

TOWN OF STRATFORD, CONNECTICUT
Article IV: ETHICS CODE (12/05) #05-26

§ 5-23 Title

This article shall be known and referred to as the “Ethics Code for the Town of Stratford”.

§ 5-24 Purpose

The trust of the public is essential for government to function effectively.

In order to establish this trust and integrity of our local government this code is established with the purpose of setting forth guidelines, standards and limitations consistent with the best interests of the Town of Stratford.

Public officials, employees and other persons defined herein (consultants, contractors, candidates, former public officials and employees) must adhere to this Code and ensure that services rendered be independent, impartial and responsible to the citizens of Stratford. Public officials, employees and other persons defined herein must not use his/her positions for personal gain.

§ 5-25 Applicability

This Code shall apply to all public officials, employees, and other persons defined herein whether elected and/or appointed, paid or unpaid.

§ 5-26 Definitions

Business means any entity through which business for profit or not-for-profit is conducted including a corporation, partnership, proprietorship, firm, enterprise, franchise, association, limited liability company, trust organization, or sole proprietorship or self-employed individual.

Business with which he/she is associated means a business of which a person or a member of his/her immediate family is a director, officer, partner, owner, employee, compensated agent, or holder of stock which constitutes five percent (5%) or more of the total outstanding stock of any class.

Candidate for Public Office means any individual who has filed a declaration of candidacy or a petition to appear on the ballot for election as a Public Official or who has been nominated for appointment to serve as a Public Official.

Commission means the Stratford Ethics Commission established pursuant to Section 7-148 of the Connecticut General Statutes.

Complainant means any individual or the Ethics Commission who files a complaint pursuant to this Code.

Confidential Information means any information concerning the property, business or affairs of the Town which is exempt from disclosure under the Freedom of Information Act.

Employee means an individual employed by the Town, whether as a classified or unclassified, permanent or temporary, full-time or part-time employee, or employed by contract on a continuing basis and all employees of the Board of Education.

Gift means anything of value, including entertainment, tickets, food, beverage, travel, and lodging given or paid to a public official or employee to the extent that consideration of equal or greater value is not received by the giver from the public official or employee.

Immediate Family means a spouse, children, step-children, parents, step-parents, brothers, sisters, and grandparents and grandchildren.

Individual means a natural person.

Interest means direct or indirect contract or transaction which is or may be the subject of an official act or action by or with the Town except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar

benefits to all other persons and/or property similarly situated. For the purposes of this Code, a public official, employee, or other persons defined herein shall be deemed to have an interest in the affairs of:

- a. Any person related to him/her by blood or marriage in a degree closer than the third degree of consanguinity;
- b. Any person or business entity with whom a contractual relationship exists with the public official or employee or member of his/her immediate family;
- c. Any business entity in which the public official or employee is an officer, director, or member having a financial interest in, or employed by;
- d. Any business entity in which the stock of, or legal or beneficial ownership of, in excess of five (5) percent of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the public official or employee.

Official Act or Action means any legislative, administrative, appointive or discretionary act of any public official or employee of the Town or any agency, board, committee or commission thereof.

Official Responsibility means direct administrative or operating authority, whether intermediate or final, either exercisable alone or with others, either personally or through subordinates, to approve, disapprove, or otherwise direct action by the Town.

Paid Contractor means any person under a contract or purchase order to the Town of Stratford.

Person means an individual, consultant, contractor, former public official, former employee, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, commission, board, club or other organization or group of persons.

Probable cause means such facts as would reasonably persuade a responsible person to believe that the respondent has violated the Code.

Public Official is any person holding elective or appointive office in the government of the Town, and shall include, but not limited to, the Mayor, the Town Attorneys, members and alternate members, if any, of the Town Council, the Board of Education, the Town Planning and Town Zoning Commissions, the Board of Zoning Appeals, committees appointed to oversee the construction or improvement of Town facilities, or any other board, committee, authority, commission or agency.

Respondent means any Public Official, Employee, or other persons defined herein against whom a complaint has been filed pursuant to this section.

Town Political Party Committee Officer shall mean the chairman, vice chairman, treasurer or secretary (or comparable titles) of any organized political party town committee.

§ 5-27 Establishment; Membership; Terms; Vacancies; Compensation; Legal counsel

A. There shall be a Stratford Ethics Commission, consisting of five members and three alternates to be appointed by the Chairman of the Stratford Town Council and with the advice and consent of at least 2/3 of the total membership of the Stratford Town Council.

- (1). Members of the Commission shall serve for four-year terms, except that members first appointed shall have the following terms: one member for one year, one member for two years, one member for three years, two members for four years. Thereafter, members shall be appointed annually to serve for four years. If a regular member of said Commission is absent or has a conflict of interest, the Chairman of the Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

- (2). Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

- (3). The Commission shall elect annually a Chairperson, a Vice Chairperson, and a Recording Secretary from its own number.
- (4). No individual shall be appointed to more than two (2) four-year terms as a member of such Commission, provided that members and alternates shall continue in office until successors are duly appointed and qualified.
- (5). All members and alternates shall serve without compensation.
- (6). No more than three (3) members and two (2) alternates shall be of the same political party.
- (7). Alternates shall take part in the same manner as a Commissioner, providing five (5) Commissioners are not present or will not vote.
- (8). A Commission member or alternate member may only be removed for cause in accordance with §2.2.12 of the Stratford Town Charter.

B: All members shall be electors of the Town of Stratford. No member or employee of such Commission shall hold or campaign for any public office, have held or have been a candidate for a seat on the Stratford Town Council or for office of the Mayor for a two (2) year period prior to his/her appointment to the Ethics Commission, or hold executive office in any political party.

- (1). Any member or employee of the Stratford Ethics Commission shall have an unrestricted right to vote and attend political events, but no member or employee of the Commission shall publicly support, contribute to any candidate for municipal office or attend a political fundraising event which is subject to the Commission's jurisdiction. For the purposes of this Ordinance, a member or employee is deemed to "publicly support" a candidate if that member or employee formally endorses a candidate, volunteers as a campaign worker for a candidate, gives a speech supporting the candidacy of a candidate, or takes any other overt or public action intended to convey a message of support to members of the general public for the candidacy of a candidate.
- (2). No candidate for political office shall disseminate information which indicates that a Commission member or employee supports his/her candidacy.

C. An individual selected to fill a vacancy shall be eligible for appointment to one (1) full four-year term thereafter. Any vacancy occurring on the Commission shall be filled within sixty (60) days.

D. The Commission shall elect a Chairperson, who shall preside at meetings of the Commission, and a Vice Chairperson to preside in the absence of the Chairperson. Three (3) members of the Commission shall constitute a quorum. Except as provided in §5-29 C and D, a majority vote of the quorum shall be required for action of the Commission. The Chairperson or any three (3) members may call a meeting.

E. The Ethics Commission may employ necessary staff, outside counsel, and legal counsel through the Office of the Town Attorney as it deems necessary within available appropriations.

§ 5-28 Powers and Duties of the Commission

The Commission shall have all duties provided within this Code and shall have the authority to recommend action to the Town Council, the Town Mayor, the Board of Education and the Superintendent of Schools. Additionally, the Commission shall:

A. Preserve memoranda, statements and reports with the Town Clerk;

B. Provide Advisory Opinions. The Ethics Commission and the Office of the Town Attorney shall come together to provide advisory opinions of ethical questions and interpretations of the Code under the following conditions:

- (1). Requests for advisory opinions will be made in writing and the opinion will be rendered as follows:
 - (a). In writing;

- (b). By a quorum of members of the Ethics Commission;
- (c). At a scheduled meeting of the Commission.
- (2). Advisory opinions will be provided based on information presented at the scheduled meeting.
- (3). Advisory opinions will be non-binding on the person making the request, Ethics Commission, and the Town if information supplied is inaccurate or incomplete at the time the decision was made.
- (4). Advisory opinions may be requested by persons defined as public officials, employees, or any person under the definition of this Code.

C. Investigate complaints, conduct investigations and hearings, and recommend disciplinary action.

§ 5-29 Complaint procedures; investigations; hearings

A. Filing a complaint:

- (1). The Complainant will complete a form prescribed by the Ethics Commission (available on Town of Stratford Web Page, Stratford Library, and Town Clerk's Office), signed under penalty of false statement, and submitted with seven (7) copies and relevant documentation to the Town Clerk.
- (2). The Town Clerk, upon receipt of complaint, will notify the Ethics Commission Chairperson.
- (3). The Commission may initiate its own complaint by a vote of a majority of its members present and voting at a meeting at which a quorum is present.

B. Determination Phase:

- (1). Within twenty (20) business days of receiving a complaint, the Ethics Commission shall determine whether there is sufficient evidence to warrant a preliminary investigation. A simple majority of the Ethics Commission decides whether to proceed with the complaint.
- (2). Meetings of the Commission held for the purpose of making such determinations shall be exempt from the provisions of the Freedom of Information Act to the extent set forth in Subsections (a)-(e) inclusive of § 1-82a of the Connecticut General Statutes.
- (3). If there is insufficient evidence, both parties shall be notified that the case will not be continued and the complaint remains confidential. Both complainant and respondent shall be notified of the outcome within five (5) business days.
- (4). If there is sufficient evidence, the complaint proceeds to a Probable Cause Investigation. Both complainant and respondent shall be notified of the outcome within five (5) business days.

C. Probable Cause Investigation:

- (1). A finding of probable cause means that there is sufficient evidence to suggest an ethics violation may have occurred and that further investigation is warranted.
- (2). Meetings of the Commission held for the purpose of making such determinations shall be exempt from the provisions of the Freedom of Information Act to the extent set forth in subsections (a)-(e) of § 1-82a of the Connecticut General Statutes.
- (3). In the conduct of its investigations, the Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, compel attendance before the Commission and require the production of any books, papers, and electronic communication which the Commission deem relevant in any matter under investigation or in question.
- (4). In the exercise of such powers, the Commission may use the services of the local police, who shall provide the same upon the Commission's request.
- (5). Any witness summoned before the Commission shall receive the witness fee paid in the courts of this state.

(6). During the investigation, the respondent shall have the right to appear and be heard and to offer information. The respondent shall also have the right to be represented by legal counsel and to examine and cross-examine witnesses.

(7). The Commission shall make no finding that there is probable cause to believe the respondent is in violation of any provision of this Code except upon the concurring vote of four (4) of its members.

(8). The Ethics Commission will notify both the complainant and respondent of the findings within three (3) business days.

D. Public Hearing:

(1). If the Commission finds that probable cause exists for the violation of a provision of the Code, the Commission shall initiate hearings to determine whether there has been a violation of such provision.

(2). The Chairperson of the Commission shall preside over such hearing.

(3). Legal counsel to the Commission shall rule on all matters concerning the application of the rules of evidence, which rules shall be as set forth in the Administrative Procedure Act, § 4-178, of the Connecticut General Statutes.

(4). In all hearings, the Commission shall have the same powers as under Subsection C of this section.

(5). The respondent shall have the right to be represented by legal counsel, to present evidence, to compel attendance of witnesses and the production of books, documents, electronic communication, records and papers and to examine and cross-examine witnesses.

(6). The Commission shall make a record of all proceedings pursuant to this subsection.

(7). The Commission shall find no person in violation of any provision of this Code except upon the concurring vote of four (4) of its members.

(8). If the Commission finds, after a hearing pursuant to this section, that there is no probable cause to believe that a person has violated a provision of this Code or finds that a person has not violated any such provision or if a court of competent jurisdiction overturns a Commission finding of a violation by such a respondent, the town shall pay the reasonable legal expenses of the respondent as determined by the Town Attorney or by the court if appropriate.

(9). No complaint may be made under this Code except within two (2) years after the violation alleged in the complaint has been committed.

§ 5-30 Confidentiality; evaluations; publications of findings

A. Unless the Commission upon investigation and review determines that there is probable cause to believe that there has been a violation of the Code, a complaint alleging a violation and all proceedings prior to such determination shall be confidential except upon the written request of the respondent. A Commission evaluation of a possible violation of this Article prior to the filing of a complaint by the Commission shall be confidential, except upon the request of respondent. If the evaluation is confidential, any information supplied to or received from the Commission shall not be disclosed to any third party by a subject of the evaluation, a person contacted for the purpose of obtaining information or a Commissioner or staff member.

B. An investigation conducted prior to a probable cause finding shall be confidential, except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received from the Commission shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, Commission or staff member.

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C. No later than three (3) business days after the termination of the investigation, the Commission shall inform the complainant and the respondent of its finding and provide them with a summary of its reasons for making that finding. The Commission shall publish its findings upon the respondent's request and may also publish a summary of its reasons for making such a finding.

D. If the Commission makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No complainant, respondent, witness, designated party, or board staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the Commission may, after consultation with the respondent if the respondent is not the source of any disclosure, publish its findings and a summary of its reasons therefore.

E. The Commission shall make public a finding of probable cause not later than five (5) business days after the termination of the investigation. At such time, the entire record of the investigation shall become public.

F. Not later than fifteen (15) business days after the public hearing conducted in accordance with §5-29D hereof to determine whether there has been a violation of this Code, the Commission shall publish its finding and a memorandum of its reasons therefore and shall transmit the same to the Stratford Town Council and the Mayor, together with its recommendations, which may include recommendations that the respondent be fined, censured, removed from office or terminated from office or other appropriate relief consistent with the powers of the Town Council, Mayor or appropriate authority.

§ 5-31 Confidentiality of deliberations

All deliberations of the Commission shall remain confidential, and no Commission member or alternate member may disclose the deliberations of the Commission to any party, the media, and to members of the public.

§ 5-32 Location of hearings

All hearings of the Ethics Commission shall be conducted in Town Hall, except as otherwise scheduled with proper notification.

§ 5-33 Appeals

Any person aggrieved by any final decision of the Commission made pursuant to this Code may appeal such decision in accordance with the provisions of Connecticut General Statutes, Section 4-183.

§ 5-34 Prohibited activities

A. Conflict of interest

- (1). Financial interest: No public official or employee shall, while serving as such, have any financial interest or engage in any business, employment, transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties or employment in the public interest.
- (2). Incompatible employment: No public official or employee shall accept other employment which will either impair his/her independence of judgment as to his/her official duties or employment or require him/her or induce him/her to disclose confidential information acquired by him/her in the course of and by reason of his/her official duties.
- (3). No public official shall appoint or vote to appoint a family member in a degree closer than the third degree of consanguinity to a position, paid or unpaid, when that public official has a supervisory control over the position.

(4). Personal gain: No public official or employee shall willfully and knowingly disclose, for pecuniary gain, to any other person confidential information acquired by him/her in the course of and by reason of his/her official duties or employment or use any such information for the purpose of pecuniary gain, and no public official or employee shall use his/her public office or any confidential information received through his/her holding public office to obtain financial gain for himself/herself, immediate family or a business with which he/she is associated.

(5). Determination of existence: A conflict of interest is declared to exist when the vote or other official act of or by any public official or employee may result in the financial gain or advantage or otherwise affect the financial interest of:

(a). That public official or employee;

(b). Any person or business entity in which the public official or employee, or members of the immediate family of the public official or employee, has an interest as defined in §5-26 of this Code.

(i). There is specifically excluded from the definition set forth in §5-34A(4) a financial gain or advantage incident or a program or project in the nature of a public work or improvement, which financial gain or advantage is common to, or shared by, a class of residents of the Town, which class is restricted only by geographical proximity to the location of such public work or improvement, nor shall a Council Member or Mayor be prevented from voting upon the annual Town budget.

(ii). A Council Member or Mayor shall not be prevented from voting upon any matter involving any class or group of municipal employees, unless the vote of that Council Member or Mayor may result in the financial gain or advantage of a member of that Council Member's or Mayor's immediate family, as defined herein.

(iii). Nothing herein shall be construed to prevent any public official or employee from doing business with the Town in accordance with the competitive bid provisions of the Charter, even though such business may result in a conflict of interest and be subject to this article.

(c). When there is a factual question as to the existence of a conflict, the Public Official or Employee involved may request an advisory opinion from the Ethics Commission, as set forth herein, or may submit the question to the Office of the Town Attorney for a legal opinion as to the existence or non-existence of a conflict of interest. The ruling of the Ethics Commission, the Office of the Town Attorney may not be overruled by the governmental body in question, but any member of that body may challenge the decision of the Town Attorney or Assistant Town Attorney, or the Council Member's or member's vote in question, by seeking appropriate judicial relief, provided that the good faith reliance upon the decision of the Ethics Commission, the Office of the Town Attorney by the public official or employee shall relieve him/her from any civil liability or criminal penalty.

B. Use of Influence

(1). No person shall offer to give a public official or employee or candidate for public office, or his/her spouse immediate family or a business with which he/she is associated anything of value, including but not limited to a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public official or employee or candidate for public office would be or had been influenced thereby.

(2). No public official or employee or candidate for public office shall solicit or accept anything of value, including but not limited to a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public official or employee or candidate for public office would be or had been influenced thereby.

C. Disclosure of Confidential information

No public officials or employees shall, without authorization of the beneficiary of the privileged information, disclose confidential information exempt under the Freedom of Information Act.

D. Gifts, gratuities and favors for personal use

(1). Acceptance of gifts. No public officials or employees shall solicit any gift, or accept any gift having more than a one hundred and fifty dollars (\$150.00) value, from any person, business which, to their knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the town, or is interested in any matter which is pending or to be presented before the Council or any board, commission, agency, or Mayor of the Town.

(2). Public occasions. Acceptance of gifts does not preclude the acceptance of gifts at the time of retirement or at public occasions held to honor a Public Official or Employee. The public honoring of an individual makes gifts appropriate and acceptable.

(3). Turnover of gifts. If it is impossible or inappropriate to refuse a gift or offering, then it shall be disclosed to the Ethics Commission or Town Attorney and if in the opinion of the Ethics Commission or Town Attorney, as the case may be, acceptance of said gift would be in violation of this Code, it shall be turned over to a charitable institution.

(4). Campaign contributions. The provisions of this section shall be inoperative for contributions made to candidates for elected office in the town or to solicitations for such contributions. Contributions of this sort shall be governed by Chapter 150 of the Connecticut General Statutes.

(5). Courtesy. The courtesies that are associated with the daily business routine are allowed. Such contributions should be of a reasonable nature but may be subject to review by the Ethics Commission.

(6). A gift does not include:

- (a). a political contribution otherwise reported as required by law or a donation or a payment as described in subdivision (9) or (11) of 9-0933b;
- (b). services provided by persons volunteering their time;
- (c). a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;
- (d). a gift received from (i) an individual's spouse, fiancé or fiancée, (ii) the parent, grandparent, brother or sister of such spouse or such individual, (iii) the child of such individual or the spouse of such individual or the spouse of such child; (iv) an uncle, aunt, first cousin of either such individual or the spouse of such individual.
- (e). goods or services which are provided to the Town of Stratford and facilitate government action or functions;
- (f). a certificate, plaque or other ceremonial award costing less than one hundred dollars (\$100.00);
- (g). a rebate or discount on the price of anything of value made in the ordinary course of business without regard to that person's status;
- (h). printed or recorded informational material germane to governmental action or function;
- (i). items of nominal value containing or displaying promotional material;
- (j). an honorary degree bestowed upon a public official or public employee by a public or private university or college;

- (k). a meal provided at an event and/or the registration or entrance fee to attend such an event, in which a public employee or public official participates in his/her official capacity;
- (l). a meal provided in the home by an individual who resides in the Town of Stratford;
- (m). gifts in-kind of nominal value tendered on gift-giving occasions generally recognized by the public including Christmas, Hanukkah, birthdays, the birth or adoption of a child, weddings, confirmations or bar/bat mitzvahs.

E. Use of Town Resources

No public official, employee or other persons defined herein shall request or permit himself/herself or others the use of Town-owned or leased vehicles, equipment, materials or property for personal use, business or profit, except when such services are available to the public generally or permitted by agreement of the Town and are provided in conformance with established Town policies for the use of such public official, employee or other persons defined herein in the conduct of Town business.

F. Preferential treatment with contracts

Public officials and employees shall not offer or render preferential treatment to others in regard to Town contracts on the basis of such factors as family ties, financial interest, or other personal interests.

G. Paid contractors

- (1). Conflict of interest: No paid contractor of the Town shall represent a private interest in any action or proceeding against the interest of the Town which is in conflict with the performance of his/her duties pursuant to his/her contract.
- (2). No paid contractor may represent anyone other than the Town or himself/herself concerning any matter in which he/she participated personally and substantially as a contractor to the Town or shall disclose confidential information learned while performing his/her duties for the Town nor shall he/she use such information for any purpose other than in performing under said contract.
- (3). Kickbacks: It shall be a violation of this Code for any payment, gratuity, or offer of employment to be made, as an inducement for the award of a subcontract or order, by or on behalf of a subcontractor, the prime contractor or higher tier subcontractor or any person associated therewith, under a contract or purchase order from the Town.

H. Prohibition Against Contingent Fees; Exception for Retention of Counsel in Accordance with the Rules of Professional Responsibility of the Connecticut Bar Association.

- (1). Contingent Fees. It shall be a violation of this Code for a person to be retained, or to retain a person, to solicit or secure a contract with the Town upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee for a time limit of two (2) years after completion of term of office. This provision shall not apply to full-time Employees who, as a condition of their employment may be entitled to bonuses or other fees in accordance with their employment relationship. Notwithstanding the foregoing, the Town Attorney may retain counsel for purposes of representing the interests of the Town on the basis of contingency fees in accordance with the Rules of Professional Responsibility of the Connecticut Bar Association and the Town may retain State Marshals or Constables acting pursuant to the General Statutes.
- (2). Representation of Contractor. Every business person, before being awarded a Town contract, shall represent, in writing, that such Business Person has not retained anyone in violation of Subsection (A) of this section. Failure to do so constitutes a violation of this Code.

I. Post-employment representation and employment

Persons governed by this Code shall not represent anyone other than the Town of Stratford concerning any particular matter in which he/she participated personally and substantially while in Town service.

J. Disclosure of Actual or Potential Conflict of Interest, Disqualification, and Waiver

Upon discovery of an actual or potential conflict of interest, a public official, employee or others defined herein shall state on the record, disclose the conflict and thereafter abstain from voting or otherwise participating in any further proceedings on such issue. The public official, employee, or others defined herein may, at the same time, apply to the Ethics Commission or to the Town Attorney for an advisory opinion as to what further participation, if any, he/she may have in the transaction.

K. Whistleblower protection

No public official, employee, of other persons defined herein shall take or threaten to take official action against an individual in retaliation for such individual's disclosure of information to the Commission under the provisions of this Code. The provisions of this section shall apply in addition to the provisions of §31-51m of the Connecticut General Statutes, as amended. A violation of this section shall be a violation of this Code.

§ 5-35 Duty to Disclose

All public officials, employees, business, and other persons defined herein who have knowledge of violations of any provisions in this Code are encouraged to report those violations to the Ethics Commission with the exception of those individuals who are governed by recognized professional privilege. Such reports shall be in good faith and the Town in turn guarantees that no reprisals against a reporter of such violations will be taken (provided that such charges are not later proven to have been both malicious and false). All persons against whom such charges have been made will have full access to all the protections of due process including those spelled out by the Ethics Code. It shall be a violation of this Code for a person to falsely and maliciously charge, as found in the sole discretion of the Ethics Commission, another with violations of this Code.

§ 5-36 Violations and penalties

Sanctions in violation of any provision of this Code shall constitute grounds for, and be punished by:

- A. A recommendation by the Ethics Commission to the appropriate appointing or supervisory authority which may include removal, termination, suspension with or without pay, and/or censure. The authority affected will report within (30) days to the Commission the action taken or lack of action and the reasons therefore.
- B. Restitution of any pecuniary benefits received because of the violation committed.
- C. A fine which may be the maximum amount allowed by the Connecticut General Statutes.
- D. Referral to the State Attorney for prosecution under the penal code of the State of Connecticut, if applicable.

§ 5-37 Civil Actions

The Town may recover in a civil action from any person found by the Ethics Commission to have violated this Ordinance a sum equal to any pecuniary benefits received as a result of this violation, together with costs of collection and attorneys' fees expended by the Town.

§ 5-38 Savings Clause

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Should any provision of this Code of Ethics conflict with any provisions of federal law or the Connecticut General Statutes, the provisions of the federal law or the Connecticut General Statutes shall prevail.

§ 5-39 Distribution of the Code

The Town Clerk shall cause a copy of this Code to be distributed to every public official, employee, and other persons defined herein with the Town within sixty (60) days after enactment of this Code. Each public official, employee and other persons defined herein shall be furnished a copy before entering upon the duties of his/her office or employment. Each prospective vendor shall receive a copy upon request or upon submission of a bid or response to a solicitation. A signed *Acknowledgement Statement* shall be returned to the Town Clerk and retained on file. The Town Clerk shall make additional copies available without charge to any person engaged in any transaction with the Town.

Ordinance # 05-26

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1st Reading: 9/12/05

2nd Reading: 12/8/05

EFFECTIVE: 1/7/06