



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 AUGUST 19, 2021 REGULAR MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, August 19, 2021, by teleconference.

Chair of the Board, Dena Castricone, called the meeting to order at 1:04 p.m.

The following Board members were present:

Dena Castricone, Chair
Mary Bigelow
Charles Chiusano
Kevin Johnston

Jason Farrell, Vice-Chair
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
Jennifer Montgomery, Assistant Ethics Enforcement Officer
Michael Morrissey, Legal Investigator
Melissa Hamilton, Paralegal & Clerk of the Board

The following topics were addressed during the meeting:

1. The minutes of the July 22, 2021 Regular Meeting were presented to the Board for approval.

On the motion of Ms. Lipson, seconded by Mr. Chiusano, the Board voted seven (7) to zero (0), with Mr. Farrell abstaining, to approve the minutes of the July 22, 2021 Regular Meeting.

2. Chair Castricone presented the Chairperson's report, reminding the Board that Ms. Mullins will serve as the September 16, 2021 Uniform Administrative Procedure Act ("UAPA")

Hearing Officer. Chair Castricone requested and Ms. Lipson volunteered to serve as the October 14, 2021 UAPA Hearing Officer.

- (a) Annually, a Nominating Committee is formed to manage the nominations of the Chair and Vice-Chair positions of the Board. At its special meeting on August 18, 2021, the Nominating Committee, after polling all members of the Board interests in serving as officers of the Board, recommended the following slate of officers for one-year terms beginning on October 1, 2021:

<u>Chairperson</u>	Dena Castricone
<u>Vice-Chairperson</u>	Nichelle Mullins

Following the Nominating Committee's report, Mr. Chiusano opened the floor for nominations for the election of the Chair and Vice-Chair positions. With no additional interests/nominations, the Board voted, on the motion of Vice-Chair Farrell, seconded by Ms. Bigelow, eight (8) to zero (0), to accept the Nominating Committee's recommendation of the slate of Board officers for one-year terms beginning on October 1, 2021.

Mr. Chiusano announced that without further nominations of serving as Board officers, he is requesting that the Board votes unanimously for Dena Castricone to serve as Chair and Nichelle Mullins as Vice-Chair for the one-year term beginning October 1, 2021.

The Board voted seven (7) to zero (0), with Chair Castricone abstaining, to approve the election of Dena Castricone as Chair and Nichelle Mullins as Vice-Chair of the Citizen's Ethics Advisory Board.

Chair Castricone thanked Mr. Chiusano and shared with the Board she is looking forward to another year of service on such an incredible Board, as well as how honored she is to serve alongside all the Board members.

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. Bigelow, the Board voted eight (8) to zero (0) to amend today's meeting agenda to add and consider the Petition for Advisory Opinion submitted by Noel Petra.

4. General Counsel O'Dowd presented the Petition for Advisory Opinion submitted by Noel Petra, the Deputy Commissioner for Real Estate and Construction Services at the Department of Administrative Services ("DAS"), who is planning to run for an uncompensated, elective position with the Board of Education in his hometown of Guilford, for the Board's consideration. In his Petition, Mr. Petra asked whether there are any provisions in the State Code of Ethics that would prohibit him from (1) continuing to hold his appointed state position as a Deputy Commissioner at DAS, while concurrently serving his community as a volunteer

in an elective position on the Guilford Board of Education, and (2) would his participation on the Board of Education prohibit him from taking any official actions in his role overseeing the Office of School Construction? General Counsel O'Dowd recommended that the Board grant Mr. Petra's Petition for consideration.

On the motion of Ms. Lipson, seconded by Mr. Chiusano, the Board voted eight (8) to zero (0) to approve the consideration of the Petition for Advisory Opinion submitted by Noel Petra.

5. General Counsel O'Dowd presented the Legal Division report, discussing his note of the potential for a few Petitions for Advisory Opinions, one of which has been received and discussed herein. The second prospective Petition concerns "lake patrolmen" and whether they are subject to the Code of Ethics. Interestingly, the "lake patrolmen" are appointed by the Commissioner of the Department of Energy and Environmental Protection, but they are compensated by the municipalities in which they work, and the Statute mentioned that they are state employees. The requestor asked for an informal staff opinion under the assumption that he is a state employee. Because he will be subject to the Code and several restrictions under such presumption, the Legal Division imagined that the requestor would submit to the Board a Petition for Advisory Opinion to address the matter once he receives the informal staff opinion. The final possible Petition for Advisory Opinion would address the question of whether a Tribal nation is required to register as a lobbyist.

In response to a comment by the Chair regarding the work capacity of the Legal Division, Mr. O'Dowd shared that shortly after his report submission that August has been a slow month, the Division received many requests, particularly from the Department of Transportation relating to post-state employment. Chair Castricone ended with some encouraging words that when the Division and agency are busy, it is a "good thing." She explained that the volume of requests are attestations that all outreach efforts conducted by the agency have been successfully received.

6. Director of Education & Communications Nancy Nicolescu presented the Training and Media reports.

Ms. Lipson asked whether Ms. Nicolescu anticipated additional in-person trainings or will most trainings be conducted via "zoom" and Ms. Nicolescu responded that due to the recent "reset period" (derived by recent Union agreements), she believes many trainings will be conducted via virtual platforms for the near future with any likely changes occurring later in the year.

7. Ethics Enforcement Officer Mark Wasielewski presented the Enforcement Division Report, highlighting that the Division has: (1) settled two matters: the matter of Robert Sember, in the amount of \$2,500; and the Carla Ocampo matter, in the amount of \$500. The Ocampo matter involved a former Department of Corrections employee who, within one year of leaving state service, contacted her former agency with an offer to sell thermal cameras in violation of 1-84b (b); and (2) there are six open matters concerning lobbyist reporting, particularly the second quarter ETH-2D and ETH-2C initiatives.

8. Deputy Ethics Enforcement Officer Marc Crayton presented the lobbyist audit report for Northeast Pharmacy Service Corporation, requesting approval of the audit and its findings. Mr. Crayton reported that the audit consisted of three findings: (i) an overstated payment of \$0.24 in 2018 to its communicator lobbyist; (ii) an understated payment of \$249.76 in 2019 to its communicator lobbyist; and (iii) an understated payment of \$7,089.80 in 2020 to its communicator lobbyist. The client lobbyist recently, on July 21, 2021, amended its filings to correct the overstatements and understatements.

On the motion of Mr. Chiusano, seconded by Ms. Bigelow, the Board voted eight (8) to zero (0) to approve the audit report for Northeast Pharmacy Service Corporation.

9. Deputy Ethics Enforcement Officer Marc Crayton presented the lobbyist audit report for National Waste & Recycling Association, requesting approval of the audit and its findings. Mr. Crayton reported that the audit consisted of two findings: (i) an understated payment of \$5,317.50 in 2019 to its communicator lobbyist; and (ii) an overstated payment of \$5,317.50 in 2020 to its communicator lobbyist. The client lobbyist recently, on August 9, 2021, amended its filings to correct the overstatements and understatements.

On the motion of Mr. Chiusano, seconded by Vice-Chair Farrell, the Board voted eight (8) to zero (0) to approve the audit report for National Waste & Recycling Association.

In response to Mr. Chiusano's inquiry of whether the client lobbyists' understanding of the filing period is the reason for their overstatements and understatements, Mr. Crayton explained that he believed the timing of the National Waste & Recycling Association's expenditures and payments, and mathematical errors by Northeast Pharmacy Service Corporation are the reasons for the respective client lobbyist's understatements and overstatements.

Chair Castricone recognized the Ethics Enforcement Division for the settlements and audit reports it completed to date and thanked the Division for the good work it has done.

10. Mr. Lewandowski presented the Executive Director's report, noting that at the beginning of August, the State and the State Employee Unions ("SEBAC") reached a stipulated agreement regarding telework. One of the key provisions in the agreement is the ability of employees to return to previous work schedules maintained when the pandemic started in March of 2020 until July 1, 2021. Specifically, the agreement provides that between August 3, 2021 and October 2, 2021, employees may revert to previous telework schedule, some of which include up to 100% telework (the "reset period"). During this period, employees may continue with any work schedules they wish, including work schedules since July 1, 2021, and the OSE will remain open to the public pursuant to the Governor's directive. Once the reset period ends, staff members will be granted up to 50% telework, but can request telework in excess to 50%, provided such request is subject to the approval of the agency heads and taking into consideration operational needs of the agencies and the job duties of the requesting employees. The hope is to eventually establish a formal permanent agreement for telework with the state and bargaining units that will provide some form of stability. As telework is pursued, certain operational needs of the OSE take precedence over telework which has been highlighted to the

staff, for example in-person board meetings, UAPA hearings, depositions, board hearings, Enforcement proceedings, etc. Mr. Lewandowski noted that the staff has been very accommodating in past. In addition, Mr. Lewandowski discussed the fast-approaching September Board in-person/teleconferenced (“hybrid”) meeting, and his plans to communicate garaging, building access, directions to the meeting room and in-building COVID procedures in advance of the meeting.

Responding to Chair Castricone’s inquiry of the return of Board members’ badges, Mr. Lewandowski informed the Board that member badges will be updated remotely to provide access to the garage and building.

Mr. Chiusano thanked Ms. Lipson for her assistance on the Nominating Committee, and Mr. Lewandowski thanked both Mr. Chiusano and Ms. Lipson for volunteering for the Nominating Committee and assisting with the management of the nominations of the Chair and Vice-Chair positions of the Board.

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

The meeting was adjourned at 1:33 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)