# ETHICS COMMISSION
# Special Meeting
**Wednesday, August 12, 2009**

Present: Gerry Burke, Normand Emond, Terri Larson, George Law

1. **Call to Order**
   Chairman Law called the special meeting of the Ethics Commission to order at 7:00 p.m. in the Mary Flood Room of the Portland Library.

2. **Approval of Agenda**
   Terri Larson moved, seconded by George Law, that the agenda as presented be approved. Vote was unanimous, motion carried.

3. **Approval of minutes for June 17, 2009**
   George Law moved, seconded by Terri Larson, that the minutes of June 17, 2009 be approved as presented. Ayes: George Law and Terri Larson. Abstain: Gerry Burke and Normand Emond.

4. **Correspondence**
   The Town Clerk has received a letter of resignation from Jeanne Dilworth. Approximately 41 certificates of compliance were received from June to date. Most of the certificates were from Parks and Rec summer employees.

5. **Public comment –** no members of the public were in attendance.

6. **Old business** – deferred to future meeting due to lack of time.

7. **New business**

   *Advisory Opinion AO2009-05* – The First Selectman requested an advisory opinion regarding certain town employees who received gift cards in appreciation for assistance they provided an Eagle Scout on a Parks and Rec project at the Rose Hill Field. The Commission will ask the First Selectman to formally submit the request in writing for the record. Normand Emond moved, seconded by Gerry Burke, that the Ethics Commission has determined that there is nothing in the Ethics Ordinance that precludes said town employees from accepting gift cards in appreciation of work performed on said project. Vote was unanimous, motion carried.

   *Review Ethics Ordinance and procedure for handling complaints* – Commissioners reviewed Sections 1-18 through 1-20 and made changes as noted on the attached draft.

**8. General discussion**

Commissioners decided to hold their remaining regular scheduled 2009 meetings (September 16, October 21, November 18, and December 16) at the Portland Library.

**9. Adjournment**

At 9:00 p.m. Normand Emond moved, seconded by Gerry Burke, that the meeting be adjourned. Vote was unanimous, motion carried.

Respectfully submitted
Terri Larson – Secretary
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**Distribution:**

Commission members: George Law, Chairman; Terri Larson, Secretary; Gerry Burke; Normand Emond

Paula Slym, Assistant Town Clerk; Dave Kuzminski, Town Tech; Michelle Ceppaglia (for distribution)

## ARTICLE VI. RULES APPLICABLE TO FILING COMPLAINTS AND PROBABLE CAUSE PROCEEDINGS

### Section 1-18 Generally

(a) All proceedings by the Commission shall be confidential except where the Respondent requests that the Commission proceedings be conducted in the open and at such time as the Commission shall make a finding of probable cause. Any participant in such proceedings, including Complainant, Respondent, witnesses and Commission members, shall treat confidentially the Complaint and all information acquired during any proceedings. It is a violation of this Ordinance to reveal said confidential information.

(b) Any person, organization, or governmental body, may file a Complaint with the Commission on a form prescribed by the Commission.

(c) A Complaint shall be in writing and signed by the individual filing the Complaint. A Complaint shall specify the provisions of this Ordinance alleged to have been violated and specific acts alleged to constitute the violation.

(d) No later than fourteen (14) business days after receipt of the Complaint, the Commission or its designee shall send written acknowledgement of the receipt of the Complaint to the Complainant and forward a copy of the Complaint simultaneously to the Respondent. The Complaint shall be sent to the Respondent by certified mail return receipt required and by regular United States mail.

(e) Within thirty (30) days of the certified mailing to the Respondent, the Respondent may submit a written response to the Complaint. A copy of the response shall be mailed by certified mail return receipt required and by regular United States mail to the Complainant.

(f) Within thirty (30) days of receipt of the Respondent's response, the Commission shall make a finding of probable cause or dismiss the Complaint. Within five (5) days of its decision, the Commission shall send notice of its decision to the Complainant and Respondent.

(g) If the Commission dismisses the Complaint for lack of probable cause, the Complaint and the record of the investigation shall remain confidential, except where the Respondent requests that the Complaint and the record become public.

(h) If the Commission makes a finding of probable cause, the Complaint and the entire record of the investigation shall be made public. The Commission shall immediately notify the First Selectman in writing of the probable cause finding.

(i) Not later than ten (10) business days after termination of the confidential probable cause proceedings, the Commission shall inform the Complainant and the Respondent of its finding and provide a summary of its reason for making a finding of probable cause or dismissal for lack of probable cause.

## ARTICLE VII. PROCEEDINGS FOLLOWING FINDING OF PROBABLE CAUSE

### Section 1-19. Scheduling the Hearing

(a) The following principles shall apply to the confidential probable cause proceedings conducted by the Commission:

(1) the Commission shall not be bound to adhere to formal Rules of Evidence, but shall be fundamentally fair in its administration of evidence; and

(2) during any proceedings conducted by the Commission to determine whether there is probable cause that a violation of this Ordinance has occurred, all evidence including certified copies of records and witness affidavits which the Commission considers, shall be made available to the Complainant and the Respondent and made part of the confidential record of the proceedings.

(b) Following written notice by the Commission of a probable cause finding, the First Selectman may, within fourteen (14) calendar days of said notification, provide written notice to the Commission that any one or more of the following three proceedings exists which are related to the facts alleged in the Complaint:

(1) a grievance or disciplinary process pursuant to a Town of Portland collective bargaining agreement;

(2) a complaint pending with the Connecticut Commission on Human Rights and Opportunities; and/or

(3) a lawsuit pending in state or federal court.

(c) In the absence of receipt of written notice from the First Selectman of pending proceedings as set forth above, the Commission shall set the date for commencement of a hearing on the Complaint, which date shall be no more than sixty (60) calendar days from the finding of probable cause.

(d) Should the First Selectman provide written notice within the timeframe set forth above that any one or more of the proceedings exists, the Commission shall determine whether to proceed in scheduling a hearing on the Complaint. The Commission shall immediately notify the First Selectman of its decision.

(e) The Commission shall give notice by certified mail return receipt required and by regular United States mail of the date set for the hearing at least thirty (30) days before the hearing to both the Complainant and the Respondent.

(f) The hearing shall be open to the public and may be continued from time to time at the discretion of the Commission.