

**Town of Brookfield
Board of Ethics
Brookfield, CT 06804**

**Aug. 4, 2014
Rev. December 3, 2014**

QUESTIONS AND ANSWERS ABOUT THE BOARD OF ETHICS

We received a request to explain how the Board of Ethics operates and we decided to take the opportunity to clear up some of the misinformation that some might have. We thought it would be easier to use a question and answer format.

1. Where does the authority for the Board of Ethics come from? Our authority comes first from the State of Connecticut, especially in state statute 1-82a, and also from our Town Charter and Code of Ethics ordinance. Nothing we do can violate either state laws or our Charter or Code. If there's a conflict, state law comes first.

Our procedure for considering complaint petitions and our bylaws are posted on the Town website under Board of Ethics. Copies of blank complaint petitions and requests for opinions are also on the site.

2. How many complaint petitions have you received? From 2008 to October of 2013, we received eight complaints. From November 2013 to December 2013, we received seven complaints. So far this year, we have received ten complaints.

3. Who may file a complaint petition and why would they? Any citizen of the town may file a complaint using the form found on our section of the town website. Forms are also available in the town clerk's office. People file complaints when they believe an officer (anyone appointed or elected to a board, commission, or public office) or employee has acted in an unethical manner.

4. Who is involved in a complaint petition? There are three key players. The complainant is the person filing the complaint. The respondent is the person against whom a complaint has been filed. The Board of Ethics investigates, determines probable cause and, if warranted, holds a complaint hearing.

5. What happens after you receive a complaint petition? First, we ensure that the respondent was an officer or employee at the time the alleged ethics violation occurred.

Second, we determine whether the alleged violation falls within our scope of authority. The Code of Ethics ordinance lists a number of ethical violations. We encourage anyone considering filing a complaint petition to look for the violation in the Code of Ethics.

If both of the above two conditions are not met, the complaint ends with a finding of no probable cause.

If both of the above two conditions are met, we investigate to determine if probable cause exists. For us, probable cause simply means that there is sufficient evidence to consider that an ethics violation may have occurred.

6. Why are probable cause investigations conducted in executive session? We are required

to do so under State statute 1-82a to do so.

7. When does the public learn about a complaint petition? If we find probable cause that an ethics violation may have occurred, we vote in public that we found probable cause and we schedule a public complaint hearing. We write a letter to the respondent, with a copy to the complainant, outlining what has been alleged and what evidence we looked at. All documents related to the complaint become public as soon as -- and only if --we find probable cause.

If we do not find probable cause, the complaint ends and everything remains confidential, according to State statute 1-82a. We write a confidential letter to the complainant and respondent summarizing the facts and our decision. The only person who can request that the complaint become public at this stage is the respondent.

8. What happens at a complaint hearing? Our step-by-step procedure is posted on the Town website under Board of Ethics.

The public may attend but there is no opportunity for public comment.

The complainant presents his/her case to the Board of Ethics that the respondent violated the Town Charter or Code of Ethics Ordinance.

Then the respondent presents his/her case to the Board of Ethics that no violation occurred as alleged in the complaint.

Either side may bring witnesses and documentary evidence, and the respondent may bring a lawyer to participate in the hearing.

After both sides have presented their cases, the Board of Ethics deliberates in public session. Usually additional deliberation meetings are scheduled.

The Board of Ethics then votes in public session on whether the respondent did or did not violate the Charter or Code of Ethics and compiles findings of facts and a recommendation for disposition of the complaint. These are submitted to the Board of Selectmen who may accept or reject the recommendation. If the Board of Selectmen rejects our recommendation The Board of Ethics may hire counsel to pursue enforcement of the recommendation.

9. Can you recommend that an appointed or elected official's position be terminated?

While the Charter and Code list termination as an option, under state law, we have no authority to recommend termination of an elected official. We highly support this. Otherwise, a small group of people would be able to overturn a town-wide election. We do have authority to recommend termination of an appointed official and termination of specific employees, respecting contractual agreements.

10. What happens when someone violates the Town Charter? The town attorney advised the Board of Selectmen on March 19, 2009, "Not every violation of the charter or of state statute constitutes an ethics code violation. Accordingly, not every violation of the charter or of a state statute constitutes a matter that is within the jurisdiction of the Brookfield Board of Ethics to review." This may explain why we find probable cause to schedule a hearing for some violations of the Charter, and do not find probable cause for other violations.

11. How often do you meet? We are required to meet at least once a year in January or February, and we meet throughout the year when we have business to discuss.

12. May the public attend your meetings? All of our meetings and agendas are filed in the Town Clerk's office, and the public may attend any part of any meeting other than executive sessions.

13. What happens if you receive a Freedom of Information request? We release any and all documents, except for those, which are exempt under FOI and other statutes. One that is clearly exempt under state statute 1-82a is a complaint petition for which we did not find probable cause.

If you have general questions about our functions and operations, please email them to any member of the Board of Ethics, or mail them to the Board c/o the Town Clerk's office. Our email addresses are listed on the Town website.

The Board of Ethics: Alice Carolan, chair; James Sullivan, vice chair; Joni Park, secretary