



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 APRIL 22, 2021 REGULAR MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, April 22, 2021, by teleconference.

Chair of the Board, Dena Castricone, called the meeting to order at 1:02 p.m.

The following Board members were present:

Dena Castricone, Chair
Mary Bigelow
Charles Chiusano
Karen Christiana

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

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, Paralegal Specialist & Clerk of the Board

The following topics were addressed during the meeting:

1. The minutes of the March 18, 2021 Regular Meeting were presented to the Board for approval.

On the motion of Mr. Chiusano, seconded by Ms. Mullins, the Board voted nine (9) to zero (0), to approve the minutes of the March 18, 2021 Regular Meeting.

2. Chair Castricone presented the Chairperson's report, including a reminder to board members that Statements of Financial Interests ("SFIs") are due on May 1, 2021. Board member

Chiusano volunteered to serve as the June 10, 2021 Uniform Administrative Procedure Act Hearing Officer.

3. General Counsel O'Dowd presented the Petition for Advisory Opinion submitted by Marcus G. Lawson, an employee of Capital Community College, which is a part of the Connecticut Community College System, for the Board's consideration. In his Petition, Mr. Lawson asked if it is permissible for him to submit a letter of reference on behalf of one of his family members, specifically a cousin, who is seeking an adjunct position at a different Community College within the Connecticut Community College System. General Counsel O'Dowd noted that the Legal Division previously issued an informal staff opinion granting Mr. Lawson's request based upon the specific facts he provided, and that Mr. Lawson accepted the offer of a formal Board opinion, which is provided to all requestors of informal staff opinions. Thus, General Counsel O'Dowd recommended that the Board grant Mr. Lawson's Petition.

On the motion of Ms. Bigelow, seconded by Vice-Chair Farrell, the Board voted nine (9) to zero (0) to consider the Petition for Advisory Opinion submitted by Marcus G. Lawson.

4. General Counsel O'Dowd discussed Draft Advisory Opinion No. 2021-1, issued in response to the Petition submitted by John S. Johnson, a member of the Board of Directors of the Connecticut ("CT") Port Authority, a quasi-public agency under the Code of Ethics (the "Code"). Petitioner submitted that there have been questions pertaining to his voting activities considering his ownership of property near the CT State Pier, and asked the Board for its opinion as to whether there was, and continues to be, a conflict under the Code. General Counsel O'Dowd explained to the Board that because Mr. Johnson did not ask whether he could take official action with respect to any specific matter pending before the Board of Directors of the CT Port Authority, the Draft provided a general overview of the provisions of Sections 1-85 and 1-86 of the Code.

Petitioner presented a question of clarification with respect to the Draft, specifically as to "whether he does or does not have a conflict of interest." Chair Castricone explained to Petitioner that the Draft presented the framework of the rules which would apply, depending on a specific action/matter before him as a board member. General Counsel O'Dowd added that the Draft applies only to prospective conduct and does not address any actions occurring in the past because that is not the function of an advisory opinion. Furthermore, General Counsel O'Dowd explained to Petitioner that because he did not ask whether he could vote on a specific matter, there was no matter for the Board to address specifically, to determine if he had a conflict. With the Legal framework in place, however, Mr. Johnson can seek an informal staff opinion anytime should he face a specific matter requiring his vote or action as a CT Port Authority board member.

Chair Castricone acknowledged the Legal Division for nicely laying out in the draft all the potential rules that could be an issue and expressed her appreciation of the Division's work.

On the motion of Mr. Johnston, seconded by Vice-Chair Farrell, the Board voted nine (9) to zero (0) to approve Draft Advisory Opinion No. 2021-1.

5. General Counsel Brian O’Dowd presented the Legal Division report, noting that the University of Connecticut (“UConn”) submitted an updated policy regulating “Student State Employment,” but the updated policy was essentially the same policy it originally submitted to the OSE. (The newly submitted version was condensed and contained links directing the viewer to a more detailed [original] policy, some of which has nothing to do with “conflict of interest relating to student state employment”). Accordingly, the policy was returned, and the Legal Division is actively working with UConn to streamline it.
6. Director of Education & Communications Nancy Nicolescu presented the Training and Media reports, noting that she conducted a “in-person” training today in Milford, the first since restrictions resulting from the COVID-19 pandemic. Concerning SFIs, Director Nicolescu updated the Board that: (a) 15-day Notices of the deadline were sent to filers on April 19, 2021; (b) 5-day Notices of the deadline will be sent to filers on April 29, 2021; (c) on April 8, 2021, 47.8% of filers completed filings; (d) as of yesterday, 66% of filers completed filings; (e) of the 2,488 required SFI filers, 1,609 filers filed electronically and 29 filers filed by paper (some, of whom, are dual filers); and (f) there have been 6 volunteer filers.
7. Ethics Enforcement Officer Mark Wasielewski presented the Enforcement Division Report, highlighting that: (1) the Division is currently enforcing the first quarter lobbyists’ late filings of ETH-2C and ETH-2D reports; (2) very soon, the SFIs will be due; and (3) over the last month or two, the Division has been sorting through its files (for retention or destruction upon approval of the State Archive), in preparation for the move to the 165 Capitol Avenue State Building.
8. Deputy Ethics Enforcement Officer Marc Crayton presented the lobbyist audit report for SPI/APBA, LLC, requesting approval of the audit and its findings. Mr. Crayton reported that the audit consisted of two findings: (i) the failure to disclose the fundamental terms of its contract with its communicator lobbyist; and (ii) the late filing of its 2019 combined third and fourth quarter financial disclosure form/report (ETH-2D) on January 13, 2020, which was due on or before January 10, 2020; therefore, making the filing three days overdue). No corrective action was recommended since the client lobbyist has already amended its filings to disclose the fundamental terms of its contract with its communicator lobbyist.

On the motion of Mr. Chiusano, seconded by Ms. Lipson, the Board voted nine (9) to zero (0), to approve the audit report for SPI/APBA.

9. Board member Chiusano provided an overview of UConn’s Faculty Consulting Program pursuant to CGS 1-84 (r) and the responsibilities of the UConn Faculty Consulting Oversight Committee. Mr. Chiusano noted that the Committee met on January 27, 2021, to review the annual report, and on February 23, 2021, the Committee approved said report. In addition, the Committee reviewed the FY 2019 final internal audit report and the FY 2020 annual report of Faculty Consulting Offices. The Committee concluded that UConn is in full compliance with both the letter and the intent of the law.

Chair Castricone thanked Mr. Chiusano for participating on the UConn Faculty Consulting Oversight Committee and congratulated the Committee on its high rate of compliance success.

10. Executive Director Lewandowski presented the following legislative updates to the Board:

- (a) On March 29, 2021, the Government Administration and Elections (“GAE”) Committee voted favorably in support of OSE’s two bills: **Senate Bill 1016**, *An Act Concerning Municipal Ethics*, and **House Bill 6574**, *An Act Concerning Revisions to the State’s Codes of Ethics*. **Senate Bill 1016** was voted out of the Committee fourteen (14) to four (4), placed on the Senate’s calendar late last week, and Mr. Lewandowski is currently in discussions with Senators Flexer and Sampson to advance the Bill in the Senate at the earliest opportunity. **House Bill 6574** was voted unanimously out of the Committee, placed on the House’s calendar last week, and Mr. Lewandowski is currently in the process of contacting House Representatives Fox and Mastrofrancesco to advance the Bill.
- (b) **Senate Bill 296**, *An Act Establishing the Right to Appeal the Decision of a Municipal Ethics Board to the OSE*, failed in the GAE Committee and will not advance.
- (c) The OSE is monitoring **House Bills 6193**, *An Act Subjecting Certain Nonstate Entities That Serve A Governmental Function To The Freedom of Information Act and The Codes of Ethics*, and **6664**, *An Act Concerning Quasi-Public Agency Transparency*, and **Senate Bill 1071**, *An Act Implementing The Recommendations of the Auditors of Public Accounts*, which have passed the GAE Committee.

Mr. Lewandowski thanked Director Nicolescu for preparing the Bill Tracking Report, which list all the Bills that the OSE is currently monitoring.

Board member Johnston commented that it is nice to see the OSE and the Connecticut State Auditors working together. He believes such collaboration will be beneficial to both agencies and the residents of Connecticut.

Chair Castricone inquired as to the status and viability of **House Bill 6211**, *An Act Concerning Gender And Racial Diversity On Certain State Appointive Boards, Commissions, Committees And Councils And An Online Systems For Consideration Of Appointments Within The Legislative Department*, and Mr. Lewandowski replied that the Bill was voted out of the GAE Committee, received positive feedback and will be placed on the House calendar. Chair Castricone provided the Board with a status of its own project on Diversity on its Board.

11. Mr. Lewandowski presented the Executive Director’s report, highlighting the following:

- (a) OSE’s relocation to the 165 Capitol Avenue State Building will take place on May 7, 2021. Older files were previously transferred to the basement storage area of the 165 Capitol Avenue State Building on April 8, 2021. Over the last week, staff has been touring the OSE’s new space and facilities. All but four workstations have been constructed as

proposed; these non-compliant workstations are on schedule to be adjusted/ corrected by the end of May. The setback will not impact operations since the staff is still teleworking.

- (b) Concerning the OSE's budget, Mr. Lewandowski delivered good news that the Appropriations Committee released its Budget yesterday and it included the amounts requested by OSE. In addition, the budget reflected the recommendations of the Governor. Therefore, in FY 2022, OSE will receive \$1,626,000, and in FY 2023, OSE will receive \$1,684,000, for its operations. The proposed line item for Information Technology ("IT") initiatives and its amounts were consolidated in the main budget as OSE requested.
- (c) The OSE, Connecticut State Election Enforcement Commission ("SEEC") and Connecticut Freedom of Information Commission ("FOIC") met with the State's Chief Information Officer Mark Raymond to discuss the proposed consolidation of IT services. Mr. Raymond encouraged the OSE, SEEC and FOIC to participate in a Memorandum of Understanding ("MOU") with the new IT organization, but it is unclear what is meant by the MOU. After further and careful review of Mr. Raymond's request, the OSE, SEEC and FOIC decided and conveyed to Mr. Raymond that the offices should remain out of scope and not be included in the consolidation.
- (d) Boston Consulting Group's report. Boston Consulting Group ("BCG") was hired by the State to review and develop statewide cost-saving measures considering upcoming retirements. BCG reported that consolidation is not an option for the watch-dog agencies and acknowledged that the 2011 consolidation of the watch-dog agencies did not work well for their operations. However, BCG recommended streamlining certain processes and moving to electronic platforms, some of which OSE is already undertaking, or has a proposal for.

Lastly, Mr. Lewandowski reminded all required filers in the meeting that SFIs are due on May 3, 2021, because the statutory deadline of May 1st falls on the weekend.

On the motion of Vice-Chair Farrell, seconded by Ms. Lipson, the Board voted nine (9) to zero (0) to adjourn the meeting.

The meeting was adjourned at 1:39 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)