



# STATE OF CONNECTICUT

## OFFICE OF STATE ETHICS

### **CITIZEN'S ETHICS ADVISORY BOARD OFFICE OF STATE ETHICS 165 Capitol Avenue, Suite 1200, Hartford, CT 06106**

#### **MINUTES OF THE OCTOBER 20, 2022 REGULAR MEETING**

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, October 20, 2022.

Chair of the Board, Dena Castricone, called the meeting to order at 1:06 p.m.

#### **The following Board members were present:**

Dena Castricone, Chair (virtual)	Karen Christiana
Nichelle Mullins, Vice-Chair (virtual)	Jason Farrell
Mary Bigelow	Cheryl Lipson (virtual)
Charles Chiusano	Laura Schuyler (virtual)

#### **The following staff members of the OSE were present:**

Peter Lewandowski, Executive Director	Diane Buxo, Assistant General Counsel (virtual)
Brian O'Dowd, General Counsel (virtual)	Jennifer Montgomery, Assistant Ethics Enforcement Officer (virtual)
Mark Wasielewski, Ethics Enforcement Officer	Melissa Hamilton, Paralegal and Clerk of the Board
Marianne Sadowski, Deputy General Counsel (virtual)	
Marc Crayton, Deputy Ethics Enforcement Officer	

#### **The following topics were addressed during the meeting:**

1. The minutes of the September 15, 2022 Regular Meeting were presented to the Board for approval.

**On the motion of Ms. Lipson, seconded by Mr. Farrell, the Board voted seven (7) to zero (0), with Ms. Schuyler abstaining, to approve the minutes of the September 15, 2022 Regular Meeting.**

2. Chair Castricone presented her chairperson's report, informing the Board that there are no Uniform Administrative Procedure Act ("UAPA") matters on the calendar for November for Hearing Officer Cheryl Lipson to preside over, and historically, no UAPA hearings are held in the month of December. At the November meeting, the Board will request a board member to be a Hearing Officer for the month of January.
3. Prior to the commencement of today's meeting, the Board was notified of a new Petition for Advisory Opinion, necessitating the amendment of the agenda to add and consider said Petition.

**On the motion of Mr. Chiusano, seconded by Ms. Christiana, the Board voted eight (8) to zero (0) to amend today's meeting agenda to add the Petition for Advisory Opinion submitted by Michael Washington.**

4. General Counsel O'Dowd presented the Petition for Advisory Opinion submitted by Michael Washington, a former employee of the Department of Transportation ("DOT"). In his Petition, Mr. Washington asked whether he may seek post-state employment working for a DOT contractor on a DOT project. General Counsel O'Dowd recommended that the Board grant Mr. Washington's Petition.

Chair Castricone thanked the Legal Division for expediting a response to Mr. Washington's request and recognizing the importance of a quick response in matters involving an individual's livelihood.

**On the motion of Mr. Farrell, seconded by Mr. Chiusano, the Board voted eight (8) to zero (0) to approve the Petition for Advisory Opinion submitted by Michael Washington.**

**On the motion of Mr. Chiusano, seconded by Ms. Christiana, the Board voted eight (8) to zero (0) to amend today's meeting agenda to add Draft Advisory Opinion No. 2022-1, in response to the Petition for Advisory Opinion submitted by Michael Washington.**

5. General Counsel Brian O'Dowd discussed Draft Advisory Opinion No. 2022-1, issued in response to the Petition submitted by Michael Washington, a former employee of the DOT. Petitioner asked whether the Code places any restrictions on his proposed post-state employment with a DOT contractor working on a DOT project. General Counsel O'Dowd explained that, based on the facts presented by the petitioner, the petitioner may accept employment with the proposed DOT contractor without violating General Statutes § 1-84b (f), and he may—under an existing, undisputed contract between the DOT contractor and the DOT concerning which he had no involvement in the negotiation or award—interact with the DOT employees within a year of leaving state service to perform technical work on that contract.

Vice-Chair Mullins inquired whether the Legal Division verified if the petitioner was involved in any negotiations or awards of state contracts during his last year of state service, and Mr. O'Dowd replied that the Division does not verify information provided by the requestors;

rather the Division relies and bases its opinions on the facts provided to it and specifically states within opinions that the conclusions are “based on the facts presented”.

Ms. Lipson asked whether the petitioner will be assigned to a supervisor to ensure he is only engaging in technical work under the contract, and Mr. O’Dowd answered that while the Legal Division does not follow-up, there will be representatives from the DOT at the work site should the petitioner engage in more than technical work.

The petitioner added that he will not, at his post-state employment, have any supervisory or decision-making authority. Moreover, he will not interact with DOT staff, as he will not be assigned to field work.

Chair Castricone congratulated the Legal Division on a well-written and well-reasoned opinion.

**On the motion of Mr. Chiusano, seconded by Mr. Farrell, the Board voted seven (7) to zero (0), with Vice-Chair Mullins abstaining, to approve Draft Advisory Opinion No. 2022-1.**

**On the motion of Ms. Christiana, seconded by Ms. Bigelow, the Board voted eight (8) to zero (0) to amend the meeting’s agenda to change the order of agenda items so that the “Consideration of Petition for Advisory Opinion from Anthony L. Lazzaro” is discussed prior to the “Presentation on the Code of Ethics for Lobbyists”.**

6. General Counsel O’Dowd presented the Petition for Advisory Opinion submitted by Anthony L. Lazzaro, the Deputy Director and General Counsel of the Capitol Regional Development Authority (“CRDA”), a quasi-public agency. Mr. O’Dowd informed the Board that the Petition stemmed from a prior informal opinion where the Legal Division opined that petitioner’s informal request raised concerns under the Code. Since then, CRDA’s enabling statute was amended and a new process was put in place, and now in his Petition, Mr. Lazzaro asked two questions: (1) whether CRDA’s draft request for proposals “adequately address[es] any and all issues relating to” various conflict provisions in the Code; and (2) whether the relationship derived from the Mayor of Hartford serving in his mayoral capacity as well as a CRDA Board member (in which he meets with prospective Hartford area investors and soliciting private funds from potential proposers) create[s] a conflict of interests, and if so, whether it “can ... be cured by his full recusal[.]” General Counsel O’Dowd recommended that the Board grant Mr. Lazzaro’s Petition for consideration.

**On the motion of Mr. Chiusano, seconded by Ms. Schuyler, the Board voted seven (7) to zero (0), with Vice-Chair Mullins abstaining, to approve the Petition for Advisory Opinion submitted by Anthony Lazzaro.**

7. General Counsel O’Dowd made a comprehensive training presentation on the Code of Ethics for Lobbyists. This was a detailed oral presentation, accompanied by a PowerPoint summary.

Chair Castricone thanked Mr. O’Dowd for the presentation.

8. Mr. O'Dowd explained that a recent statutory change to General Statutes § 1-84b (c) and (d), requires specific regulatory agency heads or their designees, every year on November 1, to submit electronically to OSE a list of designated positions subject to the revolving door provisions. If changes are made to the list during the year, OSE must be notified within 30 days. Because the statutes require the Board to designate a procedure to submit these communications from agency heads to OSE, Mr. O'Dowd recommended that the Board mandate, pursuant to these provisions, that agency heads or their designees submit their annual list of designated positions by way of email to the clerk of the Board.

Chair Castricone asked for clarification as to how the regulatory agencies will be informed of the Board's mandated procedure on how to submit designated positions under General Statutes § 1-84b (c) and (d), annually to OSE, and Mr. O'Dowd answered that OSE has already informed the agencies this year, but he will also formally inform them of the procedure once the Board has voted. Additionally, Chair Castricone inquired whether the submission mailbox for the list of designated positions will be accessible by multiple individuals of OSE in the event the clerk of the Board is out of the office during the annual submission. Both Mr. O'Dowd and Executive Director Peter Lewandowski replied that setting up a submission mailbox with multiple users' access can be arranged.

**On the motion of Ms. Bigelow, seconded by Mr. Chiusano, the Board voted eight (8) to zero (0) to approve the electronic procedure for submitting designated positions under General Statutes § 1-84b (c) and (d), as noted by General Counsel Brian O'Dowd.**

9. General Counsel O'Dowd presented the Legal Division report, noting that the Legal Division has uploaded the first installment of technical revisions to the OSE's Regulations. He thanked Deputy General Counsel Marianne Sadowski for taking the lead on this task and the steps required to get the changes submitted, and other division staff for their assistance.

Chair Castricone, on behalf of the Board, echoed Mr. O'Dowd's sentiments to Deputy General Counsel Sadowski.

10. Ethics Enforcement Officer Mark Wasielewski presented the Enforcement Division report, highlighting that the second quarter lobbyist initiatives have been completed, that the next initiatives will be the combined third and fourth quarter reports, which are due in January of next year, and that the division continues to investigate confidential administrative matters.
11. Deputy Ethics Enforcement Officer Marc Crayton presented the lobbyist audit report for Eversource, requesting approval of the audit and its findings. Mr. Crayton reported that the audit consisted of two findings: an overstated payment in 2019; and an understatement of payment to its business organization communicator in 2021. In both instances, Eversource has amended its reports to correct the errors.

**On the motion of Ms. Christiana, seconded by Ms. Schuyler, the Board voted eight (8) to zero (0) to approve the audit report for Eversource.**

12. Executive Director Peter Lewandowski presented the Education and Communications report, noting that there was an uptick in trainings for the month of October, that the scheduled training on October 27, 2022, has been postponed until December 1, 2022, and that the office continues to receive inquiries for additional trainings from ethics liaisons. He informed the Board that today's presentation on the Code of Ethics for Lobbyists concludes the Board's in-depth 2022 trainings on the Codes of Ethics and thanked his co-presenter Mr. O'Dowd for a stellar job on the presentations.

Mr. Lewandowski recognized and thanked Assistant General Counsel Diane Buxo for her continued assistance with the preparation of the Media report.

Mr. Farrell commented on Mr. Lewandowski's well received visit and informative presentation on state government ethics to his soon-to-be graduating senior ethics class and thanked him.

13. Executive Director Lewandowski presented the Executive Director's report, highlighting the following items:

a. In personnel matters:

- (i) The OSE Enforcement Division's new Associate Accounts Examiner, Carol Langevin, was introduced to the Board. Ms. Langevin is coming to OSE from the Department of Labor and has an impressive background as an auditor both in the public and private sectors. She will commence working with the OSE on November 4, 2022. Mr. Lewandowski noted that hiring Ms. Langevin will allow the office to increase lobbyist audits to thirty audits in 2023, and subsequent years to forty per year.
- (ii) Good news concerning the Director of Education and Communications position: all the approvals have been completed, and the position will be advertised next week for three weeks with the anticipation of introducing the selected candidate at the Board's December meeting.

b. Updates to OSE's lobbyist and Statement of Financial Interest ("SFI") forms are ongoing. Mr. Lewandowski reminded the Board about reviewing the lobbyists' reports accessible on OSE's website currently and providing feedback prior to the Board's November meeting on items they would be interested in viewing on future lobbyists' reports.

c. Concerning the OSE's Regulations, Mr. Lewandowski thanked Mr. O'Dowd, Ms. Sadowski and the Legal Division for completing the first installment of technical revisions to the Regulations. He informed the Board that the second installment of

revisions will be substantive and will follow once the first installment has been accepted and approved.

- d. The internal review of legislative proposals has begun. Currently, the Legal and Enforcement Divisions are discussing and deciding on proposals for the Board's consideration to be submitted at the November meeting. The Board will also have an opportunity, at the November meeting, to bring up ideas or suggestions with respect to legislative proposals. The Board's subcommittee on Municipal Ethics met this past Friday and had an opportunity to talk with Guilford's first selectman, Matt Hoey. The subcommittee plans to meet again within the next two weeks to brainstorm possible legislative proposals concerning Municipal Ethics to submit to the full Board.
- e. With respect to the notification process involving departing SFI filers who continue to have an obligation to file SFIs once they leave state service, the Board was informed that a discussion was held with the Department of Administrative Services ("DAS") to enhance notification to outgoing SFI filers. Specifically, the issuance of an acknowledgement form by Statewide Human Resources during the exit interview process where the required filers indicate and acknowledge their obligations to file a departing official SFI was discussed. Any updates from DAS on this matter will be provided to the Board at the November meeting.
- f. The OSE will cover Board members' and staff's COGEL Conference registration costs. This year's conference will be held in Montreal, Canada, between December 4 and 7.

**On the motion of Mr. Farrell, seconded by Ms. Chiusano, the Board voted eight (8) to zero (0) to adjourn the meeting.**

The meeting was adjourned at 2:20 p.m.

Respectfully submitted by,



Melissa Hamilton  
Clerk of the Citizen's Ethics Advisory Board  
Office of State Ethics

**November 17, 2022**

Date approved  
(By the Citizen's Ethics Advisory Board)