

**EAST HAVEN BOARD OF ETHICS  
SPECIAL MEETING MINUTES  
TUESDAY, APRIL 10, 2018**

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TOWN CLERK'S OFFICE  
EAST HAVEN, CONN.

*Stacy Gravano, CCL*  
TOWN CLERK

Chairwoman Marlene Asid calls the meeting to order at 7:00PM.

**Item #1**

Roll call- 2 members present (Commissioner Marlene Asid and Commissioner Joseph Polio)- 1 member absent (Commissioner Anthony Naclerio).  
A quorum is present.

**Item #2**

Chairwoman Marlene Asid asks all to stand for the pledge of allegiance.

**Item #3**

Appointment of Permanent Clerk for the period from 2/1/2018 to 1/31/2019.

Chairwoman Asid makes a motion to appoint Danelle Feeley.  
Commissioner Polio seconds the motion.  
Voice vote: all in favor-none oppose-none abstain. Motion carries.

**Item #4**

Appointment of Chairperson for the period from 2/1/2018 to 1/31/2019.

Commissioner Polio makes a motion to appoint Marlene Asid.  
Chairwoman Asid accepts the appointment and seconds the motion.  
Voice vote: all in favor-none oppose-none abstain. Motion carries.

**Item #5**

Appointment of Vice-Chairperson for the period from 2/1/2018 to 1/31/2019.

Chairwoman Asid makes a motion to appoint Joseph Polio.  
Commissioner Polio accepts the appointment and seconds the motion.  
Voice vote: all in favor-none oppose-none abstain. Motion carries.

**Item #6**

To consider and act upon the approval of minutes from the September 12, 2017 special meeting.

Chairwoman Asid makes a motion.

Vice Chairman Polio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

### **Item #7**

Consideration and potential action regarding a complaint by Laura Lynn (initial cause/jurisdiction review).

Chairwoman Asid states that they decided to table this complaint at the last meeting. She re-reads the complaint that was submitted and dated August 27, 2017 requesting an investigation of the actions of Ms. Christina Maisano, member of the East Haven Public Schools Board of Education.

Vice Chairman Polio says there is a provision in the Board of Education that has an ethics committee within it and it sounds to him like an issue that needs to be carried by them. They have policy and an ethics committee, but there is also an issue of legal liability on their part if the accusation turns out to be correct. There may be some sort of liability on the part of Ms. Maisano, it is one thing to have an ethics violation but to demean someone in this way may be an even deeper concern.

Chairwoman Asid says the code of ethics for the Board of Education doesn't really belong in their discussion. She thinks they should limit their discussion or consideration to the confidential information that is within their purview within the Town Charter, which seems to be the concern of Section 2-31. The issue is whether or not there was confidential information disclosed by Ms. Maisano that should not have been. First of all, there is the issue of the resume being disclosed which she feels once it was submitted for the position, that it becomes public information through the Freedom of Information Act. She doesn't think there was any confidential information disclosed that shouldn't have been with regard to the resume.

Town Attorney Joseph Zullo asks for a clarification for the record as to whether she means that the information alleged in the complaint was actually confidential or whether she thinks it was disclosed. He asks if she is determining if the act was committed or saying the resume doesn't constitute confidential information?

Chairwoman Asid says she thinks once the resume was submitted she does not think it is confidential because it can be accessed through freedom of information. Does she feel maybe it was disseminated a little more freely through some people? Yes, but anyone could have looked at it. The other issue was whether there was confidential information disclosed through any discussion outside of the Board of Education meetings. She is not sure there was anything that was confidential other than perhaps that there was an investigation by someone which Ms. Maisano disclosed in an article in the local newspaper which

came out on June 30<sup>th</sup>. She did say in that article that she was looking to verify the qualifications of the people that applied. But she never did name any names or the information she had or had not determined. She says the issue is whether there was any confidential information disclosed specifically regarding Laura Lynn that could be considered confidential information such as perhaps transcripts or something else in the investigation that may have been done. She doesn't see that anything was publically disclosed. She asks Mr. Polio what his feelings are on that.

Vice Chairman Polio says he doesn't see it either.

Attorney Zullo indicates he does not have a vote on this Commission but one thing he would like to draw their attention to would be the allegation of the FERPA violation. From a technical standpoint, FERPA is confidential protected information; it is protected federally and under the State's FOI Act. It is their job to determine if there were any records that would be considered educational records under FERPA disclosed. Is there any evidence of that or any reason to believe further testimony is necessary to determine that.

Chairwoman Asid says she doesn't see any specific information itemized and she doesn't see specific information that applies to a specific person in the letter or in anything else. What Ms. Lynn is referring to in terms of what Ms. Maisano did; she doesn't know they can take that as truth other than when she spoke to the press in the article. A New Haven Register reporter had called Ms. Lynn on June 16<sup>th</sup> to inquire about credentials during the process with the resume. Again, we don't know why that was done. She doesn't see that anything confidential was disclosed. Does she agree with how it was all done, not really but it seems there was unrest within the Board of Education itself. They don't have control over that; they had dealt with it at a previous meeting as to how the Board of Education was handling their meetings and who was maybe not acting professionally. But that was outside of their purview and at the last meeting they said they need to deal with that within themselves and she thinks since then they have done something internally. She doesn't know what type of investigation was done by the Board of Education or what their processes are, it is internal to the Board of Education; they don't have jurisdiction over that. Again, going to the ethical violation of disclosing confidential information, she is not seeing any specific information disclosed regarding Laura Lynn outside of the resume, which was not confidential once it was submitted.

Vice Chairman Polio says it mentions an anonymous author, can they directly attribute that to Ms. Maisano? It seems that one of the issues they have within the whole thing is anonymity and anonymity doesn't have a name.

Chairwoman Asid says the only place where they have Ms. Maisano admitting what she has done or disclosing it is in the article when she went to the press on June 28<sup>th</sup> and it was in the paper on July 6<sup>th</sup>. Within there she does say that she

had a concern about qualifications but again, she does not say who or what she found out or disclose any confidential information there. She thinks the whole situation was sad but she doesn't see any confidential information disclosed that should not have been. The whole business with the social media comments, it's sad as well but it is social media and not something that they can control.

Vice Chairman Polio says his concern is what the motivation is in all of this. It is terribly unfortunate because it directly reflects on all of the individuals involved; it reflects on reputation, performance, possible economic impact and status. Especially once it hits social media because people believe whatever they hear on that and there are a lot of victims here.

Chairwoman Asid says she agrees and thinks the whole situation was unfortunate but it is not within their jurisdiction to change their process; they have to do that internally. She doesn't have proof that anything was violated within their purview to make a determination that confidential information was disclosed. She does not see that they can go forward with a hearing because there is nothing that they can investigate any further than they have.

Vice Chairman Polio adds that they do not have any investigative power.

Chairwoman Asid says they have no power of investigation other than what the Charter says.

Vice Chairman Polio says there seems to be a feeling that the Ethics Commission has the power to look at evidence, interview people, get depositions, etc. but that is not something they are empowered with. The Charter is very specific as to what they can and cannot do.

Chairwoman Asid says what has been done, if it is any compensation, is that these things are now on the record. The complaints have been filed and they have been adjudicated to the best of their abilities and to the best of what they can do. She does think the whole situation was sad, it impacted people's lives. She thinks Ms. Maisano felt she had a cause, does she agree with the way all of it was handled, no, but she probably felt she did what she had to do. But while there were victims, there was no confidential information disclosed as far as she can tell.

Chairwoman Asid makes a motion to close the matter without need to move forward to a hearing.

Vice Chairman Polio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

**Item #8**

Consideration and potential action regarding a complaint by Beverly Aceto and Denise Kruse (initial cause/jurisdiction review).

Chairwoman Asid explains that they had an anonymous letter sent in June, which they could not deal with, as it was anonymous with no name to it. In September, around the time they had their meeting another letter, similar to it, with more information was received with names attached to it. She reads the letter dated August 28<sup>th</sup>, received by the Town Clerk's Office on September 7<sup>th</sup>. The letter went to the Office of State Ethics and the Town of East Haven Board of Ethics to review a complaint against Laura Lynn, Amy Eichberger and John Finke.

Vice Chairman Polio asks if the original letter signed by concerned citizens is by these two people, because the verbiage is almost identical.

Chairwoman Asid says it could be, there is just more added to it. This one came after they had their meeting so they were unable to add it that night so it is being discussed for the first time this evening.

Vice Chairman Polio says there were additions made to the second letter, he notices they didn't ask the Mayor to step down in the new letter. There are also additional allegations of risk of injury to children or potential risk of injury to children.

Chairwoman Asid says that this is out of their jurisdiction and realm for investigation. First of all, if there is concern of criminal activity then these people need to go to the Police. With regard to the next paragraph, whatever Laura Lynn put on her resume and however she was considered for the position through their process is outside of their jurisdiction. It is her candidness and up to the Board of Education to decide. As far as the concern of the students, that is outside of them and should be reported accordingly.

Vice Chairman Polio says there is talk about Mr. Finkle and disappearing money. Chairwoman Asid says it doesn't directly associate him to it. Vice Chairman Polio says but there is a concern raised about this issue.

Chairwoman Asid says she assumes that is referring to the situation where there was supposedly money missing in the Board of Education's budget. It's not up to them to determine that.

Vice Chairman Polio says that is something that should be looked at internally within the controls of their budget and they should be dealing with it accordingly if something isn't right.

Chairwoman Asid mentions the section that mentions Amy Eichberger not doing her job to verify things. She doesn't know the process as that is job performance within the Board of Ed. for that employee; again, it is not something they can investigate or rule on. She references the section that mentions Mr. Finkle using his position as a restaurant owner; it looks like they are saying there was nepotism there for recommending who he wanted. She would say he can ask anyone to apply and in this case she doesn't see there being nepotism because she doesn't see there being any blood or marriage relation of Mr. Finkle and any of the people mentioned here.

Vice Chairman Polio adds he doesn't see any financial gain on his part, what would he be getting out of it.

Chairwoman Asid says in summary they ask that these people step down because there have been violations of State and Federal laws but again if people are concerned about criminal conduct it should be reported to the proper authorities. She comments that it is sad these things are questioned, but again this matter is filed and on the record.

Vice Chairman Polio asks what statutes they are referring to. They don't have investigative powers. You can see that there is a passionate plea and dissatisfaction with the system and while their opinion should be respected, it doesn't fall within their purview. He wonders if the complaint is based on emotion rather than fact. It is sad, but he doesn't think it is theirs.

Chairwoman Asid makes a motion to close this matter, as it is not necessary to move to a hearing because it is out of their purview.

Vice Chairman Polio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

#### Item #9

Adjournment of Special Meeting.

Chairwoman Asid makes a motion to adjourn.

Vice Chairman Polio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Meeting is adjourned at 7:49PM.

Respectfully Submitted,



Danelle Feeley  
Clerk-Board of Ethics