

April 27, 2026

Chuck Petruccione
Municipal Benefits Department Manager
Brown & Brown Insurance Services, Inc.
520 Cromwell Avenue
Rocky Hill, CT 06067

Dear Mr. Petruccione:

Thank you for your letter dated March 31, 2026, addressed to First Selectman Bernie Dennler regarding your concerns about the RFP process for health insurance brokerage services in the Town of Colchester. As mentioned in your correspondence, our Ethics Commission currently lacks a quorum to address these matters directly. As the Chair of the Ethics Commission, I have been asked to review your inquiries and have therefore requested an Advisory Opinion from our town attorney, which is enclosed with this letter.

Regards,

Ursula Tschinkel
Town of Colchester
Ethics Commission

Enc.: Advisory Opinion

cc: Matthew D. Ritter, Esq.

MEMORANDUM

TO: Ursula Tschinkel, Chair, Town of Colchester Ethics Commission
FROM: Matthew D. Ritter, Shipman & Goodwin LLP
DATE: April 14, 2026
RE: Advisory Opinion No. 2026-1

REQUEST FOR ADVISORY OPINION; FACTS PRESENTED

You have asked Shipman & Goodwin LLP to provide an advisory opinion to the Town's Ethics Commission based on a letter from Mr. Chuck Petruccione to the First Selectman dated March 31, 2026 in which Mr. Petruccione alleges a possible violation of the Town's Code of Ethics (the "Code") by a member of the Town's Board of Finance.

Mr. Petruccione is the Municipal Benefits Department Manager for Brown & Brown Insurance Services, Inc. ("Brown & Brown"). Brown & Brown was an unsuccessful bidder for the Colchester Town and Public Schools RFP for the provision of insurance brokerage services to the Town and the Board of Education. The member of the Board of Finance is a consultant for OneDigital, which is also an insurance brokerage firm and a competitor of Brown & Brown.

Specifically, Mr. Petruccione alleges in his letter that the member of the Board of Finance may have violated Section 53-9 A. of the Code which provides that:

"No public employee or public official shall engage in or participate in any business or transaction, including but not limited to outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of his/her official responsibilities in the public interest or which would tend to impair his/her independent judgment or action in the performance of his/her official responsibilities."

In addition, Mr. Petruccione's argues in his letter that the member of the Board of Finance should have refrained from voting in her role as a member of an ad hoc "finalist committee" due to her consultant work for OneDigital.

LEGAL ANALYSIS

A. Section 53-9 A.

The member of the Board of Finance, as noted above, has a background in insurance brokerage services and this is one of the reasons she was selected to serve on the committee to select an

insurance broker firm for the Town and the Board of Education. Mr. Petruccione notes in his letter that the member of the Board of Finance had a “strong grasp of the health insurance market and asked some good questions.” It is not unusual for a municipal or board of education official to participate in matters in which that official has background knowledge and expertise. However, it may be a violation of the Code if that same official participates in the RFP selection process and has a financial interest in the outcome of said RFP. In this case, as noted by Mr. Petruccione in his letter, OneDigital was not a bidder and therefore, there was no direct or indirect financial gain or financial interest for the member of the Board of Finance. Similarly, since OneDigital was not a bidder, the facts do not support the argument that the member of the Board of Finance participated in a transaction which is incompatible with her official responsibilities or that she took any actions that would impair her independent judgment.

Mr. Petruccione also raises a concern that the member of the Board of Finance may have obtained confidential information during the interview with Brown & Brown. In his letter, he states that Brown & Brown “provided samples of our work, discussed proprietary programs and gave details about solutions that had been specifically requested related to other customers we currently represent.” It is important to note that Section 53-9 F. of the Code provides that it is a violation of the Code for a public official to disclose confidential information acquired as part of a committee such as this RFP committee. The Code provides that:

“No public employee or public official shall disclose confidential information concerning municipal affairs, or use confidential information acquired in the course of and by reason of his/her official duties nor shall he/she use such information for the financial interests of himself/herself or others.”

If the Board of Finance member discloses any confidential information to OneDigital, that would be a different legal analysis.

B. Section 53-9 C. (1)

Mr. Petruccione also states in his letter that the member of the Board of Finance should have refrained from voting as a member of the ad hoc “finalist committee.” However, Section 53-9 (C). (1) provides that a public official shall refrain from voting if a business with whom he/she is associated, has a financial interest in the contract. The definition of “business with which he/she is associated” pursuant to the Code is as follows:

“A business of which the person or a member of his/her immediate family is a director, officer, owner, partner, member, employee, compensated agent or holder of stock which constitutes 5% or more of the total outstanding stock of any class.”

In this case, the member of the Board of Finance is a consultant for One Digital and there is no evidence that she is a director, officer, owner, partner, member, employee, compensated agent or holder of stock which constitutes 5% or more of the total outstanding stock of any class. Therefore, there is nothing in this definition that would require her to refrain from voting

pursuant to the Code and there was no need to provide written disclosure setting forth the “nature and extent of such interest.”

CONCLUSION

Based upon the facts presented, the member of the Board of Finance did not violate the Town’s Code of Ethics.