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

To: New Haven Board of Ethics
From: Patricia King, Corporation Counsel
Date: July 25, 2022
Re: Michael Fumiatti Request for Opinion

I. QUESTION

Would Lt. Fumiatti's service on the Foundation's Board, for which he would not be compensated, 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 (the "RFO") filed by Lt. Michael Fumiatti of the New Haven Police Department ("NHPD") provided information to Corporation Counsel that was conveyed to the Board.

1. Lt. Fumiatti is employed by the New Haven Police Department, a sworn police officer who seeks the Board's opinion as to whether it is permissible to hold a non-compensated position on the Board of Directors of a non-profit agency.
2. According to the Request, Lt. Fumiatti was invited to be on the board of on the Continuum of Care, Inc., a non-profit provider of mental health services in residential settings.
3. The Continuum of Care is a not-for-profit corporation organized under the laws of the State of Connecticut established in 1966.

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."

Lt. Fumiatti is a City employee, as a sworn officer of the New Haven Police

Department, has no personal interest in serving on the Board to the extent that he will not be compensated for his services. Lt. Fumiatti's service on the Board would not be done during the workday. The question presented here is whether Lt. Fumiatti's service in this capacity would violate the City's Code of Ethics.

Lt. Fumiatti would not therefore be in a position to exercise his discretion on behalf of the Continuum of Care in any decisions on funding as he is not a member of the Board of Alders, who vote on the budget.

Lt. Fumiatti and Jim Rascati, LCSW and Board member, appeared at the hearing and answered questions from Board members. Mr. Rascati reported that he had invited Lt. Fumiatti to be on the Board, which is interested in recruiting members from a wide range of community activities and backgrounds. Lt. Fumiatti's experience with the Police Department and related work with mental health agencies would make him a valuable and desirable member of the Board. Lt. Fumiatti indicated that he is aware of what information he cannot share with the Board that would relate to his police work, such as information relating to investigations and other confidential matters. It was reported that other City employees have served on the Board in the past.

Mr. Rascati reported that no board members are compensated for their services, except to the extent that there may be an annual dinner. The Foundation does not receive funding from the City but has provided funding to the City in the past, although this has not been on an annual basis. The Foundation also has a robust conflict of interest protocol that would require Dr. Dalal to recuse himself if the Board were going to vote on a matter affecting the City.

Lt. Fumiatti would not be in a position to influence any decision by the City with respect to the Foundation.

There was no basis in the information provided that would lead the Board to conclude that Lt. Fumiatti's service on the Board would constitute a conflict of interest.

IV. CONCLUSION

Based upon its review of the request and relevant information, the Board of Ethics finds that Lt. Fumiatti's service on the Board of the Continuum of Care would not result in a conflict of interest with his duties and responsibilities as a Lieutenant in the New Haven Police Department. Serving in this position is not a conflict of interest pursuant to Sec. 12 5/8-5 and does not violate the City's Code of Ethics.

Approved Unanimously at Meeting on July 25, 2022.

Members Present:

Alan Bowie
Ned Parker
Adrienne Eckman

Dated at New Haven, this _____ October 5, 2023 | 6:07 AM EDT.

NEW HAVEN BOARD OF ETHICS

DocuSigned by:

Ned Parker

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Ned Parker, Secretary