



CITY OF BRIDGEPORT, CONNECTICUT ETHICS COMMISSION

Citizens Guide

INTRODUCTION

This guide has been developed to provide a "plain language" version of the Bridgeport ethics regulations and processes.

This guide can assist citizens who wish to file an ethics complaint. The intent of this pamphlet is to offer a more accessible guide to file a complaint and to explain the terminology used and the process involved in an ethics investigation. A complaint form is included.

This pamphlet also provides the procedure for requesting an Advisory Opinion from the Ethics Commission. Advisory Opinions may be requested by employees or officials for clarification of the ethics ordinance as it applies to their particular situation.

Please refer to Bridgeport Ethics Ordinance 2.38 for more detailed information.

Note: the information provided in this guide is believed to be accurate in all respects; however, it does not constitute legal advice and may not be relied upon for any purpose other than as a general source of information.

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I. FREQUENTLY ASKED QUESTIONS

Who may file a complaint?

Any person may file a complaint with the Bridgeport Ethics Commission (the "Commission"), alleging a violation of the Bridgeport Code (see the complaint form). The person filing the complaint is referred to as the Complainant.

Who is subject to an ethics violation complaint?

The subject of a complaint (person against whom the complaint is made) can only be an elected or appointed public official or employee of the City of Bridgeport. The subject of the complaint is referred to as the Respondent.

When must a complaint be filed?

Complaints must be filed within two (2) years of the alleged violation.

Is the Bridgeport Ethics Commission the appropriate agency to handle your complaint?

The Bridgeport Ethics Commission is the appropriate agency if your complaint is directly related to one or more of the prohibited activities stated in the Bridgeport Code of Ethics Chapter 2.38 of the Municipal Ordinances.

What activities are prohibited?

Prohibited activities are defined in the Bridgeport Code of Ethics, Chapter 2.38.

How does someone file a complaint?

- ❖ Complete the enclosed form and return it to the location indicated.
- ❖ Attach relevant documentation as described on the form.

Additional Citizens Guides and Ethics Complaint Forms are available at the:

- ❖ Office of the City Clerk
- ❖ Ethics Commission webpage on the city's website:
(<http://www.bridgeportct.gov/BoardsCommissions/EthicsCommission/Pages/EthicsCommissionHomePage.aspx>)

II. OVERVIEW OF THE COMPLAINT PROCESS

A person submits a complaint by filling out the form provided and mailing it to the Ethics Commission in care of the City Clerk. The City Clerk will send the complaint unopened to the Ethics Commission.

The Ethics Commission will review the complaint and notify the respondent and the complainant that the commission has received the complaint. The review of the complaint will be done in executive session and the proceedings and the complaint will be confidential.

If the Ethics Commission decides that the complaint is within their jurisdiction in accordance with Ethics Ordinance 2.38 the commission will conduct a probable cause hearing/investigation. The respondent and the complainant will be notified if the complaint is accepted and retained for investigation or rejected if it does fall under the ethics ordinance.

Probable Cause Investigation: This is an investigation conducted to determine if there is probable cause that a violation occurred. If the finding is that there is probable cause a Public Hearing is held. If the finding is that there is not probable cause the complaint will be sealed and the matter terminated.

Public Hearing: The information about the complaint is made public at this time. A Public Hearing is a hearing to determine if a violation has occurred. It is held in Executive Session, that is, attendance is limited to the respondent, the commissioners, attorneys, and others as needed. The respondent may request an open session. The decision of the commission is made a public record. If the respondent is found in violation of the Ethics Ordinance his/her's hiring authority is notified. The Ethics Commission does not discipline persons that violate the ordinance but may recommend a disciplinary action to the hiring authority.

If the Commission determines that there is insufficient evidence there is no further action and the records are keep confidential.

III. Advisory Opinions

The City of Bridgeport Ethics Commission is authorized to issue written advisory opinions to public officials and employees on whether their

proposed or ongoing conduct violates the Code of Ethics of the City of Bridgeport, as set forth in Ordinance 2.38. Officials and employees acting in good faith reliance upon an applicable advisory opinion issued by the Commission shall have an absolute defense in any matter brought under the provisions of the Code of Ethics, even if they did not request the opinion themselves.

Who May Ask for an Opinion?

Any person potentially subject to the provisions of the Bridgeport Code of Ethics may request an opinion concerning his or her own conduct. This includes an elected or appointed public official or an employee of the City. The identity of the requester will not be disclosed in the Commission's written opinion. The Commission will not respond to requests for written advice on the propriety of someone else's conduct.

How to Ask for an Opinion:

Requests for a formal advisory opinion must be submitted, in writing, to the:

Ethics Commission
In care of the City Clerk's Office City Hall
45 Lyon Terrace
Bridgeport, CT 06604
Confidential for Ethics Commission Only

The letter should contain a complete statement of the facts, including your name, your official position, a brief description of the powers of your agency, commission or office and the nature of the issue. The members of the Commission will review your letter, but their deliberations and written response will not disclose your name or identity of your specific public entity unless your prior authorization is given.

Time Guidelines: The Commission will consider your request as promptly as possible. You will receive a copy of the written advisory opinion by mail or you may request a copy from the file located at the Office of the City Attorney.

IV. Brief Summary of Ethics Ordinance 2.38

The following is a partial summary of Ethics Ordinance 2.38. A copy of this ordinance can be obtained from the City Clerk's Office, or on-line on the ethics webpage on the City of Bridgeport's website, or on the City Clerk's webpage on the City's website.

Order of Precedence: In case of conflict between this document and Ethics Ordinance 2.38, the statements in Ordinance 2.38 take precedence.

Definitions of Code of Ethics Chapter Section 2.38.020

The terms used in this section are defined as follows:

"Commission" means the city's commission on ethics.

"Employee" means any employee of the city including any teacher, whether or not in the classified service, except: elected officials; board, agency and commission members; department heads; members of the city's unclassified service; and persons appointed pursuant to Section 24(b) or 27.1 of the city Charter.

"Financial interest" means any interest, other than a marginal one which yields, directly or indirectly, a monetary or other material benefit, other than the duly authorized salary or compensation for services to the municipality, to the official or employee or to any person employing or retaining the services of the official or employee, that is different than what a member of the general public would receive.

"Gift" means a payment, or anything of value the cost of which is more than fifty dollars (\$50.00) per person.

"Official" means any person elected or appointed to, or employed or retained by, any public office or public body of the municipality, whether paid or unpaid and whether part-time or full time.

"Person" means business, individual, corporation, union association, firm, partnership, committee, club or other organization or group of persons.

"Personal interest" means any interest arising from blood or marriage relationships or marriage-type relationships whether or not any financial interest is involved.

"Substantial conflict" means deriving a substantial benefit or avoiding a substantial detriment as a result of one's official or employment activity.

Standards of Conduct Chapter 2.38.030

A. General Prohibition. No official or employee shall have any interest, financial or otherwise, direct or indirect, 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 their duties or employment in providing service to the public.

B. Specific Conflicts. No official or employee shall:

1. Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, favor, service or promise of these things, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence them in their duties or their votes on public matters.

2. Knowingly have or acquire any financial interest or any personal interest, direct or indirect, in any contract or purchase order for any real estate, supplies, materials, equipment or contractual services furnished to, or used by, the city or that is in direct conflict with the city and their ability to perform their duties.

3. Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of his/her duties or employment in the public interest or which may impair his/her independence of judgment in the performance of such duties or employment;

4. Without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city, nor shall

he/she use such information to advance his/her financial or personal interest;

5. Vote upon or otherwise participate in any transaction, contract or sale with the city or in the sale of real estate, materials, supplies or services to the city or from the city, if he/she has a personal or financial interest therein;

6. Use or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except as authorized by the proper authority.

7. Provide false information on an official form provided to the City;

8. Use their official position to retaliate against any person who files an ethics complaint.

