

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ETHICS

The Board of Ethics held a regular on Thursday, August 4, 2016 in the shared meeting room 1 at the Municipal Center, 3 Primrose Street, Newtown, CT. Chairman Jackie Villa called the meeting to order at 7:03pm.

Present: Jackie Villa, Parker Reardon(by telephone and ended after vote was reaffirmed), Joyce Murty, Suzanne Copp, Kristen Provost-Switzer, Laurie Kilchevsky(7:22pm)

Absent: Tom Fuchs

Also Present: 3 members of the public and one member of the press.

COMMUNICATIONS - Joyce Murty moved to accept the correspondence between Mary Ann Jacob and Jackie Villa dated June 28, 2016(Attachment A). Kristen Provost-Switzer seconded, motion unanimously approved.

Suzanne Copp moved to accept the three FOIA complaints as correspondence (Attachment B). Joyce Murty seconded, motion unanimously approved.

MINUTES – Suzanne Copp moved to accept the minutes from the June 1, 2016 meeting. Joyce Murty seconded, motion unanimously approved.

UNFINISHED BUSINESS

Reaffirmation of action taken on case CA3-15 and CB3-15 on April 18, 2016 during public hearing, as per Tom Hennick of FOI Commission – Joyce Murty moved to reaffirm action taken on case CA3-15 and CB3-15 at the April 18, 2016 public hearing. Kristen Provost-Switzer seconded.

Jackie Villa explained that she been in communication with Tom Hennick. They discussed the May 18th meeting and that it was their intention to make the votes from April 18th public hearing public.

Jackie Villa reaffirmed her votes that were made during the public hearing on April 18, 2016 as follows:

CA3-15- 27-2A(yes), 27-2B(yes), 27-2D(no), 27-6A(yes), 27-6B(yes), 27-10A(yes).
CB3-15 – 27-2A(yes), 27-2B(yes), 27-2D(no), 27-6A(yes). 27-6B(yes), 27-10A(yes)

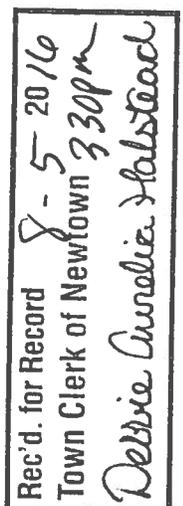
Joyce Murty reaffirmed her vote at the public hearing on April 18, 2016 as follows:

CA3-15 - 27-2A(yes), 27-2B(yes), 27-2D(no), 27-6A(yes), 27-6B(yes), 27-10A(yes)
CB3-15 – 27-2A(yes), 27-2B(yes), 27-2D(no), 27-6A(yes), 27-6B(yes), 27-10A(yes)

Suzanne Copp affirmed her vote at the public hearing on April 18, 2016 as follows:

CA3-15 – 27-2A(yes), 27-2B(yes), 27-2D(no), 27-6A(no), 27-6B(no), 27-10A(no)
CB3-15 – 27-2A(yes), 27-2B(yes), 27-2D(no), 27-6A(yes), 27-6B(yes), 27-10A(no)

Parker Reardon reaffirmed his vote at the public hearing on April 18, 2016 as follows:



CA3-15 – 27-2A(no), 27-2B(yes), 27-2D(no), 27-6A(no), 27-6B(no), 27-10A(no)
CB3-15 – 27-2A(no), 27-2B(no), 27-2D(yes), 27-6A(yes), 27-6B(no), 27-10A(no)

A written statement from to Tom Fuchs was read by the Clerk (Attachment C).

His votes were as follows:

CA3-15 – 27-2A(yes), 27-2B(yes), 27-2D(no), 27-6A(yes), 27-6B(yes), 27-10A(no)

CB3-15 – 27-2A(yes), 27-2B(yes), 27-2D(no), 27-6A(yes), 27-6B(no), 27-10A(no)

After all the members present reaffirmed their votes, the motion unanimously approved .

Vote to include memo dated Feb 16, 2016 from Counsel into public record – Joyce Murty moved to include the memo dated February 16, 2016 from Counsel into public record. Suzanne Copp seconded (Attachment D), motion unanimously approved

Review final report draft of case CA3-15 and CB3-15 – Kristen Provost-Switzer moved to review the final report draft case of CA3-15 and CB3-15, Suzanne Copp seconded. Jackie Ville explained that it is basically a chronological order of events. There are dates that need to be researched. Motion unanimously fails

Vote on FIOA request documents for K. Hamilton - Suzanne Copp moved to vote on FIOA request documents for Kathy Hamilton, Laurie Kilvechsey seconded. Jackie Villa explained that Kathy Hamilton requested all of the e-mails that pertained to her case. There are 132 of them and the board needs to decide if they are all public. The e-mails go back to 11/20/15. Joyce Murty clarified that no text messages were exchanged by board members. There was concern over e-mail addresses and private telephone numbers being part of the document.

Kristen Provost-Switzer moved to amend the motion to include drafting a letter to be included with the documents, Laurie Kilchevsky seconded, motion unanimously approved. The board then constructed a letter. The documents and the letter will be left at the Public Works Department and Ms. Hamilton will be notified by the Chairman that they are available to be picked up.

Motion as amended, the request of documents for Kathy Hamilton included the letter that was just penned will be handed over as they are, motion unanimously approved.

NEW BUSINESS

Review complaint procedures and amendment process – Joyce Murty moved to review complaint procedures and amendment process, Suzanne Copp seconded, motion unanimously approved. Jackie Villa explained that after reading the FOIA complaint, there is confusion as to what procedures that Kathy Hamilton is referring to. Jackie Villa read an e-mail from Tom Fuchs (Attachment E).

It was decided that Joyce Murty will begin to gather samples and research the complaint procedures, Tom Fuchs will be asked to do the same for the internal procedures, Jackie Villa will take the hearing procedures and Kristen Provost-Switzer will research subcommittees.

A meeting date of September in the week of the 12th is desirable to discuss the findings.

Suzanne Copp expressed concern regarding the Board of Selectman's recommendation. In the letter it says that their procedures are flawed and that they did not conduct fact finding. Fact finding was done but it was done confidentially. Jackie Villa explained that they are taking the first step to rectify that by reviewing the producers and putting it on paper.

Elect Vice Chair – Suzanne Copp moved to nominate Joyce Murty as Vice Chair, Laurie Kilchevsky seconded motion unanimously approved.

Having no further business, the meeting was adjourned at 9:26pm

Respectfully Submitted,
Arlene Miles, Clerk

From: jacfab5 <jacfab5@aol.com>
To: mjacob4404 <mjacob4404@charter.net>
Cc: pat.llodra <pat.llodra@newtown-ct.gov>
Subject: Re: Code of Ethics
Date: Tue, Jun 28, 2016 3:35 pm

Dear Mary Ann,

I'm sorry to have not answered this email sooner as I was out of the country. I have forwarded to the board members. Thank you.

We, as a board, are addressing the issues you point out, and understand the amendment process for the Code begins with us and ultimately ends on the LC's agenda. I will ask for your patience as well, as we are in the midst of scheduling a special meeting before our next regular meeting (scheduled for August 4). Efficiency will be best served if the Board of Ethics meets first, therefore I will request the LC table that discussion. Thank you for your patience.

Respectfully,

Jackie

Jacqueline Villa, Chairman
Board of Ethics
Town of Newtown

—Original Message—

From: Mary Ann Jacob <mjacob4404@charter.net>
To: Jackie Villa <jacfab5@aol.com>
Cc: Pat Llodra <pat.llodra@newtown-ct.gov>
Sent: Wed, Jun 22, 2016 9:25 am
Subject: Code of Ethics

Dear Jackie,

I know your board has been grappling with issues on process, procedure and issues like that over the last year or more. Perhaps together we can elevate the conversation in a collaborative way to ensure that in the future all parties involved know up front, exactly how a complaint unfolds and is handled. Our Charter places responsibility to update Ordinances in our Code Book in the hands of the Legislative Council, That work is typically give to the Ordinance Committee to handle and then present back to the council, with public input for a vote. To that end, at the next council meeting, scheduled for Wednesday, June 29th, we will be voting on whether or not to ask our Ordinance Committee, with your input, to consider changes to the current Code of Ethics Ordinance. While I have a copy of your procedures, there is no reference in the Ordinance to procedures, and the existing ones perhaps could serve as a starting point to update that Ordinance. I hope you are able to attend, it will be a long meeting with a number of important agenda items in addition to this one so I'll ask your patience in advance. Please also extend my invite to all members of your board.

Sincerely,

Mary Ann Jacob
Chairman, Legislative Council

Attachment B

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FREEDOM OF INFORMATION

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Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6974 • www.ct.gov/foi • email: foi@ct.gov



NOTE: DOCKET #s FIC 2016-0371 AND 2016-0372 HAVE BEEN CONSOLIDATED.

NOTICE OF HEARING AND ORDER TO SHOW CAUSE
DOCKET NO. FIC 2016-0371

TO COMPLAINANT(S)

JOHN VOKET AND THE NEWTOWN BEE, 5 Church Hill Road, Newtown, CT 06470

TO RESPONDENT(S)

CHAIRMAN, ETHICS COMMISSION, TOWN OF NEWTOWN; AND ETHICS COMMISSION, TOWN OF NEWTOWN, 3 Primrose Street, Newtown, CT 06470

1. This will serve as notice that the Freedom of Information Commission will conduct a hearing concerning the appeal brought by the above-named complainant(s). This appeal alleges violation(s) of the Freedom of Information Act, as set forth in Chapter 14 of the Connecticut General Statutes.
2. Attorney Valicia D. Harmon has been designated hearing officer for the purpose of this appeal and will hold a hearing on its merits at the following date, time and place:

DATE OF HEARING: August 11, 2016

TIME OF HEARING: 11:00 AM.

**PLACE OF HEARING: 18-20 TRINITY STREET
HARTFORD, CT 06106**

(Hearing will be held in the Commission's Hearing Room A)

3. The COMPLAINANT(S) named above is (are) hereby ORDERED to appear on the date and time, and at the place indicated, in paragraph 2 in order to present this appeal on the basis of the facts alleged. The complainant(s) may appear in person or by counsel or other authorized representative. Failure to appear may lead to dismissal of the appeal. A copy of the complaint in this matter (three pages) and attachment (twenty-three pages) is attached to this Notice and Order.
4. The RESPONDENT(S) named above is (are) hereby ORDERED to appear on the date and time, and at the place, indicated in paragraph 2 in order to show cause why this appeal should not be sustained. The respondent(s) may appear in person or by counsel or other authorized representative. Failure to appear may lead to the sustaining of the appeal and the imposition of appropriate relief. A copy of the complaint in this matter (three pages) and attachment (twenty-three pages) is attached to this Notice and Order.
5. The RESPONDENT(S) named above is (are) hereby further ORDERED, if the personnel or medical files or similar files of any of its employees are the subject of the above appeal, to notify such employee(s) and the employee's (es') collective bargaining representative, if any, of the appeal and of the Freedom of Information Commission's proceedings. If any such employee or collective bargaining representative has filed an objection, pursuant to §1-214 (c), G.S. to disclosure of the records, such notice shall be by certified mail, return receipt requested or by hand delivery with a signed receipt.
6. The hearing is governed by the regulations of the Freedom of Information Commission and will be conducted as a contested case under Chapter 54 of the Connecticut General Statutes. A copy of the Regulations may be obtained from the Commission upon request or can be found starting with §1-21j-1 of the Regulations of Connecticut State Agencies. The hearing will provide the only opportunity to present oral and written evidence. Each party may testify, examine and cross-examine witnesses and present oral argument on the law. All evidence becomes part of the record of the hearing. Written argument and briefs may be filed, but are not required. The complainant may seek the imposition of the civil penalty permitted under §1-206(b), G.S. In that case, the hearing shall also afford the custodian, or other official(s), responsible for the denial of any right(s) alleged to have been violated under the Freedom of Information Act, an opportunity to show that any such violation was based upon reasonable grounds. If the complainant does not specifically seek the imposition of a civil penalty, the designated hearing officer nevertheless may find that a specific violation of the Freedom of Information Act appears to have been committed without reasonable ground. The Hearing Officer then may recommend that a subsequent hearing be held in order to afford the custodian or other official(s) responsible an opportunity to show that any such violation was based upon reasonable grounds.
7. Upon conclusion of the hearing, the Hearing Officer will prepare a report consisting of findings of facts and law as they apply to the case and a recommended order. The parties will receive a copy of the report together with a notice of the meeting at which the

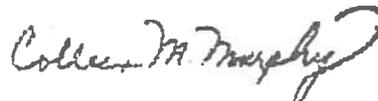
Freedom of Information Commission will consider and vote upon the Hearing Officer's report. The report does not become a decision of the Freedom of Information Commission unless it is approved by it. The Commission may approve, amend or disapprove the Hearing Officer's report. Before a vote is taken, however, the parties may present oral argument. No additional evidence, however, will be received. Written argument, briefs or exceptions are not required, but if submitted they should be filed no later than the date indicated in the Notice of Meeting/Transmittal of Proposed Final Decision. The Commission's regular meetings are usually held on the second and fourth Wednesday of each month. Each party is advised to attend the Commission's meeting at which the Hearing Officer's Report will be considered and voted upon, even if the report is in its favor. Please note that all opposing parties may attend the meeting and the Commission may be persuaded to amend or disapprove the Hearing Officer's Report. If a party is not present, it risks that un rebutted or unchallenged arguments may convince the Commission to take an unfavorable action in adopting its Final Decision.

8. If you have any questions concerning this Notice and Order or procedures of the Freedom of Information Commission, you should consult with your attorney or contact the Commission staff at (860) 566-5682. Also, PLEASE BE SURE THAT WE HAVE A TELEPHONE NUMBER WHERE WE MAY CONTACT YOU DURING THE DAY. Due to the large number of cases filed and the requirements for speedy action, the Freedom of Information Commission cannot postpone scheduled hearings at the request of the parties. Should there be a settlement or withdrawal of the complaint prior to the hearing, please notify us and the respondents immediately.

9. In the event of extremely inclement weather conditions, the decision of the Hartford School System as to whether to cancel classes shall also govern the cancellation of Commission hearings for that day. Such information is ordinarily broadcast by various radio stations. If the hearing is canceled, you will be notified by mail of the new hearing date.

10. For further information, the Commission has prepared a "Citizen's Guide to the Freedom of Information Commission." This Guide is available upon request at no charge.

By Order of the Freedom of
Information Commission



Colleen M. Murphy,
Executive Director

Dated Wednesday, July 13, 2016,

Enc. Designation of Hearing Officer
Complaint letter and related information

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In the Matter of a Complaint by

Designation of Hearing Officer

John Voket and the Newtown Bee

Complainant(s)

Against

Docket # FIC 2016-0371

Chairman, Ethics Commission, Town of
Newtown; and Ethics Commission,
Town of Newtown

Respondent(s)

July 13, 2016

Attorney Valicia D. Harmon:

You have been designated as Hearing Officer in the above-captioned matter.

Enclosed is a copy of the complaint received in the file.

A written report of the facts and issues, and your recommendations for an order, should be prepared when you have completed this matter.

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Enc.

FIC# 2016-0371/DHOVDH/TAH/WRBP/2016-07-13

NOTICE TO PARTIES

Please note that hearings on appeals to the Freedom of Information Commission will be held within 90-minute time periods.

This procedure, which will allow the Commission to process complaints more efficiently, has become necessary due to the large number of cases handled by the Commission and the limited availability of hearing officers.

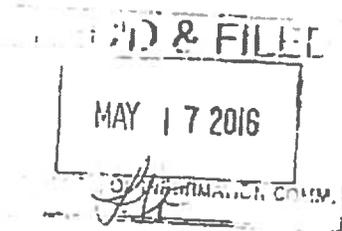
Please keep in mind that you will be expected to comply with these time limits and that punctuality will be essential to taking advantage of the full 90-minutes allotted.

Fasciano, Linda

From: Hennick, Thomas A
Sent: Tuesday, May 17, 2016 9:34 AM
To: Fasciano, Linda
Subject: FW: Appeals and evidence to support appeal attached
Attachments: FOI evidence letter 1-09-16.jpg; FOI evidence letter 1-11-16.jpg; Ethics Hearing probable cause finding 02-15-16.pdf; Board of Ethics Agenda 4-18-16.pdf; Ethics Mins 4-18.pdf; Ethics Mins 3-14.pdf; Ethics Agenda 03-14-16 (1).pdf

New appeal. Please process.

From: John Voket [mailto:John@thebee.com]
Sent: Monday, May 16, 2016 5:54 PM
To: FOI-DL <FOI@ct.gov>
Cc: Hennick, Thomas A <Thomas.Hennick@ct.gov>
Subject: Appeals and evidence to support appeal attached



Please provide a response indicating the attached appeals and supporting document files were received. Thank you.

John Voket - Associate Editor
The Newtown Bee
5 Church Hill Road
Newtown, CT 06470
203-509-2246

DOCKETED

JUN 14 2016

Freedom of Information Comm.
By _____

Re:
Jacqueline Villa, Chair
Newtown (CT) Board of Ethics
PO Box 127
Stevenson, CT 06491
203-364-1255
or c/o
Newtown Municipal Center
3 Primrose Street, Newtown, CT 06470

To the Connecticut Freedom of Information Commission,

I am appealing to the commission to find the Newtown Board of Ethics in violation of the CT FOI Act in connection with what I believe were four separate illegal meetings - two held in executive session April 18, a third held March 14 which I became aware of on April 19, and a fourth closed session that was held without notice and acknowledged by the ethics board Chair Jacqueline Villa in an email that was also brought to my attention on April 19 (2016).

The first two appeals are regarding what I believe were illegal executive sessions held April 18 during public hearings conducted by the ethics board.

Regarding these appeals, please find attached copies of a letter sent to respondent Kathryn Hamilton, stating that except for procedural discussions, all other business related to complaints against her would be held in

public. Also find attached an agenda and minutes both indicating executive sessions being held for the purposes of "deliberation" by the ethics board on pending charges against these individuals.

(Please note in the course of reporting on this matter, that Ms Hamilton informed me she did NOT elect or request any of the proceedings regarding the complaints against them be held in private or closed sessions. The second respondent in this matter - David Freedman - also informed me he expected all proceedings involving his case to be held in public.)

The third appeal is regarding an executive session that came to my attention April 19 (2016) when I received a package of correspondence drawing my attention to another apparent violation of the CT FOI act. That executive session in question occurred on March 14, 2016. Find attached a copy of an agenda for that meeting that indicates an executive session is planned to "confer with counsel regarding hearing procedures and possible action."

Attached also find minutes to that meeting that indicate in paragraph 3 that a closed executive session was actually held to discuss the specific ethics complaints against Ms Hamilton and Mr Freedman, and not simply "hearing procedures" as previously indicated in the enclosed letter of probable cause.

The fourth appeal is regarding a meeting of the Newtown Board of Ethics that was never advertised. Find attached a copy of a 1-9-16 email from Ethics Board Chair Jacqueline Villa to Newtown Board of Education Chairman and complainant Keith Alexander that indicates Ms Villa intended to gather the board for a meeting, and a second email from Ms Villa to Mr Alexander January 11 (2016) indicating that she would not be advertising the meeting.

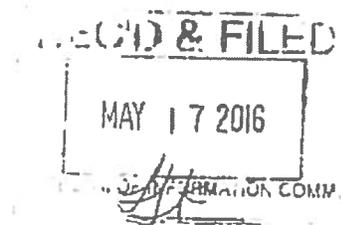
I believe this meeting is illegal because the chair failed to warn it.

If the FOIC concludes that any or all of these meetings were illegal or in violation of the FOI Act, I am requesting the Commission invalidate any motions and actions that resulted from this / these session(s) - and require the Newtown ethics board to reconvene and conduct their business and deliberations in public. I also request that if found in violation of the FOI Act, that each member of the Newtown Board of Ethics be directed to complete Freedom of Information training within 90 days of any findings of violation by the commission.

Thank you for your assistance and consideration of my concerns.

Sincerely,

John Voket
Associate Editor
Newtown Bee



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John Voket
Associate Editor
The Newtown Bee...since 1877
vm: 203-509-2246

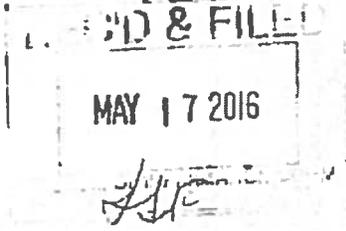
Do all the good you can, By all the means you can, In all the ways you can, In all the places you can, At all the times you can,
To all the people you can, As long as ever you can. - John Wesley's Rule

This message is intended for the use of the individual or entity to which it is addressed, and may contain information that is privileged or confidential. If you are not the intended recipient, please notify the sender immediately by returning the original email, and then deleting the message. - Thank you.

COPIED & FILED
MAY 17 2016
Antje

Keith Alexander

From: jacfab5@aol.com
Sent: Saturday, January 9, 2016 9:43 AM
To: alexanderk_boe@newtown.k12.ct.us
Subject: Fwd: Confidential



Dear Keith,
Please forward this letter to Mrs. Roche as it was returned to me as undeliverable.
Thank you,
Jackie Villa

-----Original Message-----
From: jacfab5 <jacfab5@aol.com>
To: alexanderk_boe <alexanderk_boe@newtown.k12.ct.us>; kum_boe <kum_boe@newtown.k12.ct.us>; leidleind_boe <leidleind_boe@newtown.k12.ct.us>; vourosj_boe <vourosj_boe@newtown.k12.ct.us>; lkckroche <lkckroche@earthlink.net>
Sent: Sat, Jan 9, 2016 9:36 am
Subject: Confidential

Dear Mr. Alexander, Mrs. Ku, Mrs. Leidlein, Mrs. Roche and Mr. Vouros:

The Board would like to meet with all parties in person to obtain all the facts relative to this complaint. This inquiry is confidential and the Board has made no conclusions regarding the validity of the allegations being made. As part of our process, we have scheduled this meeting for Thursday, January 14 at 7:30 PM, and ask that you use this opportunity to present as much documentation as possible to support the facts. I will email you the meeting place as soon as it is determined. Please confirm receipt of this email.

Respectfully,

Jacqueline Villa, Chairman
Board of Ethics
Town of Newtown

Ralph Alexander

From: jalexander@nsw.gov.au
Sent: Monday, January 11, 2016, 11:12 AM
To: alexanderk.boe@newtown.nsw.gov.au
Subject: Confidential

Dear Mr. Alexander & all parties mentioned:

Schedule as follows: 7:30 pm - Mr. Youros, Mrs. K...
8:00 pm - Mrs. Leibel, Mr. Alexander, Mrs. Rbd e

I have reserved meeting room 3 at Farfed Hills Municipal Bldg, 8 Primrose Street, Thursday, January 14. Please keep in mind that this is a confidential, non-commercial inquiry which is not posted. The sole purpose is to gain facts.

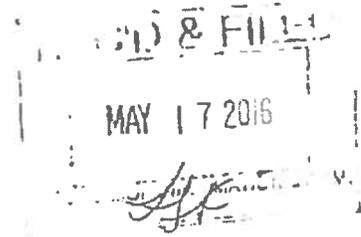
Thank you all for your cooperation

Jacqueline Villa, Chairman
Board of Ethics
City of Newtown

RECEIVED
MAY 17 2016
CITY OF NEWTOWN



TOWN OF NEWTOWN
BOARD OF ETHICS



Ms. Kathryn Hamilton
18 Nunnawauk Road
Sandy Hook, CT 06482

February 15, 2016

Dear Ms. Hamilton,

The complaint received by the Board of Ethics dated November 20, 2015 from Keith Alexander, Debbie Leidlein, John Vouros, Michelle Ku, and Laura Roche (the complainants) alleging ethical misconduct by Kathryn Hamilton (the respondent) matter #CA3-15, has been considered. The Board has investigated these allegations in accordance with Chapter §303-7 of the Town Charter, Part III Regulations. During the Board of Ethics' confidential investigations pursuant to Chapter §303-6, the Board has found probable cause exists to move this matter to a public hearing. Hereafter, all proceedings regarding this complaint shall be public with the exception of procedural discussions.

Relevant chapters of the Code of Ethics include:

Sec §27.2 Standards of Service

Sec §27.6 Disclosure of Confidential Information

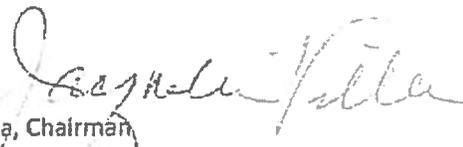
Sec §27.10 Political Activities

A hearing conducted in accordance with the provisions of the Town Charter, Part III, Chapter §303-6A, will be held with regard to this matter on Thursday, March 3, 2016 at 8:00 pm in the Council Chamber at Newtown Municipal Center at Fairfield Hills, 3 Primrose Street, Newtown, CT.

Documentary evidence already received and considered by the Board of Ethics shall be noted and recorded. You may present additional evidence or call witnesses with relevant testimony to refute these allegations. Please submit to the Board copies of such documentary evidence and/or the name and address of witnesses you wish to call no later than March 1, 2016.

You have the right to legal representation and the right to cross examine any witness testifying on the behalf of the complainants.

Respectfully,


Jacqueline Villa, Chairman
Board of Ethics, Town of Newtown

cc: James Stringer, Vice Chairman
Suzanne Copp
Joyce Murty
Parker Reardon
Laurie Kilchevsky



TOWN OF NEWTOWN

BOARD OF ETHICS

RECEIVED & FILED

MAY 17 2016

CLERK OF SUPERIOR COURT

AMENDED

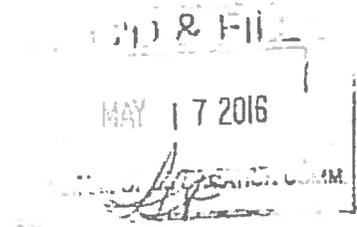
Special Meeting - Public Hearing Agenda 4 18 16, 6:45 pm

Town Hall South, 3 Main Street, Newtown, CT

Conference Room

- 1- Call to order
- 2- Public Hearing # CB3-15
- 3- Executive Session: Deliberation
- 4- Vote
- 5- Public Hearing # CA3-15
- 6- Executive Session: Deliberation
- 7- Vote
- 8- Adjournment

Town of Newtown
Board of Ethics
Special Meeting/Public Hearing
April 18, 2016



THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ETHICS

The Board of Ethics held a special meeting/public hearing on Monday, April 18, 2016 in the lower meeting room at Town Hall South, 3 Main Street, Newtown, CT. Chairman Villa called the meeting to order at 6:45pm.

Present: Jackie Villa, James Stringer, Joyce Murty, Suzanne Copp, Thomas Fuchs, Parker Reardon, Laurie Kilchevsky

Also Present: Attorney Mills, Attorney Sommaruga, Attorney Levesque, BOE Chair Keith Alexander, Kathy Hamilton (7:40pm), 11 members of the public and 1 member of the press.

Public Hearing #CB3-15 – Alleged misconduct of the code of ethics by David Freedman, former Board of Education member. Mrs. Villa explained that under the Board of Ethics confidential investigation they determined that probable cause does exist. Mr. Stringer read the sections in questions (Attachment A).

Motion to Dismiss

Attorney Sommaruga, representing Mr. Freedman, explained the Motion to Dismiss had 3 points. First, those covered by the Code of Ethics states; elected and appointed members and alternates of all boards and commissions. It does not state "including Board of Education" as it does in another section. The Board of Education has its own Code of Ethics and are not covered by the town code of ethics.

Second is discretion. The Board had discretion on this issue. Their belief is at this point in time, there is no practical relief that can be granted since he was not reelected to the Board of Education. The ultimate decision makers were the voters. Attorney Sommaruga presented an article regarding a Board of Ed member from Brookfield who resigned which made the ethics complaint moot. This article was entered as EXHIBIT K.

Third, in this situation, there is one side, but not clear on what the other side is. The Board of Education should not be a party to this. This doesn't stop the complaint but individuals can bring complaints but not the Board of Education.

Attorney Mills—Code of ethics should be construed broadly in favor of maintaining the highest ethical principles for all public officials holding any office in the Town of Newtown. The Board of Education believes that the code of ethics applies to the Board of Education as evidence in EXHIBIT B. The ethics code should be applied and there is no basis for the argument that the code of ethics is beyond the reach of BOE.

Mr. Freedman is no longer in office because he was not re-elected. That would be in the discretion of the Board of Ethics but there is nothing in the law that would compel them to dismiss a complaint based on that ground. If that claim were accepted, the logical conclusion would be that a public official could violate the code of ethics enacted in Newtown and resign from the office as long as the ethics proceedings didn't occur until they were out of office.

Mrs. Villa explained that the Motion to Dismiss will be discussed during executive session and moved on to the actual allegations.

Attorney Mills explained that it is important to note that the Board of Education did not file a complaint in this matter, rather they voted to refer the matters to the Board of Ethics as described in EXHIBIT A. As set forth in EXHIBIT A, it is clear that the Board of Education believes that the January 14, 2014 disclosed by Mr. Freedman had constituted attorney client privilege. Attorney Mills explained that attorney client privilege applies to a municipality and its attorney. Attorney Mills has the actual email from Attorney Dugas and the members of the Board of Education who were functioning as the personnel search committee and has redacted the substance of the communications because they are privileged communications to be submitted. The document was accepted as EXHIBIT L.

With regard to the privileged communication, there is a signature block at the bottom of Attorney Dugas's e mail that includes a confidentiality notice. It is addressed to the members of the board and Attorney Dugas. It is the full e-mail chain redacted the confidentiality but shows that it was BOE members and their attorney. Finally, the idea that the e-mail constitutes a meeting. The FOI commission in CT enforces, interprets and applies the FOI statute and there has been no determination from them because there was no case filed with them so no one can take the position as to whether a meeting occurred in that email. Whether something constitutes a meeting is a very different question as to whether an attorney client privileged communication has been released properly and if that privilege has been waived.

One of the issues before them is whether there was a breach of confidentiality or use of confidential information for personal or partisan political purposes. Attorney Mills requested to submit to the board a proposed decision issued by the hearing officer on two FOI cases. It is not final and they are subject to approval from the FOI commission which will take place on May 11. They think it is appropriate because the hearing officer made rulings regards to the partisan political nature of activities. Mrs. Villa explained that FOI and the Board of Ethics are two separate rulings and because of that they will not accept the documents.

Attorney Sommaruga articulated that there are issues, is this a privileged communications and is this a confidential communication? They are not disputing that the document was released. Attorney Sommaruga also argued that the signature block with the confidentiality notice, everything that Attorney Sommaruga sends from his computer from his office has that. It is a built in signature. He does not take the position that everything he sends from his office is attorney client privileged.

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They take the position that you can have electronic meetings. There is an issue if this was exempt. The search committee is an exception. He explained that it includes reviewing resumes, interviewing and screening candidates, considering and recommending a candidate for the position. What is not included is the issue of negotiating a contract. It is clear as of January 14, the BOE has made a recommendation, and they are negotiating a contract and not engaged in a search. Attorney Sommaruga presented an article that headlines Erardi will be missed if he leaves, which was entered in as EXHIBIT M. This shows by January 9th, this is not a secret. By January 14, the recommendation has already been made. This email in question is just conveying information concerning a contract that is about to be finalized and it is a contract that is a public record.

Mr. Stringer moved to go into executive session at 8:08pm. Mr. Reardon seconded motion unanimously approved. Executive session ended at 8:50pm

Mrs. Villa apologized for not introducing Attorney Levcsque representing the Board of Ethics. And read through the exhibit list:

- A – Letter of complaint dated November 20
- B – Timeline of electronic communications obtained during confidential investigation.
- C – E-mail and Facebook posts obtained during confidential investigation
- D – e-mail communication including full text obtained during confidential investigation
- E – written testimony provided by complainant during confidential investigation
- F – gmail electronic communications provided by respondent during confidential investigation
- G – gmail electronic communication provided by respondent during confidential investigation
- H – BOE meeting minutes dated 11/17/15
- I – BOE meeting minutes dated 11/11/15
- J – BOE meeting minutes dated 11/4/15
- K – Article from Attorney Sommaruga regarding Motion to dismiss
- L – Redacted communications from Attorney Mills.
- M – Newspaper article presented by Attorney Sommaruga

Votes were taken by ballot for the case against David Freedman CB3-15. All votes were taken but only the motion to dismiss was read at this time. The rest of the votes were counted at the end of the meeting.

Votes were as follows:

#CB3-15

Motion to Dismiss – Unanimously Denied

27-2A – Violation - 4 yes, 2 no

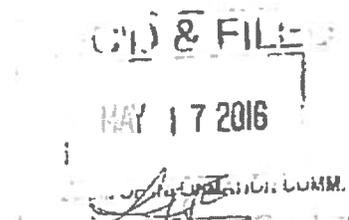
27-2B – Violation - 4 yes, 2 no

27-2D – No Violation – 1 yes, 5 no

27-6A – Violation - 6 yes

27-6B – Violation - 4 yes, 2 no

27-10A – No Violation, 2 yes, 4 no



Ms. Murty moved to adjourn the public hearing for #CB3-15 at 8:58pm. Mr. Reardon seconded motion unanimously approved.

Mrs. Villa called the second hearing, CA3-15 the alleged misconduct of the code of ethics by Kathy Hamilton, Board of Education member (Attachment B). She explained that during a confidential investigation done by the Board of Ethics it was found that probable cause does exist to warrant this hearing.

Motion to Dismiss – Mrs. Villa articulated that they can incorporate by reference since they are almost identical to the previous hearing.

Attorney Sommaruga explained that if you look at the language of the provision. You can see where this is a difference between a BOE employee and a non paid board member. The fact that the BOE has an ethics code doesn't necessarily mean that the town ethics code applies.

Attorney Mills articulated that he incorporates the same as in the previous case and ask that they deny it once again.

Attorney Mills articulated that it is important to note that the BOE did not file the complaint but referred the matter, as indicated in EXHIBIT A, to the Board of Ethics so they can review and determine whether a violation of the code of ethics occurred.

Attorney Sommeruga articulated that as far as the matter involving Ms. Hamilton, he keeps hearing references that this is not a complaint. EXHIBIT B was drafted by the BOE chair which is a timeline which has a letter stating it is a complaint.

In EXHIBIT C, we are not dealing with anything that is privileged; this is clearly a public record. It is communication between board members as to what the rate of pay should be for non-union employees. The communications were during the day on June 24 and a vote took place in the evening of that same day. Attorney Sommeruga entered the minutes from the June 24, 2015 Board of Education meeting as EXHIBIT K.

Attorney Sommeruga pointed out EXHIBIT J, the November 4th BOE meeting, Mr. Alexander took credit for sending the text and apologized for sending. There was a communication of more than a quorum, this was an illegal meeting. No one ever filed a complaint so the FOI won't be filing a ruling on it. It is a public record. Ms. Hamilton doesn't dispute that she shared the message. However, how could there be a violation of 27.6 if the information is not confidential.

There is an exception under FOI for collective bargaining. This is not the case; there is no exception for non-unionized negotiations. There is no indication that a leak took place between 4pm and 8pm on June 24th. For this to be relevant it would have to have been leaked before the BOE took action.

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Attorney Mills articulated that it is correct; there is nothing in the record that establishes when it was actually released. The BOE has attempted to find out when it occurred but none of that has been forthcoming. If this text message was leaked after the BOE meeting then it would no longer be confidential.

Ms. Copp moved to go into executive session at 9:41pm.. Mr. Reardon seconded, motion unanimously approved. Executive session ended at 10:21PM

Motion to Dismiss – Unanimously Denied.

27-2A – Violation – 4 yes, 2 no

27-2B – Violation - 5 yes, 1 no

27-2D – No Violation - 6 no

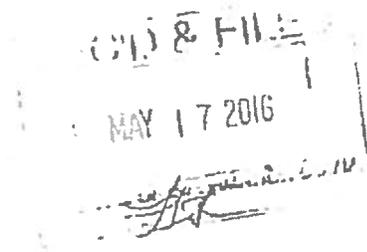
27-6A – No Violation - 3 yes, 3 no

27-6B – No Violation - 3 yes, 3 no

27-10A – No Violation – 2 yes, 4 no

Mr. Stringer moved to adjourn the meeting at 10:34PM. Ms. Murtv seconded, motion unanimously approved.

EXHIBITS A-J are the same for both hearing. EXHIBITS K-M are identified by case number.



Public Hearing 4-18-16--CB3-15 Alleged Violations against David Freedman

§ 27-2 Standards of service.

Officials and employees have a special responsibility, by virtue of the trust invested in them by the Town's residents, to discharge their duties conscientiously, impartially, and to the best of their ability, placing the good of the Town above any personal or partisan considerations

A. Officials and employees have an obligation to act morally and honestly in discharging all assigned responsibilities.

B. Officials and employees will conduct themselves with propriety, discharge their duties impartially and fairly, and make continuing efforts toward attaining and maintaining high standards of performance.

D. No official or employee shall use, or attempt to use, either directly or indirectly, his or her Town position to secure any preferential right, benefit, advantage or privilege for himself or herself or for others, including without limitation in relation to his or her occupation or source of income.

§ 27-6 Disclosure of confidential information.

Because of their position in Town administration, officials and employees have access to information that may not be in the public domain. A delicate balance exists between the public's right to know about Town affairs and the actions of elected and appointed officials and officers on the one hand, and the rights of the individual to privacy with respect to matters that are not in the public domain on the other hand. Additionally, during the course of certain preliminary procedures, such as Town negotiations with bargaining groups, the premature disclosure of specific positions would be detrimental to the public interest. Such information as is cited above is confidential. Confidential information is any information not in the public record and which is obtained only by reason of an official's or employee's position. Therefore, the interests of the public, the Town, and the individual must all be preserved and maintained in proper harmony with one another.

A. No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information or divulge personal matters pertaining to others that do not bear upon the official's or employee's discharge of official duties.

B. Whether or not it shall involve disclosure, no official or employee shall use or permit the use of confidential information to advance his or her financial or personal interest or to advance or to damage the financial or personal interest of any other person.

§ 27-10 Political activities.

All officials and employees are free to engage in political activity to the widest extent consistent with the proper discharge of their official Town duties and fair and equal treatment of all Town people. The achievement of this objective does, however, require certain limitations.

A. Officials and employees shall not allow partisan political activities to interfere with the proper discharge of their official duties.

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Public Hearing 4-18-16--CA3-15 Alleged Violations against Kathryn Hamilton

§ 27-2 Standards of service.

Officials and employees have a special responsibility, by virtue of the trust invested in them by the Town's residents, to discharge their duties conscientiously, impartially, and to the best of their ability, placing the good of the Town above any personal or partisan considerations

- A. Officials and employees have an obligation to act morally and honestly in discharging all assigned responsibilities.
- B. Officials and employees will conduct themselves with propriety, discharge their duties impartially and fairly, and make continuing efforts toward attaining and maintaining high standards of performance.
- D. No official or employee shall use, or attempt to use, either directly or indirectly, his or her Town position to secure any preferential right, benefit, advantage or privilege for himself or herself or for others, including without limitation in relation to his or her occupation or source of income.

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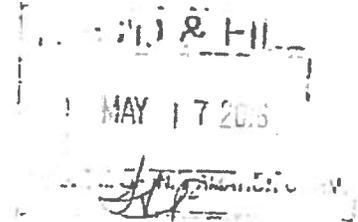
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EXHIBIT K - CA3-15 (Hamilton)



Please Note: These minutes are pending Board approval.
Board of Education
Newtown, Connecticut

Minutes of the Board of Education meeting on June 24, 2015 in the Newtown High School Auditorium, 12 Berkshire Road, Sandy Hook, CT.

K. Alexander, Chair	J. Erardi
L. Roche, Vice Chair	L. Gejda
K. Hamilton, Secretary	R. Bienkowski
D. Leidlein	40 Staff
J. Vouros	500 Public
D. Freedman (absent)	3 Press
M. Ku	

Mr. Alexander called the meeting to order at 6:47 p.m.

MOTION: Mrs. Leidlein moved that the Board of Education go into executive session regarding non-union wages for 2015-2016, central office contractual employees and the superintendent's evaluation and invited Dr. Erardi. Mr. Vouros seconded. Motion passes unanimously.

Item 1 – Executive Session

Executive session ended at 7:27 p.m.

Public session began at 7:45 p.m.

Item 3 – Pledge of Allegiance

Item 2 – Possible Vote on Items in Executive Session

MOTION: Mrs. Leidlein moved that the Board of Education approve a 2% increase for non-union employees for the 2015-2016 school year. Mrs. Roche seconded. Motion passes unanimously.

MOTION: Mrs. Leidlein moved that the Board of Education approve the hourly wage increase for Suzanne D'Eramo from \$31.39 per hour to \$34.13 per hour for the 2015-2016 school year. Mr. Vouros seconded. Motion passes unanimously.

MOTION: Mrs. Leidlein moved that the Board of Education approve the Long Term Disability Insurance for Suzanne D'Eramo and Kathy June for the 2015-2016 school year. Mrs. Roche seconded. Motion passes unanimously.

MOTION: Mrs. Leidlein moved that the Board of Education approve a 2% increase and one year contract extension for the Director of Business, Ron Bienkowski, for the 2015-2016 school year. Mrs. Ku seconded. Vote: 5 ayes, 1 nay (Ms. Hamilton) Motion passes.

MOTION: Mrs. Leidlein moved that the Board of Education approve a 3% increase, a one year contract extension for the Superintendent, a vacation payout for 10 days and a performance bonus of \$3,000. Mrs. Roche seconded.

Ms. Hamilton was not in favor because she felt the increase was not something she could support but does appreciate and support Dr. Erardi for the work he is doing in the district. Mrs. Roche feels we are lucky to have Dr. Erardi here and the list since he began has grown tremendously. She is thankful for his service and supports the increase.

Vote: 5 ayes, 1 nay (Ms. Hamilton) Motion passes.

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Item 4 – Consent Agenda

MOTION: Mrs. Leidlein moved that the Board of Education approve the consent agenda which includes the minutes of June 2, 2015, the donation of a 1999 Ford Explorer to Newtown High School, the donation of \$100 to the high school yearbook and \$40 to the high school library from Taunton Press, the resignations of Ted Varga, Kimberly Woodard, Vivian Sheen, Elaine Sullivan, Kathleen Erickson and Meghan Trubiano, the child rearing leave of absence for Stephanie Glynn, and the correspondence report. Mr. Vouros seconded. Motion passes unanimously.

Mr. Alexander said that Mr. Freedman was unable to attend but he read his statement which supports the Board continuing discussions and reviewing information to guide us to make an informed decision regarding each child's education in Newtown.

Mrs. Ku thanked everyone for attending and sending emails. The anxiety over this issue has not been good for our community and she wants to put it to rest now. She does not believe we should be closing a school as the benefits don't outweigh the costs. As a group we have not had a full discussion. We need to prepare a report to explain the costs and benefits.

Mr. Vouros does not agree with closing a school. Parents should transfer their passion into their referendum vote. There is nothing more important than a child's education.

Mrs. Leidlein agreed. The recommendation by the committee to close an elementary school shows no enhanced education. It would be a difficult transition for fourth graders to move to the Reed School. Elementary students need consistency. Regarding cost savings, we would save over several years but that money would be used for the cost of redistricting. The stress of closing an elementary school the same time Sandy Hook School will be opening is more than the community can bear. She suggests that the administrators analyze the enrollment and space needs study and include conversations with the community before being brought to the Board. She is in favor of the process continuing after Sandy Hook School opens.

Ms. Hamilton thanked the parents for coming and the facility committee for the report. She continues to believe that we have presented the best option for students. We have been talking about consolidation since before 2010 and this has come down to an emotional question. It's difficult for parents to imagine their child in another place. Change is hard. She and Mrs. Ku were on the committee. It is unfortunate that this discussion moved from a difficult conversation to an untenable one which was facilitated and fueled by an elected official from another board. The Board of Education didn't even leave the gate and was not allowed to even hear the facts behind the decision. There is so much misinformation in the public right now, it's impossible to move forward and she is in favor of delaying a year and involving public and community conversations. She is willing to re-look at the data and spend more time and be more specific about consolidation.

Mrs. Roche feels we need to listen to the community. She has many questions and cannot move this forward at this time. We need to continue the conversation and understand the data and how it will affect teaching and learning.

Mr. Alexander said we will be down 1,000 students from a few years ago. We instructed Dr. Erardi to form a committee to determine the best way to address declining enrollment. They came up with a recommendation for Hawley School based on the original request. We were

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going to study that information over the summer but need to make a decision sooner than expected. The committee gave them what they asked for. We need to spend time looking at the data and see where that research will take us.

Item 5 – Public Participation

Kirsten Bonacci, 12 Meridian Ridge, is the Hawley PTA President and leader of the SOS campaign. She is concerned about the impact of closing a school on the community. They will remain SOS to look for solutions and find cost savings for the Newtown schools.

Aaron Carleson, 2 Old Farm Hill Road, asked if closing Hawley was taken off the table to which Mr. Alexander said the Board was not ready to vote.

Laura Brennan, 7 Fallen Leaf Lane, asked the Board to look for saving opportunities. What is the impact on student learning? There is no educational benefit of closing a school. There is a lack of supportive data to close Hawley School.

Aaron Carlson, 2 Old Farm Hill Road, said the report indicated this was a savings of \$1M per year. Last year the town officials said we needed seven schools. Redistricting would increase the time for bus rides. He urged the Board to stand firm by not closing a school. SOS is ready to support solutions and has over 1200 signatures on their petition. Thousands of voters are now happily engaged and ready to help. They will be on a volunteer committee to help support the Board of Education.

Casey Ragan, 12 Meadow Road, is part of the SOS committee. We should redirect closing a school to how to support new solutions and get budgets passed. She suggested using education foundations and grants.

John from Taunton Lake Drive, spoke about this closing lowering property values. A savings of \$1.5 M will put \$50 back into the tax payers' pocket. There will be a tax increase for the non-Hawley residents. Closing a school is the last resort for money saving efforts. He urged the Board of Finance, Board of Selectman and Board of Education to find ways to save.

Jean Klein, Budd Drive, thanked the Board for the excellent education students receive. She is a former reading teacher in Newtown. Changing the school settings will detract from the programs we have. Her granddaughter is in third grade at Hawley. She urged the Board to keep all K-4 elementary schools over the next few years to allow time for thoughtful discussions. We have the opportunity to have smaller classrooms. There is no need to rush to fill Sandy Hook School. Do what is best for the students and keep Hawley School.

Lisa Dietier, 7 Orchard Hill Road, thanked the Board for their hard work, integrity and research. She has done research on enrollment and this happens all over the country. Make an educated decision based on fact, not emotions.

Aaron Cox, Pond Brook Road, feels closing a school puts children's mental well being, academic success and social growth at risk. He cited research studies regarding the importance of the positive effect elementary schools have on students through high school.

Jennifer Kaufman, 42 Grand Place, addressed the historical significance of Hawley School. If it ceases to operate as a school the Board would have to forfeit \$332,474. The Board should not

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Board of Education

re-gift something from its history. The State of Connecticut is considering Hawley as a state landmark for its historical significance.

Michael Brennan, 7 Fallen Leaf Lane, appealed that closing a school is not in the best interest for Newtown. It's a small savings. Closing the middle school is twice the savings and requires no redistricting.

Herb Rosenthal, 70 Main Street, commended the passion of the grass roots activity. He urged the Board of Education to not make a decision at this time to close any school before Sandy Hook School opens. Newtown's credibility will be damaged if we close a school before Sandy Hook opens. He trusts the superintendent and the Board to make the right decision at the right time. Now is not that time.

Charles Rio, 18 Brandywine Lane, is concerned about home values being reduced and the building just sitting and becoming an eyesore. We are not really saving. If we proceed cautiously to save a few dollars today we may have to spend more in the future to get back to where we are today.

Chris Spiro, 32 Main Street, asked that the myth and fact sheets be clarified. We are putting in a lot of projections. We were told that replacing owner/operators would save a lot of money. He would like to see a motion to table the Hawley discussion for two years.

Jennifer Padilla, 32 Glen Road, read part of the mission statement regarding inspiring students to excel and grow. We should give Sandy Hook School time in their new location first. We don't know how many students and staff will be affected when they move. She asked to reconsider closing any school next year.

Michael White, 6 Sweerbriar Lane, is a Hawley teacher. This school was a gift of generosity. Hawley is our family. Closing is not a good decision. We should keep the K-4 model.

Andrew Paley, 11 Rose Lane, said this is a Newtown issue. For Newtown to keep healing and moving forward closing an elementary school is ripping the community again. The fluctuation in enrollment is due to changes in the economy.

Lynn Biscoe, Hawleyville Road, has been a paraeducator at Hawley for 11 years. She read a letter from a school psychologist regarding mental health.

Bonnie Voegli, 2 Hitfield Road, asked the Board to close a school that does not include redistricting. She spoke about the importance of the elementary school families.

Judy Destafano, 12 Horseshoe Ridge Road, said transition is difficult for all students. Moving them to the intermediate school for fourth grade is detrimental emotionally and academically.

Nancy Hintze, 3 Old Farm Hill Road, said we must pay attention to the variables before making a decision. Will this guide the district to where we want it to go? She asked if there was evidence that declining enrollment affected test scores.

Christopher Fallon, 6 Hall Lane, was on the PTA for 11 years. Don't close any school. A smaller teacher/student ratio is better.

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Susan Chung, 2 Crows Nest Lane, was concerned about the 2014 school climate survey which showed student social and emotional security was the lowest and safety was the second lowest concern. She urged the Board to consider the implications for the current students.

Karen Pierce, 10 Chestnut Hill Road, referred to the many grade configurations and spoke about mentoring kindergarten students with grade four students in the each school.

Laura Haggerty, 1 Smoke Rise Ridge, asked why we were building a new school with declining enrollment. Enrollment dropped off when the Sandy Hook tragedy happened. Enrollment will probably increase. She suggested renaming Sandy Hook School if Hawley closed.

Karyn Holden, 58 Berkshire Road, spoke about the budget process and was concerned about closing and not closing a school and how it will impact the budget. How will we balance declining enrollment and increased costs? What is the town's plan to attract businesses and residents? She asked all boards and residents to make a plan for what is best.

Ava Bermudez Zimmerman, 22 Bankside Trail, feels the right decision will be made looking at the 10 year projections. She is a Legislative Council member and will oppose closing a school in Newtown.

Bill Beasley, 22 Schoolhouse Hill Road, moved here from Florida. He praised Newtown schools by saying the education is like what is received in a private school in Florida.

Kinga Walsh, 21 Horseshoe Ridge Road, agreed with Karyn Holden and asked for public discussions on this issue. It is misleading that taxes will go down if we close a school. Regarding the students discipline code of conduct she asked the Board to include students in afterschool activities for afterschool behavior.

Piper Adolfson (student), 11 Parmalee Hill Road, asked why we are closing a school when making a new one.

Sydney Adolfson (student), 11 Parmalee Hill Road, said she has been at Hawley five years and doesn't want it to go

Nancy White, 14 Butternut Ridge, said not to rush the decision. She lives a distance from the other schools. Longer bus routes can cause a decline in afterschool activities. Due diligence has not been done yet.

Jodie Adolfson, 11 Parmalee Hill Road, said we are not emotionally ready to make this decision. All elementary students have been adequately supported. Focus on mental health first. We needed \$50M for the school to ensure we had seven schools.

Sheri Lerow, 15 Sanford Road, asked how Head O'Meadow and Middle Gate Schools would accommodate extra students. She is concerned about sacrificing rooms for special areas by transferring Hawley students to these schools. Why recommending closing Hawley if it can't be reopened. She urged the Board not to close any school,

Renee Wilson, 82 Hanover Road, said every school will be impacted if we close a school. She said there is revenue in the budget and asked where it went. She called surrounding districts.

Newtown is 118 out of 200 in per pupil expenditures but we are 22 in the amount of money we collect. She spoke about special ed costs and we should look at every line item without increasing taxes. Education has to come first.

Item 6 – Reports

Financial Report:

MOTION: Mrs. Leidlein moved that the Board of Education approve the financial report for the month ending May 31, 2015. Mrs. Roche seconded.

Mr. Bienkowski presented the report. Ms. Hamilton asked about the diesel fuel issue. Mr. Bienkowski spoke with Fred Hurley and was told the town did not satisfy its contractual obligation. As we are becoming more efficient in the use of fuel our expected quantity has gone down. The town did not reduce the quantity we went down to and they didn't consume as much either. The town is allowing the fuel to be sold back to the company.

Ms. Hamilton asked how that affects us the coming year.
Mr. Bienkowski said the quantities have been reduced for the coming year.

Motion passes unanimously.

Item 7 – Old Business

Enrollment/Facility Study Report:

Dr Erardi thanked the committee and Mr. Moretti for handling this beautifully and the Hawley parents who went out of their way to be respectful. Regarding the study, Dr. Melissa Brymer has been our advisor over these two plus years. She commissioned the study which included focus groups with Hawley staff and parents. She brought recommendations for ongoing safety concerns but most of all the importance that this needs to be a community conversation.

Ms. Hamilton said that in some parts she was struck by suggestions on how to bring two school communities together. We should speak to that in more detail moving forward.

Mrs. Leidlein suggested that the Board resolve that the school administration with the information collected by the facility study committee continue their committee discussions and bring to the Board recommendations with regard to the best way to configure the schools.

Mrs. Roche wanted to consider that we need to make the meetings more public and have minutes.

Ms. Hamilton feels the facility study committee should include members of the community and officials from other boards. There should be substantial plans on reconfiguration and the benefits such as how we will mesh with the PTAs, etc. to reduce the amount of stress in changing schools. Regarding the time frame, we should have some type of decision by the end of September next year to be able to plan. We don't need to have to wait and see what happens with staff and students at Sandy Hook School. We should do the work in this current school year.

Ms. Ku said it would be good to hear what came out of the facility study committee meetings and decide the next step.

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Mr. Vouros feels we should discuss the middle school concept and what that looks like. We would have to wait two to three years if that were to occur. If we pursue that avenue it may take that length of time. He doesn't want to just focus on an elementary school.

Mrs. Ku wants to see an equal amount of resources into our decision looking at our space in the high school also for various programs.

Mr. Alexander asked if we want a definite answer by a certain date.

Mrs. Leidlein said when we are ready we should make the suggestion. It will take time to get the information we need and we should have regular reports from the group working on this.

Dr. Erardi said the conversation moving forward is not for 2016-2017. We will engage the community with another year of projected enrollment.

Ms. Hamilton feels we are close to coming up with a future plan. Reporting regularly back to the Board would be helpful and include the community. Timing is the issue.

Mr. Vouros said we may decide that all schools should stay open or if we are working on a way to redistrict children. He doesn't want any confusion.

MOTION: Mrs. Roche resolved that the Board of Education will not make a change to facilities for the 2016-2017 school year. Meanwhile the Board will continue an ongoing conversation with regard to the use of facilities including community discussion and input on town resources.

Mr. Vouros seconded. Motion passes unanimously.

Mrs. Leidlein wants to hear from the town as to what would happen to the space and the long term effects.

Mr. Vouros wants Hawley parents to know that the Board of Education knows what they need to do and the decision will solidify that. We have to go through this process and they will be involved. It's important that we are fiscally responsible. We all need to vote when the budget is presented. That will send a different message to everyone.

Mrs. Ku said we need to have the information at budget time.

Student Discipline:

MOTION: Ms. Hamilton moved that the Board of Education approve the NHS Student Athlete Substance Abuse Code of Conduct. Mrs. Roche seconded.

Ms. Hamilton said the intent of this is due to changes made to the expulsion policy. This should apply to any school activity.

Dr. Erardi said there would be some wording changes brought back to the Board but would go to print with the indication that it was pending Board approval July 30.

Ms. Hamilton moved to table the motion. Mrs. Roche seconded. Motion passes unanimously.

Suspension and Expulsion/Due Process Policy 5114:

MOTION: Ms. Hamilton moved that the Board of Education approve Suspension and Expulsion/Due Process Policy 5114. Mrs. Roche seconded.

Mrs. Ku asked what would happen if you had a law-biding student caught in a situation and whether we should have a scaled version.

Dr. Erardi said it makes no difference if an illegal substance is involved.

Motion passes unanimously.

2015 & 2016
JUN 27 2015
[Signature]

Technology Grant:

MOTION: Mrs. Roche moved that the Board of Education approve the resubmission of RFP813 District Technology Upgrades to Support Transition to the New Standards Grant. Ms. Hamilton seconded. Motion passes unanimously.

Item 8 – New Business

MOTION: Mrs. Leidlein moved that the Board of Education approve the minutes of June 10, 2015. Mr. Vouros seconded. Vote: 5 ayes, 1 abstained (Mrs. Roche)

Item 9 – Public Participation

Aaron Cox thanked the Board for their decision and spoke about closing the middle school instead.

Dr. Erardi thanked Dr. Gejda for her support and guidance since he began and wished her the best.

MOTION: Mrs. Leidlein moved to adjourn. Ms. Hamilton seconded. Motion passes unanimously.

Item 10 – Adjournment

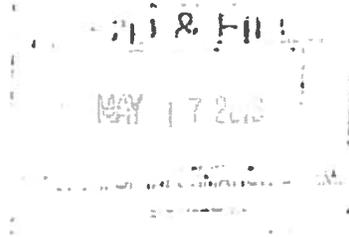
The meeting adjourned at 11:07 p.m.

Respectfully submitted:

Kathryn Hamilton
Secretary

2015 8 1-11
MAY 17 2015
KHC

**Town of Newtown
Board of Ethics
Special Meeting
March 14, 2016
6:30 p.m.**



**Newtown Municipal Center – First Selectman’s Conference Room
3 Primrose Street, Newtown, CT**

The Board of Ethics held a special meeting on Monday, March 14, 2016 in the First Selectman’s conference room at the Newtown Municipal Center, Newtown, CT. The meeting was call to order at 6:44.

Present: Jackie Villa, Chair; James Stringer, Vice Chair (arriving at 6:50); Suzanne Copp, Joyce Murty, Parker Reardon

Absent: Laurie Kilchevsky, Thomas Fuchs

Attending by Invitation: Atty Brendon Levesque, Horton, Shields & Knox, P.C., counsel for the Board of Ethics

Ms. Villa called the meeting to order at 6:44 p.m. stating that Mr. Stringer would be joining shortly. Ms. Villa asked Ms. Murty to take the minutes of the meeting. Mr. Reardon moved to enter executive session to discuss and seek the advice of counsel regarding the procedures for the upcoming hearing regarding the complaints filed by the Board of Education against Kathy Hamilton and David Freedman. Ms. Copp seconded the motion. All approved.

The Board and Atty Levesque had a detailed and lengthy conversation about the procedures and all questions were answered to the Board’s satisfaction. During the discussion, however, the Board stated that there was a scheduling conflict with the proposed hearing date selected by Ms. Hamilton and Mr. Freedman’s counsel. The Board requested Atty Levesque to propose these new dates in April to the complainants’ and respondents’ counsel for consideration. No matter requiring a vote was considered by the Board. The Board exited executive session at 8:49pm.

There being no further business to come before the Board, Ms. Copp motioned to adjourn the meeting at 8:50. Parker Reardon seconded. All approved.

Respectfully submitted,

Joyce Murty



TOWN OF NEWTOWN

BOARD OF ETHICS

Special Meeting Agenda 3-14-16, 6:30 pm

Fairfield Hills Municipal Center, 3 Primrose Street, Newtown, CT

Meeting Room #3

- 1- Call to order
- 2- Executive Session- confer with counsel regarding hearing procedures and possible action
- 3- Vote if necessary
- 4- Adjournment

FAIRFIELD HILLS
MAY 17 2016
[Handwritten signature]

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June 15, 2016

John Voket and the Newtown Bee
5 Church Hill Road
Newtown, CT 06470

RE: Docket #FIC2016-0371; John Voket and the Newtown Bee v. Chairman, Ethics Commission, Town of Newtown; and Ethics Commission, Town of Newtown

Dear Complainant:

This letter is to inform you that the Freedom of Information Commission has received and docketed your complaint received May 17, 2016 as indicated above. If the basis of your complaint is a denial of the right to inspect or receive copies of records, please forward a copy of your most recent letter of request to the Commission, if you have not already done so. You will receive a Notice of Hearing and Order to Show Cause, which will notify you of the date, time and place of the hearing.

In the interim, the Commission has instituted an ombudsman program with respect to complaints brought to it. Pursuant to this program, a staff member is assigned to act as liaison between the parties to each contested case filed. It is the responsibility of the ombudsman to effect settlements of complaints where possible, thereby avoiding the delays and expenses caused by unnecessary hearings. Of course, the ombudsman will not communicate nor participate with any person within the Commission who serves in a decision-making role with respect to this particular case.

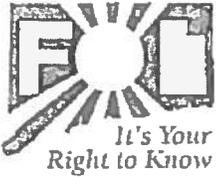
Thomas A. Hennick has been assigned to the above-captioned matter. Please contact him at 566-5682 to discuss your case. **Please Note: Any written correspondence directed to this commission, except to the ombudsman, by any party to a contested case, must be copied and sent to all other parties.**

Sincerely,

M. Stratton
Acting Clerk of the Commission

FIC#2016-0371CORR/MS/6/15/2016
Enclosure

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June 15, 2016

Chairman, Ethics Commission,
Town of Newtown
3 Primrose Street
Newtown, CT 06470

**RE: Docket #FIC 2016-0371; John Voket and the Newtown Bee v. Chairman,
Ethics Commission, Town of Newtown; and Ethics Commission, Town of
Newtown**

Dear Respondent:

Please be advised that the Freedom of Information Commission has received a complaint alleging a violation against your agency. A copy of the complaint is enclosed for your reference. The Commission will send you a Notice of Hearing and Order to Show Cause, which will notify you of the date, time and place of the hearing.

In the interim, the Commission has instituted an ombudsman program with respect to complaints brought to it. Pursuant to this program, a staff member is assigned to act as liaison between the parties to each contested case filed. It is the responsibility of the ombudsman to effect settlements of complaints where possible, thereby avoiding the delays and expenses caused by unnecessary hearings. Of course, the ombudsman will not communicate nor participate with any person within the Commission who serves in a decision-making role with respect to this particular case.

Thomas A. Hennick has been assigned to the above-captioned matter. Please contact him at 566-5682 to discuss your case. **Please Note: Any written correspondence directed to this commission, except to the ombudsman, by any party to a contested case, must be copied and sent to all other parties.**

Sincerely,


M. Stratton
Acting Clerk of the Commission

FIC#2016-0371/CORR/MS/6/15/2016
Enclosures

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June 15, 2016

Ethics Commission, Town of Newtown
3 Primrose Street
Newtown, CT 06470

RE: Docket #FIC 2016-0371; John Voket and the Newtown Bee v. Chairman, Ethics Commission, Town of Newtown; and Ethics Commission, Town of Newtown

Dear Respondent:

Please be advised that the Freedom of Information Commission has received a complaint alleging a violation against your agency. A copy of the complaint is enclosed for your reference. The Commission will send you a Notice of Hearing and Order to Show Cause, which will notify you of the date, time and place of the hearing.

In the interim, the Commission has instituted an ombudsman program with respect to complaints brought to it. Pursuant to this program, a staff member is assigned to act as liaison between the parties to each contested case filed. It is the responsibility of the ombudsman to effect settlements of complaints where possible, thereby avoiding the delays and expenses caused by unnecessary hearings. Of course, the ombudsman will not communicate nor participate with any person within the Commission who serves in a decision-making role with respect to this particular case.

Thomas A. Hennick has been assigned to the above-captioned matter. Please contact him at 566-5682 to discuss your case. **Please Note: Any written correspondence directed to this commission, except to the ombudsman, by any party to a contested case, must be copied and sent to all other parties.**

Sincerely,

M. Stratton
Acting Clerk of the Commission

FIC#2016-0371CORR/MS/6/15/2016
Enclosures

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NOTE: DOCKET #s FIC 2016-0372 AND 2016-0371 HAVE BEEN CONSOLIDATED.

NOTICE OF HEARING AND ORDER TO SHOW CAUSE **DOCKET NO. FIC 2016-0372**

TO COMPLAINANT(S)

KATHRYN HAMILTON, 18 Nunnawauk Road, Newtown, CT 06470

TO RESPONDENT(S)

**JACQUELINE VILLA, CHAIRMAN, ETHICS COMMISSION, TOWN OF NEWTOWN;
AND ETHICS COMMISSION, TOWN OF NEWTOWN, Newtown Municipal Center,
3 Primrose Street, Newtown, CT 06470**

1. This will serve as notice that the Freedom of Information Commission will conduct a hearing concerning the appeal brought by the above-named complainant(s). This appeal alleges violation(s) of the Freedom of Information Act, as set forth in Chapter 14 of the Connecticut General Statutes.
2. Attorney Valicia D. Harmon has been designated hearing officer for the purpose of this appeal and will hold a hearing on its merits at the following date, time and place:

DATE OF HEARING: August 11, 2016

TIME OF HEARING: 11:00 AM.

**PLACE OF HEARING: 18-20 TRINITY STREET
HARTFORD, CT 06106**

(Hearing will be held in the Commission's Hearing Room A)

3. The COMPLAINANT(S) named above is (are) hereby ORDERED to appear on the date and time, and at the place indicated, in paragraph 2 in order to present this appeal on the basis of the facts alleged. The complainant(s) may appear in person or by counsel or other authorized representative. Failure to appear may lead to dismissal of the appeal. A copy of the complaint in this matter (five pages) and attachment (four pages) is attached to this Notice and Order.

4. The RESPONDENT(S) named above is (are) hereby ORDERED to appear on the date and time, and at the place, indicated in paragraph 2 in order to show cause why this appeal should not be sustained. The respondent(s) may appear in person or by counsel or other authorized representative. Failure to appear may lead to the sustaining of the appeal and the imposition of appropriate relief. A copy of the complaint in this matter (five pages) and attachment (four pages) is attached to this Notice and Order.

5. The RESPONDENT(S) named above is (are) hereby further ORDERED, if the personnel or medical files or similar files of any of its employees are the subject of the above appeal, to notify such employee(s) and the employee's (ees') collective bargaining representative, if any, of the appeal and of the Freedom of Information Commission's proceedings. If any such employee or collective bargaining representative has filed an objection, pursuant to §1-214 (c), G.S. to disclosure of the records, such notice shall be by certified mail, return receipt requested or by hand delivery with a signed receipt.

6. The hearing is governed by the regulations of the Freedom of Information Commission and will be conducted as a contested case under Chapter 54 of the Connecticut General Statutes. A copy of the Regulations may be obtained from the Commission upon request or can be found starting with §1-21j-1 of the Regulations of Connecticut State Agencies. The hearing will provide the only opportunity to present oral and written evidence. Each party may testify, examine and cross-examine witnesses and present oral argument on the law. All evidence becomes part of the record of the hearing. Written argument and briefs may be filed, but are not required. The complainant may seek the imposition of the civil penalty permitted under §1-206(b), G.S. In that case, the hearing shall also afford the custodian, or other official(s), responsible for the denial of any right(s) alleged to have been violated under the Freedom of Information Act, an opportunity to show that any such violation was based upon reasonable grounds. If the complainant does not specifically seek the imposition of a civil penalty, the designated hearing officer nevertheless may find that a specific violation of the Freedom of Information Act appears to have been committed without reasonable ground. The Hearing Officer then may recommend that a subsequent hearing be held in order to afford the custodian or other official(s) responsible an opportunity to show that any such violation was based upon reasonable grounds.

7. Upon conclusion of the hearing, the Hearing Officer will prepare a report consisting of findings of facts and law as they apply to the case and a recommended order. The parties will receive a copy of the report together with a notice of the meeting at which the

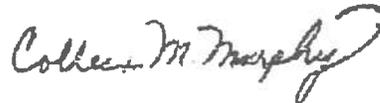
Freedom of Information Commission will consider and vote upon the Hearing Officer's report. The report does not become a decision of the Freedom of Information Commission unless it is approved by it. The Commission may approve, amend or disapprove the Hearing Officer's report. Before a vote is taken, however, the parties may present oral argument. No additional evidence, however, will be received. Written argument, briefs or exceptions are not required, but if submitted they should be filed no later than the date indicated in the Notice of Meeting/Transmittal of Proposed Final Decision. The Commission's regular meetings are usually held on the second and fourth Wednesday of each month. Each party is advised to attend the Commission's meeting at which the Hearing Officer's Report will be considered and voted upon, even if the report is in its favor. Please note that all opposing parties may attend the meeting and the Commission may be persuaded to amend or disapprove the Hearing Officer's Report. If a party is not present, it risks that un rebutted or unchallenged arguments may convince the Commission to take an unfavorable action in adopting its Final Decision.

8. If you have any questions concerning this Notice and Order or procedures of the Freedom of Information Commission, you should consult with your attorney or contact the Commission staff at (860) 566-5682. Also, PLEASE BE SURE THAT WE HAVE A TELEPHONE NUMBER WHERE WE MAY CONTACT YOU DURING THE DAY. Due to the large number of cases filed and the requirements for speedy action, the Freedom of Information Commission cannot postpone scheduled hearings at the request of the parties. Should there be a settlement or withdrawal of the complaint prior to the hearing, please notify us and the respondents immediately.

9. In the event of extremely inclement weather conditions, the decision of the Hartford School System as to whether to cancel classes shall also govern the cancellation of Commission hearings for that day. Such information is ordinarily broadcast by various radio stations. If the hearing is canceled, you will be notified by mail of the new hearing date.

10. For further information, the Commission has prepared a "Citizen's Guide to the Freedom of Information Commission." This Guide is available upon request at no charge.

By Order of the Freedom of
Information Commission



Colleen M. Murphy,
Executive Director

Dated Wednesday, July 13, 2016,

Enc. Designation of Hearing Officer
Complaint letter and related information

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In the Matter of a Complaint by

Designation of Hearing Officer

Kathryn Hamilton

Complainant(s)

Against

Docket # FIC 2016-0372

Jacqueline Villa, Chairman, Ethics Commission, Town of Newtown; and Ethics Commission, Town of Newtown

Respondent(s)

July 13, 2016

Attorney Valicia D. Harmon:

You have been designated as Hearing Officer in the above-captioned matter.

Enclosed is a copy of the complaint received in the file.

A written report of the facts and issues, and your recommendations for an order, should be prepared when you have completed this matter.

By Order of the Freedom of Information Commission

W. Paradis
Acting Clerk of the Commission

Enc.

FIC# 2016-0372/DHON/DH/TAHWRBP/7/13/2016

NOTICE TO PARTIES

Please note that hearings on appeals to the Freedom of Information Commission will be held within 90-minute time periods.

This procedure, which will allow the Commission to process complaints more efficiently, has become necessary due to the large number of cases handled by the Commission and the limited availability of hearing officers.

Please keep in mind that you will be expected to comply with these time limits and that punctuality will be essential to taking advantage of the full 90-minutes allotted.

□
Freedom of Information Commission
18020 Trinity Street
Hartford, Connecticut 06106

(71) & FILE

MAY 16 2016

May 16, 2016
DOCKETED

JUN 14 2016

Freedom of Information Comm;
By JA

Dear Sirs,

I am a member of the Newtown Board of Education and the subject of a complaint that was sent to the Newtown Board of Ethics. I believe the Newtown Board of Ethics has violated the Connecticut Freedom of Information (FOI) statutes on numerous occasions during the resolution of this complaint. Please accept this as my formal request to review the board's actions, and to rule whether the board, or any of its members, have violated the statute. I believe this is a very serious matter as it involves my reputation as a public servant in my ninth year of service to the town of Newtown.

I believe the following sections of the FOI statute were violated:

Section 1-200 (6)(A), the reasons by which a public agency may enter into an executive session:

"... "Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210."

Section 1-225 (a), the votes of government agencies are public:

"... The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken. Not later than seven days after the date of the session to which such minutes refer, such minutes shall be available for public inspection and posted on such public agency's Internet web site, if available, except that no public agency of a political subdivision of the state shall be required to post such minutes on an Internet web site. Each public agency shall make, keep and maintain a record of the proceedings of its meetings."

Section 1-225 (f), the manner and the reason by which a public agency enter executive session:

A public agency may hold an executive session, as defined in subdivision (6) of section 1-200, upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in section 1-200.

In a communication, dated February 15, 2016, from the Board of Ethics to both respondents (Ms. Hamilton and Mr. Freedman) of an ethics complaint, the Board of Ethics states "...the Board has found probable cause to move this matter to a public hearing. Hereafter, all proceedings regarding this complaint shall be public with the exception of procedural discussions." These communications are included in Attachment A, pages 7 & 8, of posted Board of Ethics minutes for May 4, 2016. The Board of Ethics highlighted the documents. I can not find a probable reason in the FOI statutes that "procedural discussions" are a valid reason for an executive session as defined in 1-200 (6)(A) or wouldn't be subject to the requirements in which a meeting needs to be publically noticed as defined in 1-200 (2):

"Meeting" means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. "Meeting" does not include: Any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency; an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof. A quorum of the members of a public agency who are present at any event which has been noticed and conducted as a meeting of another public agency under the provisions of the Freedom of Information Act shall not be deemed to be holding a meeting of the public agency of which they are members as a result of their presence at such event.

The board of ethics posted an amended agenda for their April 18, 2016 special meeting (See Attachment B) which states in items 3 and 6 "Executive Session: Deliberation". During the special meeting and according to the minutes of 4/18/2016 (See Attachment C, page 3), the following occurred "Mr. Stringer moved to go into executive session at 8:08pm. Mr. Reardon seconded. Motion unanimously approved. Executive session ended at 8:50pm." At a second point during the special meeting and according to the minutes of 4/18/2016 (Attachment C, page 5), the following occurred "Ms. Coop moved to go into executive session at 9:41pm. Mr. Reardon seconded. motion unanimously approved. Executive session ended at 10:21pm."

FOI statute requires proper notice to enter into executive session as defined in 1-200 (6)(A). FOI statute also requires per 1-225(f) that a reason must be stated to enter into executive session. There doesn't appear to be a reason to enter into executive session nor do board members state why they have decided to go into executive session. I believe that the Board of Ethics has violated both of these sections along with their own process as defined in their letter of February 15, 2016 (Attachment A, pages 7 & 8):

"...Hereafter, all proceedings regarding this complaint shall be public with the exception of procedural discussions."

During the special meeting on April 18, 2016, the Board of Ethics board members voted on the alleged charges against both Mr. Freedman and myself by secret ballot. The votes were tallied and noted for the minutes; however, it was not recorded nor was it mentioned how each member voted. This violates FOI statute 1-225(a) in that votes of governmental agencies must be taken in public and published for inspection. (See Attachment C, pages 3 & 5).

MAY 16 2016

The February 15, 2016 communication to the respondents (Attachment A, pages 7 & 8, of posted Board of Ethics minutes for May 4, 2016) states, "Documentary evidence already received and considered by the Board of Ethics shall be noted and recorded."

The posted minutes for April 18, 2016 do contain some exhibits; however, the minutes do not contain any of the documentary evidence provided by me. It is important to note that only four members, one of whom was Chairman Jacqueline Villa, attended the private investigation interview portion of Ms. Hamilton. Since the evidence is not included in the public record of the April 18, 2016 minutes (see Attachment C, pages 19-89), one can only assume that the balance of the members that were not present do not have access to this evidence and voted on incomplete information in determining whether there was enough evidence to determine whether the complaint warranted a hearing, whether or not the respondents were guilty of the charges presented, as well as if the recommendations based on the prior approved charges are appropriate. Please see Attachment D, evidence and verbal testimony I submitted to the four Board of Ethics members.

During the audio recording (at approximately 22 minutes 16 seconds and approximately 26 minutes 56 seconds) of the May 4, 2016 Board of Ethics meeting, it is clear that Chairperson Jacqueline Villa is the author of the preliminary recommendations as a result of the 4/18/2016 special meeting. There is no vote on record in any meeting minutes in 2016 to authorize this. We don't know but can only assume that the vote as to who would draft recommendations occurred in an executive session, which is not an allowable topic to be discussed per FOI statute 1-200 (6)(A).

I realize that the members of the Board of Ethics are volunteers; however, this board was given access to an attorney who was present during some of the proceedings to advise them during the process. My expectation in being judged by the Newtown Board of Ethics was that the proceedings be fair, balanced and taken very seriously. They need to have the upmost respect for the process and the people involved. They need to be trained well enough so that they can indeed make judgments and recommendations they have been charged to do.

It was clear to me in attending the April 18, 2016 meeting and listening to the audio recording of the May 4, 2016 meeting (see enclosed Exhibit A, May 4, 2016 in the audio recording received from recording clerk Arlene Miles) that, for the purpose of this complaint, they have very little knowledge of the FOI statutes even though Chairman Jacqueline Villa states that she was trained in Weston (see audio recording at approximately 1 hour 21 minutes).

I respectfully request the Freedom of Information Commission review my concerns to determine if the board or any of its members are in violation of the FOI statute. If you find validity in any or all parts of this complaint, I request, especially in light of the serious nature of the violations and very public repercussions of these events, that the Freedom of Information Commission do the following:

- 1) Declare that the Board of Ethics violated the FOIA as described above,
- 2) Declare the actions of the 4/18/16 meeting (and ensuing 5/4/16 meeting) null and void,
- 3) Expunge from the public record all documentation related to these proceedings
- 4) Issue fines against the named respondents, especially Chairperson Jacqueline Villa, to the extent permitted by law,
- 5) Order the Board of Ethics (and Chairperson Jacqueline Villa in particular) to undergo FOIA training in light of their serious deficits in understanding of the FOIA, as revealed by their actions and their commentary in the audio recording of their meeting on 5/4/2016. There is at least one member who asks more than once during this meeting for clarification about what FOI means (Conversations about FOI and training at approximately: 49 minutes 27 seconds, 1 hour 8 minutes 55 seconds, 1 hour 20 minutes 57 seconds).

MAY 16 2016

After the April 18, 2016 meeting and since, from my viewpoint, the board clearly did not understand the parameters of FOI, I reviewed a few of their past meeting agendas and minutes and have included them as reference to show their complete lack of understanding of appropriately noticing agenda items, taking votes, inconsistency in practice and the reasons for executive session under the statues of the FOI. I realize that complaints need to be made within 30 days of the alleged offense; however, I thought it was important to include as it demonstrates further that the way in which the Board of Ethics operates is flawed.

Attachment E: Board of Ethics Posted Minutes and Agenda for Meeting on October 1, 2015

- Procedure discussion takes place in public session.

Attachment F: Board of Ethics Posted Minutes and Agenda for Meeting on December 3, 2015

- Procedure discussion takes place in public session.
- Votes were taken on the following items without notice on agenda:
 - "Letter from FSO re: prospective new alternate member (in)"
 - "Charter revision submission of 6-26-15 (out)"
 - "Working on clarifying procedures for issuing a complaint"
 - "Discuss advisory opinion"
- The last page of the minutes adds clarification to their procedures from their October 1, 2015 meeting. There is no evidence that these clarifications were voted on nor they did not follow these procedures in our above-mentioned ethics process.

Attachment G: Board of Ethics Posted Minutes and Agenda for Meeting on February 3, 2016

- Procedure discussion takes place in public session.
- Item "Review FOIA" – There was an announcement that there would be an FOI informational meeting on March 1st [2016] but there is no evidence in the minutes that FOIA was reviewed.

Attachment H: Board of Ethics Posted Minutes and Agenda for Meeting on February 29, 2016

- Procedure discussion takes place in public session.
- In the minutes under the topic of "review hearing procedures", the members make three motions and take three votes in which there is no discussion or vote warned on the agenda. Additionally, there is no motion during the meeting to add it to their agenda. I have not found any discussion in any of the Board of Ethics minutes about these votes other than the vote in the 2/29/2016 minutes. There has been no justification nor any explanation as to why these particular charges were brought forward.

Attachment I: Board of Ethics Posted Minutes and Agenda for Meeting on March 14, 2016

- Procedure discussion warned to be in executive session with attorney. I would argue that the warning was not specific enough; however, it was warned as an executive session item even though all other previous "procedure discussions" took place in public. They voted to go into executive session; but, they publish in their minutes an overview of the discussion they had in executive session and discuss items within that executive session that are not executive session items as defined in 1-200 (6)(A).

Attachment J: Board of Ethics Posted Minutes and Agenda for Meeting on May 10, 2016

- Special meeting called to approve minutes of 5/4/16. The paper copy of the special meeting agenda was recorded in the town clerk's office at 11:37am on May 9. This last minute posting barely meets the requirement as defined in 1-225 (d) which says in part:

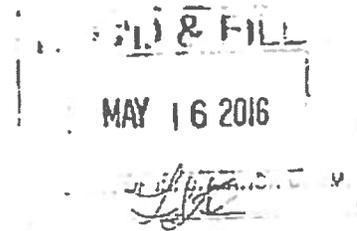
(d) Notice of each special meeting of every public agency, except for the General Assembly, either house thereof or any committee thereof, shall be posted not less than twenty-four hours before the meeting to which such notice refers on the public agency's Internet web site, if available, and given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof in the office of the Secretary of the State for any such public agency of the state, in the office of the clerk of such subdivision for any public agency of a political subdivision of the state and in the office of the clerk of each municipal member for any multitown district or agency.

I appreciate the attention that you will give this complaint.

Sincerely,

Kathryn Hamilton
18 Nunnawauk Road
Newtown, CT 06470

Email: KathyI.Hamilton@att.net
Phone: 203.417.2167



Attached are:

Attachment A: 5/4/2016 Special Meeting Agenda and Minutes for the Board of Ethics

Attachment B: 4/18/2016 Amended Special Meeting Agenda for the Board of Ethics

Attachment C: 4/18/2016 Special Meeting Minutes and Attachments for the Board of Ethics

Attachment D: Evidence Submitted to Four Board of Ethics Members on January 21, 2016 by Kathy Hamilton

Attachment E: 10/1/2015 Amended Regular Meeting Agenda and Minutes for the Board of Ethics

Attachment F: 12/3/2015 Regular Meeting Agenda and Minutes for the Board of Ethics

Attachment G: 2/3/2016 Special Meeting Agenda and Minutes for the Board of Ethics

Attachment H: 2/29/2016 Special Meeting Agenda and Minutes for the Board of Ethics

This attachment is quite lengthy as it includes minutes and attachments from a Board of Education meeting. Items not paper copied include: the consent agenda, the administrative report, a wellness workshop advertisement, information about the FLES program, the yearly board meeting schedule, the financial report and the teacher contract (these are the Board of Ethics page numbers A039-A094). All of this information can be found on the enclosed thumb drive.

Attachment I: 3/14/2016 Special Meeting Agenda and Minutes for the Board of Ethics

Attachment J: 5/10/2016 Special Meeting Agenda and Minutes for the Board of Ethics

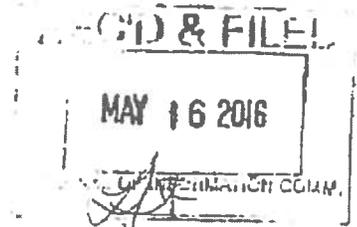
This attachment is quite lengthy as it includes minutes and attachments from a Board of Education meeting. Items not paper copied include: the consent agenda, the administrative report, the social studies curriculum, the school lunch contract, the gifted program review, and the teacher contract (these are the Board of Ethics page numbers A110-A220). All of this information can be found on the enclosed thumb drive.

Exhibit A: Audio Recording of May 4, 2016 Ethics Meeting Received by Recording Clerk Arlene Miles

The complaint along with all attachments and exhibits can be found on the enclosed thumb drive.

Fasciano, Linda

From: Hennick, Thomas A
Sent: Monday, May 16, 2016 1:49 PM
To: Fasciano, Linda
Subject: FW: FOI Complaint
Attachments: FOI Complaint.docx; ATT00001.htm



New complaint. Please process.

From: Kathy Hamilton [mailto:kathyhamilton@att.net]
Sent: Monday, May 16, 2016 1:45 PM
To: Hennick, Thomas A <Thomas.Hennick@ct.gov>
Subject: FOI Complaint

Tom,

I wanted to give you a heads up that I am filing an FOI complaint against the Newtown Board of Ethics. I have overnighted it to you; so, it should be at your office around 10:30am tomorrow. It is too large to email you all of it; but, here is the opening letter to the commission. If you could please confirm receipt that would be great.

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June 15, 2016

Kathryn Hamilton
18 Nunnawauk Road
Newtown, CT 06470

RE: Docket #FIC2016-0372; Kathryn Hamilton v. Jacqueline Villa, Chairman, Ethics Commission, Town of Newtown; and Ethics Commission, Town of Newtown

Dear Complainant:

This letter is to inform you that the Freedom of Information Commission has received and docketed your complaint received May 16, 2016 as indicated above. If the basis of your complaint is a denial of the right to inspect or receive copies of records, please forward a copy of your most recent letter of request to the Commission, if you have not already done so. You will receive a Notice of Hearing and Order to Show Cause, which will notify you of the date, time and place of the hearing.

In the interim, the Commission has instituted an ombudsman program with respect to complaints brought to it. Pursuant to this program, a staff member is assigned to act as liaison between the parties to each contested case filed. It is the responsibility of the ombudsman to effect settlements of complaints where possible, thereby avoiding the delays and expenses caused by unnecessary hearings. Of course, the ombudsman will not communicate nor participate with any person within the Commission who serves in a decision-making role with respect to this particular case.

Thomas A. Hennick has been assigned to the above-captioned matter. Please contact him at 566-5682 to discuss your case. **Please Note: Any written correspondence directed to this commission, except to the ombudsman, by any party to a contested case, must be copied and sent to all other parties.**

Sincerely,


M. Stratton
Acting Clerk of the Commission

FIC#2016-0372CORR/MS/6/15/2016
Enclosure

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June 15, 2016

Jacqueline Villa, Chairman, Ethics
Commission, Town of Newtown
Newtown Municipal Center
3 Primrose Street
Newtown, CT 06470

**RE: Docket #FTC 2016-0372; Kathryn Hamilton v. Jacqueline Villa, Chairman,
Ethics Commission, Town of Newtown; and Ethics Commission, Town of
Newtown**

Dear Respondent:

Please be advised that the Freedom of Information Commission has received a complaint alleging a violation against your agency. A copy of the complaint is enclosed for your reference. The Commission will send you a Notice of Hearing and Order to Show Cause, which will notify you of the date, time and place of the hearing.

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Sincerely,

M. Stratton
Acting Clerk of the Commission

FIC#2016-0372CORR/MS/6/15/2016
Enclosures

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June 15, 2016

Ethics Commission, Town of Newtown
Newtown Municipal Center
3 Primrose Street
Newtown, CT 06470

**RE: Docket #FIC 2016-0372; Kathryn Hamilton v. Jacqueline Villa, Chairman,
Ethics Commission, Town of Newtown; and Ethics Commission, Town of
Newtown**

Dear Respondent:

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Sincerely,



M. Stratton
Acting Clerk of the Commission

FIC#2016-0372CORR/MS/6/15/2016
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NOTICE OF HEARING AND ORDER TO SHOW CAUSE

DOCKET NO. FIC 2016-0433

TO COMPLAINANT(S)

JOHN VOKET AND THE NEWTOWN BEE, 5 Church Hill Road, Newtown, CT 06470

TO RESPONDENT(S)

CHAIRMAN, ETHICS COMMISSION, TOWN OF NEWTOWN; ETHICS COMMISSION, TOWN OF NEWTOWN; AND TOWN OF NEWTOWN, Newtown Municipal Center, 3 Primrose Street, Newtown, CT 06470

1. This will serve as notice that the Freedom of Information Commission will conduct a hearing concerning the appeal brought by the above-named complainant(s). This appeal alleges violation(s) of the Freedom of Information Act, as set forth in Chapter 14 of the Connecticut General Statutes.
2. Attorney Tracie C. Brown has been designated hearing officer for the purpose of this appeal and will hold a hearing on its merits at the following date, time and place:

DATE OF HEARING: August 18, 2016

TIME OF HEARING: 2:30 PM

**PLACE OF HEARING: 18-20 TRINITY STREET
FIRST FLOOR
HARTFORD, CT 06106**

(Hearing will be held in the Commission's Hearing Room A)

3. The COMPLAINANT(S) named above is (are) hereby ORDERED to appear on the date and time, and at the place indicated, in paragraph 2 in order to present this appeal on the basis of the facts alleged. The complainant(s) may appear in person or by counsel or other authorized representative. Failure to appear may lead to dismissal of the appeal. A copy of the complaint in this matter (two pages) and attachment (four pages) is attached to this Notice and Order.

4. The RESPONDENT(S) named above is (are) hereby ORDERED to appear on the date and time, and at the place, indicated in paragraph 2 in order to show cause why this appeal should not be sustained. The respondent(s) may appear in person or by counsel or other authorized representative. Failure to appear may lead to the sustaining of the appeal and the imposition of appropriate relief. A copy of the complaint in this matter (two pages) and attachment (four pages) is attached to this Notice and Order.

5. The RESPONDENT(S) named above is (are) hereby further ORDERED, if the personnel or medical files or similar files of any of its employees are the subject of the above appeal, to notify such employee(s) and the employee's (ees') collective bargaining representative, if any, of the appeal and of the Freedom of Information Commission's proceedings. If any such employee or collective bargaining representative has filed an objection, pursuant to §1-214 (c), G.S. to disclosure of the records, such notice shall be by certified mail, return receipt requested or by hand delivery with a signed receipt.

6. The hearing is governed by the regulations of the Freedom of Information Commission and will be conducted as a contested case under Chapter 54 of the Connecticut General Statutes. A copy of the Regulations may be obtained from the Commission upon request or can be found starting with § 1-21j-1 of the Regulations of Connecticut State Agencies. The hearing will provide the only opportunity to present oral and written evidence. Each party may testify, examine and cross-examine witnesses and present oral argument on the law. All evidence becomes part of the record of the hearing. Written argument and briefs may be filed, but are not required. The complainant may seek the imposition of the civil penalty permitted under §1-206(b), G.S. In that case, the hearing shall also afford the custodian, or other official(s), responsible for the denial of any right(s) alleged to have been violated under the Freedom of Information Act, an opportunity to show that any such violation was based upon reasonable grounds. If the complainant does not specifically seek the imposition of a civil penalty, the designated hearing officer nevertheless may find that a specific violation of the Freedom of Information Act appears to have been committed without reasonable ground. The Hearing Officer then may recommend that a subsequent hearing be held in order to afford the custodian or other official(s) responsible an opportunity to show that any such violation was based upon reasonable grounds.

7. Upon conclusion of the hearing, the Hearing Officer will prepare a report consisting of findings of facts and law as they apply to the case and a recommended order. The parties will receive a copy of the report together with a notice of the meeting at which the Freedom of Information Commission will consider and vote upon the Hearing Officer's report. The report does not become a decision of the Freedom of Information

Commission unless it is approved by it. The Commission may approve, amend or disapprove the Hearing Officer's report. Before a vote is taken, however, the parties may present oral argument. *No additional evidence, however, will be received.* Written argument, briefs or exceptions are not required, but if submitted they should be filed no later than the date indicated in the Notice of Meeting/Transmittal of Proposed Final Decision. The Commission's regular meetings are usually held on the second and fourth Wednesday of each month. Each party is advised to attend the Commission's meeting at which the Hearing Officer's Report will be considered and voted upon, even if the report is in its favor. Please note that all opposing parties may attend the meeting and the Commission may be persuaded to amend or disapprove the Hearing Officer's Report. If a party is not present, it risks that un rebutted or unchallenged arguments may convince the Commission to take an unfavorable action in adopting its Final Decision.

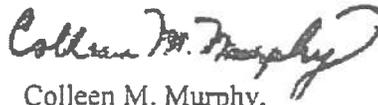
8. If you have any questions concerning this Notice and Order or procedures of the Freedom of Information Commission, you should consult with your attorney or contact the Commission staff at (860) 566-5682. Also, PLEASE BE SURE THAT WE HAVE A TELEPHONE NUMBER WHERE WE MAY CONTACT YOU DURING THE DAY. Due to the large number of cases filed and the requirements for speedy action, the Freedom of Information Commission cannot postpone scheduled hearings at the request of the parties. Should there be a settlement or withdrawal of the complaint prior to the hearing, please notify us and the respondents immediately.

9. In the event of extremely inclement weather conditions, the decision of the Hartford School System as to whether to cancel classes shall also govern the cancellation of Commission hearings for that day. Such information is ordinarily broadcast by various radio stations. If the hearing is canceled, you will be notified by mail of the new hearing date.

10. For further information, the Commission has prepared a "Citizen's Guide to the Freedom of Information Commission." This Guide is available upon request at no charge.

By Order of the Freedom of
Information Commission

Dated Thursday, July 21, 2016


Colleen M. Murphy,
Executive Director

Enc. - Complaint letter and related information

FIC/2016-0433/OSC/17/2016-07-21

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In the Matter of a Complaint by

Designation of Hearing Officer

John Voket and the Newtown Bee

Complainant(s)

Against

Docket # FIC 2016-0433

Chairman, Ethics Commission, Town of
Newtown; Ethics Commission, Town of
Newtown; and Town of Newtown

Respondent(s)

July 21, 2016

Attorney Tracie C. Brown:

You have been designated as Hearing Officer in the above-captioned matter.

Enclosed is a copy of the complaint received in the file.

A written report of the facts and issues, and your recommendations for an order, should be prepared when you have completed this matter.

By Order of the Freedom of
Information Commission

Linda Fasciano
Acting Clerk of the Commission

Enc.

FIC# 2016-0433/DHO/TCB/TAH/LF/7/21/2016

NOTICE TO PARTIES

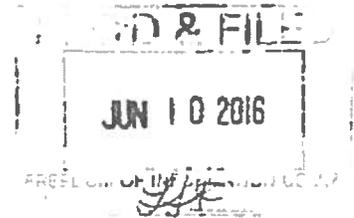
Please note that hearings on appeals to the Freedom of Information Commission will be held within 90-minute time periods.

This procedure, which will allow the Commission to process complaints more efficiently, has become necessary due to the large number of cases handled by the Commission and the limited availability of hearing officers.

Please keep in mind that you will be expected to comply with these time limits and that punctuality will be essential to taking advantage of the full 90-minutes allotted.

Fasciano, Linda

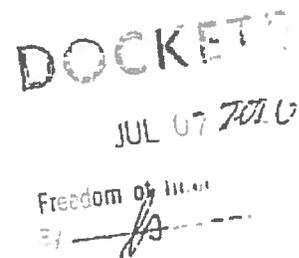
From: Hennick, Thomas A
Sent: Friday, June 10, 2016 9:44 AM
To: Fasciano, Linda
Subject: FW: FOI Appeal and links to evidence included



New complaint. Please process.

From: John Voket [mailto:John@thebee.com]
Sent: Thursday, June 09, 2016 6:31 PM
To: FOI-DL <FOI@ct.gov>
Cc: Hennick, Thomas A <Thomas.Hennick@ct.gov>; John Voket <johnvoket@gmail.com>
Subject: FOI Appeal and links to evidence included

Re:
Jacqueline Villa, Chair
Newtown (CT) Board of Ethics
PO Box 127
Stevenson, CT 06491
203-364-1255
or c/o
Newtown Municipal Center
3 Primrose Street, Newtown, CT 06470



To the Connecticut Freedom of Information Commission,

I am appealing to the commission to find the Newtown Board of Ethics in violation of the CT FOI Act in connection with what I believe had to be an illegal or secret meeting held to poll its members regarding their recommendations against two members of the Newtown Board of Education.

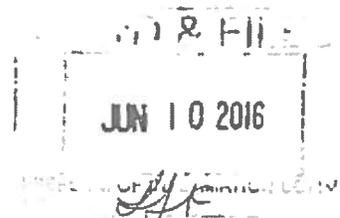
As noted in a previous appeal which was dispatched and received by the commission on Monday, May 16:

- the Newtown ethics board, under the directive of its Chair and respondent Jacqueline Villa, held a public hearing on April 18;
- during that hearing, two sets of deliberations were held in secret;
- deliberations were followed by secret balloting to determine what ethics violations should be recommended, versus holding a public vote (minutes available here: http://www.newtown-ct.gov/Public_Documents/NewtownCT_EthicsMin/I054FE592.1/Ethics%20Mins%204-18.pdf);
- subsequently the secret and sealed ballots were taken and held by the ethics board clerk;
- the next advertised public meeting of the ethics board was a special meeting May 4 and did not include any polling of its members regarding their actions of April 18 (minutes available here: http://www.newtown-ct.gov/Public_Documents/NewtownCT_EthicsMin/I05534BC1.0/Minutes%20Special%205-4-16.pdf);
- the next advertised public meeting of the ethics board was a special meeting May 10 and did not include any polling of its members regarding their actions of April 18 (minutes available here: http://www.newtown-ct.gov/Public_Documents/NewtownCT_EthicsMin/I0554593A.0/Board%20of%20Ethics%20meeting%20mins%205-10-16.pdf);

- the next advertised public meeting of the ethics board was a special meeting May 18, where an amendment was introduced which included an attachment showing how each individual member voted on each violation for each of the two respondents (minutes available here: http://www.newtown-ct.gov/Public_Documents/NewtownCT_EthicsMin/I055700CA.0/Board%20Ethics%20spec%20mte%20mins%205-18-16.pdf);
- on May 26, I learned that the sealed envelope containing each ethics board member's secret ballot was still in possession of the board clerk. My query to her, and her response is pasted below;

That is correct.

Arlene Miles
Public Works Administrator
203.270.4300



On Thu, May 26, 2016 at 9:59 AM, John Voket <John@thebee.com> wrote:

Can you please confirm in writing that as of today - May 26 - the secret ballots collected and turned over to you at the Board of Ethics public hearing April 18 remain sealed in the envelope you received from Ethics Chair Jacqueline Villa on the evening of the hearing?

John Voket
Associate Editor
The Newtown Bee...since 1877
vm: [203-509-2246](tel:203-509-2246)

I believe since the secret ballots were received and sealed on April 18 and they remained sealed with the clerk on May 26; and a copy of each members individual vote allegedly taken on April 18 was attached to the minutes of the May 18 special meeting; that the ethics board had to meet in secret, without advertising an agenda, in order to produce the individual violation votes against the two ethics board respondents.

If the FOIC concludes that an illegal meeting had to occur in violation of the FOI Act to produce the May 18 attachment, I am requesting the Commission invalidate any motions and actions that resulted from this session. I also request that if found in violation of the FOI Act, that each member of the Newtown Board of Ethics who was on the board as of May 18 (2016) be directed to complete Freedom of Information training within 90 days of any findings of violation by the commission.

Thank you for your assistance and consideration of my concerns.

Sincerely,

#####

John Voket
Associate Editor
The Newtown Bee...since 1877
vm: [203-509-2246](tel:203-509-2246)

Do all the good you can, By all the means you can, In all the ways you can, In all the places you can, At all the times you can.
To all the people you can, As long as ever you can. - John Wesley's Rule

This message is intended for the use of the individual or entity to which it is addressed, and may contain information that is privileged or confidential. If you are not the intended recipient, please notify the sender immediately by returning the original email, and then deleting the message. - Thank you.

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July 18, 2016

John Voket and the Newtown Bee
5 Church Hill Road
Newtown, CT 06470

RE: Docket #FIC2016-0433; John Voket and the Newtown Bee v. Chairman, Ethics Commission, Town of Newtown; Ethics Commission, Town of Newtown; and Town of Newtown

Dear Complainants:

This letter is to inform you that the Freedom of Information Commission has received and docketed your complaint received June 10, 2016 as indicated above. If the basis of your complaint is a denial of the right to inspect or receive copies of records, please forward a copy of your most recent letter of request to the Commission, if you have not already done so. You will receive a Notice of Hearing and Order to Show Cause, which will notify you of the date, time and place of the hearing.

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Thomas A. Hennick has been assigned to the above-captioned matter. Please contact him at 566-5682 to discuss your case. **Please Note: Any written correspondence directed to this commission, except to the ombudsman, by any party to a contested case, must be copied and sent to all other parties.**

Sincerely,

M. Stratton

Acting Clerk of the Commission

FIC#2016-0433CORR/M5/7/18/2016
Enclosure

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July 18, 2016

Chairman, Ethics Commission,
Town of Newtown
Newtown Municipal Center
3 Primrose Street
Newtown, CT 06470

**RE: Docket #FIC 2016-0433; John Voket and the Newtown Bee v. Chairman,
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and Town of Newtown**

Dear Respondent:

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Sincerely,

M. Stratton
Acting Clerk of the Commission

FIC#2016-0433CORR/MIS/7/18/2016
Enclosures

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July 18, 2016

Ethics Commission, Town of Newtown
Newtown Municipal Center
3 Primrose Street
Newtown, CT 06470

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Sincerely,


M. Stratton
Acting Clerk of the Commission

FIC#2016-0433CORR/MS/7/18/2016
Enclosures

From: Tom Fuchs <tmfuchs@gmail.com>

To: Jackie <jacfab5@aol.com>

Subject: Vote Affirmation CA3-15 & CB3-15

Date: Thu, Aug 4, 2016 2:08 pm

Jackie - Please have the statement below read into the minutes of the Board of Ethics meeting tonight:

Unfortunately I am unable to attend the Board of Ethics meeting tonight due to a last minute business conflict. However, I would like to affirm my votes that were cast during the public hearing on April 18th.

Those votes were as follows:

With respect to CA3-15 - I voted YES on items 27-2A, 27-2B, 27-6A, 27-6B.

I voted NO on 27-2D and 27-10A.

With respect to CB3-15 - I voted YES on items 27-2A, 27-2B, 27-6A.

I voted NO on 27-2D, 27-6B, 27-10A.

Thanks you,
Tom Fuchs

Attachment D

Cohen and Wolf, P.C.

Memo

To: Jackie Villa
From: David L. Grogins
Date: February 16, 2016
Re: Hearing for Newtown Ethics Commission

Procedures for Hearing

1. Determination of Probable Cause by Vote of Commission.
2. (If Positive) Give 30 days notice to both Complainant and Respondent (party against whom complaint made) of hearing, which can be noticed as a Special Meeting of the Commission at which public may be present but not participate.
3. At hearing, Respondent should be allowed to have legal representation, to present evidence, to examine and cross-examine witnesses including the Complainant. Witnesses should give testimony under oath (have Town Clerk administer).

The Commission can request production of documents (can't use subpoenas). Commission can examine witnesses. It may also limit testimony where relevant. A taped record of the hearing should be made.

4. Following the hearing, the Commission shall vote and issue a Determination. If there is a finding of violation, the matter shall be reported to the Board of Selectmen. The Deliberations of the Commission may be in executive session.
5. The Determination of the Commission is final and can't be appealed.

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July 18, 2016

Town of Newtown
Newtown Municipal Center
3 Primrose Street
Newtown, CT 06470

**RE: Docket #FIC 2016-0433; John Voket and the Newtown Bee v. Chairman,
Ethics Commission, Town of Newtown; Ethics Commission, Town of Newtown;
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Please be advised that the Freedom of Information Commission has received a complaint alleging a violation against your agency. A copy of the complaint is enclosed for your reference. The Commission will send you a Notice of Hearing and Order to Show Cause, which will notify you of the date, time and place of the hearing.

In the interim, the Commission has instituted an ombudsman program with respect to complaints brought to it. Pursuant to this program, a staff member is assigned to act as liaison between the parties to each contested case filed. It is the responsibility of the ombudsman to effect settlements of complaints where possible, thereby avoiding the delays and expenses caused by unnecessary hearings. Of course, the ombudsman will not communicate nor participate with any person within the Commission who serves in a decision-making role with respect to this particular case.

Thomas A. Hennick has been assigned to the above-captioned matter. Please contact him at 566-5682 to discuss your case. **Please Note: Any written correspondence directed to this commission, except to the ombudsman, by any party to a contested case, must be copied and sent to all other parties.**

Sincerely,


M. Stratton
Acting Clerk of the Commission

FIC#2016-0433CORR/MIS/7/18/2016
Enclosures

From: Tom Fuchs <tmfuchs@gmail.com>

To: Jackie <jacfab5@aol.com>

Subject: Statement re: 1st Item under New Business

Date: Thu, Aug 4, 2016 2:38 pm

Jackie -

The following are my thoughts related to recent statements and outreach from the Board of Selectmen, Legislative Council and press related to the recent activities of the Board of Ethics. As I am unable to be present during tonight's meeting, please share these during the meeting if, and as, appropriate.

Although we may disagree as individuals, and perhaps even as a group, about the appropriateness of recent characterizations of how certain events were handled by this Board, the fact that this perception even exists means THAT is the fundamental reality we must overcome.

The old adage is "perception is reality"... This is very true for a public body such as ours. If we are perceived as being unclear, we need to be clear. If we are perceived as not having a defined process, we need to have one.

The responsibility to implement internal protocols that align with, and support, existing requirements and standards is ours, and ours alone. THIS is how we mitigate future misperceptions.

During our last public meeting, Tom Hennick confirmed that it IS a best practice to have internal processes documented for a board such as ours. As such, we must immediately and aggressively work as a Board to ensure we have these in place to address the core functions of this Board of Ethics so that the way in which we carry out our responsibilities is clearly understood by all stakeholders.

Thank you,
Tom Fuchs

