

# Town of Greenwich Board of Ethics

## Statement of Procedures and Rules of Conduct

Adopted: November 13th, 2007; Revised June 23<sup>rd</sup>, 2009

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**Section 1. Purpose and Scope.** The purpose of the Board of Ethics is to carry out the duties assigned to it in the Code of Ethics of the Town of Greenwich as set forth in Chapter 2, Article 2 of the Greenwich Municipal Code. In this regard, the Board has advisory, investigative and reporting functions and is responsible to make findings and recommendations to the general public, the Board of Selectmen and the Representative Town Meeting or other appropriate Agencies. The scope of these duties extends to 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. The responsibilities of the Board are limited to matters involving Town Officers, as defined in the Greenwich Municipal Code. The Board's investigative duties are limited to Complaints properly filed with the Board; it is not charged with monitoring any individual, department, board or other body of the Town or with making decisions as to the general conduct of Town government. In addition to the Code of Ethics, Town employees are subject to additional requirements intended to promote ethical behavior and instill public confidence.

**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.

“Complaint” means a complaint identifying a specific violation of the Code by a Town Officer, submitted to the Board 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 Chapter 14 of Title 1 of the Connecticut General Statutes, as amended from time to time.

“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.

“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.

***Section 3. Functions of the Board.*** The primary function of the Board is to make findings and recommendations concerning actual or potential violations of the Code. In discharging this responsibility, the Board may function in an investigatory or advisory role. The Code charges the Board with responsibility for investigating any Complaint that one or more specific violations of the Code have occurred. The Board is required to make findings and recommendations as to the results of its investigations and hearings into any such Complaint. In addition, the Board is required to render advisory opinions as to hypothetical violations of the Code when requested by any Town Officer.

***Section 4, Regular and Special Meetings.*** 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 a special meeting 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 from time to time.

**Section 5. Disclosure Statements.** Each Town Officer is subject to the reporting requirements of the Code. The Code requires reports to be made whenever a Town Officer has a substantial financial interest in a Transaction or series of Transactions that have a value of \$100 or more within a Fiscal Year. Such reports must be filed within thirty days of the end of the Fiscal year being reported on and must state the Transaction or series of Transactions involved, the nature of the Town Officer's substantial financial interest in each Transaction and the total of any amount received, directly or indirectly, during the Fiscal Year 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. Where a Town Officer has a substantial financial interest in a Transaction or series of Transactions that is different from a substantial financial interest in another Transaction or series of Transactions, the Town Officer must file a separate Disclosure Statement for each different interest. For Disclosure Statement purposes, the following are not considered reportable Transactions: 1) employment by the town or service as a Town Officer; 2) a donation of services or of real or personal property, including materials or supplies. Disclosure Statements are required to be filed with the Town Clerk. They should not be filed with the Board.

**Section 6. Filings with the Board.** 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 Chairman of the Greenwich Board of Ethics".

**By e-Mail:** [ethicsboard@earthlink.net](mailto:ethicsboard@earthlink.net)

**By Fax:** 1 (203) 724-3000

**By Telephone:** 1 (888) 432-2777

Note: You will need to dial 1 and the area code when calling to leave a voice mail message or send a fax, even if you are calling from Greenwich. Your e-mail, voicemail or fax message will be communicated directly to members of the Board of Ethics via secure means.

All requests for advisory opinions are required to be made in writing. If a person submitting a complaint wishes to remain anonymous, the Board will take all reasonable steps to protect the confidentiality of the person making the complaint. However, the Freedom of Information Act requires that the Board maintain records of all complaints received and that such records be available for public inspection and copying. Therefore, to the extent that the person submitting a complaint discloses identifying information

about himself or herself in the complaint, he or she must necessarily be deemed to have waived the right to confidentiality.

**Section 7. Advisory Opinions.** (A) The Board shall respond to a Request for an Advisory Opinion by any Town Officer. In order to be considered a Request for an Advisory Opinion, the request must be submitted to the Board in writing and must state both (i) the hypothetical circumstances under which a violation of the Code may be considered to occur and (ii) the nature of the potential violation. A reference to the Section of the Code in question and a statement of the basis on which the Town Officer submitting the request considers that a violation of the Code may or may not exist will be helpful in ensuring that the Board is able to fashion an advisory opinion that is responsive to the request. Unless a submission is sufficiently clear as to the nature of the advice requested, it may not be considered as a Request for an Advisory Opinion within the jurisdiction of the Board for purposes of the Code. For the convenience of persons wishing to request an advisory opinion, a form for the submission of an advisory Opinion has been included in the Appendix. The use of such form will assist the Board in rendering its opinion, but the use of such form is not mandatory, nor does the use of such form require the Board to treat the submission as a Request for an Advisory Opinion unless the Board determines that it meets the requirements of the Code. A submission purporting to be a Request for an Advisory Opinion may be deemed a Complaint if the Board determines that it meets the requirements of a Complaint under the Code.

(B) The Code provides for the Board to render opinions that prevent the disclosure of 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 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 or the disclosure of any personally identifying information contained in any request for an advisory opinion must necessarily be deemed a waiver of the provisions of the Code regarding preventing the disclosure of identity.

**Section 8. Preliminary Evaluation and Investigation of Complaints.** (A) Complaints concerning a violation of the Code are to be filed with the Board in the manner described above. As soon as practicable after the filing of a Complaint, the Chair shall notify the members of the Board of the receipt of a Complaint and provide a copy of the Complaint to all members of the Board. Within a reasonable time after the receipt of a Complaint, the Chair shall also provide notice of such filing and a copy of the Complaint to any Town Officer identified in the Complaint as having involvement in a violation of the Code, provided that nothing herein shall prevent the Board, in appropriate circumstances, from (i) commencing an investigation of a Complaint prior to such notification or (ii) withholding such notification until appropriate prior to commencing an investigation. The Secretary shall also provide notice of the receipt of the Complaint to the complainant if the identity of the complainant is indicated in the Complaint.

(B) The Board shall meet in closed session at its earliest opportunity to evaluate any Complaint filed with the Board. As part of this evaluation, the Board will confirm that: (i) the Board has jurisdiction over the subject matter; (ii) the Board has jurisdiction over the person (respondent) or persons involved; (iii) the Complaint provides sufficient specificity to determine that one or more particular violations of the Code may have occurred and (iv) the Complaint deals with issues or circumstances that are appropriate to be addressed by the Board in light of the remedies available. At its initial meeting to review any Complaint, the Board will evaluate whether the Complaint alleges a violation of the Code by a Town Officer and whether the Board has jurisdiction over the subject matter of the Complaint or the persons identified as violating the Code in the Complaint. As a result of such evaluation, the Board shall make a finding as to whether the Complaint should be further investigated or whether the Complaint should be dismissed because it fails to state a specific violation of the Code over which the Board has appropriate jurisdiction. The Secretary shall promptly inform the complainant (if known) and respondent of its finding and provide a summary of its reasons for making that finding.

(C) Unless the Board finds that the Complaint should be dismissed, it shall conduct a further investigation of the allegations contained in each Complaint filed with the Board. Prior to conducting an initial hearing in open session, the Board shall conduct a preliminary investigation and a hearing in closed session, unless waived by the respondent, to determine if probable cause exists that a violation of the Code may have occurred. At such initial hearing the Board shall:

(a) Examine witnesses and receive oral and documentary evidence it deems relevant to the matter under investigation.

(b) 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) Provide all respondents and complainants the right to be represented by legal counsel and to examine and cross-examine witnesses.

(D) No later than ten days prior to the commencement of any hearing conducted pursuant to subsection (C), the Board, and all complainants and respondents shall exchange written submissions as to the facts and issues on which they intend to provide evidence or information at the hearing, including copies or descriptions of relevant exhibits and lists of intended witnesses. The Board shall consider the adequacy of any such 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.

(E) At the completion of its preliminary investigation and initial hearing 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. If the Board finds that no probable cause to believe a violation of the Code exists, the Complaint shall be dismissed. Promptly after such a finding, the Board shall inform any affected complainant or respondent that has filed a written request for such notice, a notice of its finding together with a summary of its reasons for making that finding. If the Board finds that there is probable cause to believe that a violation of the Code may have occurred, the entire record of its findings shall be made available to the public, 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 attempting to reach a stipulation agreement.

**Section 9. Investigations and Hearings.** (A) In connection with any preliminary investigation or further investigation of any Complaint, the Board shall exercise the power 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 to the full extent provided in the Connecticut General Statutes. 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.

(B) In connection with any preliminary investigation or further investigation into any complaint, the Board may hold one or more hearings and examine witnesses. The Chair of the Board shall be responsible to conduct the hearing and the Chair, 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) 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 to present corroborating evidence and witnesses in support of the allegations in the complaint.
- (2) The respondent will 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 complainant shall have the right to be represented by legal counsel and to examine and cross-examine witnesses.
- (4) 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 the Town Clerk or another duly authorized official.

(D) 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 10. Proceedings Following a Determination of Probable Cause.** (A) If, pursuant to Section 8 hereof, the Board finds that there is probable cause to believe that a violation of the Code may have occurred, the Board shall initiate hearings to determine whether there has been a violation of the Code. In the course of such hearings, all 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 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, complainant and respondent shall, no later than 10 days prior to the commencement of any such hearing, exchange lists notifying the other of their intended witnesses. Failure to give such notice will act as a waiver of omitting parties' right to present testimony from a witness not on their witness list. The Board may waive this requirement or reschedule the hearing for good cause shown.

(C) Both the complainant or complainants and any respondent, or their legal counsel, shall be afforded the opportunity to summarize their respective positions at the conclusion of the presentation of any evidence or testimony the Board deemed relevant. Such summations will be presented by the complainant first and followed by the respondent.

(D) Any complainant or respondent may, at its own expense and on such reasonable terms and conditions as the Board may prescribe, have a transcript of any hearing held after a determination of probable cause made, provided that the firm or individual preparing such transcript is obligated to provide, without expense, copies of such transcript to the Board and any other party to the proceedings.

(E) The Board shall adopt and publish findings and recommendations within a reasonable period following the conclusion of its investigations into any Complaint and

provide a memorandum of 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 a statement of censure be included in the personnel file of a respondent;
- (3) that a respondent resign, be terminated, demoted, transferred or suspended;
- (4) that legal action be initiated for any damages suffered by the Town or to terminate any contract for cause in connection with a violation of the Code.

Such findings, recommendations and memorandum shall be deemed to be the final decision of the Board. Any party aggrieved by the findings, recommendations and memorandum may appeal them to any appropriate authority in accordance with the provisions of Connecticut General Statutes. The Board may order the reconsideration of any decision or actions involved in a violation of the Code.

***Section 11. Records and Reports.*** (A) The Secretary of the Board shall be responsible to maintain the records of the Board, including minutes of its meetings, records of its votes and public hearings and copies of notices sent by the Secretary as provided herein.

(B) In connection with any Complaint that is dismissed prior to a determination of probable cause, or if the Board makes a finding of no probable cause: (1) the Complaint and the record of its evaluation and investigation shall remain confidential, except upon the written request of all of the respondents and except that some or all of the record may be used in subsequent proceedings if deemed relevant and (2) no complainant, respondent, witness, designated party or Board member may disclose to any third party any information learned from the Board's investigation, without the consent of all respondents named in the complaint. Any disclosure by a respondent with respect to a complaint or the investigation thereof shall be deemed a waiver of this limitation as to such respondent. Any person filing a Complaint with the Board thereby agrees to observe this limitation on disclosure, whether or not the Complaint is made anonymously.

(C) 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 12. **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.

# **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.

**Board of Ethics  
Town of Greenwich, Connecticut**

**Annual Disclosure Form for Town Officers**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

**Transaction:**

*(A separate form is required to be filed for each transaction.)*

**Contract or Service Date:** \_\_\_\_\_ **Value:** \_\_\_\_\_  
(under \$100 need not be reported)

**Department or Agency:** \_\_\_\_\_

**Contractor:** \_\_\_\_\_

**Contractor's Address:** \_\_\_\_\_

**Description of Transaction:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Nature of Interest, including relationship to Contractor:**

\_\_\_\_\_  
\_\_\_\_\_

**Value Received: \$** \_\_\_\_\_

**Signature:**

\_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_ 200\_.

**Notary Public** \_\_\_\_\_

**This form must be signed and filed in the office of the Town Clerk between July 1<sup>st</sup> and July 30<sup>th</sup> and is to cover the Fiscal Year ended the June 30th prior to the filing.**

# 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:** \_\_\_\_\_

**Town Office:** \_\_\_\_\_

**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:**

*(Please note that an interest having a value under \$100 per year is not reportable under the Code.)*

- 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**

*Section 2.12(a) of the Code of Ethics requires the Board of to investigate complaints of violations of the Code by any Town Officer, which 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 agency of the Town, whether elected or appointed.*

**Name and phone (optional):** \_\_\_\_\_

**Address (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 available to the general public upon request in the event that a determination of probable cause is made following a preliminary investigation of the complaint.)*

**Concisely, but in reasonable detail, please describe the violation you are concerned about below, or attach a statement describing it. If possible, please include the name and position of the Town Officer(s) involved and give the details of any votes, actions or transactions involved and their financial interest in the matter or thing of value accepted by the Town Officer which might influence their behavior. Include dates, places and corroborating witnesses or documents, if any.**

**NOTICE**

**No complainant, respondent, witness, designated party or Board member may disclose to any third party any information learned from the investigation of a complaint without the consent of all respondents named in the complaint, unless a finding of probable cause is made following a preliminary investigation. By filing a complaint, the complainant agrees not to violate this requirement.**