



Justin Elicker
Mayor

OFFICE OF THE CORPORATION COUNSEL

165 Church Street 4th Floor, New Haven 06510
Tel: 203.946.7958 Facsimile: 203.946.7942
www.newhavenct.gov



Patricia A. King
Corporation Counsel

MEMORANDUM **Board of Ethics - Opinion No. 2022-5**

To: New Haven Board of Ethics
From: Patricia King, Corporation Counsel
Date: June 6, 2022
Re: Karen Barnes Request for Opinion

I. QUESTION

Would Ms. Barnes' application and receipt of down payment assistance violate Article II, Section 15 of the City Charter (the "Charter") or Chapter 12 5/8, Ethics in Local Government, Code of Ordinances of the City of New Haven (the "Code")?

II. FACTS

The facts were obtained from the Request for Opinion filed by Ms. Karen Barnes (the "RFO") and from Catherine Schroeter, of the City's Livable City Initiative ("LCI"), provided information to Corporation Counsel that was conveyed to the Board.

Ms. Barnes, Management Analyst IV is a City employee at the Board of Education who seeks the Board's approval to apply for and receive down payment assistance in order to purchase a home in New Haven. The down payment assistance program is one of several financial assistance programs administered by LCI that are designed to encourage stability in New Haven neighborhoods by supporting responsible home ownership. According to an email from Ms. Schroeter of LCI dated June , all loans are approved by an outside loan underwriting committee comprised of persons not employed by the City. Ms. Barnes, although employed by the City, has no involvement in the loan application process, or the opportunity to influence the decision-making. Other City employees have from time to time applied for and received down payment assistance loans, after similar review by the Board of Ethics or where there was no Board of Ethics, after review by Corporation Counsel.

III. DISCUSSION

Pursuant to the Charter "[n]o Public Official shall engage in any activities which result in a conflict of interest between the duties and responsibilities of public office and one's private affairs ...". The Code states that a "public official has a conflict of interest if they, or a member of immediate family or household, have a financial interest or a personal interest in the outcome of any matter requiring the exercise of judgment or discretion within or before their

department, or board, or commission, or task force of which they are a member, except in circumstance enumerated in sections 12 5/8-6 or 12 5/8-7."

Ms. Barnes, a City employee, has a personal interest in the decision on her application for down payment assistance, which would be submitted to LCI, a City department. The question presented here is whether she exercises any discretion or influence in the approval process, either as an elected official, or in general, such that approval of her application would be a conflict of interest.

The decision about any individual application for down payment assistance is made by the aforementioned loan underwriting committee, which consists of persons who are not employed by the City, and over which Ms. Barnes has no apparent authority or influence. Ms. Barnes' application is indistinguishable from that of any member of the general public. It is therefore the Board's opinion that Ms. Barnes' application would not create a conflict of interest under the Charter or the Code.

IV. CONCLUSION

In its Opinion No. 2017-1 the Board considered a similar issue involving a request from an LCI employee to apply for assistance through this same program, which is administered by LCI. The Board found that the LCI employee would not have any opportunity to influence or participate in the decision-making process, and concluded in that opinion, as it does in this case, that no conflict existed. Similarly, the lack of any control or influence by Ms. Barnes relative to her own application leads this Board to a similar conclusion, that no ethics violation can be found.

Approved Unanimously at Meeting on June 6, 2022.

Members Present:

Ned Parker
Adrienne Eckman

Dated at New Haven, this October 5, 2023 | 6:08 AM EDT.

NEW HAVEN BOARD OF ETHICS

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Ned Parker, Secretary