

WORDS MATTER
ESPECIALLY WHEN EACH WORD WRITTEN IS PAID FOR BY
THE STAMFORD TAXPAYER

A RESPONSE TO THE JANUARY 30, 2025, REPORT AND OPINION OF
ATTORNEYS STEVEN G. MEDNICK AND RICHARD P. ROBERTS
REGARDING DISCIPLINARY PROCEEDINGS BEFORE
THE STAMFORD BOARD OF REPRESENTATIVES
PERTAINING TO PUBLIC STATEMENTS OF REPRESENTATIVE ANABEL FIGUEROA

***PRESENTED BY ATTORNEYS CARMEN L. LOPEZ AND JONATHAN J. KLEIN
COUNSEL FOR ANABEL FIGUEROA***

FEBRUARY 5, 2025

Mark Twain said it best when he said, "I apologize for such a long letter, I didn't have time to write a short one."

While the opinion of counsel for the Board appears to be a treatise on the events surrounding statements made by Rep. Anabel Figueroa during her campaign for re-election, the authors best describe their work in the section entitled 'The Rules for Civility,' where they state that,

"The opening paragraphs set the context for the story that we are about to tell."

And it is indeed a story. (perhaps it would qualify as a novella).

Paul Harvey always said, there is always a need to "hear the rest of the story."

In this case, the rest of the story must include corrections to statements represented as fact by the authors of the opinion submitted to the BOR. Without conceding the accuracy of all of the claims contained in the 92-page treatise, we will not refute the claims on a point-by-point basis. Therefore, our corrections are limited to those listed below.

Stamford Board of Representatives actions to Expel Rep. Figueroa

On October 16, 2024, the Board of Representatives passed a resolution pursuant to Stamford Charter Section C-1-90-1, Removal of Elective Officers, which section states as follows:

"Any elective officer may be removed from office for cause by a vote of three-quarters ($\frac{3}{4}$) of the entire membership of the Board of Representatives. No elective officer may be removed except upon charges, which shall have been affirmed by the vote of a majority of the entire membership of the Board of Representatives, and after hearing thereon.

Written notice by the Board of Representatives of the charges and time and place of hearing shall be given to the officer at least two (2) weeks before such hearing. Such charges shall be for *neglect or dereliction of official duty, or incompetency, or dishonesty or incapacity to perform official duties or some delinquency materially affecting that person's general character or fitness for office.*

The Board of Representatives shall designate an attorney who is a member of the bar of the State of Connecticut for at least ten (10) years **to present such charges** on behalf of the Board of Representatives. The standard of proof required for removal shall be clear and convincing evidence."

It is crucial to understand that the Charter section under which the BOR authorized retaining counsel for this matter is strictly for the purposes of an Expulsion hearing. As such the section sets forth the duties of attorneys hired by the board pursuant to Section C-1-90-1, and the rights of the accused.

This section limits the role of the attorney to that of a prosecutor who is charged with presenting “charges on behalf of the Board of Representatives.” This is a prosecutorial function.

As we stated both orally and in writing to counsel for the Board, no attorney would permit a client to meet with a prosecuting attorney while facing potential charges. In the interest of full transparency, we have attached copies of five emails representing our email correspondence with counsel for the BOR on this issue.

- **November 15, 2024, at 1:44 PM:** Email from Attorneys Lopez & Klein to BOR counsel setting forth our position on the relevant Charter sections. Counsel for the BOR insisted that they were retained pursuant to the Expulsion Provision of the Charter, C1-90-1.
- **November 15, 2024, at 5:22 PM:** Email response from Attorney Mednick seeking clarification on our position regarding his request to “*have an opportunity to review the facts as we have assembled them, in your presence, to allow her to tell us her story.*”
- **November 15, 2024, at 6:08 PM:** Email response from Attorney Lopez to Attorneys Mednick and Roberts emphasizing that pursuant to the expulsion provision of the Charter under which they have been retained, they are acting as prosecutors and Rep. Figueroa is the accused. It is against the best interests of an accused to meet with a prosecuting attorney to assist the attorney in prosecuting his case.
- **November 17, 2024, at 6:17 PM:** Email response from Attorney Klein to Attorneys Mednick and Roberts pointing out to them that they are “operating as independent counsel to the BOR pursuant to City Charter Section C5-20-3, “with respect to a specific case or controversy in rendering opinions...” This is an advisory function only.” This function is contrary to the authorization provided by Charter Section C1-90-1.
- **November 17, 2024, at 6:27 PM:** Email response from Attorney Mednick stating that he understands our position and will contact us if there is any “further reason to reach out.” There was no further discussion or clarification of this issue.

To state on page 14-15 of the opinion that Representative Figueroa “was not permitted to meet with us herself,” is misleading and requires context which is not provided in the 92-page opinion.

The provision of the City Charter under which counsel was retained by the Board, Sec. C-1-90-1, permits the Board to hire an attorney to prosecute a case on behalf of the Board. The section does not authorize the Board to hire a neutral fact finder or a compiler of information or an informal advisor.

The fact that the language used by the BOR in the Resolution describes a purpose inconsistent with the charter language does not control the clear language of the charter.

Page 13 of counsel’s 92-page opinion, references Section C-5-20-3, in an apparent attempt to use that section to boot-strap authority for the wide-ranging investigation which has been undertaken at considerable taxpayer expense.

While Counsel for the Board gratuitously state on page 13, that “The vote margin (on October 16, 2024) also comports with the provisions of Section C-5-20-3” This section is not mentioned in the October 16, 2024, resolution authorizing the retention of counsel.

The fact that there may have been an “understanding” between counsel and the Board leadership which sought to expand the role of the attorneys, beyond that authorized by Sec. C-1-90-1, or that the Corporation Counsel, in a retainer agreement broadened the scope of the engagement is of no moment.

Neither the Board leadership nor the Corporation Counsel can change the plain language of Sec. C1-90-1 of the City Charter.

As counsel for Anabel Figueroa, we were not privy to informal understandings with the Board and were not authorized to examine the retainer agreement, or to suggest changes.

We therefore did what any prudent attorney would have advised a client under the circumstances.

We did not authorize our client to speak with prosecuting attorneys for the reasons stated above and appropriately informed the Board’s counsel.

Expulsion not warranted or permitted by State Law

This is the culmination of a campaign which had as its objective removing Anabel Figueroa from her elected position as a member of the Stamford BOR. The campaign included texts from some of her colleagues on the Board designed to intentionally inflict emotional distress on Rep. Figueroa. They succeeded in not only inflicting extreme emotional distress, but also the loss of her 23 year position at Norwalk Hospital.

She was subjected to a relentless pressure campaign designed to secure her voluntary resignation. Every effort was made to create a hostile environment for someone who had served the public for over 20 years. Apologies were made by Rep. Figueroa, and not accepted, as the Board Counsel has described in his 92-page opinion.

Those engaged in this campaign undoubtedly knew that there was no legal basis for removing her as a member of the Board of Representatives. We have maintained this position from the beginning.

The Board leadership issued official letters calling for Rep. Figueroa’s immediate resignation. The accusations against Rep. Figueroa became so intense that when the even-handed President of the BOR, refused to join the lynch mob by refusing to sign the leadership’s letter demanding her resignation, the accusers demanded that he also be removed from his position.

Our position remains that an expulsion is not only not warranted, but it is not authorized by state or municipal law. Pursuant to Connecticut General Statutes, the Charter of the City of Stamford has been revised several times since 1947. All revisions were made pursuant to state statutes. As Counsel for the Board makes abundantly clear, they hold a different opinion. Only a court of

competent jurisdiction could determine the validity of either position. Opinions are just that, opinions.

Counsel for the Board have admitted that statements attributed to Rep. Figueroa do not constitute hate speech and are subject to First Amendment protections. Clearly, this fact was known from the beginning of this ordeal.

We would urge the BOR not to proceed with either an expulsion hearing, or a Censure motion.

It is past time for this Board of Representatives to deal with the real issues affecting the taxpayers of Stamford, rather than expending close to \$50,000 taxpayer dollars and over six months on an issue that divides and creates animosity and was clearly without a legal basis.

Submitted on this 5th day of February to the Stamford Board of Representatives on behalf of Rep. Anabel Figueroa, by her attorneys.

Attorney Carmen L. Lopez
Attorney Jonathan J. Klein

From: carmenlopez21@optonline.net <carmenlopez21@optonline.net>

Sent: Friday, November 15, 2024 1:44 PM

To: Richard P. Roberts <ROBERTS@halloransage.com>; steve@mednicklaw.com; Mednick, Steve <smednick01@snet.net>

Cc: Jonathan.Klein@parlatorelawgroup.com; Lopez, Camen L <carmenlopez21@optonline.net>

Subject: Re: FW: Stamford Board of Reps discussion

Greetings,

Hope all is well with you.

This is a follow up to our discussion of November 8th.

According to your invitation to meet, you stated that "it would be helpful if counsel could have a discussion regarding the rules of engagement during this process."

Thank you for making arrangements to have the discussion.

During our conversation, you made several references to the fact that each of you have been retained pursuant to Section C1-90-1 (Removal of Elective Officers) of the Stamford City Charter.

As you know, notwithstanding the expulsion clause in the Stamford City Charter, it is our position that the BOR lacks the legislative authority to remove a democratically elected member of the Board.

It appears that you do not agree with our position and intend to proceed with the process.

We look forward to receiving any additional information which you may wish to provide to us.

Thanking you for your cooperation, I remain,

Carmen L. Lopez

From: Steve Mednick <Smednick01@snet.net>
Date: Friday, November 15, 2024 at 5:22 PM
To: carmenlopez21@optonline.net <carmenlopez21@optonline.net>, 'Richard P. Roberts' <ROBERTS@halloransage.com>, steve@mednicklaw.com <steve@mednicklaw.com>
Cc: Jonathan J. Klein, Esq. <jonathan.klein@parlatorelawgroup.com>
Subject: RE: FW: Stamford Board of Reps discussion

As I have tried to make clear to you, Rich and I are working on the due diligence and fact-finding phase of our review. I would like to clarify so that is no misunderstanding: it is your position that there is no circumstance under which you will permit Representative Figueroa to speak with us as we have requested. As we stated to you this is not a sworn deposition, there will be no court reporter or transcript of our interview; but rather an opportunity to review the facts as we have assembled them, in your presence, to allow her to tell us her story. Our simple objective to make certain that we can give the Board of Representative a complete and accurate recitation of the relevant facts.

It is her privilege to participate or not. If this is your final position we will respect your wishes.

Respectfully,

Steve Mednick

Steven G. Mednick

Law Office of Steven G. Mednick

142 Temple Street, 2nd Floor

New Haven, CT 06510

P: 203.752.9198

C: 203.415.2927

smednick01@snet.net

----- Original Message -----

From: carmenlopez21@optonline.net

To: Smednick01@snet.net; ROBERTS@halloransage.com Cc:

Jonathan.Klein@parlatorelawgroup.com; carmenlopez21@optonline.net

Sent: Friday, November 15th 2024, 06:08 PM

Subject: Re: RE: FW: Stamford Board of Reps discussion

Dear Attorney Mednick,

I am really sorry that my communications to you have not been clear.

It seems to me that I have stated our position clearly.

During our conversation, you reminded us at least three times, that you have been retained pursuant to the expulsion section of the Charter, Section C1-90-1.

The resolution approved by the BOR, although it references C1-90-1, asks the attorneys to determine the BOR's "course of action regarding the statements of Anabel Figueroa."

However, the only basis for hiring an attorney under Section C1-90-1, is to present "charges on behalf of the Board of Representatives."

Presumably, the charges will be prepared by the Board and approved by a majority of the entire membership of the Board of Representatives.

Under this section, the attorneys are required to present the expulsion charges approved by the majority of the BOR.

You cannot reasonably expect the accused to help you present the accusations.

Under the clear language of Section c1-90-1, you are functioning in the role of a prosecutor.

Therefore, it is not in Ms. Figueroa's best legal interest to speak with you.

Please remember, that your clients have engaged in serious character assassination and seem intent on carrying out a political vendetta.

The text messages that she has received from members of the BOR have been vicious, insulting, demeaning and untrue.

Indeed, they amount to intentional infliction of emotional distress.

To ask her to help them prepare charges against her so that she may be expelled from her democratically elected position, is respectfully, absurd.

If you wish to prepare a stipulation of facts for our consideration, we will review it.

Thank you and I hope this clears up any remaining confusion.

Sincerely,

Carmen L. Lopez

----- Original Message -----

From: jonathan.klein@parlatorelawgroup.com
To: Smednick01@snet.net; carmenlopez21@optonline.net; ROBERTS@halloransage.com;
steve@mednicklaw.com
Sent: Sunday, November 17th 2024, 06:17 PM
Subject: Stamford Board of Reps Discussion

Dear Steve and Rich,

I wish to point out that at this stage of the process, you are operating as independent counsel to the Stamford BOR pursuant to City Charter § C5-20-3, "with respect to a specific case or controversy **in rendering opinions**" (Emphasis added.) That is an advisory function only.

Notwithstanding the fact that the resolution approved by the BOR on October 16, 2024 refers only to City Charter § C1-90-1, and notwithstanding the fact that the minutes of that meeting specifically, but erroneously, describe the resolution as authorizing you to "help" the BOR pursuant to § C1-90-1, instead of citing § C5-20-3, you are not currently operating pursuant to § C1-90-1. That section only authorizes the BOR to designate an attorney "to present such charges on behalf of the Board of Representatives" for the removal of Anabel Figueroa from the BOR "for neglect or dereliction of official duty, or incompetency, or dishonesty or incapacity to perform official duties or some delinquency materially affecting that person's general character or fitness for office." That is a prosecutorial function to be carried out if, and only if, the BOR first votes by a majority of its entire membership to pursue such charges after having received the benefit of your opinions and advice.

Your statement that, "Rich and I are working on the due diligence and fact-finding phase of our review" is therefore concerning, as fact-finding is within the sole purview of the BOR and is to be accomplished only during a § C1-90-1 hearing, should the BOR determine to conduct such a hearing. The BOR's fact-finding must satisfy the standard of clear and convincing evidence.

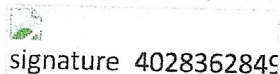
As you perform your current advisory role, it is inappropriate and inadvisable, in our view, for Anabel Figueroa to submit herself to questioning by you so that the two of you can engage in fact-finding which is not within your purview. We trust that this clarifies our position.

Very truly yours,

Jonathan J. Klein, Esq.

Partner

Admitted to Practice in Connecticut, Maryland and New York

signature_4028362845

----- Original Message -----

From: Smednick01@snet.net

To: jonathan.klein@parlatorelawgroup.com; carmenlopez21@optonline.net;
ROBERTS@halloransage.com; steve@mednicklaw.com

Sent: Sunday, November 17th 2024, 06:27 PM

Subject: RE: Stamford Board of Reps Discussion

We understand your posture. Thank you for your further clarification. I will discuss with Rich in the morning and if, following that discussion, we believe there is further reason to reach out to you, we will. Thank you for your thoughts.

Respectfully,

Steve Mednick

Steven G. Mednick

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