

**Trumbull Ethics Commission
Hearing in Public
Conducted Via Public Zoom Call
November 17, 2020**

MINUTES

The November 17, 2020 Trumbull Ethics Commission proceeding was called to order at 7:11 p.m.

Attendees

Members present:

Attorney Thomas E. Lee, Chairman
Attorney John Walkley
Reverend Lawrence Fullerton
Charles Slack
Attorney Andrew Lubin, Alternate Member

Also present:

Attorney James Nugent, Counsel to Commission
William Chin, Director of Information Technology, Town of Trumbull
The Complainant
The Respondent
Attorney Jeffrey Donofrio, Counsel to the Respondent

Preliminary Address to Public By Chairman T. Lee

At 7:11 p.m. Chairman Lee opened the meeting and noted that Attorney Jeffrey Donofrio, Counsel to the Respondent, had raised procedural issues with Attorney James Nugent, Counsel to Commission.

Attorney Donofrio stated that, first, the June 11 meeting of the Ethics Commission, at which a finding of probable cause was made, occurred via Zoom call. He cited Executive Order 7-B by Governor Lamont, directing that for public agencies holding meetings using remote technology such as Zoom, the agenda include information how the public can access the meeting. The second issue Donofrio raised was that during the June 11 meeting at which probable cause was found, the

composition of the Ethics Commission did not conform to the Town Charter stating that no more than three members of the Ethics Commission can be from the same political party. He said his understanding was that the split on the Commission at the June 11 meeting was 4-1. Donofrio said he did not want to use those points as reasons to prevent the November 17 meeting from proceeding.

Attorney James Nugent, Counsel to Commission, responded that while the agenda of the June 11 meeting of the Ethics Commission did not include information regarding public access, this was a probable cause hearing, and the Commission's deliberations on whether or not it finds probable cause are not open to the public. Regarding the makeup of the Commission, Nugent noted that the decision on the finding of probable cause was unanimous. He said the 4-1 composition at the meeting was an oversight, where one Member had been thought to be unaffiliated with a party. Nugent said that would not have affected the outcome of the decision to find probable cause.

Attorney Donofrio responded that the Commission should conform to the Freedom of Information Act regarding notification of access, and the Town Charter regarding composition, but that the proceedings should not be held up on the basis of these procedural issues.

Minutes of 10/05/20 Meeting

A motion was made by Chairman Lee, and seconded by Commissioner Walkley, to approve the Minutes of the 10/05/20 meeting of the Commission. Reading of the Minutes was dispensed with. There was no discussion and the Minutes were approved as written and originally submitted.

Hearing in Public

With regard to complaint #1-2020, Chairman Lee asked William Chin, Director of Information Technology, Town of Trumbull, to play a recording of a portion of the May 9, 2020 meeting of the 2020 Trumbull Redistricting Committee, beginning on or about 21:12 of the meeting and ending on or about 25:54.

At 7:23 p.m., William Chin, Director of Information Technology, Town of Trumbull, was sworn in. He confirmed that the recording was a portion of the May 9, 2020 meeting of the 2020 Trumbull Redistricting Committee, and that he was involved with recording the meeting. In response to a question from Commissioner Walkley, he stated that the portion played had not been edited or changed.

At 7:25 p.m., the Complainant, Richard White, began presenting his complaint to the Commission. Chairman Lee noted that he meant to swear the Complainant, and the Complainant was sworn in at 7:29 p.m. Chairman Lee noted that the Complainant had already sworn to his written complaint. The Complainant completed his statements at 7:33 p.m.

Beginning at 7:33 p.m. Attorney Jeffrey Donofrio, Counsel to the Respondent, asked questions of the Complainant, Richard White, until 7:57.

The Respondent, Tony Scinto, was sworn in at 7:57 p.m. Attorney Donofrio asked questions of the Respondent until 8:10 p.m.

At 8:11 p.m., the Commission took a short break

Beginning at 8:22 p.m., the Complainant, Richard White, asked questions of the Respondent, Tony Scinto, ending at 8:33 p.m.

Starting at 8:35 p.m., the Members of the Commission asked questions of the Complainant and the Respondent, ending at 8:58 p.m.

Following questioning of the Respondent and Complainant by the Commission, at 8:59 p.m., Attorney Donofrio stated his reasons why he believed the allegations in the complaint against the Respondent did not rise to the level of violations of the Town of Trumbull Code of Ethics.

Executive Session

A motion was made by Chairman Lee, in accord with Section 1-82a of the Connecticut General Statutes, and/or the Code of Ethics of the Town of Trumbull, that the Commission adjourn into executive session, and/or confidential session, to discuss a matter concerning the performance of a public officer/public official, particularly those issues as raised by Complaint #1-2020. The motion was seconded by Alternate Member Lubin and unanimously carried. There was no discussion.

The Commission went into executive session at 9:12 p.m.

Attorney James Nugent, Counsel to Commission, was present in Executive Session.

The Commission came out of Executive Session at 9:44 p.m.

Hearing in Public

At 9:55 p.m. the Commission resumed the Hearing in Public as to Complaint #1-2020. Chairman Lee noted that Alternate Member Lubin was sitting as a full member, because the Commission only had four regular members present, and was sitting as the fifth member in voting and participating in the hearing.

Alternate Member Lubin moved that the commission find the Respondent has violated 2-524 and 2-526 of the Code of Ethics of the Town of Trumbull, and that a letter of public reprimand be filed by the Commission with the Town Clerk, stating the results of this hearing. The motion was seconded by Commissioner Walkley, and carried unanimously without discussion.

Adjournment

There being no further business to consider, upon motion by Chairman Lee, and seconded by Commissioner Walkley, the meeting of the Trumbull Ethics Commission adjourned by unanimous consent of the Commissioners present at 9:59 p.m.

Recorded and submitted,
Commissioner Charles Slack, Secretary
Dated: November 23, 2020