



STATE OF CONNECTICUT

OFFICE OF STATE ETHICS

CITIZEN'S ETHICS ADVISORY BOARD OFFICE OF STATE ETHICS 18-20 Trinity Street, Hartford, CT 06106

MINUTES OF THE JANUARY 23, 2020 REGULAR MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, January 23, 2020, in the 5th Floor Conference Room, 18-20 Trinity Street, Hartford, CT 06106.

Chair of the Board, Dena Castricone, called the meeting to order at 1:00 p.m.

The following Board members were present:

Dena Castricone, Chair
Mary Bigelow
Charles F. Chiusano
Karen Christiana
N. Beth Cook

Jason Farrell, Vice-Chair
Kevin Johnston
Cheryl Lipson
Nichelle Mullins

The following staff members of the OSE were present:

Peter Lewandowski, Executive Director
Brian O'Dowd, General Counsel
Mark Wasielewski, Ethics Enforcement Officer
Nancy Nicolescu, Director of Education &
Communications
Marianne Sadowski, Deputy General Counsel

Marc Crayton, Deputy Ethics Enforcement
Officer
Diane Buxo, Assistant General Counsel
Jennifer Montgomery, Assistant Ethics
Enforcement Officer
Melissa Hamilton, Clerk of the Board

The following topics were addressed during the meeting:

1. The minutes of the November 21, 2019 Regular Meeting were presented to the Board for approval.

On the motion of Mr. Chiusano, seconded by Mr. Johnston, the Board voted nine (9) to zero (0) to approve the minutes of the November 21, 2019 Regular Meeting.

2. The minutes of the November 21, 2019 Sub-committee Meeting were presented to the Board for approval.

On the motion of Mr. Chiusano, seconded by Ms. Lipson, the Board voted nine (9) to zero (0) to approve the minutes of the November 21, 2019 Sub-committee Meeting.

3. Chair Castricone presented the Chairperson's report. She requested a hearing officer for the UAPA hearing(s) scheduled for February 27, 2020, and Mr. Chuisano volunteered to serve as the Hearing Officer.
4. General Counsel O'Dowd discussed the request from Senator Derek Slap to withdraw the Petition for Advisory Opinion he submitted to the Board, and three options available to the Board in light of the request to withdraw:
 - (a) Take no action. The draft Advisory Opinion will stand as an informal staff opinion;
 - (b) Proceed under the current language of the draft Advisory Opinion. Under this option, a Board member or the Executive Director of OSE must submit a new Petition to the Board addressing the exact facts of the Petition submitted by Senator Derek Slap. The draft Advisory Opinion will remain the same but rather than being submitted by Senator Derek Slap, it will appear submitted by a member of the Board or the Executive Director of the OSE. The revised draft will then be submitted to the Board for approval; or
 - (c) Submission of a new Petition changing the facts slightly to a generic fact pattern. Under this option, the Executive Director of the OSE must submit a new Petition to the Board addressing the facts of the Petition submitted by Senator Derek Slap, but naming generic parties. The draft Advisory Opinion will be revised to name generic parties and submitted to the Board for approval.

The Board agreed to move forward with the third option.

5. General Counsel O'Dowd presented the Legal Division Report. He noted that the Legal Division is continuing to work on the draft Advisory Opinion with respect to the Petition submitted by Ernestine Weaver, Esq., and anticipates having a draft to the Board by the February 20, 2020 Board meeting. He informed the Board of the possibility of a new Petition for Advisory Opinion from a member of the Assembly with respect to his outside employment. Lastly, General Counsel O'Dowd reported on the status of the amendments of the Regulations, specifically, §§ 1-84b (b) and (c) of the General Statutes: that the Legal division continues to await responses from agencies with the positions they would like to designate.
6. Director of Education and Communications Nancy Nicolescu presented the Training and Media Report. She reported that a number of updates were completed to publications due to the migration of the OSE's new web portal. The updates include revising documents to represent Peter Lewandowski as Executive Director of OSE and creating interactive Guides which directly correspond to the Statutes.

7. Ethics Enforcement Officer Wasielewski presented the Enforcement Division Report, noting one matter (the final State Marshal matter) is currently scheduled for a UAPA hearing on Thursday, February 27, 2020, but it may not go forward, as there is a counteroffer.

Mr. Wasielewski was asked about the Journal Inquirer article titled “Telecommuting Probe State Ethics Office Investigated Deal for Worker who moved to Florida,” included in OSE’s Media Report and he indicated that, while OSE is aware of the article, he could not discuss the matter due to the confidentiality requirements under the Code.

8. Deputy Ethics Enforcement Officer Crayton presented the Lobbyist Audit Report for Fusion Paperboard, requesting approval of the audit with corrective action. He noted that Fusion Paperboard was selected for audit in November of 2016. Further, he stated Fusion Paperboard ultimately failed to produce documents due to its pending bankruptcy and the purported inadvertent destruction of pertinent records.

The Board discussed the fact that there have been two audits where lobbyists failed to produce records and that the inability to compel lobbyists in such cases was outside the current regulatory authority of OSE. Therefore, the Board agreed to form a subcommittee to consider revisions to the Regulations regarding recourse when lobbyists fail to adhere to lobbying law including, but not limited to, retention and production of records. A subcommittee consisting of Board Chair Castricone, Board members Cook and Mullins and Executive Director Lewandowski was formed. Board member Lipson suggested that the subcommittee begin with research of other states for precedent on the matter.

On the motion of Mr. Johnston, seconded by Ms. Cook, the Board voted nine (9) to zero (0) to approve the audit report for Fusion Paperboard.

9. Executive Director Lewandowski discussed the Legislative Proposals submitted to the Board for consideration, which are the same fourteen Legislative Proposals previously approved by the Board, a year ago. He explained that the Proposals are being resubmitted because all Proposals gained momentum in the 2019 Legislative session, passing one Chamber of the General Assembly: the House or the Senate. Board member Cook suggested that the definition for ‘state employee’ be considered for a Legislative Proposal in light of the UConn matter. OSE will prepare a draft definition of ‘state employee’ for the Board’s review and consideration.

On the motion of Ms. Cook, seconded by Ms. Lipson, the Board voted nine (9) to zero (0) to approve the Legislative Proposals.

10. Executive Director Lewandowski presented his report to the Board. He updated the Board on building matters, changes with on-site parking, status of personnel changes, the centralization of certain administrative functions and its effects. He addressed a rumor about the relocation of OSE, denying any such relocation at this time. The Board was informed of the agency’s continued efforts to obtain funding for two additional positions and that the Legislative Proposals will be submitted on Monday, January 27, 2020. Finally, Executive Director Lewandowski provided an overview of the 2019 COGEL conference he, Mrs. Nicolescu and Board member Chiusano attended, and shared that OSE and the State of Connecticut were vanguards in terms of ethics and lobbying laws when

compared to other jurisdictions. Board member Chiusano confirmed this point by sharing his breakout session experiences where Connecticut was cited frequently.

On the motion of Mr. Chiusano, seconded by Mr. Johnston, the Board voted nine (9) to zero (0) to adjourn the meeting.

The meeting was adjourned at 2:18 p.m.

Respectfully submitted by,

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

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