

## Minutes

Special Meeting of the Board of Ethics October 9, 2013

Board of Ethics special meeting was called to order 8:05 pm with Eugene Coyle, Seth Morton, Thomas Moore, Francis Huck Spencer McIlmurray and Wayne Fox in attendance.

The committee discussed a request for an opinion on the following topic:

“Is it ethical for a Town of Darien employee to serve on a Town of Darien Building Committee?”

After a discussion of on the above request for opinion the committee rendered the following opinion and authorizes the Chairman, after a vote, to send a written response. The motion for the letter was made by Seth Morton and seconded by Francis Huck.

Response and letter:

Re: Ethics Opinion re Town of Darien Employee  
Serving on a Town of Darien Building Committee

Dear Mr. xxxxxx:

By document dated August 10, 2013 you have raised a question and asked for an opinion on whether or not an employee of the Town of Darien can serve on a building committee of the Town. As you well know, under article 5 of the Darien Code, the Board of Ethics may render an advisory opinion to any resident of the Town and will do this as soon as practicable after receipt of a signed request.

Going back many years, Town employees were prohibited from serving on Town boards. This concept was changed by case law and eventually by the Connecticut Legislature. In particular, C.G.S. 7-421 (e) states in relevant part that “(a)ny municipal employee shall have the right to serve on any governmental body of the town in which such employee resides except any body which has responsibility for direct supervision of such employee”. There are certain exceptions to this rule which are also contained in C.G.S. 7-421 (e). Serving on a building committee does not appear to fall within the exceptions to the statute.

Consequently, it is our opinion that it is ethical for a Town of Darien employee to serve on a Town of Darien building committee. This opinion is based upon the fact that (1) the building committee does not have responsibility for the direct supervision of any particular Town of Darien employee; and (2) serving on a Darien building committee does not fall within the statutory exceptions of the Board of Finance and land use boards.

Very truly yours,

Thomas W. Moore  
Chairman, Darien Board of Ethics

The motion for the meeting to be adjourned was made by Eugene Coyle and seconded by Spencer McIlmurray. The meeting of the Board of Ethics was adjourned at 8:23 pm.

Respectfully submitted,

Thomas W. Moore  
Chairman, Board of Ethics