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Norwich Ethics Commission

Complaint 2016-4 – Respondent Mayor Debercy Hinchey

Introduction:

On October 16, 2016, a local paper published a front page article with details about a 2016 trip to the Kentucky Derby sponsored by the Connecticut Municipal Electric Energy Cooperative (CMEEC), of which Norwich Public Utilities (NPU) is a member. The article reported that two NPU employees, two members of the NPU Board of Commissioners, and the Mayor of Norwich had attended, some bringing a guest. Pursuant to the Norwich Ethics Code, the Ethics Commission works under its procedures and considers complaints against Norwich officers, officials and employees. During the weeks that followed, a total of five ethics complaints were submitted on the prescribed forms by Norwich residents. These complaints were taken up at the November and December meetings of the Ethics Commission. Complaint 2016-4 was received on October 19, 2016, and is directed against Debercy Hinchey, Mayor of the City of Norwich, who is identified as the respondent in this case. A second complaint form was received on October 31, 2016 alleging the same violation. This was given case number 2016-5, and the two cases were combined under complaint number 2016-4. The complaint was discussed at the November meeting of the Ethics Commission in executive session. A subcommittee was formed to investigate the relevant facts and issues to determine the validity of the complaint. The members of the sub-committee were Robert Ballard, Gregory Schlough, Christopher Dixon, and Anthony Black. The sub-committee reported back at the December 12, 2016 meeting in executive session, and recommended the matter be considered by the entire commission on the basis of probable cause found. When the commission returned from executive session, Greg Schlough made a motion that the commission find that there was probable cause to believe that an ethical violation had occurred in this case. The motion was carried by all voting commissioners present: Menard, Lord, Dixon, Schlough, and Ballard.

The complaint alleged that by participating in a trip sponsored by CMEEC to the Kentucky Derby, Ms. Hinchey violated section 2.54 (c) of the Code of Ethics.

The language of the Ethics Ordinance relating to this complaint is in Section 2-54 (c) Gifts and Favors, and provides:

“No officer, official or employee shall accept or solicit any gift from any person who, to his or her knowledge, is interested, directly or indirectly, in any manner whatsoever, in business dealings with the city, or which gift may tend to influence him or her in the discharge of official duties or in granting any improper favor, service or thing of value.”

A gift is defined in the ethics ordinance at section 2-52 (d) as:

“A payment, subscription, advance, forbearance, rendering of service, deposit of money, or anything of value unless consideration of equal or greater value is transferred in its place. The term “gift” shall not include a political contribution otherwise reported as required by law; services provided to support a political candidate or political party without compensation by persons volunteering their time; a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; anything of value received because of a

family or other close personal relationship with the donor; food or beverage or both, consumed on a single occasion, the cost of which is less than fifty dollars (\$50) per person; an occasional non-pecuniary gift, insignificant in value; an award publically presented in recognition of public service or any gift which would have been offered or given to the recipient if he or she were not a public official or municipal employee.”

The Kentucky Derby trip identified in complaint 2016-4 took place in May of 2016. There were similar trips taken in the three previous years, but the timeframe for filing ethics complaints is 18 months; earlier trips were not considered by the commission.

Following the finding of probable cause on December 12, 2016, a public hearing was scheduled. The hearing was held on January 19th to consider this complaint and also, as part of one hearing by the consent of all respondents, the other complaints (Ms. Diana Boisclair – 2016-2, Mr. Robert Groner - 2016-3, Mr. John Bilda - 2016-6 and Mr. Steven Sinko - 2016-9). The hearing was continued to February 13, 2017, the next regular scheduled meeting of the ethics commission.

Findings:

Mayor Deberey Hinchey became mayor of the City of Norwich three years ago. Ms. Hinchey testified as to the details of the trip under oath at that hearing. The commission finds by clear and convincing evidence the following: Mayor Hinchey participated in this trip. The expenses for her were paid by CMEEC, and she never saw nor paid a bill for any items or events procured as arranged by CMEEC, including the following major items. The flight was on a chartered plane out of the Groton Airport with CMEEC staff, CMEEC board members and alternates, and invited guests being the only people on the plane. The accommodations were at the Galt House Hotel while in Louisville, Kentucky. All attendees, including Ms. Hinchey, did not see a bill, which was paid entirely by CMEEC. All meals were arranged and paid for by CMEEC, including tips. Tickets to the Kentucky Derby events were given to all participants by CMEEC. Per the table of calculations below, the board found that the value of the trip for her was \$7,780.23.

Kentucky Derby Trip Cost per person:	
Total trip cost:	342,330.00
divided by number of participants	44
Cost per person	7,780.23
NPU commissioner or employee gift allowance	50.00
Price for NPU Representative	7,730.23
Price for guest	7,780.23
Cost for NPU Commissioner/employee plus one guest	\$15,510.46
25% of NPU representative and guest	3,877.62

Mayor Hinchey's invitation came about when someone cancelled their participation in the trip a few weeks before the trip, making a spot open that Drew Rankin wanted to fill. When asked if she had any ethical concerns about the trip, she indicated that she did, but Mr. Bilda had assured her that no ratepayer or taxpayer funds had been used to fund the trip. Ms. Hinchey testified that she felt that the invitation was given to her based on her friendship with Mr. Bilda, and not because she is the mayor of Norwich. When asked about the details of the trip, Ms. Hinchey's attorney said that she respectfully declined to comment, indicating that she was cooperating with an FBI investigation of this matter. Nonetheless, the facts of the trip are not being disputed. Ms. Hinchey freely admitted her participation. As mayor of the City of Norwich, she is required to appoint commissioners that select the General Manager of Norwich Public Utilities, and two of them serve on the CMEEC Board.

Decision:

After completion of the testimony and presentation of evidence on January 19, 2017, the hearing was continued to February 13, 2017. At the February 13, 2017 meeting of the Ethics Commission, the facts determined at the public hearing and the provisions of the Norwich Code of Ethics were discussed at length. In her role with the Norwich City Council, Mayor Hinchey has had occasion to vote on CMEEC business matters. While CMEEC is not a typical vendor, the relationship between the City of Norwich and CMEEC is similar to a vendor relationship. Accepting this gift of a free trip could impair her ability or have the appearance of impairing her ability to make fair decisions for the citizens of Norwich in future matters with CMEEC.

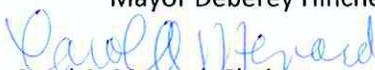
The Ethics Commission finds on complaint 2016-4 on the basis of clear and convincing evidence that Ms. Debercy Hinchey violated the code of ethics, specifically section 2-54 (c) by participating in this trip.

The vote to find that this violation had occurred was taken at the February 13, 2017 meeting. Motion was carried by all voting commissioners present: Menard, Lord, Dixon, Schlough, and Ballard.

Recommendations:

Based on this violation, the Ethics Commission makes the following recommendations:

1. The Ethics Commission recommends that Ms. Debercy Hinchey make reimbursement in the amount of \$1,945.06. This figure was arrived at by calculating the value of the trip and using a figure of 25% as the portion of the funds that would parallel Norwich's approximate ownership of CMEEC. The Ethics Commission recommends that any reimbursement be given to a fund that helps those in Norwich who struggle financially.
2. The Ethics Commission also requests that a letter outlining this ethical violation be included in Mayor Debercy Hinchey's file with the City of Norwich in the City Clerk's office.


Carol A. Menard, Chairman

Kathryn Lord, Vice-Chairman

Christopher Dixon

Robert Ballard

Gregory Schlough
Anthony Black, alternate