



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 JULY 22, 2021 REGULAR MEETING

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

Chair of the Board, Dena Castricone, called the meeting to order at 1:09 p.m.

The following Board members were present:

Dena Castricone, Chair
Mary Bigelow
Charles Chiusano
Karen Christiana

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 & Clerk of the Board

The following topics were addressed during the meeting:

1. Chair Castricone clarified the process of taking votes, which is, if the votes are not unanimous, then individual votes must be recorded.
2. The minutes of the June 17, 2021 Regular Meeting were presented to the Board for approval.

On the motion of Mr. Chiusano, seconded by Ms. Bigelow, the Board voted six (6) to zero (0), with Ms. Lipson abstaining, to approve the minutes of the June 17, 2021 Regular Meeting. (Mr. Johnston did not participate in the vote as he was not present).

3. Chair Castricone opened the Chairperson's report with a recognition of the Clerk of the Board for the great work on the minutes of the Board's monthly meetings. The Chair then reminded the Board that there will be no Uniform Administrative Procedure Act ("UAPA") Hearing in August. Board member Mullins volunteered to serve as the September 16, 2021 UAPA Hearing Officer. Annually, a Nominating Committee is formed to manage the nominations of the Chair and Vice-Chair positions of the Board. This committee must consist of two board members not running for either position, and the executive director serving as an ex officio member. Board members Lipson and Chiusano volunteered to serve as board members of the Nominating Committee. Finally, Chair Castricone reminded the Board that in-person Board meetings will resume on September 23, 2021. It was also noted that a hybrid model will be followed for future meetings commencing on September 23, 2021. Under this model, meetings will be held onsite and board members who cannot attend in-person will be able to join by video conference.

Board member Kevin Johnston joined the meeting at 1:12 p.m.

4. The Board continued the discussion on the University of Connecticut's policies regulating student state employment pursuant to General Statutes § 1-90a, which was commenced at its June 17, 2021 meeting, and later tabled for further discussion.

On the motion of Ms. Lipson, seconded by Mr. Chiusano, the Board voted eight (8) to zero (0) to approve the University of Connecticut's policies to regulate student state employment pursuant to General Statutes § 1-90a.

5. General Counsel O'Dowd presented the Legal Division report, noting his reference to the tsunami of post-state employment opinion requests. He shared with the Board that due to the anticipated 2022 retirements, the Legal division is already seeing an uptick in the number of opinion requests, which may also result in the Board receiving multiple petitions for Advisory Opinions on this topic. To manage any prospective influx of requests relating to this topic, the Division is proactively working with the Ethics liaisons to conduct trainings and to prepare guidelines and checklists of the various post-state employment provisions.
6. Director of Education & Communications Nancy Nicolescu presented the Training and Media reports.
7. Ethics Enforcement Officer Mark Wasielewski presented the Enforcement Division Report, highlighting that the Division has: (1) experienced an increase in incoming matters for investigation; (2) settled the matter of Robert Sember, Docket No. 2020-18; and (3) scheduled a probable cause hearing for September 15, 2021.

Mr. Wasielewski reminded the Board of its role should there be a finding of probable cause. Chair Castricone added that the Board will be required to meet as a group to hear evidence on a quick turn-around basis.

8. Deputy Ethics Enforcement Officer Marc Crayton presented the lobbyist audit report for Warner Theatre, Inc., requesting approval of the audit and its findings. Mr. Crayton reported that the audit consisted of one finding, the late filing of Warner Theatre Inc.'s ETH-1B.

On the motion of Ms. Mullins, seconded by Ms. Lipson, the Board voted eight (8) to zero (0) to approve the audit report for Warner Theatre, Inc.

9. Executive Director Lewandowski presented the legislative updates to the Board. He informed the Board that today's legislative updates are the final updates for this year's legislative session, and thanked Ms. Nicolescu for an exceptional job with the preparation of the synopsis of the 2021 legislation that is relevant to the OSE. The following legislative items were highlighted:
 - (a) OSE's Agency Bill, **HB 6574**, *An Act Concerning Revisions to the State's Codes of Ethics*, is now **Public Act No. 21-164**. The Act has been signed by Governor Ned Lamont, and all but one provision will take effect on October 1, 2021. The provision which lists the Paid Family and Medical Leave Insurance Authority (PFMLIA) as a quasi-public agency became effective on July 1, 2021. Among other things, **Public Act No. 21-164** includes a revision to the Board's deadline to issue a determination following a hearing: the Board previously had 15 days to issue a determination, but the new Act provides the Board with 45 days to render a decision.
 - (b) If the Board plans to submit legislative initiatives for the 2022 legislative session, a meeting is recommended in or around October or November of this year to discuss the initiatives. In addition, Mr. Lewandowski informed the Board that he will engage the House leadership for feedback on the OSE's Agency Bill, **SB 1016**, *An Act Concerning Municipal Ethics* (which passed in the Senate twice but has not advanced in the House for a second time), and report back, for a determination if the Board wishes to proceed with the Bill for a third time.
 - (c) The budget implementer provides important guidance to state agencies as it relates to the Freedom of Information Act when the agencies are conducting board meetings in the hybrid model. The guidance provides that state agencies are not only required to post board meeting minutes on their respective websites within 7 days of a board meeting, but also, they are required to post the recording of the meeting within 7 days of the meeting.
 - (d) **Public Act No. 21-49 (SB 883)**, *An Act Concerning the Recommendations of the Governor's Council on Women and Girls*, addresses issues of diversity on State Boards. The new law requires (a) the appointing authorities for State Boards and Commissions, including the Citizen's Ethics Advisory Board, to, among other things, ensure that memberships are qualified and diverse, consistent with applicable law, by January 1, 2026, and after that, according to the most recent U.S. census population data; and (b) the Secretary of the State to publish a report of the composition of state boards, in accordance with the law and the most recent U.S. census population data.

Chair Castricone thanked Ms. Nicolescu and Mr. Lewandowski for the 2021 Legislative Analysis report.

10. Mr. Lewandowski presented the Executive Director's report, noting the following:

- (a) the office has developed an internal work schedule comprising of both in-office and telework schedules, in response to the Governor's directive that employees may telework up to 50% of their bi-weekly work schedule, and to ensure proper coverage of the agency's onsite operational needs. He thanked the staff for being cooperative and accommodating, as it allowed for a very smooth transition to the 50% telework scheduling.
- (b) the ongoing discussion between the unions and the administration regarding the development of permanent telework guidelines.
- (c) the office continues to provide in-person services but encourages the public to call ahead to schedule an appointment.
- (d) concerning informational technology matters, the office is in the process of updating its case management system (or the office's data management system). Because the office is in the market for a new vendor to conduct the update(s), it is taking the opportunity to solicit the staff for recommendations, suggestions, or flaws with the system, to also present to the vendor for resolution.
- (e) the commencement of the OSE's regulation review, which will be completed in two stages. The first stage will consist of more technical amendments to existing regulations, making certain that the regulations are up to-date and within statutory compliance, and the second stage will involve substantive overhaul, including any inadequacies and/or the introduction of new regulations. The process will commence soon and will require the Board's review and approval of proposed regulations prior to their submission to the General Assembly's Regulations Review Committee.

Mr. Lewandowski informed the Board, in response to an inquiry from Board member Lipson concerning the status of OSE's payment of credit card fees incurred in the processing of lobbyist registrations, that in addition to raising the issue during the 2021 legislative session with the fiscal budget analyst assigned to the Appropriations subcommittee, **HB 6444**, *An Act Concerning the Modernization of State Services and the Membership of the Commission for Education Technology*, which is now **Public Act No. 21-76**, appears to provide authority to state agencies to charge additional fees incurred as a result of the processing of electronic payments; however, it is unclear if the OSE may charge such additional fees if they appear to be in excess of its administrative costs. Mr. Lewandowski plans to review the provision more closely to determine if it is applicable for the OSE's use.

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 1:38 p.m.

Respectfully submitted by,

A handwritten signature in blue ink, appearing to read "Melissa Hamilton", with a horizontal line underneath.

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

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