



# Town of Greenwich

## Board of Ethics

### Statement of Procedures and Rules of Conduct

Revised and Adopted: April 9, 2019

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**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 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 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 report to the Board 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 only 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".
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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 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 any report that might be considered a complaint, even if it is not submitted on the official Complaint form, and make a determination as to whether it properly 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 report is received that may qualify as a Complaint under the Code, the Board may withhold information about the report for purposes of determining if the submission qualifies as a Complaint for which a preliminary investigation is appropriate to determine if 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) The Board has prescribed a form for the submission of Complaints, which appears in the Appendix, and may from time to time be amended. The Board has determined that the use of such form and the accompanying instructions increases the likelihood that a report made to the Board will properly articulate a Complaint. Since the Code does not require Complaints to be made in any particular fashion, however, the Board reviews carefully any report of allegedly improper behavior to consider whether it describes a violation of the Code and may waive the requirement to use the prescribed form in appropriate circumstances. Whenever a report is submitted that might be considered as a Complaint, whether formal or informal, the Board will meet in

executive session at its next regularly scheduled, special or emergency meeting to evaluate such submission. As part of this evaluation, the Board will evaluate whether the facts alleged in the submission, if read in the light most favorable to the Complainant and assumed to be true: (i) establishes that the Board has jurisdiction over the person(s) involved as Town Officer(s); (ii) establishes that the Board has jurisdiction over the subject matter as a violation or violations of the Code; (iii) describes one or more particular violations of the Code with sufficient specificity to establish that such a violation may have occurred, and (iv) involves issues or circumstances that are appropriate to be addressed by the Board in light of the remedies available. If a submission alleges facts that indicate that a Town Officer may have violated the Code, or if the Board receives evidence indicating such a violation as a result of its investigation, the Board may proceed with a preliminary investigation of such Town Officer even if the Town Officer is not the original or stated subject of the submission. The Board will 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 will 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 appropriate to be addressed by the Board and over which the Board has appropriate jurisdiction or (iii) deferred because of a criminal investigation. If a submission is determined not to be a Complaint, the Chair will inform the Complainant, if known, and the Respondent of its finding and provide a summary of its reasons for making that finding. If requested by the Respondent, it will issue a decision dismissing the complaint that contains a summary of its reasons for making that finding.

(B) If the identity and address of the person(s) submitting a report evaluated pursuant to this Section is indicated in the submission, the Chair will provide an acknowledgement of the receipt of the submission to the person(s) making the submission. However, if the identity of a Complainant is not disclosed in the Complaint, the Board will not attempt to determine the identity of the Complainant and will take reasonable steps to protect the Complainant's identity. *It is the policy of the Board that persons making good faith reports concerning possible violations of the Code should be protected from retaliation.* As a result, even though this may limit the effectiveness of the investigation, the investigation of a Complaint will not be directed toward discovering the identity of the Complainant(s). The Board may, however, consider the fact that a Complainant is anonymous in its evaluation of the credibility of the Complaint. As a result, persons submitting Complaints should consider carefully the limitations 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 under Section 7 of a report submitted to the Board results in a finding that it is a Complaint that should be further investigated, it will 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, or as result of the Board's investigation of the Complaint, as having responsibility for a violation of the Code. A reasonable period of time shall be considered fifteen days from the date of the formal determination, except that nothing shall prevent the Board, in appropriate circumstances, from (i) commencing a preliminary investigation prior to such notification and/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) A Respondent named in a Complaint retains the right at any time to waive the confidentiality of the Board's preliminary investigation of the Complaint. Unless such confidentiality has been waived, the Board will conduct a confidential preliminary investigation to determine if probable cause exists that a violation of the Code may have occurred prior to conducting any hearings with respect to a Complaint in open session.

(C) In the course such investigation, the Board may examine witnesses and receive such oral and documentary evidence as it deems relevant to the matter under investigation. Prior to making a determination of probable cause, the Board shall hold at least one hearing in executive session and:

(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) 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 a Complaint or in the course of the investigation thereof, the Board will conduct separate proceedings for each Respondent unless the Board and all Respondents agree to joint proceedings. 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.

(E) 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. Prior to making such finding, it will provide the Respondent with copies, transcripts, summaries or other appropriate information about the evidence it expects to consider in making such finding and provide the Respondent appropriate opportunity to address such information. If, after consideration

of such information and Respondent's responses, 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. Prior to a finding of probable cause, 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. Nothing in this Statement of Procedures is intended to limit the authority of the Board to carry out its investigative duties under the Code. Each member of the Board is authorized to contact potential witnesses, conduct telephonic or in-person interviews, collect evidence, make inquiries, perform research and communicate with less than a quorum of the other members of the Board without any necessity for providing notice to the public or any of the parties.

(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) The Board may prepare a summary of the information that it expects to elicit from a Complainant or Respondent at a hearing. Where a Complainant or Respondent elects not to appear at a hearing after being given reasonable notice of such summary, the Board may introduce such summary into evidence at the hearing.
- (5) 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.
- (6) 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, notes or other information prepared 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 accordance with Sections 7-148h and 1-82a of the Connecticut General Statutes, evaluations of possible violations and investigations prior to a finding of probable cause are to be kept confidential during the investigation unless all respondents have waived the right to confidentiality. In addition, 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. If, after evaluating information purporting to report a violation of the Code, the Board determines that the information does not constitute a Complaint, such information will no longer be exempt records for purposes of the Freedom of Information Act since the investigation will have been completed and no legal requirement to maintain confidentiality will exist.

(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 30<sup>th</sup> 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 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

Complaints are to be submitted to 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.