

The Town of Brooklyn
Board of Ethics Commission
Meeting Minutes
November 4, 2013

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Liona A. Maimville
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1. Meeting called to order at 7:00 pm
2. Members present Mike Barry, John Harris, Ron Panicci and Pam Childs
3. Meeting minutes from October 7, 2013 approved.
4. Public commentary None
5. Correspondence None
6. New or other business
 - A. Mike Barry contacted Joe Cooper by phone. Joe expressed his intention to resign. Mike will contact Joe again to request he send a letter to the First Selectman.
7. Unfinished business. Continued discussion of the rewrite of the Board of Ethics procedures.
 - Filing Complaints
 - (1) All complaints alleging a violation of the Brooklyn Code of Ethics shall be filed in writing on forms provided by the Board. Complaints shall be filed with the First Selectman or other such agent as shall be designated by the Ethics Board, (add) *or in person*. All complaints shall be signed by the Complainant, who shall swear to the truth thereof.
 - (2) The Board will consider the Complaint at its next scheduled meeting or at a special meeting convened within 14 days (change to 45 days) of the receipt of the Complaint, whichever is sooner, to determine the need for an investigation (change to *further documentation and or testimony*). If the Board determines that no investigation (*change to no further action*) is necessary, the Board shall notify the Complainant forthwith.
 - (3) If the Board shall determine an investigation (change to *further consideration*) is warranted, each of the parties to the Complaint may, at the option of the Board, be invited to a meeting of the Board to submit additional information relative to the Complaint. The Complainant and Respondent will be notified at least 72 hours prior to the meeting. Both

parties will be allowed to be accompanied by legal counsel.

At such meeting the Complainant may submit such additional evidence as the Board shall deem relevant and the Respondent will have the opportunity to reply to the Complaint. Cross examination or argument by counsel shall not be permitted at this stage of the investigation (*change to procedure*).

(4) The Board may, for the purposes of completing this phase of its investigation (*change to examination of the facts presented*), adjourn or continue said meeting. (*delete -for a period not to exceed 10 days*). Not later than 3 business days after the close of said meeting, the Board shall either dismiss the Complaint or order a hearing be held for the purpose of obtaining more information.

(5) Such hearing shall be convened within 30 days of the Boards order. At such hearing, the Board may take testimony under oath from the Complainant or Respondent and shall hear relevant testimony from any witness that the Board or either parties may offer. The Board, as it shall deem necessary, shall have the power to administer oaths and compel the attendance of witnesses by subpoena. Each party may be represented by counsel and may, to the extent deemed relevant and necessary by the Board, be allowed to examine and cross-examine witnesses. (*delete Any party desiring to have a witness subpoenaed by the Board shall notify the Board of the name and address of such witness at least 10 days prior to the hearing date. Costs of the subpoena shall be born by the individual requesting issuance unless the Board finds said individual is indigent.*)

(6) The Board shall complete its *review* within 14 days of the conclusion of such hearing. Not later than 3 business days after termination of its *evaluation* , the Board shall inform the Complainant and Respondent of its finding and provide them with a summary of its reasons for making that finding. The Board shall publish its finding upon the Respondent's request and may also publish a summary of its reasons for making such finding.

(7) All Investigation conducted (*change to testimony and documents submitted*) prior to a probable cause finding shall be confidential, except upon request of the Respondent. If the investigation (*change to inquiry*) is confidential, the allegations in the Complaint and any information supplied to or received from the Board shall not be disclosed during the investigation (*change to procedure*) to any third party. (*delete by Complainant, Respondent, witness, counsel or Board member.*

If the Board makes a finding of no probable cause, the Complaint and the record of its investigation (*change to all documentation and*

testimony of the proceedings) shall remain confidential, except upon the request of the Respondent and except that some or all of the record may be used in subsequent proceedings. No Complainant, Respondent, witness, counsel or Board member shall disclose to any third party any information learned from the investigation (*change to inquiry*), including knowledge of the existence of a Complaint which the disclosing party would not otherwise have known. If such a disclosure is made, the Board may, after consultation with the Respondent, if the Respondent is not the source of the disclosure, publish its findings and a summary of its reasons thereof.

The Board shall make public a finding of probable cause not later than 5 business days after the hearing (*delete and termination of the investigation*). At such time, the entire of the investigation (*change to proceedings*) shall become public. (*delete except that the Board may postpone examination or release of such public records for a period not to exceed 14 days for the purpose of reaching a stipulated agreement.*

(8) The Board may initiate a Complaint on its own by majority vote of the Board and proceed in accordance with item(s) 3-7 above. For the record, such a complaint shall be completed on an official form and signed by the Secretary, not individually, but on behalf of the Board.

8.Next meeting scheduled for December 2, 2013 7pm

9.Ron Panicci moved to adjourn, John Harris second adjourned at 8:35pm