



## TOWN OF NEWTOWN

### Town of Newtown Board of Ethics Regular Meeting

The Board of Ethics held a Regular Meeting on Thursday, August 2, 2018 at 7:30PM in Room#3, Newtown Municipal Center, 3 Primrose Street, Newtown, Connecticut

**Present:** Tim Echeverria, Jackie Villa, Glen Swanson and David Camputo  
**Also Present:** Alternates Maria Zanfini and Reginal Heard and Recording Clerk Lynn Kovack  
**Absent:** Tom Fuchs and Joyce Murty

**Meeting was called to order at 7:31PM by Jackie**

**Approval of Minutes:** June 7, 2018 (M) Glen (2<sup>nd</sup>) David Approved with following changes: Reginal Heard served 2 full terms on the International Franchise Association Advisory Board and on the Funding Allocation Committee Member for the United way of Hartford and Springfield

#### **New Business**

- **Ethics Procedures and facts**

Jackie started with talking about the frequently asked questions and stated they can be found on the Web under the Board of Ethics page. She said they are easy to look at and wants to make sure that they are understandable. She said in June of 2016 there were no documents on the page and it took over a year working with Town attorneys to come up with what is on the page now. The documents were drawn on assignment by research, past hearings and talking to other Board of Ethic Board members. They had to get into correcting things that were unclear and that is how the 4 documents were produced to make it easier for new Board Members.

Jackie went on to tell the Board why they are here. They are an independent Board and their job is to oversee and be a neutral Board. They are here to take the Complaints and work together to solve them. We look at the facts, hear both sides and any witnesses if necessary and move forward with a hearing if it is warranted. The Board does not talk amongst each other outside of meetings. It is the Complainant, the Respondent and the Board and is Confidential. Once it is public you can direct them to the public records. They should not make any comments regardless of public or not.

Jackie would like the new Board Members to read and review the Code of Ethics, Ethics procedure & facts and State Statutes and that will help them understand the many questions they may have. After reviewing it can be discussed further at the next meeting. Maria made a motion to table the Review of Code of Ethics and State Statute until the next meeting. (M) Maria (2<sup>nd</sup>) Glen Reginald Heard made a motion to table the Old Business of Whistleblower protection, Cooperation Clause and the Timeliness Standards until the next meeting (M) Reginal and (2<sup>nd</sup>) Tim

Maria offered to come up with a template script to help the Board. Jackie would like everything read first and then they can discuss further. Maria stressed that an executive session should really be held each time to go over any questions that the Board has but feels we need to take the time in executive session to review the case before making the decision to be sure all questions have been answered by the Board Members.

Joyce and Tom have more experience and can also help guide the new Board Members through the process also. Jackie stated the procedures are very clear and again stressed the Board to absorb it all first to understand better.

Glen talked about personal liability and pointed out to the Board to read CT State Statute 7-101-A which covers the protection of municipal officers and municipal employees from damage suits. He went over that thoroughly. He also went over section 52-557M with the Board and said it would help. He also went over Anonymous complaints. He thought it would be good to add the question "Do you need to sign your complaint?" to the FAQ sheet. Jackie explained that the procedure requires the Complaint to be signed and notarized so the person complaining would have to disclose their name.

All other items on the agenda under Old Business will be added to the next agenda which include: whistleblower protection, cooperation clause and timeliness standards. Also tabled were remainder of item #1 which include Reviewing the Code of Ethics and the State Statute at the next meeting.

After no other business to transact the meeting was adjourned at 9:43PM

Respectfully submitted by Lynn Kovack (recording clerk)



## Newtown Board of Ethics COMPLAINT PROCESSING PROCEDURES

### I. Definitions:

- a. Board – Refers to the Newtown Board of Ethics (“Board”).
- b. Complainant – Person or persons filing a complaint.
- c. Complaint Petition – Form used in filing a complaint with the Board, hereinafter referred to as Complaint.
- d. Probable Cause – “Probable Cause” means more than a mere suspicion. There must exist facts and circumstances within the Boards’ knowledge, and of which they have trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of Ethics has occurred.
- e. Respondent – Person(s) against whom a Complaint has been filed.

### II. Filing a Complaint Petition

- a. The Complaint shall be sent to the Chairman, Newtown Board of Ethics, c/o Newtown Town Clerk on the form adopted by the Board. The form is available on the Town of Newtown website and in the Newtown Town Clerk’s office.
- b. The Board Chairman shall make an appropriate number of copies of the Complaint and shall inform, by email, within five (5) business days, the members of the Board and the Respondent of the receipt of a Complaint.

### III. Procedure Upon Receipt of Complaint

- a. Upon receipt of a complaint and notification to Respondent, the Board or designated members of the Board shall confidentially investigate the complaint, within 20 business days of being notified by the Board Chair of the complaint being filed.
- b. An investigation of any complaint shall be and remain confidential until either (1), a determination by a majority of the Board that Probable Cause exists that a violation of the Code of Ethics has occurred and that the complaint warrants a public hearing or (2), the Respondent demands a public hearing. In order to maintain confidentiality, the complaint shall receive a number upon its receipt and shall be referred to by said number. If the Board determines Probable Cause exists, the Board shall, within twenty (20) business days of the conclusion of the Probable Cause investigation, schedule a public hearing to determine the merits of the complaint. Once Probable Cause has been determined, the Board shall make public the Complaint and all documents related thereto.
- c. Notwithstanding the above, in the event the Board determines that the circumstances complained about are subject to a collective bargaining agreement,



Newtown Board of Ethics  
COMPLAINT PROCESSING PROCEDURES

personal employee contract, or other agreement or policy applicable to the Respondent, the Board shall pursue one of the following:

- i. Transmit, within five (5) business days of the conclusion of the Probable Cause investigation, copies of the Complaint and the Board's Probable Cause determination, to the appropriate forum having jurisdiction.
- ii. The Board shall further take one of the following actions:
  1. Retain jurisdiction, but defer any further action until the appropriate forum has rendered a decision on the matter, or;
  2. Relinquish jurisdiction to the appropriate forum and close the file on the Complaint.

#### IV. Hearing

- a. The following persons in addition to the Respondent may appear at the Board's hearing:
  - i. Complainant
  - ii. Witnesses called by Complainant or Respondent.
  - iii. Respondent may also bring counsel.
- b. The Board Chairman shall swear in all parties, including any witnesses.
- c. The Complainant shall be allowed to present evidence, including documentation and witnesses.
- d. The Respondent (and their counsel, if any) shall have the right to cross-examine all witnesses against him or her, and present evidence and witnesses on his or her behalf.
- e. The Board shall schedule additional hearing sessions if needed.
- f. At the conclusion of the presentation of evidence by both Complainant and Respondent, the Board shall deliberate. Such deliberation may occur immediately at the conclusion of the public hearing, or may be scheduled for another time, provided that deliberation is finished within ten (10) business days after the conclusion of the public hearing. Deliberation may be conducted in executive session unless the Respondent requests that it be conducted in public. Voting shall be conducted in public.
- g. The Board shall, within five (5) business days after the conclusion of its deliberations:
  - i. Publish written Findings of Fact and,
  - ii. Render a decision as to the merits of the Complaint.



Newtown Board of Ethics  
COMPLAINT PROCESSING PROCEDURES

1. If the Board determines the Complaint is with merit, the Board shall forward to the Board of Selectmen its Findings of Fact and a recommendation as to the disposition of the Complaint.
2. If the Board determines the Complaint is without merit, the matter will be closed with no further action.

v. Board of Selectmen

- a. The Newtown Board of Selectmen shall consider any Findings of Fact and recommendation of the Board for any Complaints found to constitute a violation of the Code of Ethics.

*Final May 2017*



## Newtown Board of Ethics FREQUENTLY ASKED QUESTIONS

In an effort to provide responses to frequently asked questions about how the Board of Ethics operates, the following questions and answers may be helpful.

- 1) **Where does the authority for the Board of Ethics come from?** Our authority comes first from the Connecticut General Statutes, specifically 1-82a, and also from the Town Charter (Chapter 303 – Board of Ethics)
- 2) **Who may file a complaint and why might they want to?** Anyone may file a complaint if they believe that a violation of the Newtown Code of Ethics (Town Charter, Chapter 27 – Code of Ethics) has occurred. The Code of Ethics applies to all officials and/or employees of Town of Newtown as follows:
  - a. Elected or appointed officials of the Town, either paid or unpaid (voluntary)
  - b. Elected members and alternates of all boards and commissions
  - c. Appointed members and alternates of all boards, commissions and authorities and Town supported public services
  - d. Employees, which includes paid consultants, of the Town and of all boards, commissions, committees and authorities, including the Board of Education.
- 3) **Who is involved when a complaint is filed?** When a complaint is filed by the Complainant against a specific person or persons (the Respondent or Respondents), the Board of Ethics becomes involved to determine if a violation of the Code of Ethics occurred.
- 4) **What happens after a Complaint Petition is received?** Once a Complaint Petition has been received, the Board of Ethics must determine whether there is probable cause that the alleged violation occurred by investigating the complaint. If probable cause is found a public hearing will be held. Please see the Newtown Board of Ethics Complaint Processing Procedures document for more detail.
- 5) **Why are probable cause investigations confidential and/or held in Executive Session?** The Board of Ethics is required to do so under Connecticut statute 1-82a.
- 6) **When does the public find out that a complaint has been filed?** If probable cause was found to exist for a complaint, the Board of Ethics would schedule a public hearing to address the complaint. If, however, probable cause was not found to exist, everything related to the complaint remains confidential as required by Connecticut statute 1-82a.



## Newtown Board of Ethics FREQUENTLY ASKED QUESTIONS

Please see the Newtown Board of Ethics Complaint Processing Procedures document for more detail.

- 7) **What happens at a hearing?** Please see the Newtown Board of Ethics Complaint Processing Procedures document for more detail.
- 8) **Can the Board of Ethics have an elected official removed from office?** No. The Board of Ethics cannot remove an elected official from office. Please see the Chapter 303 of the Newtown Charter and the Newtown Board of Ethics Complaint Processing Procedures document for more detail.
- 9) **What happens if the respondent is found to have violated the Code of Ethics?** The Board of Ethics recommends action to the Board of Selectman who then take action as they deem appropriate. Please see chapter 303-6B.
- 10) **Are the meetings open to the public?** Yes. The public may attend any part of any meeting except for executive sessions. Meeting notices and agendas are published by the Newtown Town Clerk.

If you have general questions about the Newtown Board of Ethics and its operations, please contact the Chairman, Newtown Board of Ethics at: Jackie Villa, PO Box 127, Stephenson, CT 06491, (203)364-1255.

Town of Newtown  
Board of Ethics  
3 Primrose Lane  
Newtown, CT 06470

## COMPLAINT PETITION

Please type or print the following information and submit to: Chairman, Newtown Board of Ethics, c/o Newtown Town Clerk, in a sealed envelope marked "Confidential".

Your Name: \_\_\_\_\_

Your Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

Email Address: \_\_\_\_\_

1. What is the full name of the person you believe has violated the Code of Ethics?

\_\_\_\_\_

2. What position does this person hold in town? \_\_\_\_\_

3. What specific section(s) of the Code of Ethics do you believe the above named individual has violated? \_\_\_\_\_

4. When and where did the alleged violation occur? \_\_\_\_\_

5. Please attach a brief statement of the facts and circumstances and any documents that will support your allegation.

---

**THIS SECTION MUST BE COMPLETED IN THE PRESENCE OF A NOTARY:**

**OATH:** I, the person bringing this complaint, do affirm and say that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

Signature of Complainant: \_\_\_\_\_

**To be completed by the Notary Public:**

Sworn to (or affirmed) and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature of Notary Public: \_\_\_\_\_

Print/Stamped name of Notary Public: \_\_\_\_\_

*Final May 2017*

*Once a complaint petition has been submitted to the Board of Ethics, the complaint must remain Confidential as prescribed by Connecticut State Statute 1-82n.*