



TOWN OF HAMDEN

Board of Ethics

Approved Final 08 02 2022

*Meeting Recording:
Topic: Board of Ethics
Start Time: July 22, 2022 at 4:30 PM*

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<https://us06web.zoom.us/rec/share/1RSkzmLu95I3HplC4RI7KqkaXGwtKXWu4kaqidL6rnuXoTztYP6o6iPJhMXvzHqW.KAJqsMgsjT0ib1L0>*

Access Passcode: Pi4!a5+u

Minutes: The Board of Ethics, Town of Hamden held a special meeting at 4:30 p.m. on Friday, July 22, 2022 via virtual Zoom; the following issues were discussed:

Attending: Dolphuss Addison; Philip Kent, Chair; Jean Larson; Ann Pari; and Ellen Rosenthal.
Also in attendance: Sue Gruen, Town Attorney; and Patrice LeMoine, Clerk for the Board.
Absent: Edward Simon

- 1. Call to Order:** Mr. Kent called the meeting to order at 4:34 p.m. Roll call was held and for the record, a quorum present.
- 2. New Business:** Mr. Kent raised the issue whether or not the request for an advisory opinion is received, when rendered, or anything indicates it is held or remains confidential. Attorney Gruen could not find anything to answer this question, and she understands that once the Board of Ethics receives the request for an advisory opinion, it is public. Mr. Kent said this question was raised when the Board noticed both an inquiry and complaint forms indicate the information will be held confidential and this is posted on the town's website. Attorney Gruen will look at the state statutes, which can be used as guidance for the Board. Without some authority from FOIA or state statutes, the Board of Ethics could not adopt the policy of holding an advisory opinion confidential. The Board is not advocating to retain advisory opinions confidential; the Board is just looking for confirmation.

Mr. Kent noted that similar to receiving an advisory opinion, the Board would like to address the handling when receiving a complaint. The Board reviewed the rules and regulation in relationship to a complaint. One area of the rules under “1.3.1.2 Confidentiality” notes “when an investigation is underway the matter is confidential except upon the request of the respondent.” However, looking further into the rules it is not certain when the respondent is aware the Board is investigating a complaint. The Board is asking if we should contact or notify the respondent when a complaint has been received, regardless to whether an investigation will be held. The Board then went into a discussion regarding this matter. Attorney Gruen added that the state statute indicates the respondent is to be notified with five (5) days upon receipt of a complaint. The Board agreed that depending on the matter, they must notify the respondent(s), not sharing the full complaint, just a communication. The Board reviewed other options like if the respondent may want to seek legal counsel or ask the complaint to held confidential while the Board is going through their discovery. Mr. Kent and the Board will revisit the complaint form so that it is clear for the applicant to complete in an efficient manner. Attorney Gruen said under Section “1.3.1.1 Unless the Board of Ethics find an ethical violation has occurred, a complaint shall remain confidential unless upon the request of the respondent(s). Information supplied to or received from the Board of Ethics shall not be disclosed to a third party by a complainant, to witness(es), designated party, or staff member(s) of the municipality.” Therefore, the respondent must keep the complaint confidential. Further noted that information received on behalf of the investigation or discovery will not become public. The other issue is whether the Board is later obligated to notify the respondent(s) about the end result, their findings, of the investigation.

Mr. Kent and Attorney Gruen agreed to carry the remaining part of this subject in confidential session.

3. **Confidential Session:** Mr. Kent noted under the guidelines of the Connecticut General Statutes §1-82a and §7-148h, the Board agreed to go into confidential session. At 5:01 p.m. a motion was made by Ms. Rosenthal and was seconded by Ms. Pari. The chair called for a vote:

D. Addison	aye	A. Pari	aye
P. Kent	aye	E. Rosenthal	aye
J. Larson	aye		

The vote passed.

At this time, Ms. LeMoine assigned Mr. Kent and Ms. Gruen as co-hosts and all members of the Board were sent to “unrecorded meeting” and Ms. LeMoine withdrew from the meeting.

At 5:58 p.m. Ms. LeMoine, Attorney Gruen and the Board returned to the meeting. Chairman Kent entertained a motion to end the confidential session. A **motion** was made by Ms. Rosenthal to end the confidential session. Ms. Pari seconded the motion and the chair called for a vote:

D. Addison	aye	A. Pari	aye
P. Kent	aye	E. Rosenthal	aye
J. Larson	aye		

The vote passed.

Motion: Mr. Kent requested a motion to issue a notice to the complainant and respondent with respect to some recent complaints in the way discussed earlier and allow Mr. Kent to sign-off on the notice. Ms. Larson motioned and Mr. Addison seconded. The chair then called for a vote:

D. Addison	aye	A. Pari	aye
P. Kent	aye	E. Rosenthal	aye
J. Larson	aye		

The vote passed.

With no further discussion, Mr. Kent requested a motion to adjourn.

- 4. Adjournment:** At 6:00 p.m. Ms. Rosenthal moved to adjourn and was seconded by Ms. Pari. The motion passed.

Submitted by:

s/ Patrice A. LeMoine

Clerk for the Board of Ethics