

**Town of Newtown
Board of Ethics
Special Meeting
June 1, 2016**

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ETHICS

The Board of Ethics held a special meeting on Wednesday, June 1, 2016 in conference room at Town Hall South, 3 Main Street, Newtown, CT. Chairman Villa called the meeting to order at 1:11pm.

Present: Jackie Villa, Thomas Fuchs, Laurie Kilchevsky, Parker Reardon, Kristen Provost-Switzer(via phone)

Absent: Joyce Murty, Suzanne Copp

Also Present: 2 members of the public and one member of the press

Minutes of the special meeting of 5/18/16 – Mr. Fuchs moved to accept the minutes of the 5/18/16 special meeting, Mr. Reardon seconded. The following corrections were made: In the approval of the minutes, “Kilchevsky” should be “Kilchevsky” and under FOI request “Llorda” should be “Llodra” Minutes were unanimously approved with the corrections.

FOIA Commission Public Education Officer Tom Hennick – FOI is the law in the state of CT and it governs to some degree how boards and commissions operate. Ethics Boards are a little different, as an Ethics Board, if you get a complaint, you can operate without FOI until probable cause has been determined, after that, FOI applies. Advisory opinions are different than complaints and FOI applies.

There are three basic things that need to be done after you find probable cause; the meetings need to be properly noticed, it needs to be open to the public and that minutes are created.

You can go into executive session for 5 reasons, personal matters, security matter, selling property, pending litigation, and draft examination. As a board they may be working on something and it is truly a draft and that can be discussed in executive session. However, all boards and commissions are to do the bulk of their work in public.

The ability to participate electronically – You cannot conduct your business electronically. You can send an idea out to think about, but don't have the conversations via text or e-mail, that should be happening in public.

The FOI is basically 2 things, access to meetings and access to records. There are exemptions but it is best to have the mindset that if it is created it is public.

Mrs. Villa asked if there are things found in the confidential investigation that should not be disclosed. Nothing should be disclosed until you find probable cause. If no probable cause is found, the person who this was against can choose to have the documents released. After probable cause it all becomes public unless there is an exemption. For an example, the allegation ties into someone's medical records. You would have to release the fact that he is out on disability for a back injury and he was seen lifting a large box. If you are concerned about releasing a document, ask.

The law says that when a person asks for documentation you need to respond within 4 business days. But then you decide whether it has an exemption attached or not. There is no form or official FOI request and you should never have to analyze what is being asked. If it is vague, ask for clarification. You can also charge \$.50 per page, if it exceeds \$10 you can get your money up front however, there is no charge for records sent electronically.

Mr. Hennick explained that if a vote was improperly conducted the board can mitigate the damage by voting correctly. It doesn't make the incorrect vote go away but there will be no remedy because it will have been fixed. You may not have all the members present but it says we realized that we messed up and we are redoing it. If you do it again correctly and it doesn't come out the same way it is a risk that you take.

Having no further business the meeting was adjourned at 2:10pm

Respectfully Submitted,
Arlene Miles, Clerk