

STATEMENT FROM THE WILTON DEMOCRATIC TOWN COMMITTEE

Two Republican Candidates Have Disqualifying Conflicts

Two Republican candidates for Board of Education have disqualifying conflicts. Wilton's Ethics Council has confirmed that the areas of conflict are extensive and not fixable. The Board of Education will be dysfunctional if either of these candidates earns a seat, and they would expose our town to unnecessary litigation. Wilton will be best served if the candidates are forthcoming and transparent about the conflicts and Ethics Opinions, and withdraw from this race.

BACKGROUND

Ethics Council Opinions Reconfirmed. Last Friday, Wilton's Council on Ethics reconfirmed its Ethics Opinions regarding the significant conflicts posed by two Republican candidates for the Board of Education, Heather Priest and Mark Shaner, given that they are married to Wilton teachers. The Council determined that the two standard remedies for conflicts (i.e., recusal or additional opinions) will be unworkable, calling recusal "**insufficient**," and additional Ethics Council opinions "**inefficient and unproductive**." The Ethics Council applied our town's Code of Ethics appropriately.

About the Conflicts, Not About the Candidates. To be clear, this is not about the character or qualifications of Heather or Mark. They might be strong candidates to serve on other boards, and there is no reason to question the personal support they have from many. However, it is a mistake for them to run for the Board of Education given that their spouses are Wilton teachers. It is a classic conflict; in fact state law prohibits teachers themselves from running for their school board (the only municipal board with such a prohibition).

Recusal is an "Ineffective" Remedy. To their credit, Heather and Mark requested the Ethics Opinions. Now they should respect those opinions. The Ethics Council can't ask a candidate to step aside prior to an election, however their conclusions are inescapable. As the Ethics Council states:

"Recusal for a BOE member from all personnel-related deliberation, decision-making and actions would likely be ineffective remedy, given

the number and significance of personnel-related matters included in BOE members' duties."

The Conflicts Cut Broadly Across All Areas of Wilton's Schools. As the Ethics Council points out, personnel matters touch on almost everything the Board does. Teachers and staff are directly affected by curriculum changes, scheduling changes, budgeting decisions, Superintendent management, strategic programming, even which buildings to repair first. Which teacher gets the extra funding for a program? Which teacher's classroom gets upgraded first? Which teacher is affected by the elimination or addition of a new subject or club?

The Conflicts are Real. The conflicts are not theoretical or insignificant. This year the Board will revise the teacher evaluation process, finalize STEM and Social Studies curriculum changes, and evaluate substantial facility improvements. This year's budget deliberations will include decisions on class size, staff positions, and programs. Each of these and more creates direct, personal conflict of interests for the spouse of a teacher, *both economic and noneconomic*. Last year the Board debated and enacted a new schedule at Middlebrook, combined the reading/writing programs, and eliminated nine positions. At one point those eliminated positions included the spouse of one of these two candidates; and in a prior year our schools adopted a program that happened to eliminate an annual stipend for the spouse of the other candidate (who has since become a leading opponent of that program). The conflicts are broad and unavoidable.

Neither Recusal nor Additional Opinions Are Sufficient, and Enhanced Risk of Law Suits. The Advisory Opinion is clear: even recusal or additional advisory opinions will be "**insufficient**" to address conflicts and the appearance of conflicts. The Opinion states:

"[E]ven in a specific decision where the Board member recused themselves or an Advisory Opinion was issued recommending recusal, it is possible that a member would have access or appear to have access to related information by virtue of their BOE position that would be sufficient to represent a 'potential noneconomic benefit... which is neither de minimis nor shared by the general public.'" In such a case, neither [recusal nor additional opinion] would be sufficient to eliminate the appearance of a personal Conflict of Interest that arose from the election of a person to be a Board member whose relative is a school employee."

The Ethics Code and Advisory Opinion are properly concerned even with the appearance of a conflict, because the Code rightfully takes into account *everyone* who works at our schools, and school staff's expectations that important decisions won't be made with any favoritism at play. Aside from unnecessary staff grumblings, actual and perceived favoritism exposes Wilton to unnecessary litigation. Any employee disfavored by a school decision will have a new tool to sue the Town. The first question their lawyer will ask is "why my client and not the spouse of a Board member?" Strong Ethics Codes prohibit conflicts, to protect against exactly these liability exposures.

No Equivalence with Selectperson Conflict. Farah Masani, a Democratic candidate for Selectperson, is married to a Wilton police officer. Farah has asked the Ethics Council to guide her, and she is awaiting that opinion. Farrah is prepared to recuse herself from all police matters to the extent suggested by the Ethics Council, which would be a small subset of Selectperson responsibilities. Farah intends to publish the actual Ethics Opinion regarding herself when available.

Ethics Council is Right; Focus Should Now Be on Our Schools. Wilton's schools have significant issues to address in the coming years. We need a fully functioning Board of Education, not constrained by unresolvable conflicts. The Ethics Opinions were delivered on September 8 and the two candidates could have been replaced by the deadline of September 22, but they weren't. Wilton will be best served if Heather Priest and Mark Shaner withdraw from the current Board of Education race and pursue service to our town on any other board or committee. Wilton, and our kids, deserve a conflict-free, undistracted Board of Education focused solely on how to grow our schools' excellence.