

**Trumbull Ethics Commission
Hearing in Public
Helen Plumb Building
March 3, 2020**

MINUTES

The March 3, 2020 Trumbull Ethics Commission proceeding was called to order at 7:04 p.m.

Attendees

Members present:

Attorney Thomas E. Lee, Chairman
Attorney John Walkley
Reverend Lawrence Fullerton
Attorney Andrew Lubin
Charles Slack
Attorney Martin McCann, Alternate Member

Also present:

Daniel F. Schopick, Town Attorney
The Complainant
William S. Holden, Republican Registrar, Town of Trumbull
Trumbull First Selectman Vicki Tesoro.

Preliminary Address to Public By Chairman T. Lee

At 7:04 p.m. Chairman T. Lee opened the proceeding and greeted those in attendance.

Minutes of 2/06/20 Meeting

A motion was made by Commissioner Walkley, and seconded by Commissioner Fullerton, to approve the Minutes of the 2/06/20 meeting of the Commission. Reading of the Minutes was dispensed with. There was no discussion and the Minutes were approved as written and originally submitted.

Hearing in Public

Chairman Lee gave a summary of the allegations contained in Complaint #2-2019 and stated that the Commission would hear testimony from witnesses, and then by motion enter into Executive Session to weigh the evidence.

He noted that the Commission had previously found there to be probable cause of a violation of the Code of Ethics of the Town of Trumbull, and that the standard of proof for finding that a violation had occurred is clear and convincing evidence.

Chairman Lee noted that the Complainant, Tim Herbst, was present and would testify. He stated that the Respondent, Marshall Marcus, was not present, but would have the opportunity to testify if he appeared. Daniel F. Schopick, Town Attorney, noted that the Respondent had indicated he did not plan to attend.

The Complainant, Tim Herbst, was sworn in at 7:16 p.m. He testified regarding the allegations in Complaint #2-2019, and answered questions from Members of the Commission. The Complainant completed his testimony at 7:46 p.m.

William S. Holden, Republican Registrar, Town of Trumbull, was sworn in at 7:47 p.m. He took questions from Members of the Commission regarding the duties of poll workers and the oaths administered to them. Holden completed his testimony at 8:05 p.m.

Executive Session

A motion was made by Commissioner Walkley, in accord with Section 1-82a of the Connecticut General Statutes, and/or the Code of Ethics of the Town of Trumbull, that the Commission adjourn into executive session, and/or confidential session, to discuss a matter concerning the performance of a public officer/public official, particularly those issues as raised by Complaint #2-2019. The motion was seconded by Commissioner Lubin and unanimously carried. There was no discussion.

The Commission went into executive session at 8:08 p.m.

Daniel F. Schopick, Town Attorney, was present in Executive Session. Trumbull First Selectman Vicki Tesoro was also present in Executive Session, as ex officio

member of all boards, commissions and special committees. Trumbull First Selectman Vicki Tesoro left Executive Session at 9:05 p.m.

The Commission came out of Executive Session at 9:22 p.m.

Hearing in Public

A motion was made by Chairman Lee to resume the Hearing in Public as to Complaint #2-2019. The motion was seconded by Commissioner Fullerton and carried unanimously without discussion.

A motion was made by Chairman Lee that the Commission finds that the Respondent has violated the Code of Ethics of the Town of Trumbull. The motion was seconded by Commissioner Walkley, and carried unanimously without discussion.

Resolution of Complaint #2-2019

Commissioner Lubin made a motion that the Commission send a letter of reprimand to the Respondent as follows:

“Although we find no violation of statute, the Commission finds that the Respondent, Marshall Marcus, in posting the message detailed in the Complaint, violated his oath of office as a ballot clerk. In doing so he violated Section III.A (paragraph 2) and Section III.B.3 of the Code of Ethics of the Town of Trumbull. The Respondent is reprimanded accordingly.”

The motion was seconded by Commissioner Walkley and carried unanimously without discussion.

Adjournment

There being no further business to consider, upon motion by the Commissioner Walkley, and seconded by Commissioner Fullerton, the meeting of the Trumbull Ethics Commission adjourned by unanimous consent of the Commissioners present at 9:25 p.m.

Recorded and submitted,
Commissioner Charles Slack, Secretary
Dated: March 5, 2020