



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 NOVEMBER 18, 2021 REGULAR MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, November 18, 2021.

Chair of the Board, Dena Castricone, called the meeting to order at 1:13 p.m.

The following Board members were present:

Dena Castricone, Chair (by telephone)
Nichelle Mullins, Vice Chair (by telephone)
Mary Bigelow
Charles Chiusano (by telephone)

Karen Christiana (by telephone)
Jason Farrell (by telephone)
Cheryl Lipson
Laura Schuyler (by telephone)

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 (by telephone)
Marc Crayton, Deputy Ethics Enforcement Officer

Jennifer Montgomery, Assistant Ethics Enforcement Officer (by telephone)
Diane Buxo, Assistant General Counsel (by telephone)
Alaaeldin Ali, Information Technology Analyst II
Melissa Hamilton, Paralegal & Clerk of the Board

The following topics were addressed during the meeting:

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

On the motion of Mr. Chiusano, seconded by Ms. Lipson, the Board voted seven (7) to zero (0) to approve the minutes of the October 21, 2021 Regular Meeting. (Vice-Chair Mullins did not participate in the vote due to technical difficulties.)

2. Chair Castricone introduced the annual random drawing of client lobbyists for audit in 2022. She designated Information Technology Analyst II Alaaeldin Ali to share his computer screen and perform the random selection of the client lobbyists for audit.

Deputy Ethics Enforcement Officer Marc Crayton explained his responsibilities within the Enforcement Division of the OSE, the audit process, and the audit drawing. He provided background information relative to the audit process pursuant to General Statutes § 1-96a (b) and § 1-92-56 (a) of the Regulations of Connecticut State Agencies. Mr. Crayton shared that the client randomizer will be used to select the client lobbyists (registrants) subject to the 2022 audit drawing. (This selection consists of client lobbyists registered between **January 1, 2019**, and **December 31, 2021**.) Fifteen (15) client lobbyists will be selected from the 2022 audit drawing even though only the first ten (10) lobbyists will be subject to the audit. The remaining five (5) lobbyists will serve as alternates in the event any of the first ten (10) selected lobbyists were audited in the prior two audit periods. The audits will be conducted in the order that the lobbyists were selected.

The following client lobbyists were chosen randomly for 2022 audits:

- 1) **Carpenters Labor Management Program**
- 2) **Connecticut Votes for Animals**
- 3) **Bloom Energy**
- 4) **NEAM**
- 5) **Eversource**
- 6) **Connecticut Center for Advanced Technology, Inc.**
- 7) **Yale University**
- 8) **Aunt Bertha/FindHelp**
- 9) **Tesla Motors, Inc.**
- 10) **Connecticut Pharmaceutical Solutions**

Lobbyists that were chosen randomly to serve as alternates are:

- 1) **FCR, LLC**
- 2) **Scotts Miracle-Gro Company**
- 3) **The Kennedy Center, Inc.**
- 4) **International Union UAW**
- 5) **New Haven Fire Fighter's**

Chair Castricone informed attendees of today's meeting that the list of selected client lobbyists for audit will be posted on the OSE's website, and Mr. Crayton confirmed. Mr. Crayton further informed attendees that notifications will be sent to the selected client lobbyists of their selection, and that a PowerPoint presentation and an informational session will be held for all

client lobbyists selected for audit outlining guidelines and expectations. Chair Castricone and Mr. Crayton thanked Mr. Ali for serving as the audit drawing designee.

3. Chair Castricone presented the Chairperson's report. The proposed 2022 schedules for the regular Board meetings and the Uniform Administrative Procedure Act ("UAPA") hearings were presented to the Board for review and adoption. No UAPA hearings will be held in December. Mr. Farrell volunteered to serve as the January 13, 2022 UAPA Hearing Officer.

On the motion of Mr. Chiusano, seconded by Vice-Chair Mullins, the Board voted eight (8) to zero (0) to approve the 2022 regular Board meetings' and UAPA hearings' schedules.

4. General Counsel O'Dowd presented the first round of proposed amendments to OSE's Regulations to the Board for consideration. He noted that the agency's current Regulations are out of date and not in compliance with the Legislative Branch's manual which explains how regulatory language is to be cited and the type of language to be used. The Legal Division, along with other divisions of OSE, participated in the review and technical revisions of the agency's Regulations, which included conformance of language to current guidelines, the updating of references, and the removal of provisions that have been rendered obsolete by Public Acts. Mr. O'Dowd discussed the next step (second round amendments - substantive revisions) in the Regulations amendment process once the Board approved the first round of amendments and the timeline to expect the second round of proposed substantive changes.

Chair Castricone thanked all involved in the Regulations amendments.

In response to Ms. Lipson's questions as to what happens to the revised Regulations once the Board approves them and whether opposition to the amendments is likely, Mr. O'Dowd explained the detailed process and procedures involved in submitting Regulations to the Legislative Regulations Review Committee for adoption, and informed Ms. Lipson that opposition is likely and to be expected; however, he does not anticipate any opposition with the first round of changes, since the changes were limited to technical edits.

On the motion of Ms. Lipson, seconded by Vice-Chair Mullins, the Board voted eight (8) to zero (0) to approve the Proposed Amendments to Agency Regulations.

5. General Counsel O'Dowd presented the Legal Division report noting that a request to amend Advisory Opinion No. 2021-3 was submitted by Mr. Noel Petra, the Deputy Commissioner for Real Estate and Construction Services at the Department of Administrative Services ("DAS"), who ran and won an uncompensated, elective position with the Board of Education in his hometown of Guilford, because of recent changes in the facts underlining the opinion. Petitioner has been asked to serve as Interim Head of the Office of School Construction. Mr. O'Dowd explained that it is the Legal Division's opinion that the conclusion of Advisory Opinion No. 2021-3 would not change should Petitioner serve as Interim Head of the Office of School Construction, in conjunction with his other roles, because the conflict-of-interest rules state that public officials generally may not take official action if there is a reasonable expectation of a financial impact on the public official, certain family members of the public official or a business with which the public official is associated, and because the Town of

Guilford and the Guilford Board of Education are not “businesses with which [Petitioner] is associated,” Petitioner would not be in violation of the Code’s conflict-of-interest rules if he were to take official action that impacts either entity. Mr. O’Dowd informed the Board that the Petition will be addressed at the December meeting.

Ms. Schuyler and Chair Castricone inquired as to the analysis for the conclusion of Informal Staff Opinion summary RAO 19027 (2021). RAO 19027 (2021) summary states “A former Department of Transportation (“DOT”) employee, who left state service within the last year and now works for a DOT contractor, should not respond to the requests of current DOT employees to join his LinkedIn network.” Mr. O’Dowd replied that the revolving-door provision, General Statutes § 1-84b (b), is of concern here. Although, in this case, the former DOT employee did not reach out to his former DOT colleagues with the announcement of his post-state employer, he must not accept the former colleagues’ invitations to join his LinkedIn network in which he clearly represents his post-state employer, the DOT contractor, in order to maintain compliance with the revolving-door provision.

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

Ms. Nicolescu informed the Board, in response to a question by Chair Castricone, that the COGEL conference has moved to a virtual format and is scheduled for December 6, 7 and 8.

7. Ethics Enforcement Officer Mark Wasielewski presented the Enforcement Division Report, highlighting that the Division has been busy pursuing confidential complaints and evaluations, and conducting background checks. To date, the Division has docketed 46 matters, some of which are active, and others have been closed or resolved. Malissa Hurry and Melissa Hamilton were recognized by Mr. Wasielewski for their timely and significant efforts in conducting the large amount of background checks the agency has received.
8. Deputy Ethics Enforcement Officer Marc Crayton presented the lobbyist audit report for CT Vineyard & Winery Association, requesting approval of the audit and its findings. Mr. Crayton reported that the audit consisted of three findings. First, an understated payment of \$3,988.10 to its communicator lobbyist in 2018. Second, an understated payment of \$.50 to its communicator lobbyist in 2019. Both filings were modified and corrected. The third finding consisted of four late filings of the client lobbyist’s ETH-2D Financial Disclosure Statement: the 2019 ETH-2D 3rd/4th quarter report was filed four days late; the 2020 ETH-2D 1st quarter report was filed seven days late; the 2020 ETH-2D 2nd quarter report was filed seven days late; and the 2020 ETH-2D 3rd/4th quarter report was filed two days late. The client lobbyist has provided a written response concerning the late filings which was previously emailed to the Board.

On the motion of Ms. Lipson, seconded by Ms. Bigelow, the Board voted eight (8) to zero (0) to approve the audit report for CT Vineyard & Winery Association.

Deputy Ethics Enforcement Officer Marc Crayton presented a second lobbyist audit report for approval of the audit and its finding. The audit of The Village for Families & Children, Inc., consisted of one finding: the late filing of the client lobbyist's ETH-2D Financial Disclosure Statement in 2018. The lobbyist's ETH-2D 1st quarter report was filed one day late.

On the motion of Mr. Chiusano, seconded by Ms. Christiana, the Board voted seven (7) to zero (0), with Vice-Chair Mullins abstaining, to approve the audit report for The Village for Families & Children, Inc.

9. Mr. Lewandowski presented the Executive Director's report, which consisted of the following:
- (a) **Board Matters.** The basic online Ethics 101 training described in a recent email from Ms. Nicolescu will meet the Board's annual Ethics training requirement. Board members were asked to complete the training by year end. Mr. Lewandowski proposed, beginning in 2022, an in-depth presentation on specific Code topics during monthly Board meetings as a fulfillment to the Board's annual Ethics training requirement. The Board was informed that monthly Board packets are uploaded to each Board member's SFI account.
 - (b) **Regulations.** Mr. Lewandowski expressed gratitude to the staff for working on the Regulations as he understands the project is monotonous, yet a very necessary endeavor.
 - (a) **Legislative Proposals.** The Board will receive the legislative language for the two proposals it agreed to submit for the 2022 Legislative session: (1) the amendment to §§ 1-85 and 1-86 of the General Statutes to extend substantive and potential conflicts of interest to official action involving a public official's and state employee's outside employer and the employer of such official's or employee's spouse; and (2) the amendment to § 1-82 (c) of the General Statutes to clarify that when the Board determines that an enforcement matter was brought without any substantial justification or a court of competent jurisdiction determines as such upon appeal, the state will pay reasonable attorney fees to the respondent. Mr. Lewandowski reminded the Board that once the legislative session begins, a need may arise to bring additional proposals before the Board to react to any proposed amendments that are averse to the Office of State Ethics.
 - (c) **OSE Matters.** During the week of November 29th, minor construction will be conducted at the office to install sound-proof walls between OSE and the Freedom of Information Commission. The sound-proof walls were included in the initial construction plan.
 - (d) **COGEL Conference.** Mr. Lewandowski asked that the Board review the virtual schedule, which is more streamlined than the in-person conference with not many offerings, for interests of attendance.

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

The meeting was adjourned at 1:56 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)