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MEMORANDUM Board of Ethics - Opinion No. 2022-3

To: New Haven Board of Ethics
From: Patricia King, Corporation Counsel
Date: May 9, 2022
Re: Mehul Dalal Request for Opinion

I. QUESTION

Would Dr. Dalal's service on the Foundation's Board, for which he would 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 filed by Dr. Mehul Dalal (the "RFO") provided information to Corporation Counsel that was conveyed to the Board.

1. Dr. Dalal is employed as the Community Services Administrator, an appointed official who seeks the Board's opinion as to permissible to hold a compensated position on the Board of Directors of a philanthropic foundation.
2. According to the Request dated March 1.2022, Dr. Dalal was invited to be on the board of on the Board of Directors of the Connecticut Health Foundation, Inc. (the Foundation).
3. The Foundation is a not-for-profit corporation organized under the laws of the State of Connecticut established in 1999 and is currently the largest health philanthropy foundation in Connecticut.
4. The Foundation's mission is to improve the health and wellbeing of all on the Board of Directors of the Connecticut Health Foundation, Inc. (the Foundation).
5. The Foundation is a not-for-profit corporation organized under the laws of the State of Connecticut established in 1999 and is currently the largest health philanthropy foundation in Connecticut.

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."

Dr. Dalal as an appointed public official, has a personal interest in serving on the Board to the extent that he will be compensated at the rate of \$250 per meeting, which is the standard compensation provided to other Board members. Dr. Dalal's service on the Board would not be done during the workday. The question presented here is whether Dr. Dalal's service in this capacity would violate the City's Code of Ethics.

In this situation the Foundation provides funding to the City, rather than the City providing funding to the Foundation. Dr. Dalal would not therefore be in a position to exercise his discretion on behalf of the Foundation in decisions on funding. Here, the concern may be on the part of the Foundation as to whether Dr. Dalal would have a conflict of interest if he were to vote on any decision by the Foundation to provide funding to the City, but that is not a question for this Board to decide.

Dr. Dalal reported that he was invited to be on the Board of the Foundation by the CEO and President, which whom he had been acquainted prior to his employment with the City, because the Foundation was interested in his expertise as a medical doctor and because of his experience in public health. His employment with the City has enhanced this experience but it is not his only experience in public health employment.

Dr. Dalal has a financial interest in serving on the Board to the extent that he would receive compensation for this service. As a result, this Board would be required to review the Conflict of Interests and Exceptions provisions in the Code of Ordinances.

Dr. Dalal and Tiffany Donelson, President and CEO of Connecticut Health Foundation appeared at the hearing and answered questions from Board members. Ms. Donelson indicated that the Foundation compensates all its Board members equally, and included some additional compensation for other duties, such as serving on committees. 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.

Dr. Dalal 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 Dr. Dalal'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 service on the Board of the Connecticut Health Foundation does not violate the City's Code of Ethics.

Approved Unanimously at Meeting on May 9, 2022.

Members Present:

Alan Bowie
Ned Parker
Adrienne Eckman

Dated at New Haven, this _____ October 5, 2023 | 6:04 AM EDT.

NEW HAVEN BOARD OF ETHICS

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Ned Parker
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Ned Parker, Secretary