

Board of Ethics

February 7, 2019

Regular meeting minutes

**These minutes are subject to the approval of the committee**

Present: Jackie Villa, Maria Zanfini, Joyce Murty, Tom Fuchs, Tim Echeverria, Glen Swanson, David Camputo, Reginald Heard

No public or press

Meeting was called to order at 7:17.

There was a recorder and cell phone recording the meeting.

**Mr Heard moved to accept the December 6, 2018 minutes. Mr Fuchs 2<sup>nd</sup> – approved**

Correspondence – attached

Mr Swanson to Mr Hennick 12/10/18

Mr Hennick to Mr Swanson 12/13/18

Mr Swanson to Mr Hennick 12/10/18

Mr Rosenthal to Ethics Board Jan 23, 2019

Mr Swanson to Mr Rosenthal 12/13/18

Mr Grogins to Ms Villa 1/8/19

Mr Swanson to Mr Rosenthal 1/23/19

Mr Rosenthal to Mr Swanson and board 1/24/19

Mr Swanson is checking to see if the correspondence with the newspaper has to be shared.

**Ms Murty moved to accept the correspondence pending receipt from Mr Swanson 2<sup>nd</sup> by Mr Camputo -accepted**

Discussion regarding correspondence and points made by Ms Villa:

If acting on behalf of the board, the board needs to vote on the authority to act.

Everything that happens in the meeting is open to the public and is transparent.

It is a courtesy to let the rest of the board know of something going into the press.

Mr Swanson raised a Point of Order based on Roberts Rules 11<sup>th</sup> edition – attached

Extensive discussion and debate occurred then Mr Swanson withdrew his point of order.

Board reviewed the forms available on the website. Mr Fuchs is retyping for typo and changes to FAQ.

Mr Fuchs will forward to add to the minutes and to have them submitted to the town clerk to change the website.

Charter 5-05 process discussion on 27-2 standards of service of town employees ensued. Discussion on treatment of citizens by town residents, timeliness and if specifics should be added. Wording is very gray and has to be to allow for flexibility.

8:45pm Mr Fuchs left

Ms Villa reminded members that they can not advise citizen if an action is in violation. The complaintant needs to read and match action to the code then submit the form. The board will then meet and review the complaint to form a consensus then proceed as appropriate.

**Ms Zanfini moved to adjourn 2<sup>nd</sup> by Ms Murty – approved**

With no more business to conduct Ms Villa adjourned the meeting at 9:03pm

Respectfully submitted,

LeReine Frampton



**Sent:** Monday, December 10, 2018, 7:13:17 AM EST

**Subject:** FOIA Question

Hello Mr. Hennick,

My name is Glen Swanson and I serve on the Board of Ethics in Newtown. A question came up at our last meeting that I would like to get your opinion on. The issue is whether or not a member can participate in a meeting on the telephone. I found a provision in FOIA, CGS 1-200 (2), that recognizes electronic meetings as "meetings" for purposes of the law but did not find any other provision on the subject.

It seems to me that while 1-200(2) recognizes that electronic meetings are held and wants to make sure they are considered "meetings" it does not take a position on whether they must be permitted. Does FOIA say in this provision or somewhere else that electronic meetings must be allowed? If not, would that mean that whether they are or not is left to towns to decide?

Maybe it would be clearer to ask the question this way: While 1-200 authorizes electronic "meetings" does it require that be allowed if a Town Charter or Robert's Rules do not allow them unless authorized by the local board, etc.? A board can allow electric meetings because they are authorized by CGS but that board will only allow under certain conditions stipulated under local rules.

Your thoughts?

Thank you.

Glen Swanson

Newtown Board of Ethics

## RE: FOIA Question

From: Hennick, Thomas A (Thomas.Hennick@ct.gov)

To: gswanson9@att.net

Date: Thursday, December 13, 2018, 9:53 AM EST

Hello Glen,

I was away at a conference this week and am just now returning. I think, however, that your interpretation is sound. The law clearly says that members can participate electronically. Multiple cases over the years have said that the member must be able to hear proceedings and to hear what is being said. It doesn't happen often, but if a town or board does not want to allow electronic participation, then the FOI Commission could not, in my opinion, force it to occur.

Tom

**From:** Glen Swanson [mailto:gswanson9@att.net]  
**Sent:** Monday, December 10, 2018 8:41 AM  
**To:** Hennick, Thomas A <Thomas.Hennick@ct.gov>  
**Subject:** Fw: FOIA Question

Hello again Mr. Hennick,

I don't want to confuse you further but an important distinction occurred to me. I have read that one interpretation of 1-200 is that it authorizes electronic meetings. But it seems to me that what it actually does is recognize that such meetings are held and that when they are they are "meetings" under FOIA. Whether electronic meetings can be held is up to towns. In other words, the statute recognizes what towns may authorize.

I would be happy to call you if it would help clarify the question.

Glen Swanson

----- Forwarded Message -----

**From:** Glen Swanson <gswanson9@att.net>

**To:** Thomas A. Hennick <thomas.hennick@ct.gov>

**From:** Dan Rosenthal <dan.rosenthal@newtown-ct.gov>

**To:** David Camputo <djc115@msn.com>; Glen Swanson <gswanson9@att.net>; gjmcevoy@charter.net <gjmcevoy@charter.net>; reginald.heard@gmail.com <reginald.heard@gmail.com>; tim@nc-1.com <tim@nc-1.com>; zanfini@sbcglobal.net <zanfini@sbcglobal.net>; tmfuchs <tmfuchs@gmail.com>; jacfab5 <jacfab5@aol.com>

**Subject:** Fwd: Robert's Rules of Order and the Board of Ethics

**Date:** Wed, Jan 23, 2019 4:49 pm

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FYI, as per your request.

Best regards,

Dan

----- Forwarded message -----

**From:** Glen Swanson <gswanson9@icloud.com>

**Date:** Thu, Dec 13, 2018 at 6:12 AM

**Subject:** Robert's Rules of Order and the Board of Ethics

**To:** <dan.rosenthal@newtown-ct.gov>

**Cc:** Glen Swanson <gswanson9@icloud.com>

Attachment available until Jan 12, 2019

Dear First Selectman Rosenthal,

As you may know I have been a member of the Board of Ethics since January. The board held three meetings in 2018 and I've noticed that the Chairman has not been following Robert's Rules of Order as required by the town Charter. Meetings are consequently chaotic and the Chair's decisions arbitrary. Rather than list the violations I have attached an audio recording of our December 6 meeting that I think will give you an idea of the problems we are having.

Click to Download

702\_0039 2.MP3

105.6 MB

I have sent an email to Mr. Hennick at the Freedom of Information Commission asking for clarification of the meaning of CGS 1-200(2), which appears to recognize electronic meetings but is silent on whether a town must authorize them, in which case Rule 9 of Robert's Rules would govern (The EDC, for instance, has bylaws that authorize members to participate by telephone).

I am also sending you separately the emails that the Chairman and board members exchanged before the October meeting, which was cancelled for lack of quorum. I think they will give you some illuminating background.

I have also sent the recording to the Bee; I didn't want you to be surprised if it calls you for comment.

I would be happy to meet with you to discuss this if you think it is necessary. Or you can call me anytime at 426-9927.

Sincerely,

Glen Swanson

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Daniel Rosenthal  
First Selectman  
Town of Newtown  
3 Primrose Street  
Newtown, CT . 06470  
Tel: 203-270-4201  
Cell: 203-948-4994

HERBERT L. COHEN  
(1928-1983)

January 8, 2019

AUSTIN K. WOLF  
RICHARD L. ALBRECHT  
JONATHAN S. BOWMAN  
NEIL R. MARCUS  
G. KENNETH BERNHARD  
DAVID L. GROGINS  
GRETA E. SOLOMON  
ROBIN A. KAHN  
RICHARD SLAVIN  
DANIEL S. NAGEL  
RICHARD J. DI MARCO  
DAVID B. ZABEL  
MARK A. KIRSCH  
DAVID M. LEVINE  
JOSEPH G. WALSH  
MATTHEW C. SUSMAN  
DAVID A. BALL  
JOCELYN B. HURWITZ  
STUART M. KATZ  
PATRICIA C. SULLIVAN  
VINCENT M. MARINO  
JULIE D. KOHLER  
ARI J. HOFFMAN  
COURTNEY A. GEORGE  
BARBARA M. SCHELLENBERG  
RACHEL A. PENCU  
JASON A. BUCHSBAUM  
L. JOYELLE MAINI  
DAVID M. MOROSAN  
ANN L. FOWLER-CRUZ  
PHILIP C. PIRES  
JOHN PATRICK C. O'BRIEN  
DAVID DOBIN  
ANNMARIE P. BRIONES  
ROBYN H. DRUCKER  
ALEXANDER COPP  
CHRISTINE M. BREW  
JOSHUA PEDREIRA  
CLIFFORD A. MERIN  
MARC J. HERMAN  
PAUL V. ARCE  
TATTIANA F. DASILVA  
JORDAN E. SALA

Via Email

Jacqueline Villa, Chairman  
Board of Ethics  
Town of Newtown  
3 Primrose Street  
Newtown, CT 06470

Re: Robert's Rules and FOIA Question

Dear Jackie:

You have requested that I review two complaints by one of the Board of Ethics' Members. The questions are: (1) Is a second required for a motion to add three new additions to the Code of Ethics; (2) Can Members participate in scheduled meetings by telephone.

The answer to the first question is that pursuant to Section 4 of Robert's Rules of Orders, 10<sup>th</sup> Edition, Page 34, a "second" is required under most circumstances for the entire Ethics Board to take up a question. An asterisk at the bottom of the page in question states "motions need not be seconded in a small board or committee". Without getting into whether the Board of Ethics is a "small" board or committee, it has been the standard procedure of the Board of Ethics to require that all motions receive a second before the entire Board takes up the question. Furthermore, it is the Chairperson's prerogative to rule on this question, and you did by disallowing the motion.

The second issue is whether the Board can allow a member to participate in the meeting by telephone. This is not a "Robert's Rules" question but a FOIA question pursuant to Section 1-200, et seq., Conn. Gen. Stats. as Tom Hennick has indicated in his email to Mr. Swanson. Further, Section 1-200(C)(2) C.G.S., which defines "meeting", states that a meeting is "... any communication to a quorum of a multimember public agency, whether in person or by means of electronic equipment ...". The term "electronic equipment" has been held to mean a telephone.

Very truly yours,



David L. Grogins

DLG/pld

cc: Hon. Daniel Rosenthal, First Selectman

1115 BROAD STREET  
P.O. Box 1821  
BRIDGEPORT, CT 06601-1821  
TEL: (203) 368-0211  
FAX: (203) 394-9901

158 DEER HILL AVENUE  
DANBURY, CT 06810  
TEL: (203) 792-2771  
FAX: (203) 791-8149

320 POST ROAD WEST  
WESTPORT, CT 06880  
TEL: (203) 222-1034  
FAX: (203) 227-1373

657 ORANGE CENTER ROAD  
ORANGE, CT 06477  
TEL: (203) 298-4066  
FAX: (203) 298-4068



Glen Swanson  
9 Maplewood Trail  
Sandy Hook, CT 06482

By Email

January 23, 2019

First Selectman Daniel Rosenthal  
Town of Newtown  
3 Primrose Street  
Newtown, CT 06470

Dear First Selectman Rosenthal:

I received Attorney Grogins' letter to the Chairman of the Board of Ethics in response to my complaint to you about the chaotic and arbitrary way I believe the Board of Ethics meetings are being conducted. I believe Attorney Grogins is mistaken about every point he makes.

To answer the question whether a second is required for a motion Attorney Grogins incorrectly refers to the 10th edition of Robert's Rules. Chapter 2-01, Section (b) of the Town of Newtown Charter says that appointive Town Bodies are subject to the rules in the "then current edition of Robert's Rules of Order Newly Revised." The current edition of Robert's Rules is the 11th. The same asterisk and comment appears in the latest edition at the bottom of page 35, however. Whether relying on the incorrect edition of Robert's Rules influenced his reading of the rules I can not say.

Attorney Grogins writes that he is not going to get "into whether the Board of Ethics is a "small" board or committee." This important distinction is made in Rule 49 where the rules for small meetings are discussed. Attorney Grogins does not mention this rule:

In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in other assemblies, in the following respects:

...

Motions need not be seconded  
RONR (11th ed.), p. 487, ll. 26-31 & p. 488, l. 1

After dismissing consideration of the definition of a small meeting Attorney Grogins justifies requiring a motion be seconded because "it has been standard procedure of the

Board of Ethics to require that all motions receive a second before the entire Board takes up the question.” This justification ignores Rule 2, another rule he does not mention:

In some organizations, a particular practice may sometimes come to be followed as a matter of established custom so that it is treated practically as if it were prescribed by a rule... However, if a customary practice is or becomes in conflict with the parliamentary authority or written rule, and a Point of Order citing the conflict is raised at any time, the custom falls to the ground, and the conflicting provision in the parliamentary authority or written rule must thereafter be complied with. RONR (11th ed.), p. 19, ll. 1-4 & 9-15

The “custom” of the Board is to require a second for a motion. Rule 2 requires that that custom yield to Rule 49, which specifically does not require a second.

Attorney Grogins then writes that it is the “Chairperson’s prerogative to rule on this question...” but does not cite the authority for this assertion. Robert’s Rules does not contain language that gives the Chair the prerogative to disregard substantive rules.

Attorney Grogins’ mistaken opinion that a second is required relies on an incomplete reading of Robert’s Rules; he does not appear to be aware of Rules 49 and 2, which contradict his opinion while speaking directly to the question he has been asked to answer.

To answer the question whether the Board can allow a member to participate in a meeting by telephone Attorney Grogins erroneously writes that this is a FOIA and not a Robert’s Rules question. He writes that Mr. Hennick’s email to me indicates this. I assume he is referring to Mr. Hennick’s statement that “The law clearly says that members can participate electronically.” But Attorney Grogins ignores Mr. Hennick’s later statement that “...if a town or board does not want to allow electronic participation, the FOI Commission could not, in my opinion, force it to occur.”

I think the problem lies in the question: “[W]hether the Board **can** allow a member to participate in the meeting by telephone” is a separate question from whether a member **must** be allowed to. Section 1-200, et. seq., CGS says it **can**, not that it **must**. That is why Mr. Hennick wrote that “...members can participate electronically” and then that “...the FOI Commission could not, in my opinion force it to occur.” If a board wants to allow telephone participation it must follow Rule 9 of Robert’s Rules:

Except as authorized in the bylaws, the business of an organization or board can be validly transacted only at a regular or properly called meeting..., a single official gathering in one room or area...

...an electronic meeting that is properly authorized in the bylaws is treated as though it were a meeting at which all the members who are participating are actually present. RONR (11th ed.), p. 97, ll. 9-13 & ll. 28-30

Attorney Grogins' mistaken opinion that by statute the board must allow telephone participation is based on a conflation of **can** and **must** and on a selective reading of the explanation of the FOIA Public Education Officer.

I would like to renew my suggestion that the town hire a Certified Parliamentarian to attend at least two or three of our meetings to straighten things out, perhaps to act as referee on matters of procedure. Perhaps that person could also hold a seminar, much like Mr. Hennick does for the FOIA. You could suggest to all town board members and chairs that they attend. The Parliamentarian could give an overview of the rules and we could then ask questions.

Respectfully,

Glen Swanson  
Board of Ethics

ccs:

Attorney David L. Grogins, Cohen and Wolf, P.C.  
Jacqueline Villa, Chairman, Newtown Board of Ethics  
Joyce Murty, Vice Chairman  
David Camputo, Board Member  
Tim Echeverria Sr., Board Member  
Thomas Fuchs, Board Member  
Maria Zanfini, Alternate Board Member  
Reginald Heard, Alternate Board Member

Corr

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**From:** Dan Rosenthal <dan.rosenthal@newtown-ct.gov>  
**To:** Glen Swanson <gswanson9@att.net>  
**Cc:** David Camputo <djc115@msn.com>; gjmcevoy <gjmcevoy@charter.net>; Reginald Heard <reginald.heard@gmail.com>; tim <tim@nc-1.com>; tmfuchs <tmfuchs@gmail.com>; zanfini <zanfini@sbcglobal.net>; jacfab5@aol.com <jacfab5@aol.com>; DGrogins@cohenandwolf.com <DGrogins@cohenandwolf.com>  
**Subject:** Re: Robert's Rules and FOIA Question  
**Date:** Thu, Jan 24, 2019 5:43 pm

Dear Glen,  
Thank you for your letter. While I appreciate your position, matters of parliamentary procedure are directed to Town Counsel and in this case an opinion was issued and I view the matter as closed. As I mentioned in a prior email, the Chair serves at the pleasure of the Body and rulings may be challenged via a point of order and overturned by a vote of the majority. As you know, the Board of Selectmen is an even smaller body than the Board of Ethics and a second is always required for motions made. In fact, the Town's Bond Counsel reviews the record as to who made a motion, who seconded, and the ultimate vote before it will sign off on a bond issue. I'm quite certain the absence of a second in the meeting record would jeopardize and likely negate Board of Selectmen action. With regard to your request for a parliamentarian to attend your meetings, that is not something I am willing to support at this time. Alternatively, my staff is working with Connecticut Conference of Municipalities to schedule a Roberts Rules training session sometime this Spring, which we will be made available to all Boards and Commissions. In addition, we will likely hold a FOIA training again as well.  
Thank you,  
Dan

## Requiring a Second to a Motion

Point of Order: (Type of Motion and therefore must recorded in minutes of the meeting, Charter, 2-50.)

At the last meeting it was pointed out that we customarily require a second to pass a motion. My motion to discuss three possible additions to the Code failed for lack of a second.

Rule 2, RONR (11th ed.), p. 19, ll. 9-15, states that "...if a customary practice is...in conflict with the parliamentary authority...and a Point of Order...is raised at any time, the custom falls to the ground, and the conflicting provision in the parliamentary authority must be complied with."

Rules 4 and 49, RONR (11th ed.), p. 35 and p 488, l. 1, state that in small assemblies motions need not be seconded.

To comply with these rules I renew my motion using Rule 38, RONR (11th ed.), p. 337, ll. 22-23, to discuss the three possible additions to the Code.



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) **Can I make an anonymous complaint?** No. The Town Charter requires that an ethics complaint be signed by the person making the complaint. This is to discourage frivolous complaints and to comply with the Charter's second requirement, that the person whose conduct is the subject of the complaint be told the name of the person who filed it. The Board of Ethics also requires the person making the complaint to sign the Complaint Petition and provide contact information. This is so that the Board can contact that person to request information for its investigation.
- 3) **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.
- 4) **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.
- 5) **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



Newtown Board of Ethics  
FREQUENTLY ASKED QUESTIONS

public hearing will be held. Please see the Newtown Board of Ethics Complaint Processing Procedures document for more detail.

- 6) **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.
- 7) **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. Please see the Newtown Board of Ethics Complaint Processing Procedures document for more detail.
- 8) **What happens at a hearing?** Please see the Newtown Board of Ethics Complaint Processing Procedures document for more detail.
- 9) **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.
- 10) **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 of the Newtown Charter.
- 11) **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.



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 Board’s 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:



Newtown Board of Ethics  
COMPLAINT PROCESSING PROCEDURES

- i. Publish written Findings of Fact and,
- ii. Render a decision as to the merits of the Complaint.
  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.