

**Town of Newtown
Board of Ethics
Special Meeting
May 4, 2016**

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ETHICS

The Board of Ethics held a special meeting on Wednesday, May 4, 2016 in the lower meeting room at Town Hall South, 3 Main Street, Newtown, CT. Chairman Villa called the meeting to order at 7:07pm.

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

Also Present: Kristen Provost Switzer and 2 members of the public

Meet with prospective new alternate member – Mrs. Villa introduced Kristen Provost Switzer. She has been approved by the Democratic Town Committee as an alternate to the Board of Ethics. Ms. Switzer explained that she is a Protestant Minister. She was originally from Newtown and in 2015 moved back. She is looking to get involved in the town that she loves so much. Ms. Copp moved to appoint Rev. Switzer to the open position of alternate member on the Board of Ethics. Ms. Murty seconded, motion unanimously approved.

Minutes from 3/14/16 special meeting – Mrs. Villa noted that the purpose of that meeting was to refer with council regarding hearing procedures only. The following corrections were made: in the second line, the word was changed from call to called. In the second paragraph, third line from the bottom, the word these was stricken. Mr. Stringer moved to approve the minutes of the 3/14/16 meeting with the changes above, Mr. Reardon seconded, motion unanimously approved.

Correspondence in/out endorsement – Mrs. Villa presented letters that were not included in the hearing exhibits (Attachment A). Mr. Stringer moved to accept the 7 letters into correspondence. Ms. Murty seconded, motion unanimously approved.

Review/revise draft recommendations to BOS regarding CA3-15 and CB3-15 violations – They begin with CB3-15 regarding David Freedman. Each recommendation was voted on by a show of hands.

1. Shall be censured by the Board of Selectman – all in favor
2. Shall refrain from seeking any elected position representing the Town of Newtown for a period of 4 years – all in favor
3. The BOS shall not endorse or approve any proposed appointment of Mr. Freeman to any board, commission or committee representing the Town of Newtown for 4 years - all in favor
4. Shall resign from any appointed or volunteer town committees or commissions effective immediately – all in favor
5. Shall resign from representing the Town of Newtown as a voting delegate to the State Convention on May 9, 2016 and State Senate District 28 Convention on May 11, 2016– all in favor
6. Shall be required to provide evidence that he has successfully completed mandatory FOIA training prior to seeking subsequent elected or appointed positions representing the Town of Newtown on any boards, commissions or committees - all in favor

Mr. Stringer moved to accept the findings and recommendations of CB3-15 regarding David Freedman with the changes above (Attachment B). Mr. Fuchs seconded, motion unanimously approved.

They then began discussion on CA3-15 Regarding Kathy Hamilton. Mr. Fuchs recommended following the same protocol as CB3-15. Each recommendation below was voted on individually by a show of hands.

1. Censured by the Board of Selectman - all in favor
2. Shall provide evidence that she has successfully completed mandatory FOIA training within 90 days of the Board of Selectman's disposition. – 5 yes to 1 no (Reardon)
3. Other than her current elected term on BOE she shall refrain from seeking any elected position on any board, commission or committee representing the Town of Newtown for a period of 4 years – all in favor
4. The BOS shall not endorse or approve the proposed appointment of Ms. Hamilton to any board, commission or committee representing the Town of Newtown for a period of 4 years – all in favor
5. Shall resign from any appointed or volunteer town committees or commissions effective immediately – all in favor

Mr. Stringer moved to approve the findings and recommendations of CA3-15 with the changes above (Attachment C). Ms. Murty seconded, motion unanimously approved.

Ms. Murty moved to reopen discussion of CB3-15, Mr. Reardon seconded. Ms. Murty articulated that items 2 and 3 should be extended to 6 years. Motion to amend previous motion from 4 years to 6 was unanimously approved.

Having no further business, the meeting was adjourned at 8:45pm

Respectfully Submitted,
Arlene Miles, Clerk

Attachment A



TOWN OF NEWTOWN BOARD OF ETHICS

December 4, 2015

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

Dear Ms. Hamilton,

This letter is to inform you that the Board of Ethics has received a letter of complaint regarding your activities as a member of the Board of Education. The letter of complaint was submitted by Mr. Keith Alexander, Chairman, on behalf of the Board of Education and was postmarked November 20, 2015. A copy of this complaint is included with this letter.

Per the complaint procedures defined by The Code of the Town of Newtown, specifically Chapter 36, "Code of Ethics", the Board of Ethics is currently conducting a private investigation to determine if the complaint warrants a hearing. **As the respondent, you may request that this investigation be public.** Additionally, you have the right to a full hearing by the Board and are entitled to be represented by legal counsel at said hearing. **Should the Board decide that a hearing is required, or should you demand a hearing, said hearing shall afford you the right to cross-examine anyone testifying against you, to meet and answer any complaint made of your conduct, and to present evidence on your own behalf.**

Please be advised that unless you request otherwise, this investigation is confidential and, therefore, the allegations in the complaint and any information supplied to, or received from the Board of Ethics shall not be disclosed during the investigation to any third party by you (the respondent), the complainant, any witness, designated party, or board member.

During this confidential investigation, should it be considered necessary by the Board, you may have an opportunity to address the Board to provide additional information on your behalf. The Board will notify you, and set a convenient date for this informal inquiry.

At the conclusion of this investigation, you will be informed as to the Board's findings and its reasons for making such findings.

Sincerely,

Jacqueline Villa, Chairman
Board of Ethics, Town of Newtown
P.O. Box 127
Stevenson, CT 06491
jacfab5@aol.com

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



**TOWN OF NEWTOWN
BOARD OF ETHICS**

December 4, 2015

Mr. David Freedman
4 Laurel Road
Newtown, CT 06470

Dear Mr. Freedman,

This letter is to inform you that the Board of Ethics has received a letter of complaint regarding your activities as a member of the Board of Education. The letter of complaint was submitted by Mr. Keith Alexander, Chairman, on behalf of the Board of Education and was postmarked November 20, 2015. A copy of this complaint is included with this letter.

Per the complaint procedures defined by The Code of the Town of Newtown, specifically Chapter 36, "Code of Ethics", the Board of Ethics is currently conducting a private investigation to determine if the complaint warrants a hearing. **As the respondent, you may request that this investigation be public.** Additionally, you have the right to a full hearing by the Board and are entitled to be represented by legal counsel at said hearing. **Should the Board decide that a hearing is required, or should you demand a hearing, said hearing shall afford you the right to cross-examine anyone testifying against you, to meet and answer any complaint made of your conduct, and to present evidence on your own behalf.**

Please be advised that unless you request otherwise, this investigation is confidential and, therefore, the allegations in the complaint and any information supplied to, or received from the Board of Ethics shall not be disclosed during the investigation to any third party by you (the respondent), the complainant, any witness, designated party, or board member.

During this confidential investigation, should it be considered necessary by the Board, you may have an opportunity to address the Board to provide additional information on your behalf. The Board will notify you, and set a convenient date for this informal inquiry.

At the conclusion of this investigation, you will be informed as to the Board's findings and its reasons for making such findings.

Sincerely,

Jacqueline Villa, Chairman
Board of Ethics, Town of Newtown
P.O. Box 127
Stevenson, CT 06491
jacfab5@aol.com

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



TOWN OF NEWTOWN

BOARD OF ETHICS

December 4, 2015

Mr. Keith Alexander, Chairman
Board of Education
3 Primrose Street
Newtown, CT 06470

Dear Mr. Alexander,

This letter is to inform you that the Board of Ethics has received your letter of complaint postmarked November 20, 2015 regarding the actions of David Freedman and Kathryn Hamilton.

Per the complaint procedures defined by The Code of the Town of Newtown, specifically Chapter 36, "Code of Ethics", the Board of Ethics has notified Mr. Freedman and Ms. Hamilton that a complaint has been submitted, who made the complaint, and what the substance of the complaint is. The Board is currently conducting a private investigation to determine if the complaint warrants a hearing.

Please be advised that this investigation is confidential and therefore, the allegations in the complaint and any information supplied to or received from the Board of Ethics shall not be disclosed during the investigations to any third party by you (the complainant), the respondents, any witness, designated party or board member.

During this confidential investigation, should it be considered necessary by the Board, you may have an opportunity to address the Board to provide additional information on your behalf. The Board will notify you, and set a convenient date for this informal inquiry.

At the conclusion of the investigation you will be informed of the Board's findings and its reasons for making such findings.

Sincerely,

Jacqueline Villa
Chairman, Board of Ethics
POB 127
Stevenson, CT 06491
Jacfab5@aol.com

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



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

Mr. David Freedman
4 Laurel Road
Newtown, CT 06470

February 15, 2016

Dear Mr. Freedman,

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 David Freedman (the respondent) matter #CB3-15, 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 7:00 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

Mr. Keith Alexander
8 Fawnwood Road
Sandy Hook, CT 06482

February 15, 2016

Dear Mr. Alexander,

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 support 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 respondent.

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

Mr. Keith Alexander
8 Fawnwood Road
Sandy Hook, CT 06482

February 15, 2016

Dear Mr. Alexander,

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 David Freedman (the respondent) matter #CB3-15, 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 7:00 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 support 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 respondent.

Respectfully,

Jacqueline Villa, Chairman
Board of Ethics, Town of Newtown

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

Attachment B



TOWN OF NEWTOWN

BOARD OF ETHICS

Findings and Recommendations – May 4, 2016

CB3-15 David Freedman

At a public hearing on April 18, 2016, the Board of Ethics found David Freedman in violation of the following four sections of the Code of Ethics.

§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

§27-2a Officials and employees have an obligation to act morally and honestly in discharging all assigned responsibilities.

§27-2b 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.

§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.

§27-6a 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 employees discharge of official duties.

§27-6b 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.

The Board of Ethics conducted a confidential investigation pursuant to the Newtown Code of Ethics Section §303-6 & §303-7 which resulted in the finding of probable cause to hold this hearing.

The facts presented and considered by the Board of Ethics include but are not limited to an email admittedly forwarded by Mr. Freedman from the Attorney representing the Board of Education to unnamed recipients at the time Mr. Freedman was serving on said Board.

The Board of Ethics makes the recommendation to the Board of Selectman that the following dispositions be made.

1. Mr. Freedman shall be formally censured by the Board of Selectmen.

2. Mr. Freedman shall refrain from seeking any elected position representing the Town of Newtown for a period of 6 years.

3. The Board of Selectman shall not endorse or approve any proposed appointment of Mr. Freedman to any board, commission or committee representing the Town of Newtown for a period of 6 years.

4. Mr. Freedman shall resign from any appointed or volunteer town committees or commissions effective immediately.

5. Mr. Freedman shall resign from representing the Town of Newtown as a voting delegate at the State Convention on May 9, 2016 and the State Senate District 28 Convention on May 11, 2016.

6. Mr. Freedman shall be required to provide evidence that he has successfully completed mandatory FOIA training prior to seeking subsequent elected or appointed positions representing the Town of Newtown on any boards, commissions or committees.



TOWN OF NEWTOWN

BOARD OF ETHICS

Findings and Recommendations – May 4, 2016

CA3-15 Kathryn Hamilton

At a public hearing on April 18, 2016, the Board of Ethics found Kathryn Hamilton in violation of the following two sections of the Code of Ethics.

§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

§27-2a Officials and employees have an obligation to act morally and honestly in discharging all assigned responsibilities.

§27-2b 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.

The Board of Ethics conducted a confidential investigation pursuant to the Newtown Code of Ethics Section §303-6 & §303-7 which resulted in the finding of probable cause to hold this hearing.

The facts presented and considered by the Board of Ethics include but are not limited to a copied text message admittedly forwarded by Ms. Hamilton from her mobile phone text screen to unnamed recipients.

The Board of Ethics makes the recommendation to the Board of Selectman that the following dispositions be made.

1. Ms. Hamilton shall be formally censured by the Board of Selectmen.
2. Ms. Hamilton shall be required to provide evidence that she has successfully completed mandatory FOIA training within 90 days of the Board of Selectmen's disposition.
3. Other than her current elected position on the Board of Education, Ms. Hamilton shall refrain from seeking any elected position on any board, commission or committee representing the Town of Newtown for a period of 4 years.
4. The Board of Selectman shall not endorse or approve any proposed appointment of Ms. Hamilton to any board, commission or committee representing the Town of Newtown for a period of 4 years.
5. Ms. Hamilton shall resign from any appointed or volunteer town committees or commissions effective immediately.