

**TOWN OF OLD SAYBROOK**  
**ETHICS COMMISSION**

**CODE OF ETHICS**  
(Adopted May 25, 1995)

**FORMAL COMPLAINT  
PROCEDURES**  
(Revised July 25, 1995)

**ADVISORY OPINIONS**  
(Revised July 11, 1995)

## CODE OF ETHICS

(Adopted May 25, 1995)

### SECTION I - DECLARATION OF POLICY AND PURPOSE

1. There is hereby established a Code of Ethics for all Town officials and employees and other affected personnel as specified in Section II. The purpose of this Code is to establish suitable ethical standards for all such officers, employees, and officials by prohibiting acts not in the best interests of the Town of Old Saybrook.

### SECTION II - APPLICABILITY

1. This Code shall apply to all Town officers, employees, and officials whether elected and/or appointed, paid, or unpaid. The terms of this Code shall apply to all Town personnel including, but not limited to, the Office of the Selectmen, Board of Education, Police and Fire Commissions, Town officers, Town Departments, and all other personnel elected and/or appointed to boards and commissions.
2. This Code shall also apply to all persons, businesses, consultants or others having dealings with the Town of Old Saybrook.
3. All the above shall be referred to hereinafter as "persons governed by this Code".

### SECTION III - CONFLICT OF INTEREST

1. Persons governed by this Code shall not engage in or participate in any business or transaction, or shall not have an interest, direct or indirect, which is incompatible with the proper discharge of that person or persons' official duties in the public interest, or would tend to impair that person or persons' independent judgment or action in the performance of that person or persons' official duties.

# CODE OF ETHICS

(CONTINUED)

## SECTION III - CONFLICT OF INTEREST (CONTINUED)

2. Persons governed by this Code shall not appear at any time within a period of one year before any Town board or agency with which that person or persons was or were formally employed, acting, or participating on behalf of the Town in connection with any matter or case with which that person or persons was or were associated while an officer, employee, or official after termination of that person or persons' service with the Town. Any such officer, employee, or official may, upon written application to the Ethics Commission, be released from this obligation after review and approval of such application by the Ethics Commission.
3. Persons governed by this Code shall not be financially interested or have any personal beneficial interest, either directly or indirectly, 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 or persons is or are a member, or of which that person or persons is or are an employee. It is further provided, notwithstanding the above, that no member of the Board of Selectmen of the Town of Old Saybrook, and no member of the Board of Finance of the Town of Old Saybrook, shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment, or contractual services furnished to or used by any board, agency, or commission of the Town of Old Saybrook.
4. Persons governed by this Code shall not accept or receive, directly or indirectly, from any person, firm, or corporation to which any contract or purchase order may be awarded by the Town of Old Saybrook, or any of its boards, agencies, or commissions, by rebate, gifts, or otherwise, any money, or anything of value whatsoever, or any promise, obligation, or contract for future reward or compensation.

## CODE OF ETHICS

(CONTINUED)

### SECTION III - CONFLICT OF INTEREST (CONTINUED)

5. Persons governed by this Code who have a financial or personal interest in any transaction or contract with the Town, including the sale of real estate, materials, supplies, or services to the Town, on which that person or persons may be called upon to act upon in that person or persons' official capacity, shall not vote or otherwise participate in the transaction on behalf of the Town. That person or persons shall declare that that person or persons has or have a conflict of interest.
6. Persons governed by this Code shall not request or permit the use of Town-owned vehicles, equipment, facilities, materials, or property for personal convenience or profit, except when such are available to the public generally, or provided as municipal policy for the use of such officer, employee, or official in the interest of the Town.
7. Persons governed by this Code shall not grant any special consideration, treatment, favor, or advantage to any person, firm, or corporation beyond which is generally available to residents and/or taxpayers of the Town.

### SECTION IV - INCOMPATIBLE EMPLOYMENT

1. Persons governed by this Code may not accept employment by a person, firm, or corporation, or render services for a private interest when those services or employment are incompatible with the proper discharge of that person or persons' duties, or impair that person or persons' judgment with regard to the best interests of the Town.

# CODE OF ETHICS

(CONTINUED)

## SECTION V - PROCEDURES

1. The Ethics Commission shall adopt procedures and regulations for the initiation and handling of complaints, including those initiated by private citizens. The Commission shall also adopt procedures and regulations whereby all persons governed by this Code may request and receive advisory opinions from the Ethics Commission as to whether certain conduct by such officials and employees complies with this Code of Ethics.

## SECTION VI - DISTRIBUTION OF CODE OF ETHICS

1. This Code of Ethics, together with all rules, regulations, and procedures adopted by the Ethics Commission, shall be printed in booklet form and distributed to all persons governed by this Code. The Commission shall adopt regulations and procedures to implement and insure compliance with the provisions of this paragraph.

## SECTION VII - LIMITATION RE: FILING OF COMPLAINTS

1. All complaints for violation of the Old Saybrook Code of Ethics against any person shall be filed within three (3) years next following the date of any such alleged violation. No complaint shall be filed for any claimed violation of the Old Saybrook Code of Ethics for any event occurring prior to the effective date of the enactment of the Old Saybrook Code of Ethics.

## FORMAL COMPLAINT PROCEDURES

(Revised July 25, 1995)

The following procedures shall be observed by the Old Saybrook Ethics Commission with regard to receiving and processing all complaints made to it for a claimed violation of the Old Saybrook Code of Ethics:

### Section I - Definitions

- A. "Commission" means the Ethics Commission of the Town of Old Saybrook, its commissioners, and any person duly authorized to act on behalf of the Commission.
- B. "Hearing" means that portion of the Commission's procedures in the disposition of matters, delegated to its jurisdiction by law wherein an opportunity for presentation of evidence and argument occurs, which is preceded by due notice.
- C. "Party" means each person named or admitted by the Commission as a party to a contested case, or properly seeking and entitled as of right to be admitted as a party. Each respondent shall be a party in all contested cases arising out of a complaint filed with the Commission.
- D. "Person" includes any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character, or group of persons.
- E. "Complainant" refers to any person who has filed a complaint with the Commission.
- F. "Respondent" means any person against whom a complaint has been filed with the Commission or issued by the Commission.

## FORMAL COMPLAINT PROCEDURES

(CONTINUED)

### Section 2 - Complaints

A. Filing: All complaints made to the Commission shall be in writing on a form approved by the Old Saybrook Ethics Commission. The complaint must be signed by the Complainant under the penalties of false statement. All complaints shall be mailed to the Chairman of the Old Saybrook Ethics Commission, Old Saybrook Town Hall, 302 Main Street, Old Saybrook, Connecticut - 06475, by certified mail, return receipt requested. All complaints shall be considered to have been "received" by the Commission when presented to the Commission by the Chairman at its next regularly scheduled meeting, or at a special meeting of the Commission called for the purpose of receiving such complaint.

B. Receipt of Complaints: Upon receipt of a complaint, the Commission shall open the letter containing the complaint in an Executive Session of the Commission. Notice of the filing of the complaint shall be made to the Respondent, mailed to such Respondent, certified mail, return receipt requested, within seven (7) days next following the date of receipt of such complaint. Such notice shall contain a copy of the complaint, and a copy of the procedures adopted by the Commission for handling of such complaints. The notice shall provide the Respondent, fifteen (15) days next after the receipt of said notice, to file a written response to said complaint, if the Respondent chooses to do so.

### Section 3 - Investigation by Commission

A. The Commission shall have the right to investigate the circumstances of any complaint filed with it as the Commission, in its sole judgment, may deem appropriate;

**FORMAL COMPLAINT PROCEDURES**

**(CONTINUED)**

Section 3 - Investigation by Commission (Continued)

provided, however, that no Commissioner shall reveal to anyone (other than another Commission member, or its counsel) the details of said complaint, the identity of the Complainant, the identity of the Respondent, or the fact as to whether or not any such complaint has been filed with the Commission.

Section 4 - Review of Complaint

A. Following the date of receipt of any complaint, the Commission shall hold a meeting or meetings to determine whether or not there is probable cause to believe that the Respondent has violated any of the provisions of the Code of Ethics of the Town of Old Saybrook. Said determination shall be made by the Commission within a reasonable time following receipt of any such complaint, but which time shall not exceed forty-five (45) days next following such receipt.

B. Such meeting or meetings shall be held by the Commission, in Executive Session, and not in public, except if the Respondent requests, in writing, that it be a public hearing. At said meeting or meetings, the Commission shall review the contents of the complaint, any written response thereto by the Respondent, and any information secured by members of the Commission as a result of its independent investigation of the alleged violation.

C. If the Commission determines that there is no probable cause to believe that a violation has occurred, it shall dismiss the complaint, and no further action shall be taken thereon. The

## FORMAL COMPLAINT PROCEDURES

(CONTINUED)

### Section 4 - Review of Complaint (Continued)

Commission shall notify the Complainant and the Respondent, in writing, by certified mail, return receipt requested, mailed within five (5) days next following the date of the decision of the Commission, and no record of the proceeding shall be made public or made available to the public by the Commission.

D. In the event that the Commission shall determine that there is probable cause that there has been a violation of the Code of Ethics of the Town of Old Saybrook by the Respondent, then it will notify both the complainant and the Respondent of that fact, in writing, certified mail, return receipt requested, mailed within five (5) days next following the date of such determination.

E. The Commission shall, in such notice, designate a hearing date which shall be not less than fifteen (15), nor more than thirty (30) days next following the date of said notice. The decision of the Commission, and the establishment of the public hearing date, together with all other information with respect to said complaint and the action of the Commission thereon, shall become public information five (5) days next after the date of such determination of probable cause.

### Section 5 - Right of Representation

A. At all stages with respect to proceedings before the Commission, all parties, including the Commission itself, shall have the right to be represented by counsel, and in the case of Complainants or Respondents, by other appropriate representatives.

## FORMAL COMPLAINT PROCEDURES

(CONTINUED)

### Section 6 - Hearing

A. The Commission shall conduct the hearing established and noticed under the provisions is Section 4 above.

B. At the hearing, all parties shall be given full and ample opportunity to present, by themselves, by third-party witnesses, or through counsel or representatives, evidence appropriate to the matter.

C. All witnesses before the Commission shall be sworn prior to their giving testimony. Rules of evidence, as established by the Courts of the State of Connecticut, shall not apply. All rules of due process in the conduct of the said hearing shall pertain, including the right to cross-examine witnesses by all parties.

D. Any evidence acquired by the Commission or its members as a result of its independent investigation, if any, shall be presented and included as part of the testimony at the public hearing.

E. The Commission shall have discretion with reference to granting reasonable requests for continuance of the hearing, or as to the date of its initial scheduling.

F. A full transcript of the hearing, in the form of tape recordings and adequate safeguards for the securing of exhibits shall be observed by the Commission. Following the closing of the hearing, the parties shall be afforded the opportunity to file summaries, memoranda, or briefs of the matter on question upon the request of any party.

## FORMAL COMPLAINT PROCEDURES

(CONTINUED)

### Section 7 - Decision

A. Time for Decision: Within forty-five (45) days next following the date of conclusion of the hearing before the Commission under the provisions of the preceding paragraph, the Commission shall render its decision on the complaint. Notice of said decision, and the decision itself, shall be given to all parties, in writing, mailed certified mail, return receipt requested, to their last known addresses, within seven (7) days next following the date of said decision.

B. Action by the Commission: It is recognized by the Commission, under the provisions of the Charter of the Town of Old Saybrook, as amended, that all decisions of the Commission shall be in the form of recommendation only, and cannot include any punitive action, such as fines, suspensions, or disciplinary action. When appropriate, the Commission will forward copies of the complaint, together with the recommendation of the Commission to the Board of Selectmen and to the appropriate authority, Board or Commission which may have jurisdiction to take action as the result of any violation of the Old Saybrook Code of Ethics, as determined by the Commission. The recipients of said report shall report back to the Commission as to the action or actions taken by such authority, Board, or Commission having jurisdiction in the matter.

### Section 8 - Limitation Re: Filing of Complaint

All complaints for violation of the Old Saybrook Code of Ethics against any person shall be filed within three (3) years next following the date of any such alleged violation. No complaint shall be filed for any claimed violation of the Old Saybrook Code of Ethics for any event occurring prior to the effective date of the enactment of the Old Saybrook Code of Ethics.

## FORMAL COMPLAINT PROCEDURES

(CONTINUED)

### Section 9 - Time Limitations

- A. All days or time limitations set forth in this document shall be deemed to be calendar days.

### Section 10 - References

- A. The Old Saybrook Ethics Commission is established under the enabling provisions of Section 7-148h of the General Statutes of Connecticut entitled "Ethics Commission; Establishment and Powers." The local enabling enactment is as set forth in Chapter 10 of the Charter of the Town of Old Saybrook entitled "Ethics Commission." It should be noted that said Charter provision does not grant the Old Saybrook Ethics Commission the power to issue subpoenas. Also, it should be further noted that the Old Saybrook Code of Ethics incorporates as a prohibited practice certain provisions of Old Saybrook Town Ordinance #43 entitled "Conflicts of Interest." Said "Conflict of Interest" ordinance was established under the provisions of Section 7-479 of the General Statutes of Connecticut.

## ADVISORY OPINIONS

(Revised July 11, 1995)

In accordance with the provisions of Chapter 10, Section 1 (a) (4) of the Charter of the Town of Old Saybrook, the Old Saybrook Ethics Commission has adopted the following regulations and procedures for the filing of requests for advisory opinions from the Commission:

1. Any town official or employee of the Town of Old Saybrook, including, but not limited to, Board of Education officials and employees, may request and receive an advisory opinion from the Old Saybrook Ethics Commission as to whether certain proposed conduct by such officials or employees complies with the Old Saybrook Code of Ethics.
2. Advisory opinions shall be limited to possible future actions. They will not be accepted concerning a current, past, or on-going action.
3. A request for an advisory opinion shall be in writing, on a form provided to applicants, which form shall include, but not necessarily be limited to, the following information:
  - a) A general description of the conduct involved, together with copies of any supporting documentation requested, to be reviewed by the Commission.
  - b) Name and address of the applicant, and position held in Town.
  - c) The specific section or sections of the Old Saybrook Code of Ethics which are involved in the request.
  - d) A general statement as to the purpose of the request.
  - e) The request shall be signed by the applicant under the penalties of false statement.

Signature: \_\_\_\_\_

Date Received: \_\_\_\_\_

This is written acknowledgement of my receipt of the Town of Old Saybrook's Code of Ethics. I understand that this receipt will be placed on file at the following location: \_\_\_\_\_

TOWN OF OLD SAYBROOK  
CODE OF ETHICS  
(ADOPTED MAY 25, 1995)

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