for time periods required for notification(s).
    - 2. No extensions may be given for the time limitation for ruling on actions unless otherwise specified herein.
- (5) **Rules and procedure for public hearings.**
  - (a) Public hearings shall be conducted under the Board's rules and regulations, which shall include the following: oral evidence shall be taken under oath; documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and upon request, parties and the Board shall be given the opportunity to compare the copy to the original; and the complainant and respondent shall have the right:
    - 1. To be represented by counsel.
    - 2. To present oral or written documentary evidence which is not irrelevant, immaterial or unduly repetitious.
    - 3. To examine and cross-examine witnesses required for a full and true disclosure of the facts.
    - 4. To receive by registered or certified mail, or by personal service by a sheriff, constable or indifferent person, copies of the memorandum of decision by the Board within thirty (30) days after the conclusion of hearings on said complaint.
  - (b) The Board of Representatives shall have the power to adopt rules of procedure for hearings conducted pursuant to the Code of Ethics, in addition to those contained in Subsection (C)(4)(a)(i)(5)(A) above, by resolution adopted by a majority vote of the entire Board, after publication of the text of the proposed rules of procedure or amendments thereto in a newspaper having a general circulation in the city. Any rules of procedure or amendments thereto shall become effective thirty (30) days after adoption, and the full text of the rules for procedure, adopted in accordance with this section, shall be available for public inspection at the office of the Town and City Clerk.
  - (c) All Board of Ethics hearings shall be conducted in a manner in which they provide the respondent(s) with all due process that is required by federal, state and local law.
  - (d) [Upon the request of either the complainant, the respondent or any member of the Board, the Board shall cause the] **All** hearings [to] **shall** be recorded and [a transcription to be] **made available to the public on the city's website**. If [a copy of] the transcript is requested by either the respondent or complainant, the requesting party shall bear the costs for the same.
  - (e) The Board may subpoena witnesses to testify and may compel **the** production of documents and other effects as evidence, and failure to obey such subpoena shall constitute a misdemeanor.
- (6) **Finding of a violation of the Code of Ethics.**
  - (a) A finding of a violation of the Code of Ethics shall require the affirmative vote of two (2) of the three (3) Hearing Board members that there is clear and convincing evidence that the respondent has violated the Code of Ethics.
  - (b) The written final decision shall specify the code section violated and a factual explanation supporting each violation and shall be on the form prescribed.
  - (c) The Board shall file its memorandum of decision with the Mayor, Town and City Clerk, Corporation Counsel, Clerk of the Board of Representatives and any other public office it deems appropriate or is required under section 19-15.C of this chapter.

- Sec. 19-10. Specific violations.**
  - A. **Ordinances.** It shall be a violation of the Stamford Municipal Code of Ethics for any city officer or employee to willfully violate the provisions of:
    - (1) Chapter 23, Article II of the Code of Ordinances, as amended, concerning the purchasing of supplies, materials, equipment and services.
    - (2) Chapter 52, Article II of the Code of Ordinances, guaranteeing legislative access [to] city records and data.
  - B. **Budget line items.** It shall be a violation of the Stamford Municipal Code of Ethics for any city officer or employee to intentionally misrepresent any matter concerning budget line items.
  - C. **Board of Ethics' access to information.** It shall be a violation of the Stamford Municipal Code of Ethics for any city officer or employee to intentionally deny access to information requested by the Board of Ethics in the course of an investigation or a public hearing, except to the extent that said city officer or employee is required or entitled to do so under relevant federal, state or local law.
  - D. **Additional specific violations.** The Board of Representatives may, from time to time, pass ordinances with the specific intent that said ordinances are to be incorporated into and enforced through the ethics process.
  - E. **Examples only.** The violations listed in this section are merely specific examples of Code of Ethics violations. Violations of the code are not limited to said examples.
- Sec. 19-11. Disclosure of interests.**
  - A. **Disclosure of conflict of interest.** Any municipal officer or employee who has, knows [he or she] **such officer or employee** will have or later acquires a conflict of interest, as provided in Section 19-4, as a result of any matter under consideration before [him or her] **such officer or employee**, or [his or her] **such officer's or employee's** department, in [his or her] **such officer's or employee's** or its official capacity shall disclose the existence of the conflict of interest, in writing or on the record, to the chairperson of the agency, commission or board of which [he or she] **such officer or employee** is a member, or in the case of an employee, to [his or her] **such employee's** superior. Such persons shall not debate the matter in [his or her] **such officer's or employee's** official capacity as part of the agency, commission or board and shall disqualify [himself or herself] **themselves** from voting or acting on such matter.
  - B. **No discussion by disqualified individuals.** No officer or employee, disqualified due to a conflict of interest, shall discuss the matter under consideration with the intent of influencing any person who will participate in the action to be taken on that business. Prior to any public or private discussion on the matter, the disqualified officer or employee must notify the person to whom [he or she] **such officer or employee** is speaking about [his or her] **such officer's or employee's** conflict of interest.
  - C. **Cooperation with Board of Ethics.** Any officer or employee whose conduct occasions an inquiry by the Board of Ethics concerning [his or her] **such officer's or employee's** compliance with this code shall, upon request by the Board, supply relevant information as detailed by the Board, except to the extent [he or she] **such officer or employee** is entitled to decline to do so on the basis of constitutional rights or governing state or federal law. Failure to supply information as requested shall result in a violation of this code.
- Sec. 19-12. Negotiation of future employment.**

An officer or employee shall not solicit future employment with any person who has a substantial matter pending before the agency in which the officer or employee is employed during said period of employment or during the period of time said officer holds office. A matter is "substantial" if it involves a financial value of one thousand dollars (\$1,000.) or more or involves a question of policy of comparable significance.
- Sec. 19-13. Subsequent employment.**

An individual who has served as an officer or employee shall not:

  - A. Assist any person, other than the city, in any matter in which said individual participated personally and substantially during [his or her] **said individual's** service with the city.
  - B. Within one (1) year after termination of [his or her] **said individual's** service, assist any person, other than the city, in any matter that was pending before the agency in which [he or she] **said individual** was employed; or appear before the agency in which [he or she] **said individual** was a member or employed, or assist any other person to make such an appearance.
- Sec. 19-13.1. Prohibited actions.**

No person shall take or threaten to take official action against an individual in retaliation for such individual's good faith ethics complaint or disclosure of information to the Board of Ethics under the provisions of this Code of Ethics.
- Sec. 19-14. Board of Ethics.**
  - A. **Appointment of members and alternates.**
    - (1) The Board of Ethics shall consist of seven (7) members, no more than four (4) of whom shall be registered with any one political party, and two (2) alternates neither of whom shall be registered with the same political party.
    - (2) All Board members and alternate Board members shall be resident electors of the City of Stamford. They shall be appointed by the Mayor and approved by a vote of two-thirds (2/3) of the members of the Board of Representatives present and voting. **All nominees shall provide documentation they have completed the State of Connecticut Office of State Ethics' online ethics training, "Ethics 101" or the equivalent state course, within thirty (30) days of appointment by the Board of Representatives. No appointees may participate in any Board of Ethics activities until such training is completed.** No nominee for appointment by the Mayor to be a Board member or alternate Board member shall have been an officer in a political party, a candidate for any office within the City of Stamford, or a chair of a campaign of a candidate for any office within the City of Stamford, for the period of one (1) year prior to such nomination. Upon appointment by the Mayor, all Board members and alternate Board members shall continue to refrain from such activity throughout their terms on the Board.
    - (3) All members and alternates shall serve without compensation for a term of three (3) years, which shall expire on December 1 of the final year of a member's term, subject to continuance in office for a period not to exceed the lesser of six (6) months or until [his or her] a successor **to said member or alternate** has been nominated by the Mayor and approved by the Board of Representatives. No member may serve for more than three (3) consecutive terms, except that those members who are currently serving on the Board of Ethics may serve for an additional term beyond their present term.
    - (4) In order to preserve continuity on the Board, the first terms of the two (2) alternates shall be staggered so that one (1) of the alternates serve a term of two (2) years and the other shall serve for three (3) years. Upon the expiration of the original terms, all alternates shall then serve three (3) year terms as stated in § 19-14A(3) above.
    - (5) Notwithstanding the foregoing, the term of a member or an alternate shall not end until the conclusion of any case, initiated during the member's or alternate's term, provided that, in no event shall a member or alternate's term extend more than six (6) months beyond the expiration of such term.
    - (6) Alternates shall be considered working members of the Board, and, at the discretion of the Chairperson, they may ask questions and otherwise participate in the hearing process. The Chairperson shall have the right to limit such participation in any manner that [he or she] **the Chairperson** deems necessary.
  - B. **Organization.** The Board shall elect a Chairperson and a Secretary. The Board shall keep minutes of its meetings, which shall be filed in the office of the Town and City Clerk, and shall hold meetings at the call of the Chairperson and at such times as the Board may determine. Four (4) members present shall constitute a quorum in order for the Board to conduct official business. For the purposes of this section, alternates may be considered as members for the purpose of establishing that a quorum is present.
  - C. **Opinions and advice.**
    - (1) **Advisory opinions.**
      - (a) The Board shall render advisory opinions pursuant to:
        - 1. a written request from any officer or employee concerning [his or her] **such individual's** behavior with respect to this Code of Ethics; or
        - 2. a written request concerning any officer or employee or any group of officers or employees, made by the Mayor, Corporation Counsel, President of the Board of Representatives, any six (6) members of the Board of Representatives, Town and City Clerk, a majority of the Board of Finance or a majority of the Board of Education; or
        - 3. a written request concerning any member, alternate, employee or any group of members, alternates, or employees of any board or commission, made by the President, Chairperson or one-third (1/3) of the membership, including alternates, of any such board or commission; or
        - 4. a written request concerning any supervised employee or employees, made by an officer or employee with supervisory authority over such employee.
      - (b) The Board may, by a majority vote of the entire Board, decline to consider any request or may expand the scope of the opinion to include other officers, board or commission members or alternates, or employees not specifically named in the request or to exclude any officer(s), member(s), alternate(s) or employee(s) named in the request.
      - (c) An advisory opinion shall only be issued when all hearings concerning the request are held in open public meeting. Such advisory opinion shall be binding on the Board, the officer(s), board or commission member(s) or alternate(s), or employee(s) until amended or revoked, and reliance on it in good faith shall be an absolute defense in any action or proceedings brought under the provisions of this Code of Ethics.
      - (d) Within one hundred (100) days of valid receipt of the request, the Board shall render its opinion, or act not to consider such request, and shall file such opinion or action with the office of the Town and City Clerk.
      - (e) The Board of Ethics may amend or revoke any advisory opinion. Written notification of such amendment or revocation shall be made to **the party who originally requested the advisory opinion**, the Mayor, Corporation Counsel, President of the Board of Representatives, and Town and City Clerk within thirty (30) days of such amendment or revocation.
      - (f) **Advice from other sources, including Corporation Counsel, shall not be a substitute for an Advisory Opinion from the Board of Ethics and may not be used as an absolute defense in an investigation of an ethics violation. Advice from other sources shall not be binding upon the Board of Ethics.**
    - (2) **Personal advice.** Upon the written request from any officer or employee to obtain personal advice for that individual with respect to potential future official actions and this Code of Ethics, and a request that such advice or hearings be kept confidential, the Chairperson of the Board may request that one (1) member hear any such request and offer advice with respect to this Code of Ethics pursuant to that specific request. Said board member may offer such advice without holding open public hearings concerning the request, and, provided that the employee or officer appears to be acting in good faith and that no crime has been or will be committed, shall maintain any requested confidentiality, but only to the extent permitted by law and unless compelled by legal process. Such advice shall not be binding on the officer or employee, or the Board of Ethics. Reliance on such advice shall not be a defense in any action or proceedings brought under the provisions of this Code of Ethics, although the Board may consider such advice in any such proceedings. The member so appointed for the purpose of giving such advice shall recuse himself or herself from any and all future action concerning the said officer or employee, including, but not limited to, ethics complaints or requests for advisory opinions on the issue or issues involved in the specific request.]
- D. **Ethics complaints, investigation and procedures.**
  - (1) **Filing of the complaint, notification and amendment.**
    - (a) Any person may submit a written complaint, on a form prescribed by the Board of Ethics and signed under penalty of false statement, alleging a violation of this Code of Ethics by an officer or employee or a person who was an officer or employee within the preceding year, **provided, however, no member or alternate member of the Board of Ethics may submit a complaint.** The complaint shall contain the specific act or acts which allegedly constitute the violation.
    - (b) Upon receipt of said complaint by the Chairperson, or by the Secretary of the Board in the Chairperson's absence, the Chairperson of the Board of Ethics shall [select] **empanel an Investigating Committee by selecting**, on a rotating basis, as practical, three (3) members from among the regular and alternate Board members, to be the three (3) Investigating [Board] **Committee** members, as defined above. If a complaint is brought against a Board member, the member may not participate in any proceedings until that complaint is resolved. [The Investigating Board members may delete, defer or reject any part of a complaint that does not conform to its requirements. No member or alternate member of the Board of Ethics may initiate a] **it shall be the Investigating Committee's responsibility to make a determination of whether or not probable cause exists to support the complaint.**
    - (c) The Board shall notify, by registered or certified mail, or by personal service by a sheriff, constable or indifferent person, any respondent against whom a complaint is filed not later than seven (7) days after receipt of such complaint. A copy of such complaint [and any subsequent changes] shall accompany such notice. The Board shall also notify the complainant in writing of its receipt of such complaint, and any subsequent changes, not later than seven (7) days after receipt of the complaint.
    - (d) Subsequent to the filing of the original complaint, the Investigating [Board members] **Committee** may, at [their] **its** discretion, **delete, defer, amend, or reject** any complaint **or element thereof** filed with the Board to include other **alleged** violations [which they reasonably suspect to have occurred, based on allegations in the original complaint] **, provided that such additional allegations are supported by materials uncovered during its investigation.** Any such amendments shall be in writing, and a copy shall be sent by registered or certified mail or by personal service by a sheriff, constable or indifferent person to the respondent and complainant within seven (7) days of such amendment.
  - (2) **Investigation of probable cause.**
    - (a) The Investigating [Board members] **Committee** shall investigate the complaint and such amendments as they may have [added] **made**. For this purpose, informal [hearings] **interviews** may be held to determine whether or not there is probable cause to believe that the respondent has violated the Code of Ethics. **The Investigating Committee shall review the complaint to determine if, whether, if such allegation in the complaint were true, such allegations would be violation of this Code; and if) whether such allegations are supported by material sufficient to reach a finding of probable cause. In the absence of such material provided with the complaint, the Investigating Committee shall request further information from the Complainant. If there is no such information provided by the Complainant, the Investigating Committee shall continue to investigate the complaint.**
    - (b) Any investigation and [hearing] **interviews**, if held, shall be confidential and shall not be open to the public unless the respondent requests that such investigation, [hearing] **interviews** and [disclosure] **disclosures** be open [or] if there is a finding of probable cause. By filing a complaint with the Board of Ethics, the complainant shall be bound by the requirement of confidentiality in the investigative phase. A violation of the requirement of confidentiality by the complainant, whether direct or indirect, shall be grounds [ ] **for an ethics complaint to be filed against the complainant and may** at the discretion of the Board of Ethics, [to dismiss] **be grounds for the dismissal of** the complaint. Pending the outcome of the probable cause [hearing] **investigation**, no member of the Board of Ethics