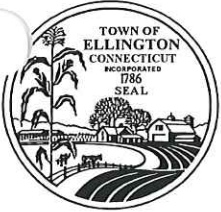


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Wilfred A. Duchesneau
CHAIRMAN

TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187

Ethics Commission

Derek Reed
VICE CHAIRMAN

Julia Marquis
Charles McCleary
Jane Roets

Ethics Commission Meeting

Minutes

June 18, 2019

Members Present: Charles McCleary, Derek Reed, Jane Roets, Julia Marquis

Member Absent: Wilfred Duchesneau

Others Present: Dorian Famiglietti, Town Attorney, Joseph Mortelliti, Attorney, Kahan, Kerensky & Capossela, LLC; Nancy Nicolescu, Office of State Ethics and Ellington resident

I. Call to Order:

Vice Chairman Reed called the meeting to order at 7:02 p.m. in Commission Room A located on the lower level of Town Hall.

A. **Citizens' Forum:** Nancy Nicolescu advised the Ethics Commission members that she works for the Office of the State Ethics and is also an interested resident. She said that she brought the current Town of Ellington Code of Ethics to the Office of State Ethics attorneys for review and to look at some of the questions the Commission is raising. She discussed several recommendations made to improve the Code, and also expressed that the attorney who reviewed the Code implied that the Town of Ellington has a very good Code and is doing good work in looking at improvements. Ms. Nicolescu provided a copy of the recommendations as well as the Model Code of Ethics for Municipalities and Special Districts to assist the Commission with their goals. Some of the main points are as follows:

- The requirement for the complainant to cite the section of the Code that they believe was violated is not necessary. The State adds the phrase "if possible" to allow for that flexibility.
- The definition of the word "gift" that the State uses: anything of value directly or personally received unless consideration is given.
- The phrase occasional non-monetary pecuniary gift is ripe for abuse as it is difficult to define. Suggested adding a dollar amount.
- More clearly define the wording "no Ethics Commission member shall be subject to the Code" to explain that members cannot serve on other Boards or as employees.

II. Approval of Minutes: April 23, 2019

MOVED (MARQUIS), SECONDED (McCLEARY) AND PASSED UNANIMOUSLY TO APPROVE THE MINUTES OF THE APRIL 23, 2019 ETHICS COMMISSION MEETING.

III. Old Business:

A. Code of Ethics – Review and Recommend Revisions:

Vice Chairman Reed began the discussion advising the Town Attorney that the Commission is looking to improve the Code based on a recent experience with the process of an ethics complaint that came before them. As soon as the complaint is received, you acknowledge receipt to the complainant and the respondent, along with a copy of the relevant section(s) of the Code; this process was discussed and the Commission members shared their concerns and suggestions for improvement.

Discussion was held regarding when a respondent should be provided with a copy of the complaint. Attorney Famiglietti said that the subject of a complaint should have a copy of the complaint with the initial notification to them that they are named.

Attorney Famiglietti said that she would not use the term “due process” in relation to the Code, as it is actually “fundamental fairness” that is required. This involves the right to adequate notice; due notice of the hearing; the charges brought against the respondent and the parties involved have an opportunity to know the facts on which the Commission is asked to act and a right to offer rebuttal evidence which includes the right to cross-examine; and a right to be heard in front of an impartial tribunal. She said that the Code, with the proposed revision to send the complaint to the respondent when received, covers fundamental fairness.

Attorney Famiglietti said that the requirement that the complaint be notarized is important to keep in the Code so that it is taken very seriously. She added that the requirements of the written complaint as reflected in the Code are important to keep. She said that you want to have the complaint come in with as much information as possible from the very beginning so the Commission can determine jurisdiction.

Mr. McCleary said that he would like to see the Code be a bit more literal.

Dialogue continued with several areas of the Code being discussed as relates to the questions in sections 4 and 7. The Commission members said that they would work revising the Code and will provide a draft document for review by the Town Attorney at that time.

IV. New Business:

A. Inquiry re: Board of Education Establishing Separate Ethics Commission:

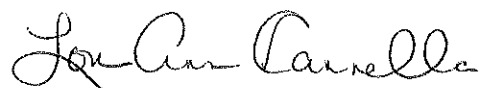
Discussion was held and it was determined that the Commission doesn't have enough information to consider this agenda item. Attorney Famiglietti and Attorney Mortelliti both noted that they see no legislation that enables the Board of Education to establish an Ethics Commission separate from the Town. It was also determined that the information provided does not indicate the scope or purpose of what it is the Board of Education may be considering, therefore, unless and until more information is known, there is no reason to address this topic.

V. **Correspondence:** There was no correspondence.

VI. **Adjournment**

MOVED (MARQUIS), SECONDED (ROETS) AND PASSED UNANIMOUSLY TO ADJOURN THE ETHICS COMMISSION MEETING AT 8:26 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "LouAnn Cannella".

LouAnn Cannella
Ethics Commission Recording Secretary