



TOWN OF SOUTHBURY

ETHICS COMMISSION

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Advisory Opinion Case No. 17-001a

Mr. Justin Bette, a member of the Board of Selectman has asked the Ethics Commission for an advisory opinion concerning his possible membership on a new temporary committee that is being formed called the "Committee on Town-Owned Properties Near I-84". Mr. Bette is a real estate broker and is a part of a successful real estate business in Southbury.

Mr. Bette has suggested that if he is appointed to this temporary committee to determine the possible sale of the town-owned property that he and his firm, Joseph Bette Realtors and its agents, would not attempt to get involved in any transaction that would surface from the sale of the town-owned property if it were to take place. Further, if the town tenders RFP's (Requests for Proposal), his organization and his agents would not respond and neither would they respond if they were approached by any buyers who chose to bid on any portion of the town-owned property.

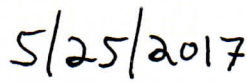
On the face of it, this approach seems sound in avoiding any obvious conflict or potential conflict of interest, but what happens beyond the first round of buying and selling of the town-owned property once it is back in private hands? Down the road the property is bound to change hands again and again. It seems onerous and maybe even impossible to permanently prevent and/or monitor Mr. Bette and Joseph Bette Realtors and their agents from ever buying or selling any portion of the property that might be placed back into the private market by the town via the action of this temporary committee and the Board of Selectman. If Mr. Bette or his agents were ever involved in a purchase or sale of this property in the future, a complaint about a conflict of interest could always be filed, especially if he participates in any votes on the matter.

We suggest that a better approach for Mr. Bette would be to only accept membership on the temporary committee if it were offered in an advisory-only capacity, meaning he would not participate in any votes that take direct action in addition to the other statements that he and his firm would not participate in any subsequent bids or sales of the property. By doing this he could still share his extensive expertise and knowledge concerning the marketing and sale of any town-owned property or real estate and his input would be reflected in the temporary committee's work, but he would not have any direct, indirect, or perceived conflict by approaching it in this manner. Further, if and/or when the temporary committee presents their results to the Board of Selectman and the sale of town-owned property is recommended and it subsequently comes to a vote by the Board of Selectman, Mr. Bette should recuse himself from that vote as well.

We suggest the advisory-only role as an additional approach to address any perceived conflict of interest concerns that might arise in this matter.

By
The Ethics Commission for the Town of Southbury


Joseph R. Ruggiero Chairperson


Date