

**Town of Newtown
Board of Ethics
Special Meeting**

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ETHICS

The Board of Ethics held a special meeting on Wednesday, September 28, 2016 at the Municipal Center, Meeting Room 1, 3 Primrose Street, Newtown, CT. Chairman Villa called the meeting to order at 7:00pm.

Present: Jackie Villa, Thomas Fuchs(by phone), Kristen Provost-Switzer, Joyce Murty, Suzanne Copp
Absent: Laurie Kilchevsky

Minutes: Kristen Provost-Switzer moved to approve the minutes from the special meeting of 9/20/16. Joyce Murty seconded, motion unanimously approved.

Correspondence: Jackie Villa presented e-mails between her, John Voket and Tom Hennick(Attachment A).

UNFINISHED BUSINESS

Review final report/chronological summary regarding CA3-15 and CB3-15 – Suzanne Copp moved to continue putting together the chronological summary regarding CA3-15 and CB3-15. Kristen Provost-Switzer seconded. The following revisions were made:

#18 – change to voting was conducted

#19 – during the public hearings is added

#20 becomes #21

#21 becomes

#22 becomes 20 adding April 22

Joyce Murty moved to approve the chronological summary regarding CA3-15 and CB3-15 with the revisions above. Tom Fuchs second, motion unanimously approve (final document is Attachment B).

Review and approve annual report – Kristin Provost-Switzer moved to review and approve the annual report for July 15, 2016 to June 16, 2016. Joyce Murty seconded. The following revisions were made:

#4 as of June 2016 all were pending.

#2 K. Alexander on behalf of the Board of Education was added in two locations

Motion unanimously approved with the revisions above (final document is Attachment C).

Discuss research results assigned at August 4, 2016 meeting – Kristen Provost-Switzer reported her findings regarding subcommittees. She contacted Tom Hennick from FOIA and found that subcommittees are permissible. The best way is to view it as a separate entity or a new board. You need to notice it, open to the public, and provide minutes. There was concern that subcommittees can be less efficiency. Kristen Provost-Switzer and Joyce Murty will look more into this topic.

Rec'd. for Record 9,30 20 16
Town Clerk of Newtown 2:00pm
Debbie Aurelia Halstead

Executive Session – Joyce Murty moved to go into executive session at 8:35pm to discuss the pending FOIA hearing FIC 2016-0433 and FIC 2016-0374. Suzanne Copp seconded, motion unanimously approved. At that time the clerk left the meeting. Executive session ended at 10:11pm.

Tom Fuchs moved to accept the final draft of responses to John Voket (Attachment D), Kristen Provost-Switzer seconded, motion unanimously approved.

Having no further business the meeting was adjourned at 10:12pm

Respectfully Submitted,
Arlene Miles, Clerk

Attachment A



Arlene Miles <arlene.miles@newtown-ct.gov>

Fwd: Proposed resolution to pending FOI appeals

jacfab5@aol.com <jacfab5@aol.com>

Thu, Sep 29, 2016 at 12:23 AM

To: arlene.miles@newtown-ct.gov

Hi Arlene,

Here is the email thread, communication between Tom Hennick and I, responding to Voket. I will get the other docs to you. Please let me know how late you will be able to receive them – I'm working a double today so I will try to squeeze it in.

Night, Jackie

Forwarded message below.

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

From: Jackie <jacfab5@aol.com>

To: Hennick, Thomas A <Thomas.Hennick@ct.gov>

Sent: Tue, Sep 27, 2016 1:40 pm

Subject: Re: Proposed resolution to pending FOI appeals

Yes, Wednesday, Sept 28, 2016 at 7 pm in meeting room 1. The agenda will be posted shortly.

-Jackie

On Sep 27, 2016, at 1:30 PM, "Hennick, Thomas A" <Thomas.Hennick@ct.gov> wrote:

Jackie, the Newtown town clerk does not have a record of any meeting of your commission scheduled for tomorrow night. The Bee has contact me to inquire if I have the right night.

From: Jackie [mailto:jacfab5@aol.com]

Sent: Tuesday, September 27, 2016 12:39 PM

To: Hennick, Thomas A <Thomas.Hennick@ct.gov>

Subject: Fwd: Proposed resolution to pending FOI appeals

Dear Mr. Hennick,

May I request that you, as ombudsman in this case, respond to this email from Mr. Voket as per our phone conversation last Thursday.

I apologize, I don't recall having any deadline to meet. As you know, our board has scheduled a special meeting for tomorrow, Wednesday, 9-28-16 to finalize our discussions on this matter.

Thank you very much.

Regards,
Jackie

Jacqueline Villa, Chairman
Board of Ethics
Town of Newtown

Begin forwarded message:

From: "John Voket" <John@thebee.com>
Date: September 27, 2016 at 11:38:35 AM EDT
To: <jacfab5@aol.com>
Cc: "Pat Llodra" <pat.llodra@newtown-ct.gov>, "Hennick, Thomas A" <Thomas.Hennick@ct.gov>
Subject: FW: Proposed resolution to pending FOI appeals

Ms Villa,

Please be reminded for my planning purposes, I will need to know by the end of today if you plan to sit down with Mr Hennick and myself to attempt to resolve the standing FOI appeals referenced below.

Thank you,

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: John Voket
Sent: Thursday, September 15, 2016 4:45 PM
To: jacfab5@aol.com
Cc: 'Pat Llodra'; 'Hennick, Thomas A'
Subject: Proposed resolution to pending FOI appeals

Greetings Ms Villa,

I hope you received the recent correspondence from the FOI Commission regarding the opportunity to potentially administer a dismissal to any or all of my pending appeals through mediation with Mr Hennick. Please see below the conditions and stipulations I forwarded to Mr Hennick and Mrs Llodra for review on August 29.

My assumption was that they were also forwarded to you, but that may have been incorrect on my part. So I am forwarding them to you, with a request that you provide a response on or before September 27 regarding whether you would prefer to meet to respond in a mediation setting, or move forward with the hearings on the FOIC docket for October 11.

In order for me to withdraw any/all FOI appeals, Ms Villa would need to - in writing, or in person in an audio recorded interview - provide the following to subsequently be reported in The Bee:

1. Re: FIC 2016-0433 - A clear explanation of how she became knowledgeable of the names tied to (4/18/16) hearing ballots in the sealed envelope - which was made public May 18, at least eight before that envelope was unsealed. Along with an admission by Ms Villa if she or a designee came to know or receive that information as a result of an illegal meeting.

2. Re: FIC 2016-0371 - A clear explanation of why Ms Villa called two separate executive sessions to deliberate on the ethics complaints against Ms Hamilton and Mr Freedman on 4/18/16 - taking into account her letters of 2/15/16 explaining that all matters from the point of establishing probable cause would be held in public except "procedural discussions" - along with an admission by Ms Villa that she improperly convened those executive sessions (on 4/18).

3. Re: FIC 2016-0371 - An admission that Ms Villa improperly convened a March 14 executive session to discuss hearing procedures, when the minutes clearly reflect that the session was convened to discuss specific complaints against Ms Hamilton and Mr Freedman - in contrast to the aforementioned 2/15/16 memo.

4. Re: FIC 2016-0371 - An admission that Ms Villa illegally convened a ethics board meeting that was conducted in executive session on January 14, 2016 (as evidenced in her Jan 11 email to the school board chairman) without providing appropriate notice under the law.

While it is unfortunate that things had to go this far - as The Bee provided numerous opportunities for Ms Villa to explain herself on one or more of these issues - I hope she is willing and able to address and explain the above mentioned issues so we may report them to the readers and residents of Newtown - and put this / these matters behind us.

As long as these issues and admissions are delivered, we see no reason to continue pursuing either FIC 2016-0371 or FIC 2016-0433.

Thank you for your assistance and consideration -

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.



Renee Weimann <renee.weimann@newtown-ct.gov>

Fwd: Proposed resolution to pending FOI appeals

1 message

jacfab5@aol.com <jacfab5@aol.com>

Fri, Sep 30, 2016 at 11:03 AM

To: arlene.miles@newtown-ct.gov, renee.weimann@newtown-ct.gov

Dear Arlene & Renee,

I have just looked over the email thread as attachment to the minutes and it is missing these last two communications between Tom Hennick and myself. See forwarded below and please post with the minutes.

Thank you very much,
Jacqueline Villa

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

From: Jackie <jacfab5@aol.com>

To: Hennick, Thomas A <Thomas.Hennick@ct.gov>

Sent: Tue, Sep 27, 2016 1:17 pm

Subject: Re: Proposed resolution to pending FOI appeals

Thank you very much Mr. Hennick, I appreciate it.

-Jackie

On Sep 27, 2016, at 1:01 PM, "Hennick, Thomas A" <Thomas.Hennick@ct.gov> wrote:

Hi Jackie,

There is no deadline from an FOI standpoint other than the hearing date, October 11. I'll be happy to reach out to John Voket and inform him of tomorrow night's meeting.

Tom



Attach B'

TOWN OF NEWTOWN

BOARD OF ETHICS

Chronological Summary of Board of Ethics Actions Regarding CA3-15 and CB3-15 Complaints

1. The Board of Ethics (the "BOE") received a letter of complaint dated November 20, 2015 (the "Complaint") from Keith Alexander, on behalf of the Board of Education (the "Complainants"), alleging misconduct by David Freedman and Kathy (Kathryn) Hamilton (the "Respondents").
2. The BOE notified the Complainants of the receipt of the Complaint in a letter, dated December 4, 2015, sent by certified mail on December 7, 2015 to the attention of Mr. Keith Alexander and marked "Confidential" to 3 Primrose Street, Newtown, CT. The letter included a copy of the Complaint.
3. On December 31, 2015, a duplicate certified letter was sent to Mr. Alexander at his home address because it was discovered that, although the certified mail receipt indicated that the original letter was signed for at 3 Primrose Street on December 10, 2015 at 12:28 PM, it had not been received by Mr. Alexander. Receipt of the duplicate letter was confirmed by Mr. Alexander on January 1, 2016.
4. On January 9, 2016, the BOE notified Complainants, via email, of the need to initiate a confidential inquiry regarding the validity of the allegations made in the Complaint. This inquiry was held on January 14, 2016.
5. On January 9, 2016, the BOE notified Respondents, via email, of the need to initiate a confidential inquiry regarding the validity of the allegations made in the Complaint. This inquiry was held on January 21, 2016.
6. Subsequent to the January 21, 2016 meeting with the Respondents, the BOE determined that probable cause existed to warrant a public hearing.
7. In a phone conversation on February 9, 2016, Chairman Villa requested advice of the Town Attorney, Mr. David Grogins, as to procedural conduct for the public hearing process. Chairman Villa received a memo from Attorney Grogins dated February 16, 2016 advising of procedures

(attached as Attachment 1). Among said procedures, it was indicated that deliberations may be held in executive session.

8. Letters dated February 15, 2016 indicating probable cause existed to hold public hearings were sent by certified mail to each of the Respondents and to Mr. Keith Alexander, on behalf of the Board of Education.

9. Hearings were initially scheduled for March 3, 2016.

10. On February 24, 2016, Chairman Villa received a request from Attorney Marc Sommaruga, counsel for the Respondents, requesting, among other things, a continuance of the March 3, 2016 hearings for each of the Respondents.

11. On February 25, 2016, Chairman Villa contacted Attorney Grogins with further questions. Attorney Grogins informed Chairman Villa that he would need to recuse himself from representing the BOE but stated that he would send her attorney referrals. On February 26, 2016, Chairman Villa received an email from Attorney Grogins recommending Horton, Shields & Knox.

12. Upon the authorization of the First Selectman, the BOE retained Attorney Brendon Levesque of Horton, Shields & Knox on February 29, 2016.

13. Attorney Sommaruga's request for the continuance of the March 3, 2016 hearings was granted by the BOE, via letter sent by Attorney Levesque on March 7, 2016.

14. The BOE held a special meeting on March 14, 2016, and upon call to order and motion, entered executive session with counsel present to seek his advice regarding procedures for the upcoming public hearings.

15. On March 31, 2016, letters were sent via email by Attorney Levesque, on behalf of the BOE, to Attorney Sommaruga, counsel for the Respondents, and Attorney Mills, counsel for the Complainants, advising them of the scheduled April 18, 2016 public hearings.

16. Notice of the April 18, 2016 public hearings was published in the Newtown Bee, as well as the Newtown Bee's website, on April 11, 2016. The agenda posted for the special meeting for the April 18, 2016 public hearings made reference to the planned executive sessions for deliberations for each public hearing (attached as Attachment 2).

17. The public hearings were held on April 18, 2016.

18. After deliberations during executive sessions, voting was conducted during the public sessions of the hearings on April 18, 2016 by anonymous paper ballots.
19. After the public hearings, Kathy (Kathryn) Hamilton was found in violation of the Code of Ethics sections §27-2a and §27-2b. David Freedman was found in violation of the Code of Ethics sections §27-2a, §27-2b, §27-6a and §27-6b.
20. On April 22, 2016, The Newtown Bee challenged the validity of the BOE's deliberations in executive session on April 18, 2016 and the voting by anonymous paper ballots in the public sessions.
21. At a special meeting held on May 4, 2016, the BOE voted on and approved recommendations to the First Selectman's Office.
22. On May 10, 2016, a special meeting of the BOE was held to amend the minutes of the May 4, 2016 minutes to include a statement that was inadvertently omitted from the minutes of the May 4, 2016 special meeting.
23. After discussions with counsel, on May 18, 2016, Chairman Villa determined to contact each BOE member individually by telephone to identify how each BOE member voted at the April 18, 2016 hearings. The purpose of the poll was to draft a document to be used at the special meeting to be held on May 18, 2016, to amend the April 18, 2016 meeting minutes. (May 18, 2016 minutes attached as Attachment 3).
24. At a regular meeting of the BOE on August 4, 2016, each BOE member reaffirmed his/her votes, as per instructions by Thomas Hennick of the CT FOIA Commission, with the exception of James Stringer who had resigned from the Board in June 2016.
25. All opinions, findings and recommendations of the Board of Ethics, will remain on file in the office of the Town Clerk.



Memo

To: Jackie Villa
From: David L. Cirzins
Date: February 16, 2016
Re: Hearing for Newcom's Ethics Commission

Procedures for Hearing

1. Determination of Probable Cause or Vote of Commission.
2. [If Positive] Give 30 days notice to both Complainant and Respondent (party against whom complaint made) of hearing, which can be noticed as a Special Meeting of the Commission at which public may be present but not participate.
3. At hearing, Respondent should be allowed to have legal representation, to present evidence, to examine and cross-examine witnesses including the Complainant. Witnesses should give testimony under oath (have Town Clerk administer).

The Commission can request production of documents (can't use subpoenas). Commission can examine witnesses. It may also limit testimony where relevant. A taped record of the hearing should be made.
4. Following the hearing, the Commission shall vote and issue a Determination. If there is a finding of violation, the matter shall be reported to the Board of Selectmen. The deliberations of the Commission may be in executive session.
5. The Determination of the Commission is final and can't be appealed.

Attachment 2



TOWN OF NEWTOWN

BOARD OF ETHICS

AMENDED

Special Meeting - Public Hearing Agenda 4-18-16, 6:45 pm

Town Hall South, 3 Main Street, Newtown, CT

Conference Room

- 1- Call to order
- 2- Public Hearing # CB3-15
- 3- Executive Session: Deliberation
- 4- Vote
- 5- Public Hearing # CA3-15
- 6- Executive Session: Deliberation
- 7- Vote
- 8- Adjournment

Attachment C



TOWN OF NEWTOWN

BOARD OF ETHICS

Annual Report July 2015 – June 2016

1. A request for an Advisory Opinion was submitted in November 2015 by the First Selectman regarding actions previously taken by town employee and Republican Town Committee secretary Carey Sheirloh. After consulting with the town Attorney, it was determined that it did not meet the definition of Advisory Opinion request and a letter was delivered to the First Selectman's Office indicating that it must be submitted as a complaint in order for the Board to address it as per Code of Ethics procedure. No complaint was submitted subsequent to that determination and correspondence.
2. Two complaints were submitted that resulted in an investigation and subsequent hearings. CA3-15 (K. Alexander on behalf of the Board of Education v. K. Hamilton) and CB3-15 (K. Alexander on behalf of the Board of Education v. D. Freedman). No other complaints were submitted that were handled in public or determined to warrant an investigation.
3. Discussions regarding procedural clarifications during the filing of a complaint commenced prior to the November 2015 complaints that lead to the public hearing on matters CA3-15 and CB3-15. Subsequent to those hearings held in April of 2016, and after consultation with counsel during said hearings, the decision to continue said discussions resumed with a clear and thorough understanding of what areas needed improvement and clarification. Hearing procedures and internal procedures were also addressed during this process.
4. Three FOI complaints were made against the Board of Ethics and the Chairman of the Board of Ethics. One complaint was submitted by Kathy (Kathryn) Hamilton, two complaints were submitted by John Voket, reporter from the Newtown Bee. As of June 2016, all were pending.
5. Out of pocket expenses totaling \$ 204.27 were spent for mailings and copies. Reimbursement was voluntarily not sought by Chairman Villa.

**Jacqueline Villa, Chairman
Board of Ethics
Town of Newtown**

Attachment D



TOWN OF NEWTOWN

BOARD OF ETHICS

Response to Mr. Voket's 4 questions:

From Mr. Voket's email dated September 15, 2016 to Chairman Villa:

"In order for me to withdraw any/all FOI appeals, Ms Villa would need to - in writing, or in person in an audio recorded interview - provide the following to subsequently be reported in The Bee":

1. Re: FIC 2016-0433 - A clear explanation of how she became knowledgeable of the names tied to (4/18/16) hearing ballots in the sealed envelope - which was made public May 18, at least eight before that envelope was unsealed. Along with an admission by Ms Villa if she or a designee came to know or receive that information as a result of an illegal meeting.

The Board of Ethics (hereinafter referred to as BOE) Response to #1: After discussions with counsel, on May 18, 2016, Chairman Villa determined to contact each BOE member individually by telephone to identify how each BOE member voted at the April 18, 2016 meetings. The purpose of the poll was to draft a document to be voted on at the special meeting to be held on May 18, 2016, to amend the April 18, 2016 meeting minutes. (May 18, 2016 minutes, attachment 1). It is Chairman Villa's view that she did not receive this information as a result of an illegal meeting since contacting the Board members individually by telephone to identify how that member voted by anonymous ballot at the April 18, 2016 meeting was not a "meeting" as defined by Section 1-200 (2) of the Connecticut Freedom of Information Act. At no time during the preparation of the document was there an assembly or convening of a quorum of the BOE since each member was contacted individually. Under the Newtown Charter, 4 members of the BOE constitute a quorum. Chairman Villa spent significant effort during that day to contact the BOE members individually precisely to

ensure that she was following FOIA with the goal of providing the public with the identity of the BOE votes.

2. Re: FIC 2016-0371 - A clear explanation of why Ms Villa called two separate executive sessions to deliberate on the ethics complaints against Ms Hamilton and Mr Freedman on 4/18/16 - taking into account her letters of 2/15/16 explaining that all matters from the point of establishing probable cause would be held in public except "procedural discussions" - along with an admission by Ms Villa that she improperly convened those executive sessions (on 4/18).

BOE Response to #2: In a phone conversation on February 9, 2016, Chairman Villa requested advice of the Town Attorney, Mr. David Grogins, as to procedural conduct for the public hearing process. Chairman Villa received a memo from Attorney Grogins dated February 16, 2016 advising of procedures (attachment 2). Among said procedures, it was indicated that deliberations may be held in executive session. Moreover, the BOE determined that this action would avoid possible repercussions to members of the BOE from their political party affiliation.

3. Re: FIC 2016-0371 - An admission that Ms Villa improperly convened a March 14 executive session to discuss hearing procedures, when the minutes clearly reflect that the session was convened to discuss specific complaints against Ms Hamilton and Mr Freedman - in contrast to the aforementioned 2/15/16 memo.

BOE Response to #3: The BOE is confused by this question because the minutes of the special meeting held on March 14, 2016, do not "clearly reflect that the meeting was convened to discuss the specific complaints against Mr. Freedman and Ms. Hamilton." Rather the minutes clearly reflect that upon call to order and motion, the BOE entered executive session with counsel present to seek his advice regarding procedures for the upcoming public hearings.

4. Re: FIC 2016-0371 - An admission that Ms Villa illegally convened a ethics board meeting that was conducted in executive session on January 14, 2016 (as evidenced in her Jan 11 email to the school board chairman) without providing appropriate notice under the law.

BOE Response to #4: It is the BOE's view that Chairman Villa did not convene a meeting in executive session on January 14, 2016 without appropriate notice under the law. On January 9, 2016, the BOE notified Complainants, via email, of the need to initiate a confidential inquiry regarding the validity of the allegations made in the Complaint. This inquiry was held on January 14, 2016. While the BOE understands that there was the convening of a quorum of the members of the BOE, this meeting was solely a confidential inquiry to gather facts to determine the validity of the allegations made in the complaint filed by the Board of Education. No other BOE business was discussed. Until such time as either the respondents who are the subject of the complaint request that the proceedings be public or until such time as the BOE determines that probable cause exists to warrant a public hearing, all information regarding the complaint and the inquiries made by the BOE must be confidential. This process is consistent with the information presented by FOIA Commission Public Education Officer, Tom Hennick, at the special meeting of the BOE on June 1, 2016. At this meeting, Mr. Hennick stated that Ethics Boards are a little different – if you get a complaint you can operate without FOIA until probable cause has been determined. After that, FOIA applies. (June 1, 2016 minutes, Attachment 3) Moreover, it is the BOE's understanding that these inquiries fall outside the traditional purviews of an "executive session" under FOIA because if the meeting were deemed to be an executive session, the BOE would have to disclose all persons who are in attendance pursuant to Section 1-231 of FOIA. Disclosing persons in attendance would violate the confidential nature of the inquiries.

Jacqueline Villa, Chairman
Board of Ethics
Town of Newtown

Attachment 1

Town of Newtown
Board of Ethics
Special Meeting
May 18, 2016

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ETHICS

The Board of Ethics held a special meeting on Wednesday, May 18, 2016 in meeting room 1 in the Municipal Building, 3 Primrose Street, Newtown, CT. Chairman Villa called the meeting to order at 7:01pm.

Present: Jackie Villa, Thomas Fuchs, Laurie Kikhevsky, Joyce Murty, Suzanne Cripp
Absent: James Stanger, Parker Reardon, Kristen Provesi-Switzer
Also Present: Attorney Levesque, and one member of the public

Minutes of the special meeting of 5/10/16 - Mr. Kikhevsky moved to approve the minutes of the 5/10/16 meeting with the following corrections: change "move" to "revise" in the first line. Change the date from "3/14/15" to "3/11/16" and in the last line change "Kikhevsky" to "Kikhevskev". Mr. Fuchs recorded, motion unanimously approved.

Minutes of the special meeting of 4/18/16 - Ms. Murty moved to approve the minutes of the special meeting of 4/18/16. Mr. Fuchs recorded. Ms. Murty requested amending the minutes with the entry to identify the voice taken by the Board of Ethics. Mr. Fuchs recorded the amendment. The minutes with the correction (Attachment A) were unanimously approved.

UNFINISHED BUSINESS

Final Report regarding hearings CAJ-15 & CBJ-15 - Mrs. Villa explained that she is working on a final report that will be a timeline of events and will have this for the next meeting.

NEW BUSINESS

FOI request from Kathy Hamilton - Ms. Hamilton submitted a request for documents (Attachment B) which Mrs. Villa has responded to. Ms. Cripp suggested that they contact Tom Hennick to make sure they are responding properly. There is a concern that they want to make sure that the documents requested are actually public records. It was suggested to have Tom Hennick come to the Board of Ethics for a presentation to answer specific questions relative to the Board of Ethics. Mrs. Villa will work on setting up a meeting.

Mrs. Villa also articulated that she received an e-mail from First Selectman, Pat Llerda in which she made a recommendation for council. The Board determined that they would like to continue with their current council.

Having no further business the meeting was adjourned at 7:42pm

Respectfully Submitted,
Arlene Miles, Clerk

Attachment A



TOWN OF NEWTOWN

BOARD OF ETHICS

Vote Results: April 18, 2018 Hearing: EB3-18

Violations – David Freedman

- §27-2A 4 yes (Villa, Copp, Murty, Fuchs) 2 no (Stringer, Reardon)
- §27-2B 4 yes (Villa, Copp, Murty, Fuchs) 2 no (Stringer, Reardon)
- §27-2D 3 yes (Reardon) 5 no (Villa, Stringer, Copp, Murty, Fuchs)
- §27-6A 6 yes
- §27-6B 4 yes (Villa, Stringer, Copp, Murty) 2 no (Reardon, Fuchs)
- §27-10A 2 yes (Villa, Murty) 4 no (Stringer, Copp, Reardon, Fuchs)



TOWN OF NEWTOWN
BOARD OF ETHICS

Vote Results: April 16, 2016 Hearing, CA3-15

Violations – Kathryn Hamilton

§27-2A 4 yes (Vila, Copp, Murty, Fuchs) 2 no (Stringer, Reardon)
§27-2B 5 yes (Vila, Copp, Murty, Reardon, Fuchs) 1 no (Stringer)
§27-2D 6 no
§27-6A 3 yes (Vila, Murty, Fuchs) 3 no (Stringer, Copp, Reardon)
§27-6B 3 yes (Vila, Murty, Fuchs) 3 no (Stringer, Copp, Reardon)
§27-10A 2 yes (Vila, Murty) 4 no (Stringer, Copp, Reardon, Fuchs)

Cohen and Wolf, P.C.

Memo

To: Jackie Villa
From: David L. Grogins
Date: February 16, 2016
Re: Hearing for Newtown Ethics Commission

Procedures for Hearing

1. Determination of Probable Cause by Vote of Commission.
2. (If Positive) Give 30 days notice to both Complainant and Respondent (party against whom complaint made) of hearing, which can be noticed as a Special Meeting of the Commission at which public may be present but not participate.
3. At hearing, Respondent should be allowed to have legal representation, to present evidence, to examine and cross-examine witnesses including the Complainant. Witnesses should give testimony under oath (have Town Clerk administer).

The Commission can request production of documents (can't use subpoenas). Commission can examine witnesses. It may also limit testimony where relevant. A taped record of the hearing should be made.

4. Following the hearing, the Commission shall vote and issue a Determination. If there is a finding of violation, the matter shall be reported to the Board of Selectmen. The Deliberations of the Commission may be in executive session.
5. The Determination of the Commission is final and can't be appealed.

Attachment 3

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 “Llords” 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