

## **GREENWICH BOARD OF ETHICS**

### **Minutes of Special Meeting on May 11th, 2021**

**Members Present:** Paul de Bary, Chair, Rev. Stephanie Johnson, Robert Sisca and Robert Grele

**Members Absent:** John Margenot

**Others Present:** Jennifer Paul Cohen

The Chair called the meeting to order at 6:26 P.M. via telephone via and Internet conference using the Town's Zoom license. He noted that there had been difficulties with the video connection, but 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 reported that there had been given in accordance with Freedom of Information Act requirements and no requests from members of the general republic to attend the meeting. It was further noted that, with only members of the Board and a Board volunteer 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.

The Chair had previously distributed drafts of the minutes of Board's meetings on February 2<sup>nd</sup> and April 6th, 2021 to each of the members. After review, there were no revisions requested to the draft minutes. The Chair then moved for adoption of the minutes and authorization for the Chair, acting as Secretary of the meeting to certify the minutes in final form, which was seconded by Mr. Sisca. Thereupon, the minutes of the February 2<sup>nd</sup> and April 6th, 2021 meetings of the Board were approved in the form attached to these minutes as Exhibit A.

The Chair then reported that the legislation to authorize an on-line filing system for ethics disclosure statements had received a first reading at the RTM and was undergoing further review. In order to prepare for the possible passage of the legislation, he had been working with the Town's IT department and Ms. Paul Cohen to prepare an on-line form. A draft of a proposed form had been circulated to the members of the Board. The Board then discussed some of the limitations involved in using the Town's current website tools to prepare a form and instructions that would be convenient for Town Officers to fill out and the mechanisms for filing and keeping records of the filings. The members expressed general approval of the draft that had been presented and mentioned a number of areas to address, including changes in the Board's FAQ's that would assist persons needing to file reports.

The Chair then indicated that the next item on the agenda was consideration of several reports that the Board had received concerning possible violations of the Code. Ms. Paul Cohen then left the meeting and the Board unanimously voted to continue in executive session. At the conclusion of the executive session the meeting was reconvened and the Chair

indicated that the Board had completed its review of one report and had determined that it did not meet the requirements for a complaint under the Code as more fully set forth in the Board's Statement of Procedures. Accordingly, it was now appropriate for the Board to adopt a decision explaining the reasons for its determination.

A draft of a proposed decision had been circulated to the members prior to the meeting. The Chair asked if there was any further discussion on the motion. Hearing none, the following resolution was moved by Mr. Grele, seconded by Mr. Sisca and adopted unanimously:

**RESOLVED**, that Decision 21-02 is hereby approved by the Board in the form attached as Exhibit B and the Chair of the Board is authorized to communicate the results of the decision to the complainant and respondent.

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

**Exhibit A**  
**to 5/11/21 Minutes**

**MINUTES OF MEETINGS HELD ON**

**February 2nd, 2021**

**and**

**April 6th, 2021**

**are not included to avoid endless duplication**

## **Exhibit B**

**to 5/11/21 Minutes**

### **Decision No. 21-02**

**Date:** 5/11/2021

**Topics:** Complaints-Sufficiency, Board of Assessment Appeals, Financial Interests

**Code Sections:** Section 4, Section 8

The Board of Ethics received a report concerning possible violation of the Code of Ethics in connection with a decision made by a member of the Board of Assessment Appeals. The report indicated that the Board member had accepted the task of reviewing an appeal involving the complainant and made a decision with respect to the appeal against the complainant even though the respondent had been recently involved in an arbitration matter with the complainant.

Under its Statement of Procedures, the Board proceeded with a confidential investigation to determine if there was probable cause that a violation of the Code had occurred. The first step in any such investigation is for the Board to evaluate whether the submission alleges a violation of the Code by a Town Officer and whether the Board has jurisdiction over the subject matter and the person alleged to have violated the Code. In performing this review, the Board considers only the allegations contained in the submission and assumes the truth and completeness of these allegations without further investigation. After this evaluation, the Board makes a finding as to whether the report states a complaint that should be further investigated or whether it should be dismissed because it fails to allege a specific violation of the Code over which the Board has appropriate jurisdiction.

The report was received on April 6<sup>th</sup> and a hearing in executive session was scheduled to review the report on May 11<sup>th</sup>. Prior to the hearing, a member of the Board requested additional information concerning the financial interest of the respondent in the decision regarding the appeal and the complainant requested to withdraw the report.

At the hearing, the Board determined that the respondent was a Town Officer within the meaning of the Code. It also determined that the allegations purported to involve a possible violation of Section 4 of the Code of Ethics. However, it determined that the submission did not allege facts supporting the conclusion that a violation of the Code existed. The Board made this determination because the report contained no allegation that the respondent had a personal financial interest in the decision to deny the appeal of the assessment.

Accordingly, the Board determined to dismiss the report since it did not allege facts sufficient to qualify as a complaint that should be investigated under the Code.