

GREENWICH BOARD OF ETHICS

Minutes of Special Meeting on February 7, 2017

Members Present: Paul de Bary, Chair and Acting Secretary, Robert Grele, John Margenot, Robert Sisca

Members Absent: Rev. Ian Jeremiah

Others Present: None

The meeting was called to order at 5:30 P.M. by the Chair, who noted that a quorum was present and that a notice of the special meeting had been provided to all the members, posted online and posted in Town Hall in accordance with Freedom of Information Act requirements. As a special meeting, the Chair advised that only items on the agenda would be considered.

The Chair then reported that, since Father Ian was unable to attend the meeting, he would defer the adoption of the minutes from the December 13th, 2016 meeting.

The next item on the agenda was the commencement of a preliminary investigation into an anonymous email submission that had been sent to the Board on September 29th, 2016, which the Board had determined to be a complaint as to two Town Officers at its regular meeting on December 13th, 2016.

The Chair indicated that, in accordance with the Board's Statement of Procedures and Rules of Conduct, each of the Town Officers had been notified of the complaint and was available with counsel. The Chair then moved to adjourn into executive session to interview the respondents and consider submissions by their counsel as part of the preliminary investigation to determine if there was probable cause for a public hearing with respect to the complaint. The motion was seconded and approved unanimously.

Following the executive session, the chair announced that no determination as to probable cause had been made and that the preliminary investigation would continue.

As there was no further business before the Board, the meeting was adjourned by unanimous consent at 7:55 P.M.

GREENWICH BOARD OF ETHICS

Minutes of Executive Session on February 7, 2017

Members Present: Paul de Bary, Chair and Acting Secretary, Robert Grele, John Margenot, Robert Sisca

Members Absent: Rev. Ian Jeremiah

Others Present: Stephen Walko, Ivey, Barnum & O'Mara, George Finn, Esq., Rita Azrelyant, Director of Parking Services, Christopher VonKeyserling, RTM Member (as noted).

The Board first reviewed records that had been obtained from the Town's Parking Violations Bureau database, consisting of ticket details and records of fines, penalties and dispositions for the ticket written at the Island Beach Parking Lot on the evening of August 3rd, 2016. It then discussed the order in which it should proceed with the interviews. The Chair had shared with the members a request for continuance that had been received from Mr. Walko and suggested allowing the attorneys to address procedural concerns first, followed by appearances by both witnesses, if appropriate at this time. At was agreed that, due to the preliminary nature of the proceedings at this point, testimony under oath would not be required at this time and, unless requested by the respondent, no transcript of the testimony would be necessary.

Hearing no objection to the suggestion, the Chair asked Mr. Walko and Mr. Finn to join the executive session. Mr. Walko requested a continuance on the grounds that he had only been retained the day before the hearing and would like to have additional time to review the matter with his client prior to her testimony. He also objected to the proceeding itself on the ground that, since the complaint was anonymous, the respondents were being denied the due process right to confront their accuser. Members of the Board questioned Mr. Walko concerning the appropriateness of the delay. After discussion by the Board, the Chair indicated that it would be acceptable to allow Mr. Walko further time to meet with his client before she testified and indicated that it would take his due process objection under advisement.

Mr. Finn indicated that his client was prepared to testify. At this point, Mr. Walko left the executive session and Mr. VonKeyserling appeared and testified as to the circumstances alleged in the complaint. Following his testimony and further questioning by the Board, the Chair thanked Mr. VonKeyserling for his testimony and his willingness to cooperate with the investigation. At that point, Mr. VonKeyserling and Mr. Finn left the meeting.

The members then discussed additional information that they felt would be helpful to obtain as part of the investigation, including additional information from Parking violations database and from the Police Department and arrangements for scheduling a

continuation of the executive session. Mr. Walko and Mr. Finn were asked to appear again briefly to discuss scheduling.

After this discussion was concluded the Chair announced that the executive session would be adjourned until the next special meeting of the Board, which would be noticed in the normal course.