ETHICS COMMISSION
MUNICIPAL OFFICE COMPLEX
MEETING ROOM 3
MONDAY, SEPTEMBER 29, 2025
6:00 P.M.
SPECIAL MEETING

MINUTES

1. **Call to Order**

-Chairman Kevin Staehly called the Special Meeting to order at 6:06 PM on September 29, 2025.
-Attendance: Kevin Staehly (Chairman), Rebecca Skinner (Secretary), Paul Stuhlman, Janie Pittendreigh
-Member Jayne Thomas joined the meeting at 6:14 PM.

2. **Approval of Minutes: Special Meeting of September 10, 2025**

-A copy of the draft minutes was circulated to members for review.
-Mr. Stuhlman moved to approve the minutes of the September 10, 2025 Special Meeting without amendment.
-Ms. Pittendreigh seconded the motion.
-The motion passed unanimously.

3. Complaint Petition- Ethics Complaint 01-2025

-Chairman Staehly acknowledged for the record the receipt of an objection from Erik Dill's legal representation, as well as guidance from Attorney Kari Olson.

-Chairman Staehly moved to enter Executive Session at 6:15 PM.
-Ms. Skinner seconded the motion.
-The motion passed unanimously.

a. Executive Session – Ethics Complaint 01-2025

Please note that a Public Hearing for Ethics Complaint 01-2025 is scheduled to take place in Meeting Room #1&2 at 7:00 pm. If the Commission's business has not been completed prior to the Public Hearing, it may recess its Special Meeting to attend and conduct the Public Hearing before reconvening afterwards.

-The Commission entered Executive Session at 6:16 PM.

-Executive Session was recessed at 6:48 PM to attend and conduct the Public Hearing.

4. Recess for Public Hearing

-The Public Hearing was held at 7:00 PM in Meeting Room #1 & 2

5. Resumption of Special Meeting

-Chairman Staehly moved to resume the Special Meeting at 8:29 PM.
-Mr. Stuhlman seconded the motion.
-The motion passed unanimously.

-Chairman Staehly moved to resume Executive Session.
-Ms. Skinner seconded the motion.
-The motion passed unanimously.

-Executive Session resumed at 8:30 PM.
-With no objection, Chairman Staehly invited Attorney Kari Olson into Executive Session. She joined at 8:30 PM and exited at 9:03 PM.
-Executive Session ended at 9:15 PM, and the Commission returned to the Special Meeting.

6. Action on Complaint Petition 01-2025

-Chairman Staehly moved to dismiss Complaint Petition 01-2025 with a finding of no violation.
-Mr. Stuhlman seconded the motion.
-The motion passed unanimously.
-The Commission noted the importance of continued adherence to the Code of Conduct and the need to avoid any appearance of impropriety.

7. Adjournment

-Chairman Staehly moved to adjourn the Special Meeting.
-Mr. Stuhlman seconded the motion.
-Special Meeting was adjourned at 9:18pm.

Participants unable to attend in person may view the meeting on YouTube Live at the following link:
https://www.youtube.com/channel/UCLZq-CmatoKY6FW829c6mBA?view_as=subscriber

You may also access the YouTube Live link from the Town's website:
www.easthaddam.org

For YouTube Live viewers, public participation will take place via written questions or comments by emailing:
Public.questions@easthaddam.org

Questions/comments may be sent prior to and during the meeting.

HARRIS BEACH MURTHA
ATTORNEYS AT LAW

M E M O R A N D U M

TO: Kevin Staehly, Chair
East Haddam Ethics Commission

FROM: Kari L. Olson

DATE: September 26, 2025

RE: Ethics Complaint Processes

We have been asked to respond to various questions regarding the procedures and processes to follow when an ethics complaint is filed. We have reviewed the Town's Ordinance, the State statutes, and the responses already provided by Attorney Herbst.

I am including the responses of Attorney Herbst here, so that combined, all questions and answers are in one document for ease of use.

A. The Complaint is Filed

Note: State law requires municipal ethics commissions to adhere to the same confidentiality requirements as the Office of State Ethics when handling allegations of unethical conduct.

> "The CT Office of State Ethics (OSE) handles allegations of unethical conduct under a system that prioritizes confidentiality, especially during the initial investigative stages. Investigations are generally confidential unless the respondent requests the disclosure, or the OSE finds probable cause that a violation occurred. At the probable cause stage, the investigation record

becomes public, but details of the investigation itself remain confidential unless the respondent waives confidentiality or a public hearing is held."

1. The first step in the process is to determine that the complaint is in writing, signed under penalty of false statement, and submitted on the Commission's official form. It also must relate to conduct occurring within the past three years to be considered timely.
2. At your next meeting, I recommend you formally acknowledge receipt of the complaint and begin a preliminary review. You should not place on the agenda or state on the record at the meeting the name of the complainant or the respondent as this is still in the confidential phase. The first determination the Commission needs to make is whether the complaint—*assuming the facts alleged are true*—would constitute a violation of the Code. If not, the Commission can vote to dismiss the complaint and must notify both the complainant and respondent by certified mail.
3. If you dismiss the complaint for lack of probable cause, no further action is required (although I expect that the complainant would seek to appeal this decision).
4. If the complaint is deemed sufficient to proceed, the Commission has 10 days to:

    - Notify the complainant that the complaint was received;
    - Send a copy to the respondent by certified mail.

At that point, a confidential investigation begins. All proceedings remain confidential unless the respondent requests otherwise. Within 30 days, the Commission should schedule a probable cause hearing, which must occur within 60 days of the complaint being filed.

B. Confidential Investigation & Meeting Requirements

1. Yes, any meeting—whether for investigation, probable cause determination, or a public hearing—must be properly noticed in compliance with the FOIA requirements for Special Meetings. That includes:

    a. Filing an agenda with the Town Clerk and posting publicly at least 24 hours in advance.

    b. Labeling the meeting as a Special Meeting, with appropriate agenda items listed. *Note, at this phase the name of the complainant and respondent SHOULD NOT BE LISTED. Any agenda item referring to the Ethics Complaint should read, "Executive Session – Ethics Complaint 01-2025" (I assume this is the first ethics complaint of 2025, hence the classification).

    c. Since the preliminary investigation and probable cause review are confidential, these portions should be conducted in Executive Session, and the agenda should reflect an executive session item under the appropriate statutory basis.

C. The Probable Cause Hearing

Such hearing shall be conducted in two phases. In the first phase, the commission will make a confidential determination as to whether there is probable cause to believe the facts alleged in the complaint actually occurred. If the commission does not make a finding of probable cause, the complaint and all records of the hearing shall remain confidential except upon the written request of the respondent. If the commission makes

a finding of probable cause, the commission shall proceed to the second phase, which shall be a public hearing to determine whether a violation has occurred.

D. The Public Hearing

1. This is still considered part of the confidential phase and should likewise be held in Executive Session. The Commission determines whether sufficient evidence exists to support a finding of probable cause, and no public disclosure is made unless probable cause is found or the respondent requests it.
2. At the public hearing stage, the respondent has the right to be present, to be represented by counsel, to testify, call witnesses, and cross-examine witnesses under oath.
3. Any finding of a violation must be made by at least four affirmative votes. If no violation is found, the records remain confidential (unless the respondent requests otherwise). If a violation is found, the records become public within five business days, and both parties must be notified within three business days of the outcome.
4. If the respondent chooses to appeal, they may do so under CGS §4-175 or §4-183, and may be entitled to reimbursement of legal fees if successful.

While the Code is somewhat silent on the complainant's role at this stage, best practice is to allow the complainant (or their counsel) to present evidence and witnesses during the public hearing. The Commission, however, retains full control over the hearing process—including witness examination and the scope of testimony—based on what was gathered during the investigation and what is relevant to the alleged violation.

The complainant's presentation can be structured similarly to a limited opening presentation of evidence, and the Commission can limit cumulative or irrelevant testimony to preserve the hearing's integrity.

E. Finding of Violation – What Comes Next?

1. If the Commission finds a violation of the Code, the Commission must:

    a. Notify both parties within 3 business days of the decision.
    b. Make the full record public within 5 business days.
    c. Issue written findings, including the basis for the decision.

The Code does not mandate referral to a State Ethics Board, as municipal ethics matters fall within local jurisdiction. However, the Commission may make a recommendation to the Board of Selectmen for appropriate action (e.g., public censure, removal from boards or commissions if permitted under town charter or ordinance, or other remedial measures), especially if the violation concerns an appointed or elected official.

F. Miscellaneous Questions

1. Does the Selectman's Office retain a record of, and make available to the public, a copy of the Complaint Petition before the Public Hearing?

Answer: No. As noted above, all written, documentary evidence remains confidential unless and until probable cause of a violation is found.

2. Does the Commission need to notify the Complainant and/or Respondent of this meeting independently of the legal notice? Of whether they can retain Counsel if they choose?

Answer: Yes. In Connecticut, a municipal ethics commission is required to provide formal written notice to a respondent before a probable cause hearing. This notification is a core component of due process, ensuring the respondent is informed of the specific allegations and has an opportunity to respond.

- Content of the notice: While your code is silent, it is generally recommended that the notice informs the respondent of the following:
    - The specific sections of the ethics code they are charged with violating.
    - The date and location of the probable cause hearing.
    - Their right to have counsel.
    - Any deadlines for their response.

3. What is the correct procedure for the Commission in summoning witnesses to appear at the Public Hearing? Do they have any obligation to appear, and if so, what happens if they refuse?

Answer: Ethics commissions may issue subpoenas to compel the (1) attendance of individuals at hearings and (2) production of books, documents, records, and papers (CGS § 7-148h(a)).

If you want to compel an appearance, it should be done by subpoena. This requires a marshal or other indifferent person to serve the witness at least 18 hours before the hearing.

Failing to appear after service of a proper subpoena would allow the Commission to seek a court order for a “capias.” Which basically means they have to show up or risk being arrested.

Also note that you do not have to close the public hearing if you need more information or a witness that did not appear.

4. Does the Commission have the ability to question the Respondent? Would it be customary to interview witnesses before or after the Respondent's presentation of evidence / questioning him?

Answer: Typically, investigations take place after a finding of probable cause and before the public hearing. The commission does have the right under the UAPA to cross-examine witnesses.

5. Is it my responsibility to administer the Oath or do I bring someone in, such as the Town Clerk, for that duty?

Answer: Connecticut state law gives the Commission the right to administer oaths. In addition, if you prefer, the Town Clerk and the First Selectman can administer the oaths.

6. Is the confidential investigation considered a "Special Meeting" that needs to be publicly noticed (and held in executive session)? And the Probable Cause Hearing is also a "Special Meeting" held in Executive?

Answer: If a quorum is present during the investigation, it is considered a public meeting under FOIA and, since it would not be a “regular meeting” it would be a special meeting.

The first part of the probable cause hearing is held in executive session to maintain confidentiality. If it is not taking place during a “regular meeting”, it would be a special meeting.

7. At the public hearing, is the Complainant or his counsel supposed to be given any time to present evidence or call witnesses of their own? Or at that point has it become the responsibility of the Commission, and to use what it has gathered during the investigation?

Answer: The respondent should be given an opportunity to present his or her case, to call witnesses and to cross-examine others. Remember, the fruits of your investigation are confidential until you find it is likely a violation occurred.