

**Town of Newtown  
Board of Ethics  
Special Meeting  
September 20, 2016**

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ETHICS

The Board of Ethics held a special meeting on Tuesday, September 20, 2016 at the Municipal Center, Meeting Room 1, 3 Primrose Street, Newtown, CT. Chairman Villa called the meeting to order at 7:04pm.

**Present:** Jackie Villa, Thomas Fuchs, Kristen Provost-Switzer, Joyce Murty, Suzanne Copp

**Absent:** Laurie Kilchevsky

**Minutes:** Kristen Provost-Switzer move to approve the minutes of the 8/4/16 meeting. Joyce Murty seconded, motion unanimously approved.

**Correspondence:** Jackie Villa reviewed a series of e-mails received from John Voket, Selectman Llodra, and Tom Hennick (Attachment A).

**UNFINISHED BUSINESS**

*Review final report regarding CA3-15 and CB3-15 – Joyce Murty moved to discuss the final report of CA3-15 and CB3-15. Kristen Provost-Switzer seconded. Jackie Villa explained that this is a chronology of what occurred. Attorney Levesque, suggested this at the beginning of the process for transparency. Tom Fuchs suggested calling it a time-line and not a report and it should be fact and date specific. The Board reviewed the draft and made extensive revisions. Joyce Murty will reconstruct the document with the changes. Tom Fuchs moved to table discussion on the final report until a revised draft has been circulated. Joyce Murty Seconded, motion unanimously approved.*

*Review and approve annual report – Jackie Villa reviewed the annual report. Revisions were made by board members. She will revise it for the next meeting.*

*Discuss research results assigned at August 4, 2016 meeting – Joyce Murty moved to table discussion Kristen Provost-Switzer seconded, motion unanimously approved.*

*Executive Session – Joyce Murty moved to go into executive session at 10:26pm. Kristen Provost-Switzer seconded, motion unanimously approved. At that time the clerk left the meeting. Executive Session ended at 11:05pm.*

Tom Fuchs moved to contact Tom Hennick, FOI Commission Ombudsman, to begin the mediation process to resolve complaints #FIC2016-0433 & #FIC2016-0371. Kristen Provost-Switzer seconded, motion unanimously approved.

Having no further business the meeting was adjourned at 11:06pm

Respectfully Submitted,

Arlene Miles, Clerk

**From:** Jackie <jacfab5@aol.com>

**To:** Pat Llodra <pat.llodra@newtown-ct.gov>

**Subject:** Re: Fol Issue

**Date:** Fri, Aug 26, 2016 1:22 pm

---

Good Afternoon, Pat.

I have had several discussions with Obudsman Tom Hennick and have applied the suggestions he has made. During our last discussion he expressed optimism that this would be resolved by the action we took at the last meeting on August 4. I am disappointed that is not the case. I will certainly reach out to Mr. Hennick again and discuss what further steps can be taken. Thank you for reaching out to me.

Regards,  
Jackie

> On Aug 26, 2016, at 10:07 AM, Pat Llodra <pat.llodra@newtown-ct.gov> wrote:

>

> Jackie. I spoke again with John Voket and continue to feel that the Bee complaint against the Board of Ethics can be resolved with some action on your part. I understand the difficulty you are facing but strongly encourage you to reach out to Tom Hennick to solicit his help as an ombudsman. He will be able to work with you and with the Bee to find an acceptable resolution.

>

> Please consider this and act as soon as possible.

>

> Pat

>

> --

> E. Patricia Llodra

> First Selectman

> Town of Newtown

> 3 Primrose Street

> Newtown, CT 06470

>

> (203) 270-4201 - Office

> (203) 270-4206 - FAX

**From:** Hennick, Thomas A <Thomas.Hennick@ct.gov>  
**To:** jacfab5 <jacfab5@aol.com>  
**Subject:** RE: 2016-0371, 2016-0372, 2016-0433  
**Date:** Tue, Aug 23, 2016 12:21 pm

---

Good morning Jackie,

                  An FOI complaint would be considered a pending claim, so yes, your board could discuss its strategy pertaining to those complaints in an executive session.

Tom

**From:** [jacfab5@aol.com](mailto:jacfab5@aol.com) [<mailto:jacfab5@aol.com>]  
**Sent:** Tuesday, August 23, 2016 9:41 AM  
**To:** Hennick, Thomas A <[Thomas.Hennick@ct.gov](mailto:Thomas.Hennick@ct.gov)>  
**Subject:** 2016-0371, 2016-0372, 2016-0433

Good Morning Mr. Hennick,

May I ask you to please confirm the following.

FOIA states:

Section 1-200 6( 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.

The Voket and Hamilton complaints are against the Chair and the Ethics Commission so it appears to be an appropriate topic for an executive session.

Can the Board of Ethics discuss the pending FOIA complaints, 2016-0371, 2016-0372, 2016-0433 in Executive Session at our next regular or special meeting?

Regards,  
Jackie

Jacqueline Villa, Chairman  
Board of Ethics  
Town of Newtown

To: jacfab5 <[jacfab5@aol.com](mailto:jacfab5@aol.com)>  
Sent: Tue, Sep 20, 2016 11:08 am  
Subject: RE:

Good morning Jackie,

The fact that mediation has been requested does not technically change anything. If your board would like to enter executive session to discuss strategy as it pertains to the two Voket complaints, it certainly could. It certainly isn't required and may not be necessary. It is my strongest recommendation that, either way, your board look at the four requests made by the complainant in his September 5 missive and see if they can lead to a resolution of these matters so that no hearing here will be needed in October. Mr. Voket has indicated that he will withdraw the complaint if his requests are met.

Tom

From: [jacfab5@aol.com](mailto:jacfab5@aol.com) [<mailto:jacfab5@aol.com>]  
Sent: Tuesday, September 20, 2016 10:53 AM  
To: Hennick, Thomas A <[Thomas.Hennick@ct.gov](mailto:Thomas.Hennick@ct.gov)>  
Subject:

Dear Mr. Hennick,

I have received an email containing the following from Attorney Grogins this morning:

*"Jackie, I just sent you a copy of the withdrawal of the Hamilton case. I suggest you contact Tom Hennick and ask him whether John Voket's request for mediation has any effect on the proposed executive session."*

The board members have not considered or discussed this. As you know, Mr. Voket sent an email to me on Thurs, 9/15 (3 business days ago) which you were copied on. As of today, I have not yet received the notice from the FOI Commission. Our posted meeting tonight is a special meeting, with an ES noticed to discuss our strategy pertaining to the pending FOI Complaints. I am aware that I already sought your advice on this matter, however, to acknowledge Attomey Grogins' suggestion, I am reaching out to you again.

Jacqueline Villa, Chairman  
Board of Ethics  
Town of Newtown

**From:** Hennick, Thomas A <Thomas.Hennick@ct.gov>  
**To:** jacfab5 <jacfab5@aol.com>  
**Subject:** RE: Re:  
**Date:** Tue, Sep 20, 2016 11:49 am

---

Ok, then after you folks discuss it tonight, why not get in touch tomorrow to see where we stand.

**From:** [jacfab5@aol.com](mailto:jacfab5@aol.com) [<mailto:jacfab5@aol.com>]  
**Sent:** Tuesday, September 20, 2016 11:45 AM  
**To:** Hennick, Thomas A <[Thomas.Hennick@ct.gov](mailto:Thomas.Hennick@ct.gov)>  
**Subject:** Re:

Thank you very much for clarifying that for me Mr. Hennick. Yes, I recieved that email from Mr. Voket on Thursday night 9-15-16 and read it yesterday, as I was occupied all day Friday. Certainly, all the board members need to have a chance to review and consider this request. Also, the fact that this request is being addressed and attended to on the third business day after receipt is exceptionally prompt in my opinion.

My regards,  
Jackie

-----Original Message-----

**From:** Hennick, Thomas A <[Thomas.Hennick@ct.gov](mailto:Thomas.Hennick@ct.gov)>  
**To:** jacfab5 <[jacfab5@aol.com](mailto:jacfab5@aol.com)>  
**Sent:** Tue, Sep 20, 2016 11:22 am  
**Subject:** RE: Re:

He only copied us on it, Jackie. I reread your e-mail, I mis-read the date. It's the 9/15 e-mail he sent you. His request would not come from us or through us, it's from him to you in an attempt to resolve the complaints.

**From:** [jacfab5@aol.com](mailto:jacfab5@aol.com) [<mailto:jacfab5@aol.com>]  
**Sent:** Tuesday, September 20, 2016 11:17 AM  
**To:** Hennick, Thomas A <[Thomas.Hennick@ct.gov](mailto:Thomas.Hennick@ct.gov)>  
**Subject:** Re:

Good morning Tom,  
Can you please forward me a copy of this missive document dated Sept 5 so I can have it available tonight. I have not received it from the FOI Commission as of today.  
Thank you very much,  
Jackie

-----Original Message-----

**From:** Hennick, Thomas A <[Thomas.Hennick@ct.gov](mailto:Thomas.Hennick@ct.gov)>

Cc: Thomas Hennick <[thomas.hennick@po.state.ct.us](mailto:thomas.hennick@po.state.ct.us)>; David Grogins <[dgrogins@cohenandwolf.com](mailto:dgrogins@cohenandwolf.com)>; John Voket <[john@thebee.com](mailto:john@thebee.com)>  
Sent: Mon, Sep 19, 2016 9:20 pm  
Subject: Re: 09-20 scheduled executive session

I strongly suggest that Tom Hennick be consulted regarding the use of Executive Session to discuss the issue of FOIC appeals. Please do not proceed without gathering specific advise on this matter.

On Mon, Sep 19, 2016 at 8:15 PM, John Voket <[John@thebee.com](mailto:John@thebee.com)> wrote:  
Ms Villa,

I am writing to object to your improper citing of FOI statue 1-200 6 (b) in calling an Executive Session to discuss in secret two of the standing appeals I have made against you to the commission to the FOIC, which I am hoping you will agree to mediate outside the formal hearing arena.

The exemption you are referencing - CT FOI Section 1-200 6(b) - states: 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;

Since there are no pending legal claims against you, nor any pending litigation, you may not and must not hold any discussion on these matters under the executive session privilege.

I would ask Mr. Grogins, Mr. Hennick and the first selectman weigh in on this before you subject yourself and your board to further FOI appeals.

Instead, I again request you consider responding to my offer to dismiss the pending appeals if you would simply honor requests I have made to explain the reasons behind your actions as outlined in those appeals.

Sincerely and with respect,

John Voket

Sent from my Verizon, Samsung Galaxy smartphone

—  
E. Patricia Llodra  
First Selectman  
Town of Newtown  
3 Primrose Street  
Newtown, CT 06470

(203) 270-4201 - Office  
(203) 270-4206 - FAX

**From:** John Voket <John@thebee.com>

**To:** jacfab5 <jacfab5@aol.com>

**Cc:** Pat Llodra <pat.llodra@newtown-ct.gov>; dgrogins <dgrogins@cohenandwolf.com>; Hennick, Thomas A <Thomas.Hennick@ct.gov>

**Subject:** RE: 09-20 scheduled executive session

**Date:** Tue, Sep 20, 2016 10:28 am

---

I have had an opportunity to consult with Mr Hennick, and apparently this case is still technically considered a claim even though I am actively seeking to take this matter off the FOIC docket and move it to private mediation.

So I stand corrected and apologise for any inconvenience - my interpretation of the law does not take into account that until Ms Villa either agrees or rejects my request to mediate instead of carrying this matter to a full FOIC hearing, it remains a claim against her under the statute.

That said, I find it unfortunate that the leader of a board that stands in judgement over others in the Newtown community feels the necessity to continue exploiting technicalities in the law to conduct secret meetings outside the public eye. Particularily since I have in good faith sought to resolve my FOIC appeals privately and off the public docket.

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.

---

**From:** [jacfab5@aol.com](mailto:jacfab5@aol.com) [<mailto:jacfab5@aol.com>]

**Sent:** Monday, September 19, 2016 9:35 PM

**To:** pat.llodra@newtown-ct.gov

**Cc:** [thomas.hennick@po.state.ct.us](mailto:thomas.hennick@po.state.ct.us); [dgrogins@cohenandwolf.com](mailto:dgrogins@cohenandwolf.com); John Voket

**Subject:** Re: 09-20 scheduled executive session

Please see the correspondence between Tom Hennick and myself in the attached email dated Aug 23, 2016. As is clearly evident, specific advise on this matter has already been gathered determining the Board may proceed. Thank you for your concern.

Good Night,

Jacqueline Villa, Chairman  
Board of Ethics  
Town of Newtown

-----Original Message-----

**From:** Pat Llodra <pat.llodra@newtown-ct.gov>

**To:** Jackie <[jacfab5@aol.com](mailto:jacfab5@aol.com)>