



TOWN OF SOUTHBURY

ETHICS COMMISSION
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Advisory Opinion Case No. 14-005a

Mr. Drew Morten a Zoning Commission Alternate has asked the Ethics Commission for an advisory opinion involving his participation in deliberations on a claimed zoning violation by , Christine and Ed Edelson owners of the Cornucopia Bed and Breakfast. At a Zoning Commission meeting Mr. Manville publically issued his complaint he requested that Mr. Morten recuse himself from participating in the deliberations because of his relationship with Mr. Edelson. Mr. Morten was a close friend and Mr. Morten chaired Mr. Edelson successful First Selectman's re-election campaign. Mr. Morten stated he has no financial interest in the Cornucopia Bed and Breakfast; his political friendship ended with the campaign and now maintains a friendship relationship. Based on the current situation Mr. Morten does not feel there is any conflict of interest thus no need to recuse himself from the deliberation process.

Conflict of interest is defined under the Code of Ethics in section B subsection 1 Conflict of Interest:

A conflict of interest shall be deemed to exist if any Town officer, employee or member of any board or commission has a financial or personal interest, direct or indirect, in any purchase, contract, transaction, or decision involving his office, board, commission or employment.

Indirect interest is defined as an interest in which an officer, member or employee might influence a decision or event so as to achieve gain, financial or otherwise , on behalf of a family member, friend or associate or that creates an actual or perceived monetary or personal indebtedness to any party.

In the Ethics Commission's Opinion Mr. Morten would have an indirect interest because of his friendship and his past role as chair of the First Selectman's re-election campaign. Because of Mr. Morten's friendship this could be construed as an indirect perceived conflict. Direct financial interest does not have to exist, for a conflict under the code to exist. If there is a mere perception based on other circumstances then a conflict could exist.

For the reasons discussed above, the Commission's opinion based on the facts of this case as presented is that Mr. Morten should specifically note his indirect interest during the Zoning Commission deliberations but abstain from voting on the matter.

By
The Ethics Commission for the Town of Southbury

Joseph R. Ruggiero

Joseph R. Ruggiero Chairperson

9/14/14

Date