



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 MARCH 18, 2021 REGULAR MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, March 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
Karen Christiana
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
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 February 18, 2021 Regular Meeting were presented to the Board for approval.

On the motion of Ms. Lipson, seconded by Ms. Bigelow, the Board voted seven (7) to zero (0), with Mr. Johnston abstaining, to approve the minutes of the February 18, 2021 Regular Meeting.

2. Chair Castricone presented the Chairperson's report. Vice-Chair Farrell and Board member Lipson volunteered to serve as the Uniform Administrative Procedure Act Hearing Officers on April 15, 2021, and May 13, 2021, respectively.
3. General Counsel O'Dowd presented the Petition for Advisory Opinion submitted by John S. Johnson, a member of the Connecticut ("CT") Port Authority. Because the CT Port Authority is a quasi-public agency under the Code of Ethics, Mr. Johnson is subject to the conflict of interest rules. In his Petition, Mr. Johnson notes that there have been questions pertaining to his voting activities considering his ownership of property near the CT State Pier, and he now seeks the Board's opinion as to whether there was, and continues to be a conflict under the Code. General Counsel O'Dowd recommended that the Board consider Mr. Johnson's Petition, but only in relation to Mr. Johnson's prospective conduct. He noted that the Legal Division generally does not issue opinions pertaining to past conduct, as those matters are more appropriately handled by the Enforcement Division.

Board member Lipson expressed concern with respect to the Legal Division referring Mr. Johnson's Petition (particularly the past conduct discussed herein) to the Enforcement Division. General Counsel O'Dowd responded that it is not the Legal Division's practice to submit matters to the Enforcement Division.

On the motion of Vice-Chair Farrell, seconded by Ms. Christiana, the Board voted eight (8) to zero (0) to consider the Petition for Advisory Opinion submitted by John S. Johnson, but only relating to prospective matters.

4. General Counsel Brian O'Dowd reported on the Legal Division's activities during the past month, noting it was a standard, yet busy month with the issuance of 66 informal staff opinions. He informed the Board that he has not heard back from the University of Connecticut ("UConn") regarding the streamlining of its submission of policies regulating "Student State Employment." Mr. O'Dowd also shared a recently issued informal staff opinion with the Board concerning the filing of a Statement of Financial Interest ("SFI"), in the event it applies to any of the board members. The opinion notes that the receipt of federal stimulus checks is not considered income and, therefore, does not have to be reported on the SFI.

Chair Castricone, on behalf of the Board, thanked General Counsel O'Dowd for requesting the streamlining of UConn's policies regulating "Student State Employment".

5. Director of Education & Communications Nancy Nicolescu presented the Training and Media reports. She provided an update of an additional training conducted within the reporting period.

Chair Castricone shared her interest in attending Ms. Nicolescu's March 30, 2021 training and informed other board members that they are welcome to attend any trainings hosted by OSE.

6. Ethics Enforcement Officer Mark Wasielewski presented the Enforcement Division Report, highlighting that the Division has: (1) secured the \$20,000 penalty from Charmane Thurmand, Docket No. 2017-15; (2) settled the matter of Sean Condon, Docket No. 2020-12, with the

respondent paying a civil penalty of \$5,000; and (3) resolved the lobbyist matters that were commenced after the January 10th reporting deadline. (Approximately 80 Notices of Hearings were mailed relative to these matters).

Mr. Wasielewski thanked the Board for its continued support and guidance in the resolution of the Thurmand matter. He also thanked the CT Office of the Attorney General (“OAG”) for its assistance in the successful resolution of the matter. Mr. Wasielewski noted the OAG’s effective use of the new “money judgment” provision of the Code. Chair Castricone, on behalf of the Board, congratulated Mr. Wasielewski and the OAG for their work and successful outcome in the Thurmand matter. Mr. Wasielewski also congratulated Assistant Ethics Enforcement Officer Jennifer Montgomery on her first settlement on behalf of the OSE (in the Condon matter). Chair Castricone also shared sentiments of Ms. Montgomery’s thorough handling of the matter and great outcome.

Vice-Chair Farrell inquired whether a press release is forthcoming for the settlement and resolution of the Thurmand matter. Executive Director Lewandowski reminded the Board that a press release was previously issued in 2019 when the Board found that the respondent violated both the use-of-office and conflict-of-interests provisions of the Code of Ethics and imposed the civil penalty of \$20,000. The Board believes that the residents of CT should be updated on the settlement and resolution of the matter and the thorough handling of the matter. Executive Director Lewandowski agreed and will prepare an updated press release for the Board’s review.

7. Deputy Ethics Enforcement Officer Crayton presented the lobbyist audit report for PAC Group, LLC, requesting approval of the audit and its findings. Mr. Crayton reported that the audit consisted of three findings: (i) the failure to disclose the fundamental terms of a contract with their business organization communicator lobbyist; (ii) the understatement of payments to their communicator lobbyists; and (iii) the overstatement of payments to their communicator lobbyist. No corrective action is recommended as the client lobbyist has since amended its filings to remedy the findings.

On the motion of Ms. Lipson, seconded by Vice-Chair Farrell, the Board voted seven (7) to zero (0), with Ms. Mullins abstaining, to approve the audit report for PAC Group, LLC.

8. Presenter of the UConn Faculty Consulting Oversight Committee Report, Board member Chiusano, did not attend today’s meeting, and thus his report was tabled for next month’s meeting (on Thursday, April 22, 2021).
9. Executive Director Lewandowski presented the following legislative updates to the Board:
 - (a) On March 10, 2021, he testified before the Government Administration and Elections (“GAE”) Committee 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*. Mr. Lewandowski noted that none of the questions posed by the Committee indicated any opposition to the bills, so he is hopeful the bills will be voted on favorably and will advance quickly to the House or Senate for a vote. Additionally,

during his testimony, Mr. Lewandowski acknowledged and thanked both the Connecticut Conference of Municipalities and the Connecticut Council of Small Towns for their positive testimony submissions regarding OSE's Municipal Ethics bill.

- (b) On March 17, 2021, he testified before the GAE Committee regarding **Senate Bill 296**, *An Act Establishing the Right to Appeal the Decision of a Municipal Ethics Board to the OSE*, which is sponsored by Senator Lopes and Representative Fishbein. Prior to the release of the actual language of the bill, Mr. Lewandowski met with Senator Lopes to inquire as to the details of the bill and to share his concerns; however, once the language of the bill was released, it became apparent that the bill contains significant legal, fiscal and operational concerns for OSE. Accordingly, Mr. Lewandowski testified before the GAE Committee that **Senate Bill 296**, as proposed, would require a substantial increase in OSE's resources to process and manage the appeals from all 169 towns, each with its own distinct code of ethics, and that the language of the bill is unclear due to it being incorporated into OSE's enforcement mechanism under Section 1-82, raising many questions. Mr. Lewandowski shared that based upon the questions he was asked by the GAE Committee, it appears the Committee members lost appetite for the bill as written.
- (c) The legislative bill tracking report prepared by Director of Education & Communications Nicolescu, which was included in the Board's package, contains several bills relevant to the OSE and, therefore, are being monitored by the agency.

Board member Bigelow raised the point of rather than seeking recourse from OSE under **Senate Bill 296**, perhaps a regional Council Government Board would be a more appropriate venue to hear such appeals since that Board would be familiar with the Code of Ethics of each municipality in its region and has jurisdiction over those towns. Executive Director Lewandowski agreed with Ms. Bigelow and added that, apart from the concerns of operating the bill under OSE's enforcement procedures, logistically it would be more straightforward to have a streamlined process with a Regional Council Government Board or one unified Code of Ethics in order for OSE to administer the bill, similar to the CT Freedom of Information ("FOI") Commission with its administration of a statewide FOI law and the CT State Elections Enforcement Commission ("SEEC") with its administration of a uniform election law identifiable to all towns.

Chair Castricone inquired whether OSE received any indication from the legislators who sponsored **Senate Bill 296** why they did not contact OSE prior to the bill's submission to seek its participation or feedback on the proposed language of the bill since the agency would be primarily responsible for the handling of the appeals proposed in the bill. Mr. Lewandowski responded that during the meeting he initiated with Senator Lopes, he learned that the request was received from one of Senator Lopes' constituents and the genesis of the bill stems from an individual seeking oversight over a municipal ethics board. Chair Castricone thanked Mr. Lewandowski for his hard work on this matter, including his meeting with the sponsors and his well-thought out and prepared testimony before the GAE Committee, and indicated that this matter is a good example why OSE requires a larger budget to handle any facet of municipal ethics or warrants the granting of OSE's Municipal Ethics proposal.

Mr. Lewandowski expressed gratitude to General Counsel O'Dowd, Ethics Enforcement Officer Wasielewski and Deputy General Counsel Sadowski for their contributions to his testimony on **Senate Bill 296**. Chair Castricone also thanked them for a job well done.

10. Mr. Lewandowski presented his Executive Director's report, leading with a reminder to the Board that the agency has entered the SFI season and as a result, has sent its first notice to required filers that the SFI filing deadline is May 3, 2021.

Mr. Lewandowski provided an overview of his testimony before the Appropriations Committee on February 22, 2021, concerning the OSE's budget, whereby he requested that the office should receive the recommended biennial budget amounts of \$1,626,000 (for fiscal year 2022) and \$1,684,000 (for fiscal year 2023). Mr. Lewandowski also testified regarding the proposed line item for Information Technology ("IT") initiatives and its amounts not being consolidated, but should be, per public Act 19-117. The recurring issues of credit card processing fees were also addressed in his testimony. He noted that the Co-Chairs of the Appropriations Subcommittee that reviews the agency budget in detail have requested testimony only from those agencies that find their final budget amounts unacceptable. Those agencies that find their budget amounts acceptable should bring any other concerns to their respective analysts. Therefore, Mr. Lewandowski did not testify before the Subcommittee and informed OSE's budget analyst of the discrepancy with the IT line item and the recurring credit card process fees.

Concerning relocation of the OSE's office, Mr. Lewandowski shared some good news that the OSE's new office space at 165 Capitol Avenue will be completed and furnished by the end of March. The OSE's confirmed moving date remains May 7, 2021. The OSE's staff will have an opportunity to view the new office space before the move, and the relocation of dormant files and IT equipment has been confirmed for April 8, 2021.

Finally, Mr. Lewandowski discussed recent communication concerning the statewide proposal to consolidate IT services and noted that the three watchdog agencies plan to oppose this proposal and have already met with the Department of Administrative Services ("DAS")' IT services leadership team to convey the following reasons for their opposition: (i) OSE is an independent watchdog agency, its IT functions and operations are integral to its independent mission, and therefore, should not be part of the consolidation; (ii) the three watchdog agencies operate under the Memorandum of Understanding whereby they share IT, fiscal and HR services; (iii) the importance that IT or any staff is not be subordinate to any official that may feel compelled to act for political reason, henceforth the reason each watchdog agency has independent budget authority, and should also have independent operational authority; (iv) the OSE's IT staff provide specialized services to the OSE and the FOI Commission, fielding daily calls from lobbyists and SFI callers, interacting closely with the attorneys, and maintaining in-house IT systems and servers; and (v) the proposal will negatively impact established efficiencies.

Chair Castricone inquired whether OSE is the last agency to relocate from 18-20 Trinity Street, and whether the entire staff will return to in-person operations in May. Executive Director Lewandowski replied that OSE is second to last to relocate, as the FOI Commission's

relocation is scheduled for May 28, 2021, and that there have been discussions regarding return to in-person operations, but the date has yet to be determined.

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

The meeting was adjourned at 1:47 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)