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Derek Reed
VICE CHAIRMAN

Julia Marquis
Charles McCleary
Jane Roets

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ELLINGTON, CONNECTICUT 06029-0187

Ethics Commission



Wilfred A. Duchesneau
CHAIRMAN

Ethics Commission Meeting Minutes

March 5, 2019

Members Present: Charles McCleary, Derek Reed, Jane Roets and Wilfred Duchesneau

Member Absent: Julia Marquis

- I. Call to Order: Chairman Duchesneau called the meeting to order at 7:05 p.m. in Commission Room A located on the lower level of Town Hall.
- II. Citizens' Forum: No citizen's came forward.
- III. Approval of Minutes: January 15, 2019

MOVED (REED), SECONDED (MCCLEARY) AND PASSED [AYE: MCCLEARY/REED/ROETS/DUCHESNEAU] TO APPROVE THE MINUTES OF THE JANUARY 15, 2019 ETHICS COMMISSION MEETING.

IV. Old Business: There was no old business.

V. New Business

A. Code of Ethics – Review and Recommend Revisions:

Chairman Duchesneau stated that the members of the Ethics Commission have expressed interest in reviewing and revising the current Code of Ethics. He suggested reviewing section #7 beginning on page 7 of the Code.

The members reviewed section #7 and formulated questions that they want to review with the Town Attorney **[attached]**.

Mr. McCleary noted that each time an alleged violation of the Code of Ethics is brought before the Ethics Commission, there is the potential for significant legal fees. He said that the Ethics Commission requires legal representation and the respondent, who is typically going to be a Town employee or an elected or appointed official, may hire legal representation. The Town is accountable for the legal fees for both and that will add up.

MOVED (ROETS), SECONDED (REED) AND PASSED UNANIMOUSLY TO RECESS THE ETHICS COMMISSION MEETING AT 7:59 PM.

MOVED (ROETS), SECONDED (REED) AND PASSED UNANIMOUSLY TO RECONVENE THE ETHICS COMMISSION MEETING AT 8:07 PM.

The members reviewed section #4 beginning on page 5 of the Code of Ethics and formulated questions that they want to review with the Town Attorney **[attached]**.

VI. Correspondence: There was no correspondence.

Chairman Duchesneau thanked Vice Chairman Reed for chairing the January meeting in his absence.

VII. Adjournment

MOVED (ROETS), SECONDED (MCCLEARY) AND PASSED UNANIMOUSLY TO ADJOURN THE ETHICS COMMISSION MEETING AT 8:58 P.M.

Respectfully submitted,


LouAnn Cannella
Ethics Commission Recording Secretary

Ethics Commission – Questions for the Town Attorney

Section 7: Procedures for Receiving Complaints, Jurisdiction, Preliminary Reviews, Evaluations and Hearings

Does this section as written, adequately protect the due process rights of the complainant and respondent alike? (page 7).

When it is appropriate to provide the respondent with a copy of the complaint and any back-up material that was included?

What revisions to Section 7 do you recommend to ensure that due process rights are afforded to the complainant and respondent?

If the Town Attorney represents Town employee, then town employee should be required to use Town attorney or her designee or the employee should pay for their own attorney personally.

Under what circumstances can the town attorney assist/represent the Ethics Commission?

Section 4: Interest in Conflict with Discharge of Duties and Standards of Ethical Conduct

Rewrite Section A to include all persons subject to the code; expand to include employees.

If the Ethics Commission members find that the complainant has identified an incorrect part of the code in their documentation, is the Ethics Commission authorized to guide them to the part of the code that may have actually been violated.

Should there be a second paragraph after the intro paragraph as follows: The Ethics Commission will find a conflict of interest when a person subject to the code participates in decision-making in matters involving direct or indirect personal, financial or proprietary interest.

Recognizing that behavior can be of self-interest that isn't financial, shouldn't that be included in Section 4?

The focus on personal direct or indirect financial interest is too narrow; is self-interest too broad?