

**MINUTES  
MEETING OF THE BOARD OF ETHICS  
OF THE  
CITY OF TORRINGTON  
June 24, 2015**

**Meeting held at Torrington City Hall, in the City Council Room.**

**The meeting was called to order at 6:07 PM by Board Chairman Samuel E. Slaiby,.**

**Board members present were Commissioners : Samuel E. Slaiby , Gerald Zordan, Jane Vannini, Donna Maraia, and Michael Sartori ; and Alternate Commissioner, Tony Turina**

**The board reviewed the May 27, 2015 minutes. Commissioner Turina noted that a correction was needed in the minutes. Mr. Frank Rubino, not Mr. David Bascetta left early and was not sworn in. Commissioner Maraia noted the correction and a motion was made by Commissioner Zordan to accept the May 27, 2015 minutes as corrected and seconded by Commissioner Sartori. The motion was carried unanimously.**

**In the Matter of the Complaint of Edward Arum, dated March 18, 2015, against Kenneth P. Traub, Chairman of the Torrington Board of Education.**

**Commissioner Slaiby reported that the complainant and Respondent sent their briefs to him and that he had forwarded them on to all the commissioners upon receipt. Commissioner Slaiby noted that he had received via email on the evening of June 23, 2015, from Mr. Traub's attorney, Mark P. Mercier, a *Motion to Preclude* Mr. Arum's brief on the basis that it referred to a newspaper article not allowed into evidence at the hearing. Commissioner Slaiby overruled the motion on the basis that the article did not contain any information of substance, not thoroughly presented and argued by the parties before the board on May 27, 2015 . Commission Slaiby also stated that both briefs and the motion are available to the public in the city clerk's office.**

**Commissioner Slaiby reviewed for the board the range of actions that the Board is empowered to recommend to the City Council, pursuant to Torrington Board of Ethics Section 22-19, in the event that the Board found that a violation of the code of ethics had been committed. He then asked each commissioner to state his/her opinion as to what, if any, recommendation should be made to the City Council in this matter pursuant to Torrington Board of Ethics Section 22-19.**

**Commissioners Slaiby and Sartori were of the opinion that the Code of Ethics Section 22-8 Conflict of Interest, Section 22-12 Financial Interest, Section 22-14 Disclosure of Interest had been violated by Mr. Traub. He may not have been aware of the conflict, but should have been, had he, as are all members of all city boards,**

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**all city employees , especially those in leadership positions, exercised due diligence in studying the code of ethics and made serious efforts to adhere to it. Certainly Mr. Traub should have become aware, at least after the fact, of the first time Hemlock Construction Company was hired in 2013 and should have brought the potential conflict to the attention of the Board's administration as required by Section 22-14 of the code, so that the second violation in 2014 could have been avoided.**

**The evidence is that Mr. Traub had signed a statement on file with the City Clerk acknowledging that he had read the code at least once . His defense that he was not part of the decision making process in the hiring of Hemlock Construction Company, nor that such hiring was a violation of the Code of Ethics was not sufficient. Though the violation may have been unintentional, intent is not necessary for a violation to occur under Sections 22-8 and 22-12 of the code . Commissioner Slaiby stated that his great concern was that there appears to be an institutional disregard of the Code of Ethics by the Board of Education, and that the administrators who made the hiring decisions that are the genesis of the complaint were equally, if not more at fault, as Mr. Traub in that there appears to be very little consideration of the ethical code when such decisions are made . Commissioner Slaiby went on to say that it was his hope that the board of education would as a result of this matter adopt procedures that ensure that ethical considerations be a prerequisite for such future decisions.**

**Commissioners Slaiby and Sartori were of the opinion that a recommendation be made to the City Council that Mr. Traub be orally reprimanded.**

**Commissioners Zordan, Maraia, and Vannini were of the opinion that Mr. Traub had not violated the Code of Ethics .**

**A motion was made by Commissioner Zordan, seconded by Commissioner Maraia that no further action be taken on the complint and that no recommendation be made to the City Council. The motion was carried 3 -2 .**

**A motion was made by Commissioner Zordan with a second by Commissioner Sartori to go into Executive Session to discuss any investigation(s) that may be pending or under consideration in which there has not yet been a finding of probable cause per the City of Torrington Code of Ethics Section 22-18 and C.G.S. Section 1-82a. The motion was carried unanimously; the Board went into Executive Session at 6:30 PM. The Board came out of Executive Session at 6:36 P.M.**

**Alternate Commissioner Turina expressed some dissatisfaction with the procedure that did not allow the Board to discuss a complaint and deliberate in executive session, before ruling on a complaint. Each commissioner voiced a similar frustration in that it was felt that a closed deliberation would result in more frank discussion and detailed analysis of the issues. Unfortunately the state enabling statute does not appear to allow deliberations in executive session after there has been a finding of probable cause.**

A motion to adjourn was made by Commissioner Zordan with a second by Commissioner *Maraia* and unanimous approved. The meeting was adjourned at 6:40 PM.

Respectfully submitted,

*Donna Maraia*

Donna Maraia, Secretary