

Roxanne Maher

From: Pamela Ball <pcball@earthlink.net>
Sent: Monday, September 22, 2025 2:32 PM
To: Roxanne Maher
Subject: Letter against the formation of an Ethics Committee
Attachments: COE - DRAFT PCB Comments.docx

Dear Council,

This is my fourth letter in opposition of the proposed Ethics Committee; I hope you have or will take the time to read my earlier letters.

After reading the September 10 draft, the FAQs and various post around this issue on Facebook (FB), I still maintain that this is a horrible idea. Attached is the draft ordinance of Sept 10 2025 version with highlighted comments and questions. I also offer the following thoughts and opinions:

1) It is difficult to imagine that this ordinance would have been proposed if the land sold (Sweet Hill Farm) by Fred Allyn Senior was left undeveloped or was converted into a play ground or other recreational area. I believe that this ordinance is being proposed not just around financial gain, but it is around the dissatisfaction with the proposed apartment complex. The Cashman sale and the plans to demolish Mt. Decatur are the precursors to the anger around the proposed use of the Sweet Hill Farm. This ordinance appears to be a response to what the buyer has planned for the land, rather than the fact that a town resident connected to a member of town government had land to sell. Will or could the ordinance be used to argue that the Mayor should not eventually inherit any monies from the sale?

2) As mentioned before, just because other towns have Ethics Committees this is not a good enough reason to have one in our town. Perhaps those other towns didn't have a Town Council to look into matters of misconduct. Perhaps those towns had no formal plans in place to address issues of misconduct. I believe that this information is important to know to evaluate why other towns took this route and why it might be necessary for our town even though it already has policies in place. The problem likely lies in the emotions from #1 and the fact that the process to lodge a complaint is not clear.

3) The proposers of the committee should detail if and how the current policies have failed to address any issues of misconduct. Without this information, they have not proven the need for this Commission and ordinance. Unhappiness with the proposed use of Sweet Hill Farm is not a reason to need this committee and ordinance.

4) Volunteers should be excluded from this ordinance. It is not clear if they are or are not as many of the provisions are directed towards Town Officials and Town Employees (volunteers are neither but are included in some definitions). As I have written before, being a volunteer should not come with risk. For example, the farmers market collects donations and keeps a small amount of petty cash for emergency purchases (as provided in the Farmers Market ordinance). All it would take is for one person in town to accuse any FM volunteer of taking money from petty cash to change the life of the accused. It's been said that if you didn't do anything wrong you don't have anything to worry about - but in this case, the proposed ordinance could require the accused to be subject to a public hearing depending on how far the accuser decided to push. This is simply not right.

5) As mentioned in earlier letters, being judged by a jury of peers involves vetting each jury for each situation. There is no provision for that in this ordinance. I will use the farmers market as an example again as the many volunteers have a lot of interactions with town citizens and the interactions are not always positive. If a complaint is made and goes to the committee, would any anyone on the committee familiar with the FM volunteer or aware of the situation be required to excuse themselves from the panel? If this is not done, then you could have neighbor judging neighbor which is a horrible thing. As I have said previously, in this political climate, the last thing we need is more judging of our neighbors. Consultation with an attorney should be mandatory for every complaint, filed or unfiled, unless someone on Council is an attorney and can privilege all information. The committee members are not attorneys or judges but are being asked to do the job of both. And how will they be trained to do this delicate and important job?

6) The ordinance should clearly state what kinds of complaints are excluded. A FB post states the following: "The Ordinance only pertains to ethical misconduct relating to financial benefit of the Respondent. Complaints are filed under penalty of false statement. The Ordinance cannot be used to file a complaint against someone if they are unhappy with a decision or unhappy with the service they have received at a town office or event. After a complaint is received, the process to determine Probable Cause is entirely confidential, and any complaints that are unwarranted and have no Probable Cause will be dismissed and remain confidential." These exclusions should be detailed in the ordinance and should be listed on the form; the form should also detail those situations which are financial in nature and subject to investigation. This ordinance should absolutely not be voted on without the form - it is an integral part of the process.

7) Also from FB: "The Town Charter has provisions which cover Investigation and Conflicts of Interest. The Charter does not outline specifically what constitutes a Conflict of Interest, and also requires the Town Council to vote to perform an Investigation." Since provisions are already in place, wouldn't it be more efficient to amend the Charter to be more explicit as to what constitutes a conflict of interest and what is excluded? Perhaps the ordinance could detail what is or is not a conflict of interest and outline the way to lodge a complaint to council (without forming a committee). Council officials are elected to protect and serve the town. The responsibility to decide on conflicts of interest should reside with elected officials, not just anyone from town. It seems to me that we need to clarify the Charter so that Council has better guidance to carry out this duty; we should not form a committee of unelected townsfolk to sit in judgment of other townsfolk. As I've said before, if there is time and energy to form this committee and educate the town about it, then there is time and energy to address the shortcomings of the Charter and educate the town as to how to file a complaint.

8) Re FAQ "Doesn't the Town Charter cover us in these situations? Why do we need an ordinance and a commission?" From the reply " . . . the Council would struggle to remain impartial . . . " thus the need for an ordinance and a commission. It is the **duty** of the Council to rise above partisan differences and do what is best for the town regardless of party affiliation. It is the **duty** of Council to work together for solutions independent of party affiliation. This FAQ assumes that Council members are more beholden to their party line than the town. If this is the case, then partisanship should be addressed; an ethics commission will not cure this. Will there be differences on Council? Absolutely but it is up to Council to address differences to get to a solution; that is what they were elected to do. There is no guarantee that commission members won't struggle to remain impartial either, particularly if there is no plan in place to remove and replace any members who are familiar with the accused and/or the situation. Again, commission members are not elected. If the Council is struggling to be impartial, how can they seat an

impartial commission? Further, the ordinance does not set forth the guidelines for nomination of commission member nor requirements to be a sitting member. This FAQ question answers itself - the Charter already covers these situations but needs further clarification; a commission is not the answer.

9) Re FAQ "Will this result in political weaponization to attach people anyone disagrees with politically?" From the answer, the Code of Ethics is "specific enough" to outline what is or is not a breach. The problem, as stated by the Q and A, is one of specificity, not the need for a commission. Clearly the Charter needs revision so that Council has better guidance to evaluate ethical violations as is their duty. Again, there is no guarantee that a commission would be any less partisan than Council.

10) Re FAQ - differences in the current proposed ordinance and the town attorney's suggestions. It is impossible for the reader to appreciate this Q and A without the text of original version set forth in the ordinance, the suggestions by the attorney, and the version of September 10.

11) Re FAQ - costs. While the response addresses the cost to the town, it does not address cost to the accused. And while it is expected that this commission will "rarely" be called into action, in this political climate that is not guaranteed. Issues in surrounding towns, though rare, have cost \$8K, \$10K, or more to resolve. Again, what if the accused cannot afford representation? All it takes is one major event to disrupt the finances of many households. Even though accusers file the form under penalty of false statement, they may truly believe their accusation is true (i.e., they thought a volunteer stole money from the FM donation jar). However, it simply may not be true no matter how they perceive it; an accusation doesn't need to be a deliberate lie to be untrue. Thus an accuser can, in good conscience and based upon their belief, file the form and the volunteer now has to prove their innocence and the documentation will lack attorney-client privilege. What a horrible thing to go through based upon an assumption or faulty belief.

12) Re FAQ - who does this apply to? Volunteers should be exempt. I have written before about an acquaintance of mine who felt that she had no alternative but to leave town based upon accusations by other townsfolk. She was a volunteer. This town saves thousands and thousands of dollars because of dedicated volunteers; the market volunteers alone donate hundreds and hundreds of hours each season and should not feel they are at risk to do so. If someone has a complaint about a volunteer, it should be made to **Council** under attorney-client privilege.

13.) Re FAQ - "who does this apply to?" The response states that ordinance cannot be used to file a non-fiscal complaint. The ordinance does not state this and we do not know what the form will say as it is not attached to the ordinance. Without these guidelines in place and on the form (which is not available for review), a non-fiscal complaint can still be **filed** - without attorney-client privilege. The reply states that the complaint will be kept confidential but wouldn't it still remain **on file** and thus be discoverable? Personally, I think it should be shredded to protect the accused and never be placed on file.

14) Re FAQ - "We don't need this." We don't need a committee to make sure we have an "ethical town government"; this is the **duty** of Council, elected by the people. We don't need a commission to protect us from "unscrupulous behavior"; this is the **duty** of Council, elected by the people. We don't need a commission to "set a standard" but perhaps we need clarification of the Charter. Again, if there is an issue or perceived issue with partisanship on Council, this ordinance and formation of a committee will not address this.

15) Re FAQ - other town have ethics commissions - see #2 above. The writer may not see the "harm" in a commission, but as mentioned above and in other letters, I have seen the life-changing result of neighbor against neighbor. I attended their meeting on the topic; I made statements to deaf ears; I heard the anger and accusations. Also, if the commission makes a decision that is unpopular with the townspeople, then the people on the commission are also put at risk. This would be a lose-lose situation for all involved.

16) From the ordinance: "The Town Council may remove members for cause and fill the vacancy in accordance with the Town Charter. Cause for removal shall include, but is not limited to, an unexcused absence from three (3) consecutive meetings. It shall be the responsibility of the Chairman of the Ethics Commission to notify the Town Council when a member has not properly performed his or her duties." This provision should include more reasons for removal other than missing meetings, for example, it should at least include harassment of any kind by the member against either party including on social media, disclosing any information to anyone other than Council or an attorney for any given issue as reasons for removal.

I have used the word "horrible" in my letters several times because I believe this ordinance with its proposed commission is a terrible idea. Personally, I would never want to sit in judgement of any of my fellow townsfolk and would be leery of anyone who would, especially those who would be eager to do so. If the Charter needs clarification, by all means address the shortcomings of the Charter. A commission will **not** make the Charter better or more clear. Also, personally, I would not want to volunteer in a town that is willing to put volunteers at risk in this way.

I will leave you with this (which I may have mentioned in an earlier letter): on voting day in 2020 at Gallup Hill school, I witnessed a grown man in a pick up truck stare down and give a high school student the finger in response to her sign for Biden. This was unacceptable behavior - what if he ends up on the commission? Based upon the sayings on t-shirts I see and conversations I overhear at the market, we already have a partisanship problem in our town. It may not be large, but it is there and a commission allowing neighbors to judge neighbors will do nothing to make this situation better. It is the **duty and responsibility** of Council to rise above partisanship, to work to solve problems of all sorts, and to make our town the best it can be. It is not responsibility of seven unelected towns people to sit in judgement of others because the Town Charter is in need of clarification.

Respectfully submitted,

Pam Ball
Shewville Road

AN ORDINANCE ESTABLISHING A TOWN OF LEDYARD
CODE OF ETHICS AND ETHICS COMMISSION

Be it ordained by the Town Council of the Town of Ledyard:

Section 1. Authority

In accordance with Chapter III of the Town Charter, there is hereby established a Town of Ledyard Code of Ethics and Ethics Commission.

Section 2. Declaration of Policy and Purpose

The trust of the public is essential for government to function effectively. The proper operation of the Town government requires that Town officials, and Town employees be independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of governmental structure; that public office and employment not be used for personal gain; and that the public has confidence in the integrity of its government.

Therefore, herewith is an established Code of Ethics for all Town officials and Town employees. The purpose of this code is to establish standards of ethical conduct for all such officials and employees, and for those who serve or conduct business with the Town of Ledyard, to assist those parties under the jurisdiction of the Ethics Commission by establishing guidelines for their conduct in order to maintain a tradition of responsible and effective public service; and to establish rules of procedure to be followed by the Ethics Commission in receiving, adjudicating, and reporting on alleged violations of the Code of Ethics.

Section 3. Applicability

The Code of Ethics shall apply to all Town officials, including members of the Board of Education, and all Town and Board of Education employees. Does this exclude volunteers (e.g., Beautification Committee, Farmers Market Committee, etc)? If so or if not, please state explicitly. I believe it should exclude volunteers.

Section 4. Definitions

As used in this ordinance, the following words or phrases shall have the meanings indicated:

1. 1. "*Complainant*" means any person who signs a complaint under penalties of false statement alleging a violation of this Code.
2. 2. "*Confidential Information*" means information acquired by a Town official or Town employee in the course of and by reason of performing an individual's official duties and which is not a matter of public record or public knowledge. Will this information be under attorney-client privilege and/or discoverable by an FOIA?. Please clarify.
3. 3. "*Financial Interest*" means:
 - a. any interest that has a monetary value of more than one hundred dollars (\$100.00) in any calendar year and is not common to the other citizens of the Town;
 - b. pecuniary or material benefit accruing to a Town official or Town employee, spouse or minor child of an official or employee of the Town as a result of a contract, transaction, zoning decision or other matter which is, or may be, the subject of an official act or action by or with the Town of Ledyard except for such contracts of transactions which by their

terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all persons and/or property similarly situated;

- c. shall be deemed to exist if any Town official, Town employee, immediate family of a Town official or employee might, directly or indirectly, derive financial gain or suffer loss from any purchase, contract, transaction, zoning decision, or other matter involving any such Town office, board, commission, authority or committee, and shall also be deemed to exist if a business or professional enterprise in which the Town official or employee has any financial interest as owner, member, partner, officer, employee or stockholder or has any other form of participation which will be affected by the outcome of the matter under consideration.

4. 4. "Gift" means anything of economic value in excess of one hundred dollars (\$100.00), including but not limited to entertainment, food, beverage, travel, and lodging. A gift does not include:

- a. A political contribution that is otherwise reported in accordance with the law.
- b. Services provided by persons volunteering their time.
- c. A commercially reasonable loan that is made on terms not more favorable than loans made in the ordinary course of business
- d. A gift received from a member of a person's immediate family or fiancé.
- e. Goods or services which are provided to the municipality and facilitate government actions or functions.
- f. A certificate, plaque, or other ceremonial award.
- g. A rebate or discount on the price of anything of value made in the ordinary course of business, without regard to that person's status.
- h. Printed or recorded information germane to municipal action or functions.
- i. An honorary degree.
- j. Costs associated with attending a conference or business meeting and/or the registration or entrance fee to attend such conference or business meeting in which the Town official or Town employee participates in his or her official capacity.
- k. Any gift provided to a Town Official or Town Employee or to an immediate family member of a Town Official or Town Employee for the celebration of a major life event provided any such gift provided to an individual does not exceed one thousand dollars (\$1,000.00) in value. A major life event shall include, but not be limited to, a ceremony commemorating an individual's induction into religious adulthood such as a confirmation or bar mitzvah; a wedding; a funeral; the birth or adoption of a child; and retirement from public service or Town employment.

5. 5. "Immediate family" means spouse, fiancé, child, parent, grandchild, brother, sister, grandparent, niece, nephew, daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, or anyone living in the same household.

6. 6. "Respondent" means any person accused of violating this Code.

7. 7. "Town Official" means any person holding elective or appointive office in the government of the Town, including members of the Board of Education. Does this exclude volunteers (e.g.,

Beautification Committee, Farmers Market Committee, etc?) If so or if not, please state explicitly. **Volunteers are neither officials nor employees and should be exempt.**

8. 8. "Town Employee" means any person receiving a salary, wages, or stipend from the Town or the Board of Education for services rendered, whether full-time or part-time.

Section 5. Conflict of Interest Provisions (is this The Code of Ethics?)

1. A Town official, Town employee, or any member of his or her immediate family shall not engage in or participate in any business or transaction, nor have an interest, direct or indirect, which is incompatible with the proper discharge of that person or persons' independent judgement or action in the performance of that person or persons' official duties.
2. A Town official or any member of his or her immediate family shall not have a financial interest in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the board, agency or commission of which that person is an elected or appointed member.
3. A Town employee or any member of his or her immediate family shall not have a financial interest in any contract or purchase order for any supplies, materials, equipment, or contractual services that is within the purview of such Town employee.
4. The Mayor of the Town of Ledyard and members of the Town Council of the Town of Ledyard, members of the Board of Education of the Town of Ledyard, and any members of their immediate family shall not have a financial interest in any contract or purchase order for any supplies, materials, equipment, or contractual services furnished to or used by the Town of Ledyard. (Why does this include the Mayor and the other provisions do not?)
5. A Town official or employee shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if he or she, a member of his or her immediate family, or a business with which the person is associated has a financial or personal interest in the transaction or contract, including but not limited to the sale of real state, material, supplies, or services to the municipality. If such participation is within the scope of the Town official's or Town employee's responsibility, he or she shall be required to provide written disclosure, that sets forth in detail the nature and extent of such interest.
 6. A Town official or Town employee shall not accept or receive, directly or indirectly, from any person or business to which any contract or purchase order may be awarded by the Town of Ledyard or any of its boards, agencies, or commissions any money, rebate, or gifts, or any promise, obligation, or contract for future reward or compensation.
 7. No Town officials or employees shall accept a gift or engage in private employment or render services when the gift, employment, or services are incompatible with the proper discharge of the official duties of the Town official or Town employee, or could tend to impair independence of judgement or action by the Town official or Town employee, in the performance of his or her official duties. If a prohibited gift is offered to a Town official or a Town employee, he or she shall refuse it, return it, or pay the donor the market value of the gift.
 8. To avoid even the appearance of impropriety or creation of a situation that would be contrary to the declared policy and purpose of this Code, a Town official or a Town employee, not otherwise restrained by the Code, shall exercise care when appearing before other Agencies and shall disclose whether he or she is appearing in his or her official capacity or as a private citizen.

9. A Town official or employee who have a financial or personal interest in any transactions or contract with the Town, including but not limited to the sale of real estate, materials, supplies, or services to the Town, on which that person or persons may be called upon to act in that persons official capacity shall not vote or otherwise participate in the transaction on behalf of the Town. The Town official or employee shall declare on the record that he or she has or have a conflict of interest.
 10. No Town official or Town employee shall solicit or accept a gift from any person or business entity which is interested directly or indirectly in any business transaction or pending matter that is within the purview of such Town official or Town employee.
 11. Town officials and Town employees shall not use Town owned vehicles, equipment, facilities, materials, or property for personal convenience or profit.
12. No Town official or Town employee shall disclose or use confidential information acquired in the course of and by reason of his or her official duties for personal or financial gain or for the personal or financial gain of a member of his or her immediate family.
 13. No Town official or Town employee may directly hire or supervise a member of his or her immediate family or participate in influencing the appointment or hiring of his or her immediate family.
14. No former Town official shall represent anyone before any Town agency, board, commission, council, or committee in which he or she was formerly an elected or appointed member for a period of one (1) year following the end of such former member's service on such agency, board, commission, council, or committee.
15. No former Town employee shall represent anyone before any Town agency or department for which he or she was formerly employed for a period of one (1) year following the end of such former employee's employment with the Town.

Section 6. Disclosure of Interests Required

1. Any Town official or Town employee who has a private financial interest in any action, legislative or otherwise, by any Town agency and who is a member of, participates in discussion with or give an official opinion to such Town agency shall disclose on the written records of such agency the true nature and extent of such interest. This section shall not apply to:
 - a. Contracts awarded to the lowest responsible bidder after public advertisement.
 - b. Unpaid appointed officials during a declared state of emergency.
 - c. Matters requiring disclosure to or approval by a court.
 - d. The Town Attorney, Town Engineer, or similar Official, who is participating in or offering an opinion on behalf of said agency, and whose financial interest is merely in being paid for such services.
2. All Town Councilors, Board of Education members, and the Mayor shall, on or before January 1st each year, file with the Town Clerk, on a form to be prepared by the Town Attorney, a statement, under oath, containing the following information:
 - a. All real estate located within the Town of Ledyard owned by such elected official or held under a lease for a term exceeding five years, excluding, however, his or her principal residence. The foregoing shall also apply to real estate owned or leased, as aforesaid, by a corporation, trust or partnership in which any such elected official is the legal or equitable holder of at least 5% of the legal or equitable interest in said corporation, trust, or partnership.
 - b. The names of any firm, proprietorship, partnership, or corporation of which said elected official is an employee or in which such elected official holds at least a five (5) percent interest, and which firm, proprietorship, partnership, corporation, or limited liability corporation has sold or supplied goods or services in excess of ten thousand dollars (\$10,000) per annum to the Town of Ledyard during the two years immediately preceding such official's election to office.

- c. Any income, fees, salary, or wages directly or indirectly, received by such official from the Town of Ledyard or its political subdivisions during the two years immediate proceeding such official's election to public office.

Section 7. Establishment of an Ethics Commission

1. 1. Membership

The Ethics Commission shall be comprised of five (5) regular members and two (2) alternate members. All members of the Ethics Commission shall be electors of the Town (does this mean they are elected by council or by vote?).

a. No more than two (2) Regular Members may be affiliated with any one political party. Both Alternate Members may not be affiliated with the same political party. At least one Regular Member shall be registered as an unaffiliated. There is no way to guarantee that any member will not be, consciously or subconsciously, affected by party affiliation in this political climate.

b. No regular member or alternate member of the Ethics Commission shall:

- i. Be a Town official or Town employee of the Town of Ledyard or be a member of the immediate family of any Town official;
- ii. Have held any elected Town or State office for a period of one (1) year prior to being appointed to the Ethics Commission.
- iii. Be a (an active?) member of a Town committee or commission.
- iv. Serve as a member of another Town agency, board, commission, council, or committee. (active? Isn't this redundant with iii?)
- v. Have been employed by the Town for a period of one (1) year prior to being appointed to the Ethics Commission.
- vi. Have any financial interest in matters before the Town or the Board of Education;
- vii. Have been found in violation of any federal, state, municipal, or professional Code of Ethics.

2. Terms of Appointment

- a. Members shall be appointed by the Town Council for a term of three (3) years and shall serve until their successor has qualified or is removed by the Town Council. What are the guidelines and requirements for appointment?
- b. In making the original appointments under this ordinance, the Town Council shall designate two (2) regular members to serve for three (3) years; two (2) regular members to serve for two (2) years; one (1) regular member to serve for (1) year; one (1) alternate member to serve for three (3) years; and one (1) alternate member to serve for two (2) years. Thereafter, vacancies shall be filled for a three (3) year term.
- c. Inaugural members shall be eligible to serve two (2) additional three (3) year term beyond his or her initial appointment.
- d. Any vacancy on the Ethics Commission, other than by expiration of term, shall be filled for the unexpired portion of the term by the Town Council.
- e. The Town Council may remove members for cause and fill the vacancy in accordance with the Town Charter. Cause for removal shall include, but is not limited to, an unexcused absence from three (3) consecutive meetings. It shall be the responsibility of the Chairman of the Ethics Commission to notify the Town Council when a member has not properly performed his or her duties. 1) Should include harassment of any kind by the member against either party including on social media, disclosing any information to anyone other than Council or an attorney for any given issue. What if the accused is known to the members of the committee? In a jury of peers, this person

would be removed/recused. What will be evaluated for all members on a case by case basis, or will neighbors be judging neighbors?

- f. Within thirty (30) days of the appointment of the Ethics Commission, an organizational meeting shall be held at which members shall choose a Chairman, Vice-Chairman, and a Secretary.

- 3. 3. Authority/Duties – All emails, written communications, texts or other information used in carrying out these duties that can be requested under FOIA should be attorney-client privileged and at the expense of the town as the town is responsible for the committee.

The Town of Ledyard Ethics Commission shall be authorized to perform the following:

- a. To (This should be must) consult with the Town Attorney or another attorney hired by the Ethics Commission if so authorized by the Town Council. If an attorney is not consulted, communications are not privileged.

- b. To (This should be must) request that the Town Attorney provide advisory opinions. All of these should be required to be made under attorney client privilege

- 4. Filing of Complaints (what is the form going to look like? It should be part of this package and it should list what is eligible for complaint and what is excluded.)

A complaint alleging any violation of the Code of Ethics shall be made on a form prescribed by the Ethics Commission and signed under penalty of false statement. This completed form should be reviewed by an attorney and privileged. The form shall be delivered to the Town Clerk who shall transmit a copy of the complaint to the Chairperson of the Ethics Commission and the respondent within five (5) days of receipt of the complaint. The Ethics Commission shall also notify the respondent that it will conduct a probable cause determination and invite the respondent to provide any information the respondent deems relevant to the Ethics Commission's determination of probable cause.

No complaint may be made under the Code of Ethics unless it is filed with the Ethics Commission within three (3) years after the violation alleged in the complaint has been committed.

The Complaint shall include:

- a. Name of the person accused (respondent)
- b. Name of the person filing the complaint.
- c. The specific acts alleged to constitute a violation of the Code of Ethics and when said actions occurred.

In the application of this Code of Ethics, care will be given to distinguish between concerns of management of Town employees and violations of the public trust. The daily management of employee performance is the responsibility of the Mayor or School Superintendent in the case of the employees of Ledyard Public Schools. Personnel policies should be the first guide in those areas where applicable. Similarly, the routine activities of the Commission should be governed by its rules and regulations.

- 5. 5. Evaluation and Acknowledgement

- a. Within sixty (60) business days of the receipt of a complaint, the Ethics Commission shall review and determine whether there is probable cause that a violation of the Code of Ethics has occurred. A finding of probable cause means that based on a review of the available information the Ethics Commission determines that reasonable grounds exist to believe that the respondent engaged in prohibited conduct by the Code of Ethics. If the Ethics Commission does not make a finding of probable cause, the complaint shall be dismissed and a copy of its decision shall be mailed to both the complainant and the respondent. Unless the Ethics Commission makes a finding of probable cause, a complaint alleging a violation of this Code of Ethics shall be confidential except upon the request of the respondent.

- b. If the Ethics Commission makes a finding of probable cause which shall require four (4) affirmative votes, it shall so advise both the complainant and the respondent within ten (10) business days of its finding and begin a formal investigation process.

6. 6. Hearings

If the Ethics Commission decides that probable cause of a violation of the Code of Ethics exists, it will conduct a public hearing to determine whether or not a violation occurred in accordance with Uniform Administrative Procedure Act ("UAPA") (See Chapter 54 of the Connecticut General Statutes). At the hearing, the respondent will have the right to be represented by legal counsel, to present evidence and witnesses, and compel attendance of witnesses and the production of books, documents, records, and papers, and to examine and cross-examine witnesses, and inspect and copy relevant and material records, papers, and documents not in such person's possession. Hearings are not governed by the legal rules of evidence, and any information relevant to the matter may be considered. The Ethics Commission will respect the rules of privilege recognized by the law. Not later than ten (10) days before the start of the hearing, the Ethics Commission will provide the respondent with a list of its intended witnesses. The Ethics Commission will make a record of the proceedings. (What if the accused cannot afford an attorney? Who will pay for the town attorney?)

7. 7. Final Decisions

- a. Decisions by the Ethics Commission that a person is in violation of the Code of Ethics must result from the concurring vote of four (4) of its members.
- b. The Ethics Commission must render its decision within sixty (60) days of the closing of the hearing.
- c. Such finding and memorandum will be deemed to be final decision of the commission for the purposes of the UAPA. The respondent may appeal to the superior court in accordance with the provision of Section 4-183 of the Connecticut General Statutes.
- d. If the Ethics Commission determines that the Code of Ethics was violated, it will provide the respondent, the Mayor, and the Ledyard Town Council with a copy of its findings and memorandum within ten (10) days after its decision. It will also advise the respondent of his or her right to appeal the decision pursuant to Section 4-183 of the Connecticut General Statutes.

8. Penalties for Violations of the Code of Ethics. What are the penalties for a member of the committee who violates any part of their duties (i.e., discusses a matter with someone outside of the committee, makes public any portion of the proceedings, etc. The really horrible part of this is that no penalty against the committee member can undo any damage to the accused if information is made public. Even if it is retracted, it cannot be unlearned or unheard by anyone).

A violation of the Code of Ethics may lead to any one or a combination of the following penalties:

- a. Order to cease and desist the violation;
- b. Pay a civil penalty of up to the maximum amount permitted by State law;
- c. Censure;

- d. Suspension without pay; (isn't this a matter for the Mayor/isn't this a personnel issue?)
- e. Demotion;
- f. Termination of employment; (isn't this a matter for the Mayor/isn't this a personnel issue?)
- g. Restitution of any pecuniary benefits received because of the violation committed;

Section 8. Severability

If any part of this Code or Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.