



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 FEBRUARY 18, 2021 REGULAR MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, February 18, 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 F. Chiusano
Karen Christiana

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
Henry Herschkorn, Fiscal Administrative Officer
Melissa Hamilton, Paralegal Specialist & Clerk of the Board

The following topics were addressed during the meeting:

1. The minutes of the January 21, 2021 Regular Meeting were presented to the Board for approval.

On the motion of Ms. Lipson, seconded by Mr. Chiusano, the Board voted eight (8) to zero (0) to approve the minutes of the January 21, 2021 Regular Meeting.

2. Chair Castricone presented the Chairperson's report, first noting that she will serve as the Hearing Officer for the February 25, 2021 Uniform Administrative Procedure Act ("UAPA") hearing(s), that

Board member Chiusano previously volunteered to serve as the March 25, 2021 UAPA Hearing Officer, and a Hearing Officer for the April 15, 2021 hearings will be selected at next month's Board meeting (on March 18, 2021).

Second, Chair Castricone shared a new initiative the Board is pursuing-- increasing the level of diversity on the Board. Because the Board does not decide on its members, the Board plans to create strategies to encourage its appointing authorities to make certain the CEAB represents the diversity of the citizens of the State of Connecticut.

Lastly, Chair Castricone commented on the volume of requests for advice that the Legal Division received during the last month and applauded the Division on its dedication and great work.

3. General Counsel Brian O'Dowd reported on the Legal Division's activities during the past month, sharing that the Division was very close to its record high of opinions issued within a reporting period. Mr. O'Dowd thanked the members of the Division for collectively managing the volume of requests that the Division received.

Mr. O'Dowd shared his plan to discuss with the Board, hopefully in the next month, the University of Connecticut's ("UConn") submission of its policies regarding "Student Employment." He is currently in discussion with UConn regarding these policies. Specifically, he has requested clarification on the 75-page document that UConn has submitted. Chair Castricone, on behalf of the Board, thanked General Counsel O'Dowd for reviewing, requesting clarification, and streamlining the policies submitted by UConn.

Board member Lipson acknowledged and commended the Legal Division for its handling and issuance of opinions during the reporting period. General Counsel O'Dowd informed the Board that there are two opinions that may be presented to the Board in the next month or two.

4. Director of Education & Communications Nancy Nicolescu presented the Training and Media reports. She informed the Board that an updated version of OSE's Ethics Online course was recently released to the Learning Management System's Administrators across the State and the state agencies' employees that fall under that system are currently completing the course.
5. Ethics Enforcement Officer Wasielewski presented the Enforcement Division Report, highlighting that the Division has been busy enforcing the timely filing of several lobbyist reports that were due by January 10. Chair Castricone inquired if there are still seven matters scheduled for next week's UAPA hearing(s) (on February 25, 2021), and Mr. Wasielewski replied that, as of yesterday, only two matters remain; however, the status may have changed and if the status has changed, he will advise the Hearing Officer as well as the Hearing Officer's Procedural Advisor.
6. Executive Director Lewandowski presented the following legislative updates to the Board: (a) a reminder that the General Assembly is conducting its operations remotely; (b) that on January 22, 2021, the Government Administration and Elections Committee raised bill concepts for the proposals OSE submitted to the legislature, and it is anticipated that the two bills (Municipal Ethics and Revisions to the Codes of Ethics) will be raised any day, for which OSE will have the opportunity to present public testimony in support of; (c) that the Connecticut Conference of Municipalities and the Connecticut Council of Small Towns were contacted in support of OSE's Municipal Ethics proposal

and to inform them that the version of the Municipal Ethics proposal that OSE submitted is the same version they previously agreed to; and (d) that the Legislative Bill Tracking Report prepared by Ms. Nicolescu, which was contained in this month's Board package, includes several bills that OSE is monitoring because they involve ethics and OSE's jurisdiction. Mr. Lewandowski highlighted a few of those bills: (i) a municipal proposal called "An Act to Establish the Right to Appeal a Decision of a Municipal Ethics Board to the OSE", which is sponsored by Senator Lopes of New Britain.; and (ii) other bills involving "Reforms" and "Quasi-Public agencies," such as the Connecticut Port Authority. Mr. Lewandowski noted that he has reached out to legislators who are sponsors of such bills in order to discuss the intent of their proposed legislation and to offer OSE's assistance.

Chair Castricone inquired as to the status of the Municipal bill sponsored by Senator Lopes and Mr. Lewandowski replied that the proposal was submitted to the GAE, but there is no indication that it was scheduled for testimony or a hearing. He will, however, have a broader insight of the proposal after his meeting with Senator Lopes which is scheduled for tomorrow, as well as the vision for the proposal and OSE's anticipated level of involvement should the bill be enacted.

7. Mr. Lewandowski presented his Executive Director's report by first noting that the Fiscal Administrative Officer ("FAO") position has been filled by Henry Herschkorn. Mr. Herschkorn was introduced/reintroduced to the Board and the Board was advised that Mr. Herschkorn previously worked with the OSE, but the office lost him in a consolidation with the Office of Governmental Accountability. In addition to handling daily fiscal matters, Mr. Herschkorn will also support the lobbyist and Statement of Financial Interest ("SFI") filing programs (with which he is already familiar) and be an integral part of the OSE's fiscal compliance with the regulatory and audit requirements. Furthermore, Mr. Herschkorn will continue to support OSE's sister watchdog agencies with payroll services pursuant to an established Memorandum of Understanding.

Second, Mr. Lewandowski informed the Board that OSE's annual report to the Governor for calendar year 2020 was filed on February 10, 2021, pursuant to General Statutes §§ 1-81 (a) (6) and 1-92 (f). He thanked Director of Education & Communications Nicolescu, General Counsel O'Dowd and Ethics Enforcement Officer Wasielewski for their collaboration on the report and its submission to the Governor. Chair Castricone commended the OSE for a well-prepared report.

Third, Mr. Lewandowski reported that the Governor released his biennial budget for fiscal years 2022 and 2023, on February 10, 2021, with a recommendation of the appropriation of funds as proposed by the OSE. Mr. Lewandowski is scheduled to testify before the Appropriations Committee regarding the Governor's budget on February 22, 2021, and he will update the Board at its next Meeting on March 18, 2021, regarding the proceeding and its outcome.

Concerning OSE's relocation, Mr. Lewandowski provided an update that the relocation has been tentatively scheduled for Friday, May 7, 2021, to avoid any conflicts with SFI filings, which usually occur in April.

Finally, Mr. Lewandowski relayed that lobbyists' registrations and the financial reporting period are still ongoing, that the staff is doing great work despite limitations caused by the ongoing pandemic, and that the OSE continues to mail lobbyists' badges, field registration phone calls and provide compliance assistance to the lobbyist community. As of today, the OSE has collected over \$757,000

in lobbyist registration fees for the biennium that commenced on January 1, 2021. Board member Chiusano asked whether the lobbyist registration fees are primarily paid by credit card and if so, has the OSE incurred credit card fees for those transactions and whether those credit card fees have been reimbursed to the OSE, and Mr. Lewandowski replied that lobbyist registration fees are primarily paid by credit cards and that the OSE incurs credit card fees as a result of said transactions, which are paid from its operating expenses; however, he will alert the Appropriations Committee that it is OSE's ongoing concern that the credit cards fees incurred from lobbyist registration fee transactions should be reimbursed. Chair Castricone requested a refresher as to the reason why the credit card fees could not be passed onto the lobbyist and Mr. Lewandowski informed her that because lobbying is a constitutionally protected form of speech, any costs OSE imposes must correspond to administrative costs. Board members Chiusano and Lipson will discuss with Mr. Lewandowski the best approach of the \$30,000 credit card fees that OSE continues to incur biennially due to lobbyist credit card payments of registration fees.

On the motion of Ms. Mullins, seconded by Mr. Chiusano, the Board voted eight (8) to zero (0) to enter into an Executive Session to discuss strategy and negotiations with respect to pending claims or pending litigation, pursuant to General Statutes §§ 1-200 (6) (B) and 1-210 (b) (4).

The following Board members were present for the Executive Session:

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

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

The following staff members were present for the Executive Session:

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

Jennifer Montgomery, Assistant Ethics Enforcement Officer
Melissa Hamilton, Paralegal Specialist & Clerk of the Board

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

The meeting was adjourned at 1:56 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)