

**Durham Ethics Commission
P.O. Box 594
Durham, CT 06422**

January 28, 2026

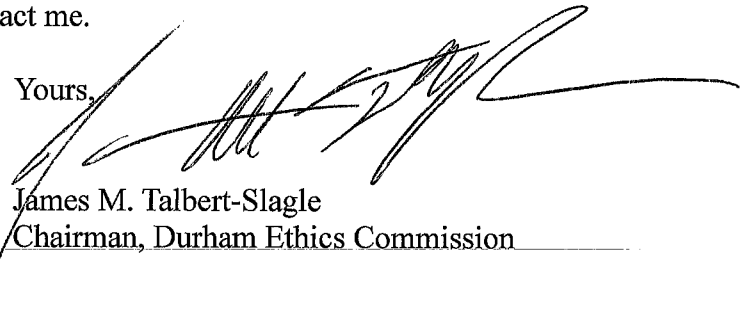
Brendan Rea
First Selectman
Town of Durham
30 Town House Road
Durham, CT 06422
Via Hand Delivery and Electronic Mail

Re: DEC File No. 2025-01 – Complaint of Anthony DeFilio

First Selectman Rea,

Pursuant to Section 8 of the Durham Code of Ethics, the Durham Ethics Commission herewith reports its findings to the Durham Board of Selectmen regarding the above-referenced complaint. This report discharges the Commission's duties under the Durham Code of Ethics and represents the Commission's final disposition of this matter. Should you have any questions or wish me or members of the Commission to discuss the matter with the Board of Selectmen when it takes up this matter, please feel free to contact me.

Yours,



James M. Talbert-Slagle
Chairman, Durham Ethics Commission

Cc: Nick Charest, Town Clerk – Hand Delivery
Anthony DeFilio – Certified Mail (Attorney Craig C. Fishbein – Electronic Mail)
Lindsay Dahlheimer – Certified Mail (Attorney Richard E. Fennelly – Electronic Mail)

**DURHAM ETHICS COMMISSION
P.O. BOX 594
DURHAM, CT 06422**

In the Matter of a Complaint by Anthony DeFilio

File No. 2025-01

FINAL DECISION

Summary

The Durham Ethics Commission finds that the respondent in this matter, Lindsay Dahlheimer, violated the Code of Ethics of the Town of Durham in four instances. The first two violations took place on July 16, 2025, when Dahlheimer failed to make clear her personal interest in a matter under consideration by the Regional School District 13 Board of Education (“RSD 13 Board”), of which she served as member and chairman and then participated in the Board’s consideration of a matter in which she had a personal interest. In a board of education meeting on August 13, 2025, Dahlheimer again failed to make clear her personal interest in a matter before the Board and once more participated in the Board’s consideration of that matter.

Finding these violations, the Commission asks the Board of Selectmen to engage in training of public officials in Durham to ensure that these types of violations do not occur in the future and requests the Board of Selectmen to petition the Regional School District 13 Board of Education to vote again on the indemnification matter to cure any taint that Dahlheimer’s impermissible participation may have wielded on the discussion and vote on that issue.

Procedural History

Complainant Anthony DeFilio filed this complaint on August 15, 2025, delivering a notarized copy of the complaint to the office of the Durham Town Clerk. *See* Complaint Petition – Anthony DeFilio (August 15, 2025) (complaining that actions of Lindsay Dahlheimer, an elected official in Durham, violated town’s Code of Ethics). The complaint averred that

Dahlheimer had violated Sections 2-51 and 2-53 of the Durham Code of Ethics when she participated as chairman and a member of the RSD 13 Board in the consideration of several matters in which she had a personal interest. The Commission initially considered this matter at its August 26, 2025 meeting, at which time the Commission voted unanimously that it had jurisdiction over the matter and that it was moving forward with the investigatory process as outlined in the Durham Code of Ethics. *See Minutes of Durham Ethics Comm'n (August 26, 2025).*

The Commission received a response from Respondent Dahlheimer dated September 17, 2025. In that response, Dahlheimer admitted, among other things, that she was an elected official in Durham and subject to the Durham Code of Ethics. *See Responses to Complaint – Lindsay Dahlheimer (September 17, 2025) (acknowledging and refuting allegations within DeFilio's ethics complaint).* She also acknowledged that as chairman, she presided over the July 16, 2025, RSD 13 Board special meeting, which was the subject of the complaint in this matter, and that she did not recuse herself from the actions of the Board at that meeting. *Id.* As to the August 13, 2025, meeting, Dahlheimer acknowledged that she was present at the meeting but maintained that “she did not vote concerning whether to investigate her.” *Id.* at Paragraph 33.

The Commission met on September 30, 2025, and voted unanimously that based on “information submitted by the complainant and respondent . . . there is probable cause of a violation of the Durham Code of Ethics.” *Minutes of Durham Ethics Comm'n. (September 30, 2025) (finding probable cause to proceed with hearing in File No. 2025-01).* The Commission held hearings in this matter on November 17 and 18, 2025, at the Durham Community Center. Complainant and Respondent and their respective attorneys attended the hearings and presented evidence related to the matter as permitted under the Durham Code of Ethics. On November 25,

2025, the Commission concluded the hearing in this matter and closed the evidentiary record. The parties submitted written briefs, via simultaneously briefing due on December 9, 2025. On December 15, 2025, the Commission met again at the Durham Community Center to render a final decision in the matter of the DeFilio complaint. The Durham Ethics Commission voted unanimously to find Dahlheimer guilty of violating the Code of Ethics.

Durham Code of Ethics

The Town of Durham, through a special town meeting held November 9, 2009, adopted a Code of Ethics that established standards of ethical conduct for, among others, Durham's public officials as well as members of its boards, committees, and commissions. *See Code of Ethics (2009)*. The Code of Ethics applies to all public officers, officials, or employees of the Town of Durham as well as members of boards, committees, and commissions. *See Code of Ethics at Section 2*. The Code of Ethics requires public officials to disclose any potential conflict of interest that they may have in a matter coming before a body on which they serve and prohibits that public official from participating in the body's consideration of the matter. Specifically, Section 3, III, of the code states:

Disclosure and Disqualification in matters involving a private financial interest or a personal interest:

Any officer, official or employee of the Town of Durham who has a private financial interest or a personal interest in any matter coming before any board, commission, committee or agency of the Town of Durham shall make that interest known to such body. Such disclosure shall be included in the official record of the relevant board, commission, committee or agency.

Furthermore, if such officer, official or employee is a member of such body, he or she shall refrain from voting upon or otherwise participating in the body's consideration of the matter. No officer, official or employee of the Town of Durham shall appear for or represent any person in any matter pending before any board, commission, committee or agency of which he or she is a member.

Code of Ethics, Section 3, III

The code envisions two responses when an official confronts a matter in which that official has a personal interest. First, the official must notify members of the body considering the matter about the potential personal interest in the matter, ensuring that the disclosure of the official's personal interest appears in the formal record of the board. Second, the official must refrain from voting or "otherwise participating in the body's consideration of the matter." Put simply, an official who has a personal interest in a matter coming before the board on which she serves must give formal, record notice to other members of the board about her personal interest in the matter and then must recuse herself entirely from participating in the body's handling of the matter.

Findings

Respondent Dahlheimer was elected a Durham representative to the Regional School District 13 Board of Education on November 9, 2021. She was elected as chairman of the Board of Education on July 10, 2024. At least two items on the agenda for the July 16, 2025, special meeting of the RSD 13 Board of Education referenced "indemnification," namely: item 3 - "Discussion of the attorney-client privileged communication regarding indemnification of Board members (proposed for executive session);" and item 5 - "Discussion and possible action on request for indemnification."¹ In her testimony offered at the Nov. 17 hearing, Dahlheimer said that the indemnification matter was added to the agenda for the July 16, 2025, special meeting after a meeting between Dahlheimer, Vice-Chairman Robert Moore, and Superintendent Sydney Leggett where they discussed the agenda. Moore subsequently testified that he, Dahlheimer, and

¹ In addition, a third item - item 6 - "Discussion and possible action on request for investigation of board member" - was also related to Dahlheimer. That item was the subject of the August 13, 2025, RSD 13 Board of Education meeting.

Leggett had participated in a meeting on July 11 to discuss what was on the July 16th special meeting agenda, including the matters related to Dahlheimer.

The Board of Education ultimately voted on July 16, 2025, at the Special Meeting, to indemnify Respondent Dahlheimer in the lawsuit against her given her role as board chair. Based on a redacted video of the board meeting that was admitted to the record in this matter, Ms. Dahlheimer served as chair of the July 16th meeting. Dahlheimer did not mention to the other members of the board that she had a personal interest in any of the items on the agenda; she testified that her personal interest was “understood” by the other board members. Nothing in the minutes from the July 16, 2025, meeting makes clear for the record that Dahlheimer had a personal interest in any items on the agenda, as required by the Durham Code of Ethics.

In her role as chairman of the board, Dahlheimer sought a motion and vote to go into executive session to discuss the indemnification issue. Dahlheimer also said that she spoke during the executive session.² After coming out of executive session, Dahlheimer sought a motion and second to place the question of indemnification of her in relation to the DeFilio lawsuit before the Board and then polled each board member individually as to their vote on the indemnification issue.

Dahlheimer did not make clear that she was not voting on the matter or that she was abstaining from the vote. At the November 17 hearing, Dahlheimer testified that she had engaged in a “silent abstention” on the indemnification matter. That abstention, however, was not reflected in the minutes of the meeting. The minutes of the July 16th meeting reflect each board member’s vote on the indemnification matter, but Dahlheimer’s vote was not recorded. According to RSD 13 Board of Education Policy 9367, however, when a member abstains from a

² At the hearing in this matter, Dahlheimer did not testify about the content of her comments during executive session but did confirm that she spoke during the confidential portion of the July 16th special meeting.

vote, the effect will be “the same as if the Board member had voted on the prevailing side.” RSD 13 Board Policy 9367 Section 2. D. (Rev’d June 5, 2024). Abstaining from this vote means simply that Dahlheimer effectively voted with the majority to approve the indemnification request as opposed to refraining from participating in the body’s consideration of the matter, e.g., recusal from the matter, which the Code of Ethics requires.

Based on the testimony and evidence collected by the Commission in this matter, the Commission concludes that the Respondent failed to provide notice to the other members of the board that she had a personal interest in a matter coming before the board at the July 16, 2025, special meeting as required by the Code of Ethics. The Commission also finds that Dahlheimer participated in the RSD 13 Board of Education’s consideration of a matter in which she had a personal interest in violation of the Durham Code of Ethics. Dahlheimer’s participation in this matter was evident in several ways:

- By setting the agenda for the special meeting along with other board members and school system staff,
- By attending and speaking during the executive session related to the indemnification question;
- By presiding over the meeting, including seeking a motion and second on the question and polling each board member as to their vote on the issue.

Dahlheimer’s actions related to the board’s resolution of the matter in which she had a personal interest constitute a violation of the Durham Code of Ethics.

On August 13, 2025, the RSD 13 Board of Education went into executive session to discuss the potential investigation of a member of the board of education. Dahlheimer testified that she knew at this meeting that this discussion centered on her. She did not, however, note this

potential conflict for the other board members. After the executive session, the Board voted not to investigate Dahlheimer. Newly elected chairman Bob Moore, who presided over the meeting, took a roll call vote, and Dahlheimer stated she “abstained” from the vote. Again, under Board Policy 9367, this abstention on whether to investigate herself counted as a vote with the prevailing side in this matter, which was not to investigate Dahlheimer.

Based on the testimony and evidence collected in this matter, the Commission finds that Dahlheimer violated the Durham Code of Ethics by failing to notify other members of the Board of Education that she had a personal interest in a matter under consideration by the board and failing to make certain that the official record of Board of Education reflected that conflict. The Commission also finds that by participating in a meeting at which the board was considering a matter in which she had a personal interest Dahlheimer violated the Durham Code of Conduct. By attending the executive session discussing the matter and abstaining from the vote as opposed to recusing herself from the matter entirely, Dahlheimer participated in the consideration of the matter in violation of the Durham Code of Ethics.

Recommendations

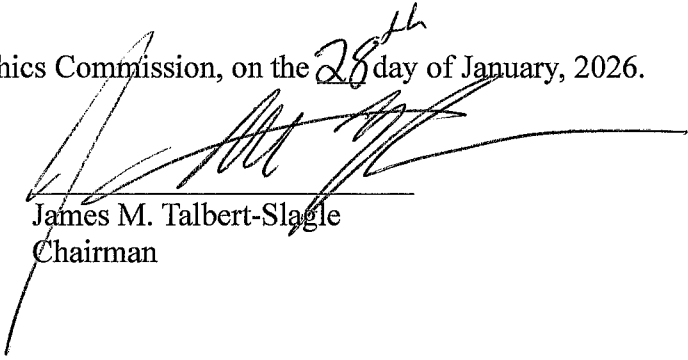
The Commission makes several recommendations related to these four violations by Dahlheimer, an elected public official, of the Durham Code of Ethics. First, the Commission proposes that the Board of Selectmen undertake an effort to educate all public officials and member of boards, commissions, and committees as to the requirements and expectations included in the Code of Ethics. That education effort should make clear which officials are covered by the Code of Ethics and what types of activities it restricts. As evidenced in this matter, the training should focus on the requirement placed on public officials to alert other board members when a matter under consideration by a body raises a personal interest for a public

official and to make certain that this personal interest is reflected in the permanent record, i.e., minutes, of the board, commission, or committee. In addition, special attention should be placed on the requirement that public officials recuse themselves from any action the body may take on a matter in which that public official has a personal interest. This recusal restricts a public official not only from voting on the ultimate outcome of the matter but also from presiding over the body as it considers the matter, discussing the matter in public or executive session, or engaging in any activities that may call into question the neutrality of the board and the outcome of its action on the matter.

Second, the Commission would like to find a way to cure the potential taint that resulted from Dahlheimer's participation in the July 16, 2025, meeting at which the RSD 13 Board voted to indemnify Dahlheimer in relation to the lawsuit that Complainant DeFilio had filed against her. In her role as chairman of the Board of Education, Dahlheimer may have influenced others on the board to vote to indemnify her. Absent her participation in the matter the outcome may have been different. As such, the Commission requests that the Board of Selectmen ask the members of the Regional School District 13 Board of Education to vote again on the indemnification issue without Dahlheimer's participation. This "clean vote" will reassure the public that the vote to indemnify Dahlheimer in her defense of this lawsuit was actually in the public's interest and not simply the result of the then-chairman's influence over her fellow board members to take an action that would benefit her personally and financially. The Commission members understand that this request from the Board of Selectmen to the Board of

Education may come to naught but feel that simply making the request represents an important step nonetheless to right this violation of the Code of Ethics.

Adopted by the Durham Ethics Commission, on the 28th day of January, 2026.

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read 'James M. Talbert-Slagle'.

James M. Talbert-Slagle
Chairman