

Board of Ethics
Minutes of Special Meeting, Meeting Room 3-1 City Hall
November 6, 2024 Meeting

PRESENT: Chairperson Joan Cloutier. Members Bruce Barton, John Bellemare, Byron Pierce, and Kristen O'Donnell.

ABSENT: Members Atty. Roger Chiasson II and Bryant Lishness.

ALSO PRESENT: Atty. Wyland Dale Clift

1. Call to Order

Chairperson Cloutier called the meeting to order at 6:24 p.m.

2. Approval of Minutes

- a) To approve the minutes of the October 2, 2024 meeting.

MOTION: Made by Commissioner Bellemare to accept the October 2, 2024 minutes as written.

Seconded by Commissioner O'Donnell

All in favor; motion passed.

- b) To approve any other unapproved minutes from other meetings held prior to October 2, 2024, if available.

No unapproved minutes prior to the October 2, 2024 meeting were available.

3. Communications

Atty. Thomas B. Mooney provided Board Members with communications on behalf of the Respondent. It was decided that any communications regarding the complaint will be discussed in its relative section of the agenda.

4. Preliminary Matters

- a) Summary by the Chair of the complaint received by the Board of Ethics and its finding of probable cause with respect to some of the allegations.

Chairperson Cloutier provided an overview of the complaint that was received by the City Clerks office on September 9, 2024 and the procedure that the Board followed that determined probable cause.

- b) To hear and consider requests from the Complainant, Lauren Vernaglia, and the respondent, Shelby Pons, as to the conduct of the Hearing on those items of the Complaint on which the Board has found probable cause.

Complainant, Lauren Vernaglia, addressed the Board and explained both the complaint and the reasons she felt compelled to file the complaint. She also provided an explanation for the lengthy witness list.

Atty. Thomas B Mooney addressed the Board on behalf of the Respondent, Shelby Pons. Atty. Mooney asked the Board for clarification on their role and reviewed the City of Bristol's Ethics Ordinance as well as the complaint filed. Atty. Mooney urged the Board to consider the precedent that they would set by

determining an ethics violation based on section 2-126(a) of the Ethics Ordinance and handed out a motion for the Board to dismiss the complaint and not move forward with the hearing.

The Board engaged in a lengthy discussion with both the Complainant and Atty. Mooney regarding the Board's jurisdiction as well as the FOIA process/procedure.

MOTION: Made by Commissioner Barton that the Complaint to the Ethics Board for the City of Bristol dated September 9, 2024 be dismissed.

Seconded by Commissioner Bellemare

In favor: Commissioners Barton and Bellemare and Chairperson Cloutier.

Opposed: Commissioners O'Donnell and Pierce.

According to Section 2-134.1 of the Ethics Ordinance, any further action taken shall require the presence of at least five (5) members and at least four (4) affirmative votes. Since the motion did not receive four affirmative votes, the meeting will continue with a Hearing.

Atty. Mooney notified the Board that the Respondent was comfortable going forward with the Hearing without moving any of the items into Executive Session.

Atty. Clift asked the Complainant and Respondent if they would like to poll the Board members for a confirmation of objectiveness. Both the Complainant and Respondent declined.

5. Hearing

- a) To commence the Hearing on those items of the Complaint on which the Board has found probable cause, and to take any action with respect to the conduct of the Hearing, including, but not limited to taking testimony and exhibits in Executive Session.

Atty. Clift placed the Complainant, Lauren Vernaglia, under oath. The complainant thoroughly reviewed section 5a of the complaint where it is alleged that the Respondent forwarded unredacted information from an employee's personnel file including names of students to the other members of the Board of Education. The Complainant described why this constituted as a violation against the Board of Education guidelines and the City of Bristol's Ethics Code. The Complainant alleged that the sharing of information from this employee investigation, showed bias. Atty. Mooney explained to the Complainant that the information that was shared was considered public record.

Atty. Clift placed the Respondent, Shelby Pons, under oath. The Respondent supplied the Board members with an email she sent to the Ethics Board upon receipt of the complaint (Respondent #1) and an email that was sent to the Ethics Board after it was determined that there was probable cause to conduct a hearing regarding a violation of the City's Ethics Code (Respondent #2). The Respondent explained that based on a conversation with the Board of Education's attorney, she had the understanding that this information was public and could be shared when requested and felt it was her duty to share the information with other Board members for transparency.

The Complainant reviewed section 5b of the complaint where it is alleged that the Respondent forwarded the same unredacted information referenced in section 5a to various members of the Bristol Public School System as well as people outside the organization with no record of any FOIA requests. The Complainant provided a letter dated October 9, 2024 with an addendum to section 5b which increased the number of witnesses based on a FOIA request from July 26, 2024 that was not fulfilled until October 4, 2024, after the initial ethics complaint had been sent to the City Clerks Office.

The Complainant, Respondent, and Ethics Board engaged in a discussion regarding the procedure and process behind FOIA requests. The Respondent explained that her understanding was that these records were public information and could be shared with member of the public if requested. The Respondent explained that she received requests for this information from each of the witnesses mentioned and at the time, the information needed no redactions. After consultation with the Board's attorneys, it is now the Respondent's understanding that the information can only be given out with redactions.

Atty. Mooney also provided the Board with a copy on an email dated November 13, 2023 from the Complainant to the Board of Education regarding her support for a different candidate during the most recent BOE Chairperson election (Respondent #3) and a copy of the Hartford Courant article regarding the current ethics complaint that was release on October 30, 2024 (Responded #4). Atty Mooney provided the article to dispute the claim that the Respondent provided any information to the press.

Atty. Mooney asked that one of the witnesses be called up to testify. Atty. Clift placed witness, Leslie Masse, under oath. The witness explained that she requested the information from the Chair, as well as the reason behind the request. The Board and Atty. Mooney asked the Complainant for the source of information regarding the personal email addresses of parents in the district. The Complainant did provide the source of information.

The Complainant reviewed section 5d of the complaint where it is alleged that the Respondent attempted to secure specialized transportation for a family member. The Complainant was concerned due to the significant cost that the district would incur if specialized transportation was granted. The Complainant confirmed that she had never seen any IEP records. The Complainant provided the name of the source of this information.

The Respondent provided an explanation of the events that occurred which led to this allegation. The Respondent stated that a family member had not received their bus route information several days prior to the school year and she reached out to the Acting Superintendent to obtain the appropriate contact information for such a request.

Atty. Mooney asked that another witness be called to testify. Atty. Clift placed witness, Amy Martino, under oath. The witness described their role within the district and her understanding of the request for bus route schedules/information in question. Atty. Mooney provided the Board with an email dated August 28, 2024 explaining the determination of regular education bussing with the accompanying bus schedule. The Complainant provided an additional name for the source of the information regarding this complaint.

6. To take any action with respect to the complaint.

MOTION: Made by Commissioner Pierce that the Hearing be closed and the Complaint to the Ethics Board for the City of Bristol dated September 9, 2024 be dismissed.

Seconded by Commissioner Bellemare

In favor: Commissioners Barton, Bellemare, Pierce and Chairperson Cloutier.

Opposed: Commissioners O'Donnell.

7. To schedule any additional meetings, as needed.

No additional meetings were scheduled.

8. Adjournment

Motion: Commissioner Bellemare seconded by Commissioner Pierce "To adjourn". Motion approved.

The meeting adjourned at 9:03 pm.

*Lindsey Schaffrick
Recording Secretary*