

**DRAFT**

## **GREENWICH BOARD OF ETHICS**

### **Minutes of 2<sup>nd</sup> Special Meeting held in Executive Session on June 8<sup>th</sup>, 2022**

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

**Members Absent:** None

**Others Present:** None

The meeting was called to order at 5:09 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 in executive session, the Chair advised that only items on the agenda and items permitted to be considered in executive session would be considered. In consideration of the fact that the Chair had made allowances for parties to attend who had declined, the Chair asked the members to waive the change in time for the meeting so additional time would be available for the next meeting. The change in time was approved by roll call. As an executive session, no one other than the Board was affected by the change in time.

The first order of business was consideration of a report received via email and attachments on the Board's hotline. The Chair explained that the report was made by a couple in Ridgefield Connecticut about activities in Ridgefield by a Greenwich Town Officer. The initial report was addressed to both the Ridgefield and Greenwich Board of Ethics. The Chair had asked the persons submitting the initial report to file an amended report that would identify violations of the Greenwich Code of Ethics, which had been forwarded to each of the members. The Chair also invited them to appear at the meeting, which they had declined to do. The Chair asked each of the members if they felt that the amended report described any violation of the Code of Ethics and each indicated that they did not. He then asked if there was any member who wished to further discuss the matter.

There being no further discussion, the Chair confirmed that each of the members had received a copy of the draft decision that had been circulated dismissing the report as failing to describe a violation of the Code of Ethics and asked for a motion to approve the decision dismissing the report. The motion was made by Rev. Johnson and seconded by Mr. Sisca and was unanimously approved by roll call vote. The Chair noted that, as the Board had determined that the report it received was not a complaint describing a violation of the Code of Ethics, the minutes of the meeting and all of the Board's records with regard to the matter would now become public records. He therefore directed the Secretary to file the minutes with the Town Clerk and attach Decision 22-04 as Exhibit A.

Following this the Chair indicated that all matters listed on the agenda had come before the Board and moved to adjourn the meeting which was approved unanimously by roll call vote at 5:11.

**Exhibit A**

**Decision #22-04**

**Decision No. 22-04**

**Date:** 6/8/22

**Topics:** Complaints, Sufficiency, Town Officer

**Code Sections:** Section 8, Subsection 2(3)

The Board of Ethics received a report through a e-mail message on its hotline on May 26<sup>th</sup>, which was supplemented by an amended report submitted June 5<sup>th</sup>, 2022. In accordance with its Statement of Procedures and Rules of Conduct, the Board proceeded with a review of the report to determine if it alleged a violation of the Greenwich Code of Ethics.

The first step in any such investigation is for the Board to evaluate whether the report 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 information contained in the report and assumes the truth and completeness of this information without further investigation. After this evaluation, the Board makes a finding as to whether the report (a) makes a complaint that should be further investigated, (b) should be dismissed because it fails to state a specific violation of the Code over which the Board has appropriate jurisdiction or (c) involves issues or circumstances that are not appropriate to be addressed by the Board in light of the remedies available.

**Information Contained in the Report**

The report alleged that an employee of the Town of Greenwich also served as the Chair of a Commission for another Town in Connecticut and, as Chair of that Commission, had recommended the use of consultants “we have used in Greenwich” who “know what [the respondent] wants.” The report complained that this created the appearance of an “illegal conflict” and speculated that respondent might have created a “pay to play ecosystem” and received a *quid pro quo* for the referrals in the form of contributions from the consultants to a non-profit the respondent was a manager of or in the form of “conferences, entertainment, holiday gifts, speaking engagements, etc.”

The Board requested additional information concerning the respondent’s financial interest in specific consultants or in transactions with the Town of Greenwich, or as to gifts to the charity or other items of value that might have influenced the respondent with regard to a transaction or action involving the Town of Greenwich, but was unsuccessful in obtaining such specific information in response to its request.

## **Determination and Decision**

The Board found that, as an employee of the Town, the respondent was a Town Officer within the meaning of the Code. Therefore the Board carefully reviewed the report to determine if: 1) it described a possible violation of the Code of Ethics with sufficient specificity to enable the Board to conduct a proper investigation and 2) it involved issues or circumstances that are appropriate to be addressed by the Board in light of the remedies available.

As a result of its review, the Board determined that the report neither alleged specific facts supporting the conclusion that a violation of the Code existed nor involved issues or circumstances that were appropriate to be addressed by the Board in light of the remedies available. The Board made this determination for the following reasons:

- 1) The report did not allege a possible violation of the Code since it did not describe any specific financial interest in, nor the receipt of any specific thing of value in connection with, a Town transaction or action.
  
- 2) While Section 8 of the Code requires the Board to investigate alleged violations of the Code by officials of the Town of Greenwich, the Code does not authorize the Board to investigate alleged violations of the standards of other municipalities.

Accordingly, the Board dismissed the report submitted because it did not qualify as a complaint that should be investigated under the Code.

**DRAFT**

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

**DATE: JUNE 8TH, 2022**

**2<sup>nd</sup> Special Meeting in Executive Session**

**MOTION/RESOLUTION: (1) TO APPROVE CHANGE IN THE  
TIME OF THE MEETING FROM 5:15 TO 5:09**

<b>Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b>Paul de Bary</b>	<b>x</b>			
<b>Jennifer Paul Cohen</b>	<b>x</b>			
<b>Robert Grele</b>	<b>x</b>			
<b>Rev. Stephanie Johnson</b>	<b>x</b>			
<b>Robert Sisca</b>	<b>x</b>			

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

**DATE: JUNE 8TH, 2022  
2<sup>nd</sup> Special Meeting in Executive Session**

**MOTION/RESOLUTION: (1) TO APPROVE AND ADOPT  
DECISION #22-04 IN THE FORM ATTACHED AS EXHIBIT A**

<b>Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b>Paul de Bary</b>	<b>x</b>			
<b>Jennifer Paul Cohen</b>	<b>x</b>			
<b>Robert Grele</b>	<b>x</b>			
<b>Rev. Stephanie Johnson</b>	<b>x</b>			
<b>Robert Sisca</b>	<b>x</b>			