1. Board Of Ethics Meeting Documents

Documents:

DRAFT ANNUAL REPORT FY 2015-2016 .PDF
MEETING AGENDA .PDF
2016 DISCLOSURE FILINGS .PDF
Annual Report of the Board of Ethics

Fiscal Year 2015-2016

The Board of Ethics is pleased to submit the following report of its activities for the fiscal year ending June 30, 2016. This report is required to be prepared and submitted to the Board of Selectmen and the Representative Town Meeting pursuant to Section 2.12 (c) of the Greenwich Code of Ethics.

Executive Summary

There were no complaints or requests for advisory opinions filed with the Board of Ethics during the 2015-2016 Fiscal Year. Consequently, the Board has been able to focus additional attention on the Town’s ethics reporting system, which has been a subject of concern in our reports for several years. This year, after meeting with the 1st Selectman, the Town Attorney and the Director of the Department of Human Resources the Board approved a draft of proposed technical amendments to the Code of Ethics to permit the Board to establish an on-line filing system. This was submitted to the 1st Selectman for consideration.

Seven Town Officers filed financial disclosure forms covering the 2015-2016 Fiscal Year. This level is slightly higher than last year, but significantly lower than the number of filings for prior fiscal years. As with the 2014-2015 period, the Board is pleased to note that most of the decrease from prior years was due to the absence of non-compliant filings by Town employees. This indicates that recent efforts to educate them about the filing requirements have had an effect. In particular, the past confusion about whether Town Officers are required to file disclosure statements when they have nothing to report appears to have been removed in most departments and agencies. In addition, there has been an increase in the filing of reports that disclose the employment of family members by the Town.

The Board continues to be concerned, however, that the current ethics reporting system is not well understood by many Town Officers and that many find it irrelevant or
too burdensome to comply with. It also seems clear that some Town Officers continue not to make reports concerning the employment of family members by the Town despite the Board’s efforts to encourage them to do so or to request an advisory opinion requesting clarification of their specific situation. Whenever a complaint is made to the Board, it can conclude and report that it believes that the violation complained of has been the result of honest confusion or inadvertence. Obviously, it is difficult to reach such a conclusion when the availability of an advisory opinion seems to have been ignored.

The Board has benefited from the continuation of budgeted funds to support its operations. This year, the Board was pleased to receive an allocation of funds to secure any professional assistance that may be necessary in connection with the preliminary investigation of a complaint, should the need for such funds arise.

The Board was pleased to have the opportunity to attend the monthly meeting of Town Department heads and discuss the ethics reporting system. In addition to implementing an on-line ethics reporting system, the Board encourages the Selectmen and the RTM to continue to support expanded ethics training for all Town employees and its elected and appointed officials.

Complaints of Violations of the Code

The Board did not receive a single complaint alleging a violation of the Code during the 2015-2016 Fiscal Year.

At times, members of the Board receive informal communications that do not follow the formal provisions provided for making a complaint or request for advisory opinion under the Board’s procedures. When these are received, it is our practice to respond to the sender (if known), providing advice about the provisions of the Code that might apply to the subject matter and the procedures for filing a formal complaint or request for advisory opinion, should it prove appropriate.

When informal communications are addressed to the Board as a whole, the Board has made a practice of conducted a formal review of each of these informal communications. The purpose of this review is to determine whether the communication contains information that could serve as the basis for a complaint of a violation of the Code, even though the communication was not expressly stated to be a complaint.

The Board has adopted a Statement of Procedures that describes the process by which complaints should be submitted to the Board. However, since the Code of Ethics does not require complaints to be submitted in any particular form, the Board believes it is best to consider carefully whether in particular circumstances certain requirements of its Statement of Procedures should be waived. If the Board does not find a basis for believing that a violation of the Code may have occurred after carefully considering the allegations on this basis, it makes a determination that the requirements of its Statement of Procedures should not be waived and the submission should not be treated as a formal complaint.
During the 2015-2016 Fiscal Year, the board received numerous emails from an individual who expressed the opinion that the Town was behaving in an unethical manner. Some of these emails were addressed to the Board, while the preponderance of these emails copied the Board or its members on correspondence sent to others. The Board reviewed the correspondence that was received for several months and found no basis for believing that a violation of the Code had occurred. As a result, the Board invited the individual to address the Board personally or file a formal complaint with the Board and advised the individual that it would not waive the requirements under the Statement of Procedures with regard to the prior emails and would not read future email correspondence from the individual. As of the end of the 2015-2016 fiscal year, the individual had not met with the Board or filed a formal complaint.

As described elsewhere in this report, the Board has been active in efforts to increase awareness of both the requirements of the Code and the procedures for filing complaints. Due to the high level of cooperation and support that the Board has experienced in connection with these efforts, we are inclined to believe that the absence of complaints is indicative of a high level of ethical behavior in Town Government.

Requests for Advisory Opinions

The Board of Ethics did not receive any advisory opinion requests during the 2015-2016 Fiscal Year. However, members of the Board and the Board as a whole provided informal guidance to various Town Officers who requested such assistance either at meetings of the Board or on an ex-parte basis.

Annual Disclosure Statements

Review of Filings. Seven Town Officers filed eight annual disclosure reports with the Town Clerk during the 2015-2016 Fiscal Year. The Board’s review of these statements shows some improvement in the awareness and understanding of the Code’s requirements on the part of those filing the reports. All the forms filed this year were notarized, while there have been a significant number of non-notarized filings in prior years. In addition, there was only one filing by a Town employee who had nothing to report, while in the past there have been numerous such filings. There was, however, another filing showing nothing to report by an appointed official.

Of the six forms filed with the Town Clerk showing interests to report (two each by three persons), three were fully compliant with the Code, while the other three were substantially compliant, but failed to provide certain required information. While the Board believes that there continue to be improvements in reporting under the current system, it feels that the level of reporting could be significantly improved if the mechanics of the reporting system were improved and brought up to date.

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1 Three persons filed to disclose an interest in a family member’s employment by the Town, but did not disclose the actual amount involved in the transaction. While the Board notes that Code of Ethics requires an amount to be stated, it is sensitive to the fact that such information would be readily available to the public and might be embarrassing to request from the family member.
The following chart summarizes the results of a review of the disclosure forms filed for the 2015-2016 fiscal year as of September 13, 2016:

<table>
<thead>
<tr>
<th>RTM</th>
<th>Town Employees</th>
<th>Appointees</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fully Compliant</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Not Compliant</td>
<td>1</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
</tbody>
</table>

There has been a significant decline in the number of reporting persons during the last few years. This has been principally related to the decrease in unnecessary filings, i.e. those in which the filer indicated that he or she had no interest to declare. As noted in our previous annual reports, the filing of such statements has perplexed the Board and we are pleased to report that this appears to have been significantly reduced.

Although the Code doesn’t require it, for many years it’s been the practice of the Chair of the Board to send an annual reminder of the disclosure requirement to all key Town employees and elected and appointed officials. With the decrease in unnecessary filings, however, the low level of reporting in response to this reminder has become more apparent. This may be due to the failure of some Town Officers to make the filings that the Code of Ethics requires. Clearly, it is likely that more than five Town Officers will have a financial interest in a Town transaction during a fiscal year. The Board is aware, for example, of several situations where the Town employs more than one member of a family. In its Advisory Opinions, the Board has consistently advised that the Code requires Town Officers to file a disclosure statement indicating their interest in another family member’s employment by the Town. In light of the evident failure of various persons to make such disclosures, one must question whether other less evident interests might also not have been reported on and what the reasons for such failure might be. In particular, the Board has questioned for several years whether a more user-friendly reporting system might result in improved reporting.

**Requirements of the Code.** Section 2.9 of the Code currently requires Town Officers to file written disclosure statements if they have a substantial financial interest in any transaction with the Town totaling $100 or more. Where an officer has such an interest, the annual disclosure statement is required to:

- be filed within the 30 days following the end of the Fiscal Year
- be filed with the Town Clerk
- be filed on the form prescribed by the Board of Ethics
- be signed under oath
- disclose the position of the filer as a Town Officer
- state the nature of the interest
• state the total amount received from the transaction

Compliance. It must be noted that the Code requires Town Officers to file a report only when they have a financial interest to disclose. By not requiring all Town Officers to file a report whether or not they have something to disclose, the Town avoids being buried by a blizzard of paper that contains no significant information. However, by using an exceptions reporting system, the Town cannot be sure that all Town Officers are aware of the requirement to report. There is simply no way to know (without independently receiving specific information) whether the failure of a Town Officer to file a statement is due to 1) the absence of a financial interest to disclose, 2) a deliberate decision not to comply with the Code or 3) ignorance of or forgetfulness about the reporting requirements.

As a result, a review of the statements that are filed doesn’t allow the Board to judge with any certainty the degree of overall compliance with the Town’s financial disclosure requirements. In particular, the Board has been concerned that the requirement that disclosure statements must be notarized serves as a disincentive for reporting, especially when the filings are to be made at the end of the year, up to twelve months after the transaction in question may have occurred. Town Officers may not have accurate information available to them at the time that they are required to make the filing and may consider that they will be better off not filing a statement with respect to a small interest rather than take the risk that they will be held responsible for making an inaccurate statement under oath. But it is the absence of a report, not the presence of a notary’s signature, which is most material to the issue of financial disclosure. Where a relevant transaction has not been reported at all, the absence of a notary’s signature is immaterial.

Many Town Officers appear to believe that the disclosure requirement is only intended as means of discouraging impermissible interests. They therefore assume incorrectly that they are not required to report their permissible interests. In fact, the Code assumes that public confidence is improved when permissible financial interests are disclosed and requires disclosure of these interests as the best way to reassure the public that they do not influence Town decisions with respect to various transactions. As a result, the Board is concerned that the overall low level of filings is an indication that the Town’s ethics reporting system is not serving its intended purpose.

Given the current low level of reporting, it seems likely that at least some of the disclosure contemplated by the Code is not taking place. In the last few years, the Board has made efforts to improve the instructions for the annual disclosure form and a higher percentage of the filings received have been in compliance with the requirements of the Code. However, the very low number of forms filed, particularly for this year, suggests that additional training is necessary to ensure that all Town Officers are aware of the obligation to file. While we take satisfaction in the fact that the quality of the filings by those reporting has improved, the miniscule number of filers shows that there is still much more work to be done in order to achieve the robust reporting system that the Code contemplates.
The Board recently met with the First Selectman, the Town Attorney and the Director of the Department of Human Resources. During that meeting we discussed the possibility of amending the Code of Ethics to provide for an on-line system of reporting that would allow for filings when an interest arises, rather than at the end of the fiscal year, and eliminate the burdensome and unnecessary requirement that filings be notarized. We believe that such a system would be likely to improve financial reporting by all Town Officers and would also provide more timely and useful information to the public and have provided the 1st Selectman with a draft of a proposed technical amendment to permit such a system to be established.

**Plans and Recommendations**

*Continuing Initiatives.* During the 2015-2016 Fiscal Year, the Board will continue to be available to provide information about the requirements of the Code as requested by Town Officers and the community at large. As in the past, members of the Board also stand ready to provide training to assist Town Officers in better understanding the who, why, what, where and when of the disclosure process as well as the ways in which the provisions of the Code affect them generally.

*Recommendations.* Following a review of its activities and experiences in the 2015-2016 Fiscal Year, the Board wishes to make the following recommendations to the Board of Selectmen and the RTM:

1. **Seek Technical Amendments to the Code to Modernize the Town’s Ethics Reporting System.** The reporting provisions of the Code of Ethics indicate that requiring disclosure of financial interest is an important Town policy. Implicit in this policy is the assumption that disclosure is a beneficial control process that can be used by the Town in its efforts to ensure compliance with the Code. The current system, however, can be difficult to comply with. Town Officers are required to keep track of all financial interests that they may have in Town transactions throughout each fiscal year and must report on them after the close of the fiscal year. This is understandably difficult, since it can require record keeping and reporting on transactions that are over a year old. The Board believes that a system of reporting that would require disclosure at the time that a Town Officer becomes aware that he or she has an interest in a Town transaction, rather than retroactively at year end, may be a more efficacious system for all concerned. We believe that this real time system would be both easier for Town Officers to comply with and provide more timely and useful information to the public. As noted above, there are also questions as to whether the requirement that statements be filed under oath is efficacious. The Board believes that other less onerous mechanisms, including an on-line reporting system, can be used to ensure that the reports that are filed are accurate. However, the Board is not in a position to implementing these changes by itself. Any change from an annual reporting system to
the real time reporting system or decision to drop the requirement that statements must be filed under oath, would require a technical amendment to the Code of Ethics. The Board has proposed a draft of such technical amendments and would be happy to assist the Selectmen and the RTM with the process of reviewing and implementing any technical amendments that might be proposed. Such amendments could also clarify the reporting requirements in areas where confusion now seems to exist.

2. **Continue Training Efforts.** Training is an important component of any ethics program. The Board encourages the Department of Human Resources to continue its efforts to ensure that the recent changes made by the Town-wide Ethics Policy are fully understood by all Town employees. In addition, the Board encourages the Town to pursue additional training for elected and appointed Town officers, as well as Town employees, with respect to the requirements of the Code of Ethics in general, and in particular as to reporting requirements.

3. **Increase the Board’s Budget for Investigative Expenses.** The Town’s Code of Ethics Board requires the Board to investigate all complaints that are filed with the Board. Under the Board’s procedures, and as permitted by state law, the Board conducts a confidential preliminary investigation to determine whether there are grounds for a further investigation. The Board was pleased to have received an allocation of funds for this purpose in the current budget. Should the funds be unnecessary, they would of course not be used. However, the amount allocated was less than the amount that the Board considers advisable to ensure a robust preliminary investigation should the need arise. Unless the Board has an allocation of funds that are reasonable to cover possible expenses of a preliminary investigation, it faces a Hobson’s choice of either compromising the quality of the investigation or compromising the confidentiality of the investigation by requesting additional funds to pursue it.

The Board invites comments from Town Officers or members of the general public on both its activities and plans and recommendations. Interested persons may request to address the Board at any of its public meetings or speak to any member of the Board personally by calling (888) 432 2777.

**September 15, 2016**
1. Approval of Minutes

2. Report of Chair
   a. Review of Annual Disclosure Statements
   b. Annual Report to Selectmen and RTM

3. Continuing Items
   a. Request to Address the Board

4. Executive Session
   a. Determination of Sufficiency of Potential Complaint
   b. Preliminary Investigation (if appropriate)

5. Adjournment
Board of Ethics
Town of Greenwich, Connecticut
Annual Disclosure Form for Town Officers

Name: Tom Byrne
Position: RTM Member

Transaction:
(A separate form is required to be filed for each transaction.)

Contract or Service Date: Spring 2016
Value: Less Than $300
(under $100 need not be reported)

Department or Agency: GHS

Contractor: Self

Contractor's Address: 337 Sound Beach Ave

Description of Transaction:
BASEBALL UMPIRE FOR GHS

Nature of Interest, including relationship to Contractor:
Received LESS THAN $300 FOR BASEBALL UMPIRE SERVICE PROVIDED TO GHS

Value Received: $ LESS THAN $300

Signature: [Signature]

Subscribed and sworn to before me this 2nd day of Aug, 2016.

Notary Public

[Notary Seal]

This form must be signed and filed in the office of the Town Clerk between July 1st and July 30th and is to cover the Fiscal Year ended the June 30th prior to the filing.
Board of Ethics
Town of Greenwich, Connecticut
Annual Disclosure Form for Town Officers

Name: Tom Byrne
Position: RTM Member

Transaction:
(A separate form is required to be filed for each transaction.)
Contract or Service Date: N/A Value: N/A
(under $100 need not be reported)
Department or Agency: N/A
Contractor: N/A
Contractor's Address: N/A

Description of Transaction:
NONE - Son Michael is volunteer with Sound Beach Volunteer Fire. He might receive some compensation from Town.

Nature of Interest, including relationship to Contractor:
NONE - only filing form due to interpretation of board. I have no interest to disclose under Code of Ethics.

Value Received: $ N/A

Signature: [Signature]

Subscribed and sworn to before me this 3rd day of Aug 2016

Notary Public [Signature] 2/21/21

This form must be signed and filed in the office of the Town Clerk between July 1st and July 30th and is to cover the Fiscal Year ended the June 30th prior to the filing.
Board of Ethics
Town of Greenwich, Connecticut
Annual Disclosure Form for Town Officers

Note: Please follow official instructions [click here]

Name: Aubrey E. Mead, Jr.

Position: Flood & Erosion Control Board Member

Transaction:
(A separate form is required to be filed for each transaction.)

Contract or Service Date: 01/21/2016
Value: $1,895.00
(under $100 need not be reported)

Department or Agency: Law Department

Contractor: Redniss & Mead, Inc.

Contractor's Address: 22 First St, Stamford, CT 06905

Description of Transaction:
Mapping of a portion of Grass Island related to a slip and fall lawsuit against the Town

Nature of Interest, including relationship to Contractor:
Employee of contracting party

Value Received: $1,895.00

Signature:

Subscribed and sworn to before me this ___ day of July 201__

Notary Public

This form must be signed and filed in the office of the Town Clerk between July 1st and July 30th and is to cover the Fiscal Year ended the June 30th prior to the filing.

MARY KILBANE
Notary Public, State of Connecticut
My Commission Expires June 30, 2021
Board of Ethics
Town of Greenwich, Connecticut
Annual Disclosure Form for Town Officers

Note: Please follow official instructions [click here]

Name: Beatrice Carriero

Position: Registrar, Greenwich High School

Transaction:
(A separate form is required to be filed for each transaction.)

Contract or Service Date: 15/16 school year
Value: 13,504.81
(under $100 need not be reported)

Department or Agency: Corbo's Corner Deli

Contractor: Corbo's Corner Deli

Contractor's Address: 1380 E. Putnam Ave, Old Greenwich, CT 06870

Description of Transaction:
Corbo's provides food for various Board of Ed and School functions throughout the year.

Nature of Interest, including relationship to Contractor:
My relationship to Corbo's is that I am the owner's mother. I do not have any ownership status in the deli.

Value Received: $

Signature: Beatrice Carriero

Subscribed and sworn to before me this 11 day of July 2016

Notary Public

This form must be signed and filed in the office of the Town Clerk between July 1st and July 30th and is to cover the Fiscal Year ended the June 30th prior to the filing.

PATRICIE JONES
NOTARY PUBLIC
STATE OF CONNECTICUT
MY COMMISSION EXPIRES MAR. 31, 2016
Board of Ethics
Town of Greenwich, Connecticut
Annual Disclosure Form for Town Officers

Note: Please follow official instructions [click here]

Name: Patricia A. Fidelibus

Position: Contracts Coordinator

Transaction:
(A separate form is required to be filed for each transaction.)

Contract or Service Date: ____________ Value: ____________
(under $100 need not be reported)

Department or Agency: ____________________________

Contractor: ____________________________

Contractor's Address: ____________________________

Description of Transaction:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Nature of Interest, including relationship to Contractor:
My sister, Laurette Helmrich, also works for the Town of Greenwich.

________________________________________________________________________

Value Received: $_________ - 0 -

Signature: ____________________________

Subscribed and sworn to before me this 8th day of July 2014.

Notary Public: ____________________________

SANDRA S. SENIOR
NOTARY PUBLIC
CONNECTICUT
MY COMMISSION EXPIRES
AUGUST 31, 2020

This form must be signed and filed in the office of the Town Clerk between July 1st and July 30th and is to cover the Fiscal Year ended the June 30th prior to the filing.
Board of Ethics  
Town of Greenwich, Connecticut  
Annual Disclosure Form for Town Officers  

Note: Please follow official instructions [click here]

Name: Allen Brown

Position: Executive Director, Nathaniel Witherell

Transaction:
(A separate form is required to be filed for each transaction.)

Contract or Service Date: None

Value: __________________________
(under $100 need not be reported)

Department or Agency: __________________________

Contractor: __________________________

Contractor’s Address: __________________________

Description of Transaction:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Nature of Interest, including relationship to Contractor:

________________________________________________________________________

________________________________________________________________________

Value Received: $ __________

Signature: __________________________

Subscribed and sworn to before me this 25th day of June 2016.

Notary Public __________________________

This form must be signed and filed in the office of the Town Clerk between July 1st and July 30th and is to cover the Fiscal Year ended the June 30th prior to the filing.

Linda G. Marini
NOTARY PUBLIC
State of Connecticut
My Commission Expires 4/30/2019
Board of Ethics
Town of Greenwich, Connecticut
Annual Disclosure Form for Town Officers

Note: Please follow official instructions [click here]

Name: LAURETTE HELMRICH

Position: ADMINISTRATOR - GREENWICH SENIOR CENTER

Transaction:
(A separate form is required to be filed for each transaction.)

Contract or Service Date: Value: (under $100 need not be reported)

Department or Agency:

Contractor:

Contractor's Address:

Description of Transaction:

Nature of Interest, including relationship to Contractor:

MY SISTER PAT FIDELIBUS IS ALSO A TOG EMPLOYEE

Value Received: $ 0

Signature: ________________________________

Subscribed and sworn to before me this 29th day of June, 2016

Notary Public ________________________________

This form must be signed and filed in the office of the Town Clerk between July 1st and July 30th and is to cover the Fiscal Year ended the June 30th prior to the filing.
Board of Ethics
Town of Greenwich, Connecticut
Annual Disclosure Form for Town Officers

Note: Please follow official instructions [click here]

Name: Louise C Puschel

Position: Board Member - The Nathaniel Witherell

Transaction:
(A separate form is required to be filed for each transaction.)

Contract or Service Date: 
Value: 
(under $100 need not be reported)

Department or Agency:

Contractor:

Contractor's Address:

Description of Transaction:
No Transactions with town Contractors or Agencies

Nature of Interest, including relationship to Contractor:
N/A

Value Received: $ 

Signature: Louise C Puschel

Subscribed and sworn to before me this 7th day of July, 2016

Notary Public Linda G. Marini

This form must be signed and filed in the office of the Town Clerk between July 1st and July 30th and is to cover the Fiscal Year ended the June 30th prior to the filing.

Linda G. Marini
NOTARY PUBLIC
State of Connecticut
My Commission Expires 4/30/2019