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GREENWICH BOARD OF ETHICS

Minutes of Regular Meeting on April 9th, 2019

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

Members Absent: Rev. Ian Jeremiah

Others Present: Dolly Margenot

The meeting was called to order at 5: 40 P.M. by the Chair, who noted that a quorum was present and that the agenda for the meeting had been provided to all the members, posted online and posted in Town Hall in accordance with Freedom of Information Act requirements. The Chair also noted that, with only members of the Board and one member's spouse present, Robert's Rules of Order would be suspended in the interest of efficiency, subject to being reinstated in the interest of an orderly discussion.

A draft of the minutes of Board's meeting on February 5th, 2019 had previously been distributed. After review, there were no revisions requested to the draft minutes and the minutes of the February 5th, 2019 meeting of the Board were approved in the form attached to these minutes as Exhibit A.

The Chair then reported on the progress of an amendment to the Code of Ethics to allow for an on-line reporting system. A potential vacancy on the Board was also discussed.

The next item on the agenda was consideration and adoption of a revised Statement of Procedure and Rules of Conduct for the Board, drafts of which had previously been provided to the Board. The Chair indicated that the Town Attorney had indicated that the Law Department did not expect to have the opportunity to review the draft prior to the meeting and it was agreed that any concerns that they might have could be addressed through future amendments. Further discussion of the proposed draft followed with no further suggested changes. Following the Board's review and discussion of this matter, Mr. Grele moved that the new Statement of Procedure and Rules of Conduct be adopted in the form attached as Exhibit B to these minutes. The motion was seconded by Mr. Margenot and approved unanimously.

Following this, there was no further business before the Board and the meeting was adjourned by unanimous consent at 6:43 P.M.

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Exhibit A

Minutes of February 5th Meeting

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GREENWICH BOARD OF ETHICS

Minutes of Regular Meeting on February 5th, 2019

Members Present: Paul de Bary, Chair, Robert Grele, John Margenot, Robert Sisca, Rev. Ian Jeremiah, Secretary

The meeting was called to order at 5:36 P.M. by the Chair, who noted that that the agenda for the meeting had been provided to all the members and posted in Town Hall in accordance with Freedom of Information Act requirements.

The Chair noted that a quorum was present with Mr. Grele and Mr. Magenot in attendance and indicated that the first order of business was a self-assessment as a ground work for review of the Mission Statement, Job Description and Statement of Procedures. During this discussion, Mr. Sisca and Rev. Jeremiah joined the meeting.

The Board reviewed its Mission Statement. Upon motion made by Mr. Grele and seconded by Mr. Sisca, the Board voted unanimously to adopt the Mission Statement which is attached hereto as Exhibit I.

The Chair had distributed a draft of the minutes of the Board's meeting on December 11th, 2018, as filed with the Town Clerk. The Chair asked if there were any comments on the minutes. After review, there were no revisions requested to the draft minutes. Upon motion made by Mr. Grele and seconded by Mr. Margenot, the minutes of December 11th, 2018 meeting of the Board were unanimously approved as attached to these minutes as Exhibit II.

The Board then reviewed the Job Description for Board of Ethics members. The members proposed updates to the Job Description to draw attention to the important personal characteristics and general abilities that are desirable for Board of Ethics members. It was recommended that the Chair distribute the updated Job Description for Board of Ethics members to the Board of Selectmen, The Selectmen's Nomination Advisory Committee and the Representative Town Meeting Appointment Committee. The Board voted unanimously to adopt the revised Job Description for Board of Ethics members, attached hereto as Exhibit III.

The next item on the agenda was the review of the Statement of Procedures. The Chair shared a copy of the Statement of Procedures with members of the Board and noted that they were over ten years old, having been adopted on November 13th, 2007 and would benefit from a review. After a discussion, the Board voted unanimously to continue discussion of the Statement of Procedures to its next meeting.

Following this, there was no further business before the Board and the meeting was adjourned by unanimous consent at 7:12 P.M.

EXHIBIT I

**Town of Greenwich
Board of Ethics**

Mission Statement

(As adopted February 5th, 2019)

Purpose: As part of its Charter, the Town of Greenwich established the Board of Ethics to encourage and promote ethical behavior in the conduct of its official business. The Board is charged with administering the Town's Code of Ethics and such other responsibilities as the Selectmen may request.

Scope: The Code of Ethics applies to all elected officials and employees of the Town of Greenwich and members of its appointed boards and commissions. Town rules, procedures and contractual provisions also make private parties, such as Town contractors, responsible for compliance with the Code of Ethics.

Responsibilities: The Board is responsible for:

1. Investigating complaints from the general public of violations of the Town's Code of Ethics and making determinations as to the legitimacy of those complaints.
2. Responding to requests from the Town's elected officials, employees and members of its appointed boards and commissions for advisory opinions as to their responsibilities under the Code.
3. Adopting and revising as appropriate the form used by all Town Officers to report financial interests in Town transactions.

Objectives: By dealing with complaints and requests in a prompt and open manner the Board seeks to:

1. Reassure the general public and the individuals involved that the matters involved have been thoroughly and fairly investigated, examined and analyzed and that all appropriate viewpoints have been heard, and
2. Communicate its conclusions in a clear manner that provides workable guidelines for future conduct.

The Board works to facilitate reporting by Town Officers required under the Code of Ethics in order to increase public confidence in the governance of the Town of Greenwich. It may also provide training, resources and other assistance to Town Officers to help them become familiar with the requirements of the Code and the ethical issues related to the performance of their duties in general.

EXHIBIT II

GREENWICH BOARD OF ETHICS

Minutes of Regular Meeting held on December 11th, 2018

Members Present: Paul de Bary, Chair and Secretary for the meeting, Robert Grele, John Margenot

Members Absent: Rev. Ian Jeremiah, Robert Sisca

Others Present: None

The meeting was called to order at 6:12 P.M. due to the late arrival of the Chair, who noted that a quorum was present and that the agenda for the meeting had been provided to all the members, posted online and posted in Town Hall in accordance with Freedom of Information Act requirements. The Secretary had distributed drafts of the minutes of the Board's executive session on September 11th, 2018 and the special meeting held on October 31st, 2018. After review, there were no revisions requested to the draft minutes and the Chair directed that they be entered into the record as final minutes in the form attached as Exhibit A to these minutes.

The Chair then asked for consideration of the schedule of regular meetings that had been circulated in advance of the meeting. There were no objections to the proposed schedule. Accordingly, on motion made by Mr. Grele and seconded by Mr. Margenot, the Schedule of Regular Meetings for 2018 was unanimously adopted and the chair directed that it be attached to these minutes as Exhibit B.

The next item on the agenda was a report from the Chair concerning a proposed roundtable discussion being organized by the chair of the RTM's Appointments Committee. Mr. Grele indicated his willingness to serve as a member of the roundtable. The Chair indicated that he would keep the members informed of the schedule for the event.

The Board then reviewed a draft of an Advisory Opinion requested by the Commission on Aging. The draft had been circulated to the members of the Board earlier and had also been reviewed by the Chair and Vice-Chair of the Commission, who had advised the Chair that it met their requirements and asked the Chair to express their appreciation to the Board for its careful work on the issues addressed in the opinion. Following the Board's review and discussion, Mr. Grele moved that the opinion be adopted. The motion was seconded by Mr. Margenot and approved unanimously. The Chair directed that it be attached to these minutes as Exhibit C.

Following this discussion, there was no further business before the Board and the meeting was adjourned by unanimous consent at 6:48 P.M.

EXHIBIT A

GREENWICH BOARD OF ETHICS

**Minutes of Special Meeting on October 31st, 2018
Executive Session**

[Not attached – Approved at December 11th Meeting]

EXHIBIT B

Regular Meeting Schedule for 2019

[Not attached – Approved at December 11th Meeting]

EXHIBIT C

Advisory Opinion No. 19-02

[Not attached – Approved at December 11th Meeting]

EXHIBIT III

Job Description – Board of Ethics Members

Minimum Standards:

Cannot hold any other Town position

Personal Characteristics¹

Reputation for fairness and personal integrity

Courteous, respectful and even-tempered demeanor

Thoughtful and open-minded attitude

General Abilities:

Diligent, cooperative and supportive work ethic

Thorough understanding of what local governments do and how they operate

Familiarity with public meeting procedures, due process requirements and FOIA

Ability to write and communicate clearly and efficiently

Ability to investigate facts

Ability to analyze complex situations and identify relevant issues

Capacity for discretion and ability to maintain confidences

Facility for providing practical and useful personal and organizational guidance

Relevant Skills:

Dispute Resolution

Human Resources

Counseling

Ethics Training

Research and Documentation

Auditing and Internal Controls

¹ Candidates for the Board of Ethics should be generally known to possess these characteristics.

Exhibit B

Revised Statement of Procedure and Rules of Conduct



Town of Greenwich

Board of Ethics

Statement of Procedures and Rules of Conduct

Revised and Adopted: April 9, 2019

1. Board Authority and Responsibilities
2. Definitions
3. Meetings of the Board
4. Disclosure Statements
5. Communications and Filings with the Board
6. Advisory Opinions
7. Evaluation of Complaints
8. Preliminary Investigations
9. Confidentiality
10. Investigations and Hearings
11. Proceedings Following a Determination of Probable Cause
12. Completion of an Investigation and Findings
13. Records and Reports
14. Forms

Section 1. Board Authority and Responsibilities. (A) The Board of Ethics was established under the Code of Ethics of the Town of Greenwich as set forth in Chapter 2, Article 2 of the Greenwich Municipal Code. Its primary responsibility is to make findings and recommendations concerning actual or potential violations of the Code. The Board's authority covers all violations of the Code, including;

- (1) the acceptance of gifts or other items of value that might tend to influence a Town Officer in the performance or non-performance of official duties,
- (2) the use of a town office to exert influence or vote on a matter in which the Town Officer has a substantial financial interest, and
- (3) the failure of a Town Officer to file a required annual Disclosure Statement.

(B) In discharging its responsibilities, the Board may function in an investigatory or advisory role. In its investigatory role, the Board is required to investigate any Complaint

that properly alleges that a violation of the Code has occurred and make findings and recommendations as a result of its investigation. In its advisory role, the Board renders advisory opinions regarding the interpretation and application of the Code when requested in writing by a Town Officer.

(C) In the course of carrying out its duties, the Board makes findings and recommendations to the general public, the Selectmen and the Representative Town Meeting, as well as other appropriate agencies. It is also required to deliver a report of its actions and recommendations to the Selectmen and the Representative Town Meeting each year.

(D) The authority of the Board is limited to matters involving Town Officers, as defined in the Greenwich Municipal Code. The Board's investigative duties are limited to properly filed Complaints identifying specific violations of the Code by Town Officers. It is not charged with monitoring any individual, or any department, board or other body of the Town. The Board has no authority to file or investigate complaints on its own initiative or render opinions as to the ethical conduct of Town government other than as provided for in the Code.

(E) In addition to the Code of Ethics, applicable federal, State and local laws, rules, policies and procedures subject Town employees and officials to additional requirements intended to promote ethical behavior and instill public confidence. Unless the failure to adhere to these requirements results in a violation of the Code of Ethics, compliance with them is not the responsibility of the Board.

Section 2. *Definitions.* For purposes of this Statement, words and terms defined in Section 2.6 of the Code are used herein as so defined and the following words and terms have the following meanings, unless the context requires otherwise:

“Annual Report” means the annual report provided for in Subsection 2-12 of the Code.

“Board” means the Board of Ethics of the Town of Greenwich, established under Section 2-11 of the Code.

“Chair” means the person duly elected by the Board to serve as Chairman of the Board at any particular time in accordance with Section 2-11 of the Code.

“Code” means the Code of Ethics of the Town of Greenwich, constituting Chapter 2, Article 2 of the Greenwich Municipal Code, as amended from time to time.

“Complainant” means an individual submitting information intended to be a Complaint, whether alone or with others.

“Complaint” means a submission determined by the Board to identify a specific violation of the Code by a Town Officer, as provided in Section 2-12 (a) of the Code.

“Disclosure Statement” means a statement required to be filed with the Town Clerk pursuant to Section 2-9 of the Code.

“Fiscal Year” means the Fiscal Year established and in effect at any particular time for budget purposes of the Town.

“Freedom of Information Act” means Sections 1-200 to 1-260 of Chapter 14 of Title 1 of the Connecticut General Statutes, as amended from time to time.

“Party” refers to a Complainant or Respondent, and “Parties” refers to all Complainants or Respondents, in connection with a Complaint.

“Preliminary Investigation” means a confidential investigation undertaken by the Board as the result of a Complaint in order to determine whether probable cause exists to believe that a violation of the Code has occurred.

“Request for an Advisory Opinion” means a request for an advisory opinion made in writing by a Town Officer as provided in Section 2-12 of the Code. The procedure for submitting a proper Request for an Advisory Opinion are described in Section 6 below.

“Respondent” means an individual named in a Complaint or identified as a result of the investigation thereof as a Town Officer who is alleged or appears to have violated the Code.

“Secretary” means the person duly elected by the Board to serve as Secretary of the Board at any particular time in accordance with Section 2-11 of the Code.

“Town” means the Town of Greenwich, Connecticut.

“Town Officer” means an individual currently holding a position as a Town employee or as a consultant to, or agent, appointed or elected official of, the Town, including members of any board, department, commission, committee, legislative body or other agency of the Town.

“Transaction” means a transaction with the Town as defined in Section 2 of the Code.

Section 3. *Meetings of the Board.* (A) Prior to the commencement of each calendar year, the Board shall establish a schedule of regular meetings for the year. Any such regular meeting may be cancelled or rescheduled in the discretion of the Chair. In addition, the Chair may provide for one or more special or emergency meetings of the Board whenever appropriate to ensure the proper functioning of the Board. Notice of the time of each meeting, the place at which it is to be held and the proposed agenda for such meeting shall be given in accordance with the Requirements of the Freedom of Information Act.

(B) The Chair shall be responsible for establishing the agenda for each meeting, calling the meeting to order, entertaining motions and conducting votes thereon and making motions to adjourn, suspend or carry over the proceedings to a different date. The Secretary of the Board shall be responsible for maintaining accurate minutes of each meeting, including records of votes, which shall be filed with the Town Clerk in accordance with Freedom of Information Act requirements. In the absence of the Chair or the Secretary, the members of the Board present and acting at the meeting may, by majority vote, designate another member of the Board to fulfill their respective duties.

(C) With the concurrence of a majority of the members present, the Chair may permit audio or video recordings, or transcriptions by a licensed court reporter, of any meeting of the Board or portion thereof. It shall be a condition of any such recording or transcription that: (i) the expense thereof be covered by the person requesting such recording or transcription, (ii) appropriate notice be given to the Board of the intention to record or transcribe the meeting or portion thereof, (iii) the contract under which the recording or transcription is to be made is approved by the Chair in advance, provides appropriate guarantees of confidentiality where required and provides for copies duly certified as true and accurate to be provided to the Board and to all other Parties involved in the proceedings being recorded or transcribed, and (iv) the process by which such recording or transcription is made not be unduly distracting or interfere with the proper conduct of the meeting. The Chair may at any time withdraw permission for recordings or transcriptions to proceed if the process by which they are being made becomes unduly distracting or interferes with the proper conduct of the meeting.

(D) Unless otherwise determined by the Chair, all meetings shall be conducted in accordance with Roberts Rules of Order. Unless objected to by any other member of the Board, the Chair may suspend Robert's Rules of Order at any time or from time to time during any regular, special or emergency meeting of the Board in the interest of efficiency or to accommodate special circumstances. Any member of the Board may participate in a meeting via telephone or other electronic audio visual communication system under such circumstances as the Chair may approve to establish the identity of the individual(s) so participating. Such participation shall not be permitted during the appearance of witnesses during an investigation and or if objected to by a Party to a Complaint. Any vote taken while a member is participating in a meeting telephonically or electronically shall be taken by roll call.

(E) At any meeting of the Board, (i) the evaluation of a submission to determine whether it constitutes a Complaint and (ii) all matters dealing with the preliminary investigation of a Complaint, relate to the evaluation, performance and potential dismissal of a public officer or employee. Accordingly, as permitted by Section 1-200 (6) of the Freedom of Information Act, all such matters shall be dealt with in executive session unless otherwise requested by the Respondent. Prior to commencing such executive session, the Chair shall state the reason for the executive session and confirm by roll-call vote that two-thirds of the voting members present at the meeting are in favor of proceeding with the executive session. During any such executive session, only members of the Board and persons invited by the Chair shall be permitted to attend and the names of all persons in

attendance at the executive session shall be recorded in the minutes of the executive session. The minutes of the Board's executive sessions shall be maintained separately from other minutes of the Board and, as personnel records whose disclosure would constitute an invasion of privacy, may not be released prior to a determination of probable cause. They are to be filed with the Town Clerk in a sealed envelope and marked with a notice that they may only be made available for inspection and copying upon receipt of a specific order of a court of competent jurisdiction.

Section 4. Disclosure Statements. (A) Every Town Officer is subject to the reporting requirements of the Code, but a report is only required to be made when the Town Officer, directly or indirectly, has a substantial financial interest in a Transaction or a series of Transactions with the Town that has a value of \$100 or more within a Fiscal Year. Such reports are due to be filed within thirty days of the end of the Fiscal Year being reported on and must provide a description of each Transaction or series of Transactions, the nature of the Town Officer's substantial financial interest in the Transaction or Transactions and the value of any benefit received, directly or indirectly, in connection with each such Transaction or series of Transactions. As required by the Code, the Board has prescribed a form for such reports, which appears in the Appendix, and may from time to time amend such form.

(B) Where a Town Officer's financial interest in one Transaction or series of Transactions is different from the Town Officer's interest in another Transaction or series of Transactions during a Fiscal Year, the Town Officer must file a separate Disclosure Statement for each different interest.

(C) Under the Code, indirect interests and transactions include interests and transactions in corporations, partnerships and other business entities, vendors, subcontractors and family members, including household members and others who have expectations of financial support or assistance.

(D) The following are not considered reportable Transactions: 1) employment by the Town or service as a Town Officer by the person filing the report; 2) a donation of services or of real or personal property, including materials or supplies, in accordance with Town policies.

(E) Disclosure Statements are to be filed with the Town Clerk and should not be sent to the Board.

Section 5. Communications and Filings with the Board. (A) Complaints and Requests for Advisory Opinions under the Code are to be filed with the Board as follows:

By Mail: Greenwich Board of Ethics
 c/o Office of the Town Attorney
 Department of Law
 Town Hall
 Greenwich, Connecticut 06830

NOTE: All information sent via mail should be enclosed in a sealed envelope marked: "CONFIDENTIAL – To be delivered unopened to the Chair of the Greenwich Board of Ethics".

By email: extension.2249@onebox.com

By Telephone or fax: 1 (888) 432-2777

Note: Your e-mail, voicemail or facsimile message will be communicated directly to members of the Board of Ethics via secure means.

(B) The Board receives various communications in addition to formal written submissions. These include informal inquiries to individual members of the Board, oral and written presentations at Board meetings and messages by telephone, email, fax and other means. When the Board receives information from persons who are identified and it is not clear whether the communication is intended as a Complaint or Request for an Advisory Opinion, a member of the Board will attempt to contact the individual providing the information and determine the intent of the individual. If a Request for an Advisory Opinion is intended, the individual will be advised that the request must be in writing. If a Complaint is intended, the individual will also be encouraged to clarify the Complaint in writing and the Board may defer consideration of the Complaint pending receipt of the written clarification.

(C) Although the Code does not require Complaints to be in writing or made by an identifiable individual, the Board has provided an official form for Complaints, which is contained in the Appendix. The use of this form is recommended, but not required in all instances. Use of the official form of Complaint also is not itself determinative of whether a submission qualifies as a Complaint. However, to provide a proper record to initiate a Complaint, a communication with the Board must be submitted in a form that is written (including electronic text or facsimile messages) or recorded (such as a voice mail) and contain sufficient information to identify a probable violation of the Code. Accordingly, it is the policy of the Board to review communications that might be considered a complaint, even if they are not submitted on the official Complaint form, and make a determination as to whether the submission makes a Complaint under the Code. The procedure for such review is provided for in Section 7 below. Information providing the basis for a Complaint may also be made orally at any meeting of the Board as recorded in the minutes of the meeting. In cases where the Board has received repeated informal communications which allege unethical behavior, but are not found to describe specific violations of the Code, the Board reserves the right to identify the source as unreliable and require future submissions to be formally made in writing on its prescribed form and/or require the source to obtain assistance from counsel before it will review any further submissions.

(D) The Freedom of Information Act requires that the Board maintain records of all official communications received and that such records be available for public inspection and copying, unless exempted. Where a submission is received that may qualify

as a Complaint under the Code, the Board may withhold information about the submission for purposes of conducting a preliminary investigation to determine if the submission qualifies as a Complaint and there is probable cause to believe that a violation of the Code has occurred. If a submission is deemed not to qualify as a Complaint, it will generally be subject to disclosure unless one of the Parties properly requests confidentiality based on an exemption to the Freedom of Information Act. Section 13 of this Statement describes the circumstances under which the Board's records in connection with a submission treated as a potential or actual Complaint may be retained or released.

Section 6. *Advisory Opinions.* (A) The Board is required to respond to any proper Request for an Advisory Opinion by a Town Officer. In order to be considered a proper Request for an Advisory Opinion, the request must be submitted to the Board in writing and must identify the Town Officer(s) submitting the request. The request should describe the hypothetical circumstances under which the person or persons submitting the Request for an Advisory Opinion believe(s) that a violation of the Code might be considered to occur and the provision(s) of the Code that might be considered violated. An explanation of the reasons why the Town Officer(s) submitting the request considers that a violation of the Code may or may not occur will be helpful to the Board in preparing an advisory opinion that is responsive to the request.

(B) A form that can be used to submit a Request for an Advisory Opinion is included in the Appendix. The use of this form assists the Board in rendering its opinion, but is not mandatory. It provides instructions intended to assist in clarifying the issues the Board is being asked to address. The Board may also request additional information from persons submitting a Request for an Advisory Opinion.

(C) The Code provides for the Board to take steps that prevent its Advisory Opinions from disclosing the identity of the Town Officer requesting the opinion. However, the Freedom of Information Act requires that the Board maintain Requests for Advisory Opinions in its records and that such records be available for public inspection and copying. Therefore, any Town Officer wishing to protect his or her identity when making a Request for an Advisory Opinion should request another Town Officer to make the request on his or her behalf and the Town Officer submitting the request should state that the request is being made on behalf of another Town Officer. The direct submission of a request for an advisory opinion, the disclosure of personally identifying information contained in any request for an advisory opinion or participation in a non-executive session of the Board to consider a Request for an Advisory Opinion must necessarily be deemed a limited waiver of the provisions of the Code regarding preventing the disclosure of identity. Due to the limited grounds under which executive sessions are permitted under the Freedom of Information Act, it should be assumed that the consideration of most matters involved in a Request for an Advisory Opinion will not be permitted to occur in executive session.

Section 7. *Evaluation of Complaints.* (A) Whenever a submission is made that might be considered as a Complaint, the Board shall meet in closed session at its next regularly scheduled or special meeting to evaluate such submission. As part of this

evaluation, the Board shall determine whether the facts alleged in the submission, if read in the light most favorable to the Complainant and assumed to be true: (i) establish that the Board has jurisdiction over the person(s) involved as Town Officer(s); (ii) establish that the Board has jurisdiction over the subject matter as a violation or violations of the Code; (iii) the Complaint describes one or more particular violations of the Code with sufficient specificity to establish that such a violation may have occurred, and (iv) the Complaint involves issues or circumstances that are appropriate to be addressed by the Board in light of the remedies available. The Board shall also evaluate whether the submission contains information that should be referred to law enforcement authorities and the potential for an investigation by the Board to interfere with any criminal investigation of the matter. As a result of such evaluation, the Board shall make a finding as to whether the submission should be either (i) considered as a Complaint to be further investigated because it meets the requirements of this Section, (ii) not considered a Complaint because it fails to state a specific violation of the Code over which the Board has appropriate jurisdiction or (iii) deferred because of a criminal investigation.

(B) If the identity and address of the person(s) submitting it is indicated in a submission evaluated pursuant to this Section, the Chair shall provide an acknowledgement of the receipt of the submission to the person(s) making the submission and notify such person(s) of the result of its evaluation of the submission as soon as practical following its findings with respect to the submission. In the event that the submission is to be considered as a Complaint, such notice shall be sent concurrently with notice to the Respondent as provided in Section 8. If the identity of a Complainant is not disclosed in the Complaint, the Board will take reasonable steps to protect the confidentiality of the Complainant. It is the policy of the Board that persons making good faith Complaints should be protected from retaliation. As a result, the investigation of a Complaint will not be directed toward discovering the identity of the Complainant(s), which may limit the effectiveness of the investigation. In addition, the Board may consider the fact that a Complainant is anonymous in its evaluation of the credibility of the Complaint. As a result, persons submitting Complainants should consider carefully the disadvantages inherent in the investigation of a Complaint when a Complainant chooses to remain anonymous. The chances of a satisfactory outcome in connection with a Complaint are significantly higher when the Complainant is identified.

Section 8. *Preliminary Investigations.* (A) If the Board's evaluation of a submission under Section 7 results in a finding that it should be investigated, it shall make a formal determination that the submission is a Complaint and proceed with a further investigation of the allegations contained therein. Within a reasonable time after such determination, the Chair shall provide notice of such determination and a copy of the potential Complaint to any Town Officer identified in the Complaint as having responsibility for a violation of the Code. A reasonable period of time shall be considered ten days, except that nothing shall prevent the Board, in appropriate circumstances, from (i) commencing a preliminary investigation prior to such notification or (ii) withholding such notification for an additional period of time in order not to compromise the integrity of such preliminary investigation. Appropriate circumstances may include the need to

obtain specialized assistance or take prudent steps to prevent probative evidence from being destroyed or altered.

(B) More than one Respondent may be identified as a result of the Board's review of a Complaint or may be identified as the result of the Board's investigation of a Complaint. If more than one Respondent is identified in connection with a Complaint, the Board shall initiate separate investigations into each Respondent. Where the Board is investigating multiple Respondents in connection with a single Complaint, it may consolidate its deliberations and, with the concurrence of all Parties, schedule the appearance of any witness to occur concurrently pursuant to such agreements with respect to order of witnesses, cross-examinations and other matters as the Board may enter into with the affected Parties.

(C) Prior to conducting any hearings with respect to a Complaint in open session, the Board shall conduct a confidential preliminary investigation, unless waived by the Respondent, to determine if probable cause exists that a violation of the Code may have occurred. In the course such investigation, the Board shall hold at least one hearing in executive session. At any such hearing, the Board may examine witnesses and receive such oral and documentary evidence as it deems relevant to the matter under investigation and shall:

(a) Provide any Complainant, if known, with the opportunity to appear before the Board to present corroborating evidence and witnesses in support of the allegations in the Complaint.

(c) Provide any Respondent with the right to appear and be heard and offer any evidence or testimony that may establish that no probable cause of a violation of the Code exists.

(D) At the completion of its preliminary investigation and initial hearings pursuant to subsection (C), the Board shall make a finding as to whether or not there is probable cause to believe a violation of the Code may have occurred. If the Board determines that a full investigation is unlikely to find that a violation of the Code occurred, it shall find that there is no probable cause to believe that a violation of the Code may have occurred and the Complaint shall be dismissed. Promptly after such a finding, the Board shall send, to any affected Party that has filed a written request therefor, a notice of its finding together with a summary of its reasons for making that finding. Such notice to any Complainant shall remind the Complainant of the obligation to maintain confidentiality with regard to the Complaint and the Board's investigations and findings.

(E) If the Board determines to proceed with a full investigation at the conclusion of its preliminary investigation of a Complaint, it shall find that there is probable cause to believe that a violation of the Code may have occurred and shall make the finding public not later than five business days after such finding. At such time the entire record of the Board's investigation shall become public, except that the Board may, at the request of the Respondent, postpone examination or release of such public records for a period not to

exceed fourteen days for the purpose of facilitating a stipulation agreement containing an agreed upon statement of facts and recommendations in lieu of a further investigation. Any such stipulation agreement must be approved by a majority of the members of the Board present and voting at a duly constituted meeting of the Board.

Section 9. *Confidentiality.* (A) Pursuant to Section 7-148h of the Connecticut General Statutes, the evaluation of any potential violation of the Code and any investigation conducted prior to a finding of probable cause is confidential. Unless requested by the Respondent, the allegations in the complaint and any information supplied to or received from the Board may not be disclosed during the investigation to any third party by a Complainant, Respondent, witness or member of the Board. No Complainant, Respondent, witness or Board member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of the Complaint, that the third party would not otherwise have known. Except for confidential communications between the Respondent and counsel or close family members, any disclosure by a Respondent or Respondent's counsel or family members with respect to a Complaint or the investigation thereof to any person shall be deemed a waiver of this limitation as to such Respondent. If the Respondent elects to waive confidentiality with respect to the preliminary evaluation or investigation of a Complaint and submits a written request to such effect with the Board, the Board may terminate the confidentiality of the preliminary investigation.

(B) The Board appreciates that there are circumstances in which a Complainant may wish to remain anonymous for fear of reprisals. However, the need to maintain confidentiality during a preliminary investigation makes it particularly important for anonymous Complainants to provide specific details and carefully examine the Code to be sure that all the elements of a violation are enumerated in a Complaint. Without specifics as to persons, dates, times, locations and other necessary details, the Board may not be able to move forward with an investigation of a Complaint in the absence of information from an identified Complainant. As a result, a Complainant who fears reprisals may wish to identify a trusted third party to serve as a conduit for communications with the Board.

(C) A Complainant is expected to cooperate in maintaining confidentiality with regard to the Complaint and the Board's preliminary investigation in the absence of a determination of probable cause. Failure to do so is a violation of State law as well as the Board's procedures. It will also be taken into account in assessing the motives of the Complainant in coming forward and will create a presumption of unreliability with respect to the information provided by the Complainant.

(D) Where a Party believes it is appropriate for the Board to receive testimony or information from outside sources during the course of a preliminary investigation, the party should not contact the outside source directly, but should identify the source to the Board and allow the Board to obtain assurances with regard to the confidentiality of the preliminary investigation before entering into exchanges of information from such individuals.

Section 10. *Investigations and Hearings.* (A) In connection with any preliminary or further investigation of any Complaint, the Board shall exercise the powers granted pursuant to subsection (a) of Section 7-148h of the Connecticut General Statutes to subpoena witnesses and compel attendance before the Board and to require the production for examination by the Board of any books and papers that the Board deems relevant to the investigation. Except as otherwise required by law, all evidence received in connection with an investigation shall be kept confidential prior to the time that it is introduced into evidence at a hearing following a determination of probable cause.

(B) In connection with any preliminary or further investigation into any Complaint, the Chair of the Board shall be responsible to conduct any hearing and, subject to the direction of the Board, shall determine the order of evidence produced, provided that any Respondent shall be provided a reasonable opportunity for rebuttal evidence prior to the time that any findings are made by the Board with respect to a Complaint. The Chair, subject to the direction of the Board, may establish reasonable time limits for the submission of evidence at any particular hearing and rule out the submission of any evidence that is not relevant, competent or material to the deliberations of the Board.

(C) Whenever the Board determines to proceed with an investigation following a determination of probable cause, the Chair shall, in consultation with the Respondent and any Complainant that has been identified, establish reasonable rules with respect to the conduct of any hearing in connection with such investigation, including reasonable notice as to issues to be dealt with at the hearing and the exchange of written submissions and copies or descriptions of relevant exhibits and lists of intended witnesses. The Board may consider the adequacy of any such notice or submission as a factor in determining whether fairness requires that the hearing be rescheduled or a continuance granted to permit a Party to properly respond to materials provided at a hearing.

(D) The following shall apply to any hearing conducted by the Board in connection with the preliminary or any further investigation into any Complaint:

- (1) Any identified Complainant shall have the opportunity to appear before the Board and present corroborating evidence and witnesses in support of the allegations in the Complaint.
- (2) The Respondent shall have the opportunity to appear before the Board to rebut any evidence or witnesses previously presented or to offer evidence and witnesses, with information that may tend to show the respondent did not violate the Code.
- (3) The Respondent and any identified Complainant shall have the right to be represented by legal counsel and to examine and cross-examine witnesses.
- (4) At the request of any member of the Board, or of any Complainant or Respondent, the testimony of any witness at a hearing shall be provided under oath administered by a duly authorized official.

(5) The official record of any oral testimony given to the Board shall be the summary thereof made in the Board's minutes of the hearing, unless, at the expense of a requesting Party, arrangements satisfactory to the Board are made for such testimony to be recorded or transcribed as provided in Subsection 3 (C) and such recording or transcription has been approved for inclusion in the record by the Board.

(E) Failure of a Respondent to appear before the Board shall not preclude the Board from proceeding with any investigation or hearing or from making a final determination on the merits of any Complaint.

Section 11. *Proceedings Following a Determination of Probable Cause.* (A) If the Board determines to proceed with an investigation following a finding that there is probable cause to believe that a violation of the Code may have occurred, the Board shall conduct one or more hearings in connection with the investigation. In the course of such hearings, relevant oral and documentary evidence received by the Board in connection with the Complaint shall be placed into the public record. Any such hearing shall be held on notice provided in accordance with the Freedom of Information Act and shall be open to the public.

(B) Prior to any hearing following a determination of probable cause, the Respondent may request the opportunity to review all documentary evidence held by the Board that is relevant to the testimony to be given at the hearing. Upon any such request, respondent shall be provided with copies or other reasonable access to such evidence and given an appropriate period of time to review such evidence prior to the hearing. Upon the timely request of the Respondent, the Board, any identified Complainant and the Respondent shall, exchange lists notifying the other of their intended witnesses. Failure to provide such notice on a timely basis will act as a waiver of the omitting party's right to present testimony from a witness not on the witness list. The Board may waive this requirement or reschedule the hearing for good cause shown.

(C) Any identified Complainant and the Respondent, or their respective legal counsel, shall be afforded the opportunity to summarize their respective positions at the conclusion of the presentation of their evidence. Such summations will be presented by the any identified Complainant first and followed by the Respondent.

Section 12. *Completion of an Investigation and Findings.* Within a reasonable period following the conclusion of its investigations into any Complaint, the Board shall adopt and publish a report containing its findings and recommendations and the reasons for such findings and recommendations. Such findings and recommendations may include, without exclusion, any of the following recommendations:

- (1) that a Respondent return any and all gifts improperly received;
- (2) that the Board's report be included in the personnel file of a Respondent;

- (3) that termination, demotion, transfer or suspension of the Respondent be considered by the proper supervisory authority after due consideration of the Board's report;
- (4) that legal action be initiated for any damages suffered by the Town;
- (5) that the Town pursue remedies for breach of contract in connection with the violation of the Code.

Such findings and recommendations shall be deemed to be the final decision of the Board. Any party aggrieved by such findings and recommendations may appeal them to any appropriate authority in accordance with the provisions of the Town's Municipal Code and the Connecticut General Statutes. In addition, the Board in its sole discretion may order the reconsideration of any such final decision including a determination of no probable cause.

Section 13. Records and Reports. (A) The Secretary of the Board shall be responsible to maintain the records of the Board, including copies of its opinions and decisions, records of its votes, minutes of its meetings (including any transcripts of public hearings) and copies of notices and official correspondence sent by or to the Board as provided herein. The Secretary shall also be responsible for responding to requests for records under the Freedom of Information Act and preparing certified copies of the Board's records.

(B) Due to the sensitive and confidential nature of the matters that the Board is responsible for, the Board has determined that the public interest in withholding preliminary drafts or notes in connection with its Advisory Opinions and Decisions clearly outweighs the public interest in disclosure and are thus exempt records for purposes of the Freedom of Information Act.

(C) In connection with any Complaint that is dismissed due to a finding of no probable cause, the Complaint and the record of its evaluation and investigation shall remain confidential, except upon the written request of all Respondents and except that some or all of the record may be used in subsequent proceedings if deemed relevant.

(D) All investigative materials received by the Board subsequent to a finding of probable cause shall be confidential, unless the Board determines to release them upon the written request of the respondent. However, all such materials that are relevant to the investigation must be entered into the record of the investigation of the Complaint at the hearing or hearings held in connection with the Complaint prior to the making of any findings or recommendations as to the Complaint by the Board.

Section 14. Forms. An Annual Disclosure Form to be used by Town Officers and suggested forms for a Request for an Advisory Opinion and for a Complaint are contained in the Appendix, which include instructions for their use.

APPENDIX

Required and Suggested Forms

- (1) Disclosure Statement (Required Form)
- (2) Request for Advisory Opinion (Suggested Form)
- (3) Complaint (Suggested Form)

Board of Ethics Town of Greenwich, Connecticut

Instructions for Annual Disclosure Form for Town Officers

To be filed for the preceding Fiscal Year within 30 days after June 30th of each year.

Who has to file?

All **Town Officers** are covered by the requirements of the Code of Ethics with respect to the filing of Annual Disclosure Statements. A statement must be filed for each year that a Town Officer has a substantial personal financial interest in a **transaction** with the Town. *If a Town Officer didn't have a substantial personal interest in any transaction with the Town during the Fiscal Year, no filing is required.*

Who is a Town Officer?

A Town Officer is any official, employee or agent of the Town, any consultant to the Town or any member of any board, department, commission, committee, legislative body or other agency of the Town, whether elected or appointed.

What transactions are covered?

A transaction is defined broadly under the Code to include the sale or furnishing of any real or personal property, materials, supplies or services to the Town directly as a vendor or prime contractor, or indirectly as a subcontractor, beneficial owner, family member or otherwise. Transactions include offers, even if they are not accepted, but do not include gifts and similar arrangements where no valuable consideration is paid by the Town. Town employees and contractors are not required to report on the contract for services which makes them a Town Officer. Transactions with the Town include all Town boards, commissions, agencies or other entities owned or controlled by the Town.

What has to be reported?

Transactions aggregating less than \$100 a year do not need to be reported. The Code requires that Town Officers report both the nature of their interest in a Town transaction and the amount received during the year as a result of that interest.

Line by line guidance:

All Town Officers are required to use the form prescribed by the Board of Ethics. Following are explanations of the information required to be provided on each line.

1. **Name:** Give your full name as it appears in the Town's official records.
2. **Town Office:** List the title of your position as a Town Officer. If you have more than one appointed or elected position or are employed by more than one department or agency of the Town, a separate statement must be filed for each position.
3. **Transaction:** A separate form is required for each transaction. Where the Town enters into a single arrangement for a series of sales or engagements under the same terms, it should be considered a single transaction. Provide the date of the contract or service, its total value, the name of the Town department or other agency involved, the name and address of the party contracting with the Town and a brief description of the transaction.
4. **Nature of Interest.** Describe the nature of your interest in the transaction, such as contracting party or an owner, partner in or employee of the contracting party (or family member thereof). Family members include parents, spouses, siblings, children, nieces and nephews grandchildren and in-laws. Interests include only substantial financial interests.
5. **Value Received:** Indicate the total value received during the fiscal year, including increases in the value of tangible or intangible property owned, as well as cash received or profits distributed.
6. **Signature:** Use your normal written signature.
7. **Attestation:** This form must be sworn to under oath before a notary public or other official authorized to attest to statements made under oath and filed with the Town Clerk as indicated.

**Town of Greenwich, Connecticut
Board of Ethics**

Annual Disclosure Form for Town Officers

Section 2.9 of the Town Code of Ethics requires all Town Officers to file a written statement disclosing under oath any substantial interest in transactions with the Town. Such statements are to be filed in each year that a Town Officer has a financial interest in one or more transactions totaling \$100 or more. Such statement is to be provided in the following form and is to be filed in the office of the Town Clerk within thirty days after the end of the fiscal year. For this purpose:
(1) a Town Officer includes any official, employee or agent of the Town, any consultant to the Town or any member of any board, department, commission, committee, legislative body or other agency of the Town, whether elected or appointed, and
(2) a transaction includes the offer, sale or furnishing of any real or personal property, material, supplies or services to the Town for valuable consideration, directly as a vendor or prime contractor, or indirectly as a subcontractor, beneficial owner, family member or otherwise, but does not include services as a Town Officer.

Name: _____

Town Office: _____

Nature of Substantial Financial Interest:

(Describe direct interest, such as owner, partner or shareholder or indirect interest, such as sub-contractor, employee or family member) Persons must file a separate form for their separate interests in unrelated transactions. An interest in a transaction or series of related transactions having a total value of less than \$100 is not required to be reported.)

Value of Interest: \$ _____
(No filing is necessary if this amount is less than \$100)

Transaction or Transactions:

(Provide the date or dates and other appropriate information to identify each transaction, including the name of any Town vendor, contractor or other person affected. Attach additional sheets if necessary.)

Signature:

Subscribed and sworn to before me this ___ day of _____ 201_.

Notary Public _____

Town of Greenwich, Connecticut

Board of Ethics

Request for Advisory Opinion

Section 2.12(b) of the Town Code of Ethics requires the Board of Ethics to render advisory opinions with respect to the Code of Ethics upon the written request of any Town Officer. For this purpose, a Town Officer includes any official, employee or agent of the Town, any consultant to the Town or any member of any board, department, commission, committee, legislative body or other agency of the Town, whether elected or appointed.

Name(s): _____

Town Position(s): _____

Request on Behalf of Another: Yes _____ No _____

(The Board's policy is to render advisory opinions that do not name the individual requesting the opinion. However, the Connecticut Freedom of Information Act requires all filings with the Board to be made available to the general public upon request. One Town Officer may file a request on behalf of another Town Officer.)

Please attach a statement describing the issues involved concisely, but in reasonable detail. For issues of the following types, please describe:

- (1) Substantial financial interest in one or more transactions:**
 - a. The interest or interests involved
 - b. How the Town is involved in the transaction or actions relating to the interest
 - c. The nature of the action or vote that may be influenced
 - d. How the Town Official involved might be influenced
- (2) Acceptance of a thing of value:**

(Please indicate if member of immediate family is involved.)

 - a. The gift, favor, loan, promise or other thing that might be accepted
 - b. The official duty or duties that might be influenced
 - c. How the Town Official involved might be influenced
- (3) Definitions or interpretation**
 - a. The word or phrase in the Code that is ambiguous
 - b. The circumstances under which it might be ambiguous
 - c. Possible alternative interpretations
- (4) Procedure for filing disclosure statements:**
 - a. Requirement in question
 - b. Possible alternatives for satisfying requirement
 - c. Problems affecting compliance

**Town of Greenwich, Connecticut
Board of Ethics**

Complaint

The Board has provided instructions for this form. Please review them carefully before submitting a complaint.

(You may submit anonymously, but the Board's ability to investigate may be limited because it will not be able to contact you for clarification of any necessary details.)

Name of Complainant (optional): _____

Phone and/or email (optional): _____

Address (optional): _____

Name of Respondent(s): _____

Respondent Town Position(s): _____

Code Section Violated (check all that apply): Section 3 ___ Section 4 ___ Section 5 ___

Concisely, but in reasonable detail, please describe the violation you are concerned about below, or attach a statement describing it. Please give complete details of any votes, actions or transactions involved and, for each Town Officer, indicate the Town Officer's financial interest in the matter or thing of value accepted by the Town Officer which might influence the Town Officer's behavior. Include dates, places and corroborating witnesses, documents, photographs or other direct evidence of the facts, if any. Please attach additional sheets if necessary.

NOTICE

By filing a complaint, the complainant acknowledges the confidentiality obligations imposed pursuant to Section 7-324 of the Connecticut General Statutes and agrees to comply with the Statement of Procedures and Rules of Conduct of the Greenwich Board of Ethics.

Greenwich Board of Ethics

Instructions for filing Complaints

Who can file?

Section 2.12(a) of the Greenwich Code of Ethics requires the Board of to investigate complaints made by any person who alleges a violation of the Greenwich Code of Ethics by any Town Officer. The Board is only authorized to investigate specific violations of the Code. Issues related to the general decorum of the Town or violations of Town policies other than the Code should be addressed to the appropriate individuals or entities responsible.

Who is a Town Officer?

For purposes of the Code of Ethics, the term Town Officer includes any official, employee or agent of the Town, any consultant to the Town or any member or employee of any board, department, commission, committee, legislative body or agency of the Town, whether elected or appointed.

Name and contact information

Name and contact information is optional. You may submit an anonymous complaint, but the Board's ability to investigate the complaint may be limited because it will not be able to contact you for clarification of any questions concerning the complaint. The Connecticut Freedom of Information Act requires all Complaints filed with the Board to be made public in the event that a determination of probable cause is made following a preliminary investigation of the complaint or if a submission is found not to meet the requirements for a Complaint.

What are the requirements for a Complaint?

While there are no particular formalities, there are substantive requirements that must be met before information submitted to the Board can be treated as a complaint under the Code. In order for there to be a record of the Complaint, it must be submitted in writing or by way of a recorded telephonic, facsimile or other electronic message that can be transcribed. Oral submissions may only be made to the entire Board at a duly constituted meeting. The Board will do an initial evaluation of each submission to determine if it meets the substantive requirements for a Complaint, including whether (i) each respondent is a Town Officer, (ii) the facts alleged describe one or more violations of the Code with sufficient specificity for the Board to investigate them, and (iii) it involves issues or circumstances that are appropriate to be addressed by the Board in light of the remedies

available or the possibility of interfering with a criminal investigation.

What facts are necessary to allege a violation of the Code?

In its initial evaluation of a submission, the Board will assume that all facts alleged are true pending further investigation. However, in order for the submission to qualify as a Complaint, it cannot consist merely of conclusory statements. Rather each of the underlying facts necessary to establish the violation must be alleged. For example, it is not sufficient to allege that an individual "violated Section 3 of the Code." It is necessary to show the position that makes the individual a Town Officer, the specific official duties whose performance was influenced and the valuable gift, thing, favor, loan or promise that was accepted.

Can documentary or photographic evidence be submitted with a Complaint?

Yes. Particularly in connection with anonymous complaints, the submission of relevant documentary, photographic or other evidence is recommended. This will assist the Board in its preliminary investigation and may also be essential to establish the inclusion of necessary facts in the Complaint.

What are my obligations as a Complainant?

Under State law, the evaluation of complaints and any investigation of a Complaint conducted prior to a finding of probable cause is required to be done on a confidential basis, unless the respondent requests otherwise. During a confidential evaluation or investigation, the allegations in the complaint and any information supplied to or received from the Board may not be disclosed during the investigation to any third party by a complainant, respondent, witness or member of the Board of Ethics. This obligation extends to counsel and is permanent if the case is dismissed. If, after preliminary investigation, there is a finding of probable cause, the proceedings of the Board are to be conducted in public. However, the Board may withhold testimony and evidence developed during its preliminary investigation pending its entry into the record at a public hearing. The Board's policies with respect to confidentiality and its procedures in connection with the evaluation preliminary investigations and hearings with respect to Complaints are contained in its Statement of Procedures and Rules of Conduct.

Where to Submit

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By Mail: Greenwich Board of Ethics
 c/o Office of the Town Attorney
 Department of Law
 Town Hall
 Greenwich, Connecticut 06830

NOTE: All information sent via mail should be enclosed in a sealed envelope marked: "CONFIDENTIAL – To be delivered unopened to the Chair of the Greenwich Board of Ethics".

By email: extension.2249@onebox.com

By Telephone or fax: 1 (888) 432-2777

Note: Your e-mail, voicemail or facsimile message will be communicated directly to members of the Board of Ethics via secure means.

Town of Greenwich, Connecticut
Board of Ethics
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**BOARD OF ETHICS OF THE TOWN OF GREENWICH
RECORD OF VOTES BY THE BOARD**

DATE: APRIL 9TH, 2019

**MOTION/RESOLUTION: (1) TO ADOPT THE MINUTES OF THE
FEBRUARY 5TH MEETING**

Member	Yea	Nay	Abstain	Absent
Paul de Bary	x			
Robert Grele	x			
Rev. Ian Jeremiah				x
John Margenot	x			
Robert Sisca	x			

**BOARD OF ETHICS OF THE TOWN OF GREENWICH
RECORD OF VOTES BY THE BOARD**

DATE: APRIL 9TH, 2019

**MOTION/RESOLUTION: (2) TO ADOPT THE REVISED
STATEMENT OF PROCEDURE AND RULES OF CONDUCT**

Member	Yea	Nay	Abstain	Absent
Paul de Bary	x			
Robert Grele	x			
Rev. Ian Jeremiah				x
John Margenot	x			
Robert Sisca	x			