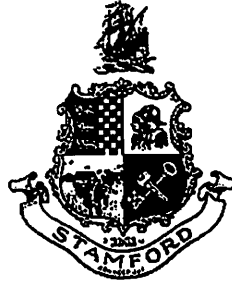


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CITY OF STAMFORD

BOARD OF ETHICS

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IN THE MATTER OF:

JONATHAN D. JACOBSON as Complainant

and

ANABEL D. FIGUEROA as Respondent

MEMORANDUM OF DECISION OF THE HEARING BOARD

Pursuant to the City of Stamford Code of Ethics (the "Code") §19-14, the undersigned duly-appointed Hearing Board of the Board of Ethics, conducted a Public Hearing virtually using the Zoom video-conference platform at the Stamford Government Center, 888 Washington Boulevard, Stamford, Connecticut on May 24, 2021, May 26, 2021 and June 3, 2021 when evidence was presented. The Public Hearing addressed the Complaint received by the Board of Ethics on January 13, 2021 from Jonathan D. Jacobson ("Representative Jacobson" or Complainant) against Representative Anabel D. Figueroa ("Representative Figueroa" or Respondent) and the probable cause determination filed by the duly-appointed Investigating Board on March 10, 2021 finding that there existed probable cause that the Respondent violated Code §19-11A. The last session of the Public Hearing was conducted on June 24, 2021 for the Hearing Board to consider, deliberate and vote on whether the Respondent had violated §19-11A.

Notice of the Public Hearing was posted on the City of Stamford Website and delivered to the Complainant, to the Investigating Board and its counsel, Daniel Young Esq., to the Respondent and her counsel, Alan Pickel Esq., in advance of each session of the Public Hearing. Pursuant to Code §19-14(D)3(d), Daniel Young as Counsel for the Investigating Board, pursued the matter before this Hearing Board with presentation of documentary and testimonial evidence. The Complainant appeared at each session of the hearing, testified, and exercised his right to cross-examine several witnesses. The Respondent was represented by counsel, appeared at each session of the hearing and testified. Twenty-five exhibits were admitted into evidence.

The credibility of every witness was seriously and carefully scrutinized. All of the witnesses displayed a general awareness of the events described in their testimony. Each witness was closely observed and credibility measured not just by their words, tone, demeanor and conduct while testifying, but also by their personal interest, memory and powers of observation. Some testimony of some witnesses was contradicted by the witness' earlier statements or testimony of other witnesses.

After considering all of the testimonial and documentary evidence presented and specifically weighing the credibility of the witnesses, this Hearing Board finds the following facts by clear and convincing evidence:

1. That Anabel Figueroa is currently an elected member of the Board of Representatives of the City of Stamford;
2. That on June 28, 2019, Anabel Figueroa was an elected member of the Board of Representatives;
3. That on June 25, 2019 as a member of the Appointments Committee of the Board of Representatives, she participated in a discussion of, and voted on the appointment of a candidate to be Chief of Police while her son was a police officer;
4. That on June 28, 2019, an ethics complaint was filed against Representative Figueroa which alleged inter alia, that Representative Figueroa violated the Code when she participated in a discussion of, and voted on the appointment of a candidate to be Chief of Police while her son was a police officer (the "2019 Ethics Complaint");
5. That in response to the ethics complaint, and as mandated by the Code, a three-member Investigating Board of the Board of Ethics was appointed to investigate the allegations; Myrna Sessa was the chair of the Investigating Board;
6. That Myrna Sessa, as chair of the three-member Investigating Board, met in person and communicated with Representative Figueroa about the allegations asserted against her in the 2019 Ethics Complaint;
7. That on September 5, 2019, the three-member Investigating Board determined that there was probable cause to believe that Representative Figueroa violated the Code §19-4 and §19-5 when she participated in the discussion and vote at the Appointments Committee on June 25, 2019 as alleged in the 2019 Ethics Complaint;
8. That in a letter dated September 5, 2019, Myrna Sessa as chair of the Investigating Board informed Representative Figueroa of the Investigating Board's determination of probable cause and suggested that Representative Figueroa consider entering a Stipulated Agreement to avoid a public hearing on the allegations asserted against her in the 2019 Ethics Complaint;
9. That in response to the Investigating Board's determination of probable cause, Representative Figueroa hired a lawyer to defend her;
10. That on February 6, 2020, the Board of Ethics approved a Stipulated Agreement between the Investigating Board and Representative Figueroa that resolved the allegations asserted against her in the 2019 Ethics Complaint;
11. That on July 8, 2020, the Mayor of the City of Stamford nominated Myrna Sessa for reappointment to the Board of Ethics;
12. That at its meeting on July 28, 2020, the Appointments Committee of the Board of Representatives unanimously approved Myrna Sessa for reappointment to the Board of Ethics, subject to approval by the Board of Representatives;
13. That on August 3, 2020, Anabel Figueroa was an elected member of the Board of Representatives;

14. That on August 3, 2020, when the Board of Representatives met for its regular monthly meeting, the reappointment of Myrna Sessa to the Board of Ethics was one of several items included on the consent agenda for vote by the Board of Representatives; a consent agenda collects items grouped together to enable the Board of Representatives to approve the collected items without discussion or individual motions;
15. That on August 3, 2020, during the Board of Representatives monthly meeting, Representative Figueroa took Myrna Sessa's reappointment off the consent agenda which opened the floor to discussion on Myrna Sessa's reappointment;
16. That on August 3, 2020, when Myrna Sessa's reappointment was discussed by the Board of Representatives, Representative Figueroa was the first to speak and stated that the Board of Representatives should not vote to reappoint Myrna Sessa because Myrna Sessa cost the taxpayers money and rendered advisory opinions that were wrong and inconsistent;
17. That on August 3, 2020, at the Board of Representatives meeting, Representative Figueroa voted against reappointment of Myrna Sessa;
18. That on August 3, 2020, the vote by the Board of Representatives did not approve reappointment of Myrna Sessa;
19. That on August 3, 2020, when Myrna Sessa's reappointment was considered and decided by the Board of Representatives, Representative Figueroa's knowledge of Myrna Sessa was based on her personal experiences with Myrna Sessa which included an advisory opinion issued by the Board of Ethics that Representative Figueroa believed Myrna Sessa authored which Representative Figueroa suspected lead to the 2019 Ethics Complaint against Representative Figueroa;
20. That on August 4, 2020, in a phone conversation with Jonathan Jacobson, Representative Figueroa explained to Jonathan Jacobson that her vote against reappointment of Myrna Sessa was based upon her personal experiences with Myrna Sessa which included an advisory opinion issued by the Board of Ethics that Representative Figueroa believed Myrna Sessa authored and which Representative Figueroa suspected lead to the 2019 Ethics Complaint against Representative Figueroa;
21. That on August 4, 2020, in her phone conversation with him, Jonathan Jacobson suggested that Representative Figueroa's conduct regarding Myrna Sessa's reappointment, may have been unethical or violated the Code;
22. That on August 6, 2020, Representative Figueroa sent an email to the President of the Board of Representatives with the subject line "Formal complaint" regarding Jonathan Jacobson's comments made to Representative Figueroa during her phone conversation with Jonathan Jacobson on August 4, 2020;
23. That on December 29, 2020, Representative Figueroa, as member of the Appointments Committee of the Board of Representatives, voted against the reappointment of Monica Schlessinger-Smyth to the Board of Ethics. Monica Schlessinger-Smyth was a member of the three-member Investigating Board that determined there was probable cause to believe that Representative Figueroa violated the Code as alleged in the 2019 Ethics Complainant filed against Representative Figueroa.

Based on these findings, this Hearing Board concludes:

24. That Representative Figueroa had a personal interest that created a divided loyalty which influenced or impaired the independence of her judgment as a Representative on the Board of Representatives, concerning the reappointment of Myrna Sessa for membership on the Board of Ethics;

25. That based on her personal interest, Representative Figueroa had a conflict of interest as defined in the Code §19-4, concerning the reappointment of Myrna Sessa;

26. That Representative Figueroa failed to disclose her conflict of interest in connection with the reappointment of Myrna Sessa and participated in her official capacity in deliberation and vote by the Board of Representatives concerning the reappointment of Myrna Sessa;


Thus, this Hearing Board concludes by clear and convincing evidence that Representative Figueroa violated Code of Ethics §19-11A.


Allan D. Lang, as Chair of the Hearing Board

DATED: June 30, 2021


Christine A. Dzujna, as member of the Hearing Board

DATED: ^{July 1}~~June~~ _____, 2021


Fred C. Springer, as member of the Hearing Board

DATED: June 30, 2021