

## Norwich Ethics Commission

### Complaints 2017-4, 2017-6, 2017-7

#### **Introduction:**

On February 21, 2017, an Ethics Complaint was received in the City Clerk's office concerning 2015 trip to the Greenbrier West Virginia Resort in October, 2015, by the Connecticut Municipal Electric Energy Cooperative (CMEEC), of which Norwich Public Utilities (NPU) is a member. The referenced claims relate to the participation in this trip by Mr. John Bilda (case 2017-4), Mr. Robert Groner (case 2017-6), and Mr. Steven Sinko (case 2017-7). Pursuant to the Norwich Ethics Code, the Ethics Commission works under its procedures and considers complaints against Norwich officers, officials and employees. These complaints were taken up at the March meeting of the Ethics Commission. At the March 13<sup>th</sup> meeting of the Ethics Commission, 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, Christopher Dixon, and Carol Menard. The sub-committee reported back at the March 20, 2017 special 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, a motion was made that the commission find that there was probable cause to believe that an ethical violation had occurred in these cases. The motion was carried by all voting commissioners present: Menard, Dixon, Lord, Ballard, Black.

The complaint alleged that by participating in a trip sponsored by CMEEC to the Greenbrier Resort, Mr. Bilda, Mr. Groner, and Mr. Sinko 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."

Following the finding of probable cause on March 20, 2017, a public hearing was scheduled. The hearing was held on April 10, 2017 to consider these complaints. (Mr. John Bilda 2017-4, Mr. Groner 2017-6, and Mr. Sinko 2017-7). The hearing was continued to April 17<sup>th</sup>, a special meeting of the ethics commission scheduled to continue the public hearing.

**Findings:**

Commissioner Groner has been a commissioner on the NPU board since his appointment by the City Council in 2012. He became a representative to the CMEEC board in October, 2015. He also is on the CMEEC Finance Committee as well. Mr. Groner testified as to the details of the trip under oath at that hearing. The commission finds by clear and convincing evidence the following: Mr. Groner participated in this trip and brought his spouse. The expenses for him and his spouse were paid by CMEEC, and he 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 Greenbrier Resort in West Virginia. All attendees, including Mr. Groner and his wife, did not see a bill, which was paid entirely by CMEEC. All meals were arranged and paid for by CMEEC, including tips. Opportunities were given to all participants by CMEEC to play golf, skeet shoot, and to partake of any other activities that are available at this all-inclusive resort.

Mr. Groner was asked if there was an agenda for any business activities on the trip, and his response that there were strategic team meetings on two days of the trip. He presented a slide deck presentation which had been prepared for the retreat, and it was labeled Exhibit A. The discussions around this presentation were facilitated at the retreat by Dr. Ashley Miles of the Ashley Miles Consulting, LLC. The presentation included the goals and mission of CMEEC, and talked about the strategy and plans that CMEEC had to increase the value of the organization. Mr. Groner stated that these two sessions went from around 8:00 in the morning, starting with breakfast. They went to about 1:00 in the afternoon, including lunch. After that, participants and guests were free to participate in any of the activities that the Greenbrier Resort had to offer. Mr. Groner participated in skeet-shooting, and his wife took a tour of the facilities.

Mr. Bilda and his wife also participated in the trip, and many of the activities offered at the resort. He left before the public hearing was adjourned.

Mr. Sinko delivered a letter to the City Clerk on the day of the hearing, April 10, 2017. The letter stated that he preferred not to participate in the public hearing, and that he would address any outcomes with his union steward. Since he chose not to participate in the hearing, the Commission relied on the testimony of Mr. Groner and Mr. Bilda in the determination of Mr. Sinko's case.

**Decision:**

After completion of the testimony and presentation of evidence on April 10, 2017, the hearing was continued to April 17, 2017. At the April 17, 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. Due to the fact that there were strategic discussions facilitated by a consultant conducted for part of two days, this trip is not considered to be a gift. Participation by Mr. Groner's wife doesn't fall under usual business policies, but travel guidelines would need to address her participation in this business trip. Therefore, clear and convincing evidence indicates that this trip does not constitute an ethical violation.

If the respondents had written a response that included the slide deck and details of the business portion of the meeting when they originally received the certified mail containing the complaint, the public hearing process might have been avoided and probable cause most likely would not have been found at the March meeting of the Ethics Commission. A note has been made to include further clarification in the letters sent to respondents to outline that a response is the best way to outline their position and to include any details that might be helpful in understanding the case.

**Matter for Norwich City Council:**

It would be helpful if travel guidelines were created for city employee use. Absent a travel policy, it is difficult to address the participation of the guests in this case. It is generally understood in most business settings that if a participant invites a guest to accompany them on a business trip, all expenses incurred by the guest would be paid by the participant and guest. Most other city agencies seem to operate under that principle. However, it seems to be standard practice for NPU employees and commissioners to bring guests on trips and have those expenses reimbursed or covered. In fairness to all of the city employees, it would be helpful to have general travel guidelines that would insure equal expectations of all. After the public hearing in January, 2017, it was recommended that Mr. Steven Sinko develop travel guidelines for NPU employees, and these guidelines should be aligned with all city departments.

Carol A. Menard, Chairman  
Kathryn Lord, Vice-Chairman  
Christopher Dixon  
Robert Ballard  
Anthony Black