

CITY OF STAMFORD
Board of Ethics
Stamford Government Center
January 15, 2020

DRAFT Public Hearing Minutes – Miller v. Figueroa 1/15/2020

The Hearing was recorded and such audio recording is available to the public from the Board of Ethics and the City of Stamford. Such audio recording is intended to be the official public record of the Hearing and not these minutes, and such recording is incorporated into these minutes by reference and made a part hereof. These minutes summarize the proceedings and are not intended as verbatim notes.

Present

Investigating Board Members Myrna Sessa, Monica Smyth, Fred Springer
Hearing Board Members Christine Dzujina, Thomas Hynes, Allan Lang
Kevin Quinn – Board of Ethics Member as Acting Secretary
Thomas Cassone, Esq. – Counsel for Figueroa
Daniel Young, Esq -- Counsel for the Investigating Board
Stephen J. Conover Esq.– Counsel for the Hearing Board

The Hearing was called to order by Chairman Lang at 8:35 p.m.

Chairman Lang identified all parties present, reviewed the purpose of the Hearing – to consider Rep. Anabel Figueroa’s request to dismiss the findings of the Investigating Board.

Rep. Figueroa was recovering from a medical procedure , and unable to attend.

Attorney Cassone gave an overview of the function of the Ethics Board and its value to governmental operations. He noted that the purpose of the Code is to establish guidelines for individual conduct rather than to administer punitive measures. He stated that several past opinions of the Board appear to be at odds with one another and, thus, resulted in inconsistent outcomes. He asserted that this inconsistency has led to an unfair accusation that Rep. Figueroa had violated the Code of Ethics, and that the Investigating Board’s finding should be reversed.

Specifically, because the Investigating Board did not find a definitive likelihood of a Conflict of Interest under Code Sec. 19-5, they could not logically find any Divided Loyalty under Sec. 19-4. He emphasized that the Investigating Board’s inconsistent findings were emblematic of the current finding. Ultimately, this decision would impact the good community standing and reputation of Rep. Figueroa.

Attorney Young’s response was that the Investigating Board, after careful review of the facts and history of Rep. Figueroa’s case, reached the correct decision in finding a Conflict of Interest. He also reviewed his history as former Chair of the Board of Ethics, and history of interpreting the Code. He stated that the Investigating Board’s finding was the least severe result for Rep. Figueroa, as embodied in the Stipulated Agreement offered to her. He argued that previously issued opinions of the Board of Ethics were not ‘inconsistent decisions’ but were based on very different sets of facts and circumstances. He emphasized that the Investigating Board correctly found a ‘divided loyalty’ as enumerated in Code Sec 19-4, in that she had both a loyalty to her son, a police officer, and to her

obligations to her constituency as a Representative. As such, this gave the Investigating Board the factual basis to find a violation of the Code.

Both attorneys gave brief closing statements re-emphasizing their principal arguments.

The Hearing Board, after discussion, and upon motion by Allan Lang and seconded by Thomas Hynes voted to deny the move to dismiss the Investigating Board's decision.

With the consent of Attorneys Cassone and Young the Chair announced the next Hearing will take place on February 6, commencing at 6p.m.

Respectfully submitted,

Kevin Quinn
Acting Secretary