

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 MARCH 16, 2023 REGULAR MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, March 16, 2023.

Chair of the Board, Dena Castricone, called the meeting to order at 1:03 p.m.

The following Board members were present:

Dena Castricone, Chair (virtual)
Nichelle Mullins, Vice-Chair (virtual)
Mary Bigelow
Charles Chiusano

Karen Christiana (virtual) (arrived at 1:07 pm)
Jason Farrell (virtual)
Laura Schuyler (virtual)

The following staff members of the OSE were present:

Peter Lewandowski, Executive Director
Brian O'Dowd, General Counsel
Mark Wasielewski, Ethics Enforcement Officer
Marianne Sadowski, Deputy General Counsel
(virtual)
Marc Crayton, Deputy Ethics Enforcement
Officer

Diane Buxo, Assistant General Counsel (virtual)
Jennifer Montgomery, Assistant Ethics
Enforcement Officer (virtual)
Carol Langevin, Associate Accounts Examiner
Melissa Hamilton, Paralegal and Clerk of the
Board

The following topics were addressed during the meeting:

1. The minutes of the February 16, 2023 Regular Meeting were presented to the Board for approval.

On the motion of Mr. Chiusano, seconded by Ms. Bigelow, the Board voted five (5) to zero (0), with Mr. Farrell abstaining, to approve the Minutes of the February 16, 2023 Regular Meeting. (Ms. Christiana did not participate in the vote due to technical difficulties.)

2. Chair Castricone commenced the chairperson's report with a reminder that she will serve as the Uniform Administrative Procedure Act ("UAPA") Hearing Officer at the April 13, 2023 proceedings. Next, a volunteer Hearing Officer for the May 11, 2023 UAPA hearing was sought, and Ms. Schuyler volunteered.
3. General Counsel Brian O'Dowd presented the Petition for Advisory Opinion submitted by Emily Burnett, a Connecticut Career Trainee Planning Analyst at the Office of Policy and Management. In the Petition, Ms. Burnett asked whether student loans refinanced with the Connecticut Higher Education Supplemental Loan Authority, a quasi-public agency, should be reported on the Leases & Contracts tab of the Office of State Ethics' Statement of Financial Interest ("SFI") form. Mr. O'Dowd recommended that the Board grant Ms. Burnett's Petition.

Ms. Christiana joined the meeting at 1:07 p.m., during the presentation of the Petition for Advisory Opinion submitted by Emily Burnett.

On the motion of Mr. Chiusano, seconded by Ms. Bigelow, the Board voted seven (7) to zero (0) to approve the Petition for Advisory Opinion submitted by Emily Burnett.

4. An additional Petition for Advisory Opinion was presented by General Counsel O'Dowd. This petition was submitted by Bhavani Daryanani, a former Chief Operating Officer ("COO") of the Connecticut Housing Finance Authority ("CHFA"), a quasi-public agency. In her Petition, Ms. Daryanani asked whether her potential post-state employment with Local Initiatives Support Corporation ("LISC"), a contractor of her former agency, is permissible under General Statutes § 1-84b (f). Mr. O'Dowd recommended that the Board grant Ms. Daryanani's Petition.

On the motion of Ms. Christiana, seconded by Vice-Chair Mullins, the Board voted seven (7) to zero (0) to approve the Petition for Advisory Opinion submitted by Bhavani Daryanani.

5. General Counsel O'Dowd discussed Draft Advisory Opinion No. 2023-1, issued in response to the Petition submitted by Bhavani Daryanani, a former COO of CHFA. The petitioner asked whether her potential post-state employment with a contractor of her former agency is permissible under General Statutes § 1-84b (f). General Counsel O'Dowd explained that, based on the facts presented by the petitioner and her former agency, CHFA, and because the Amendment to Agreement between CHFA and LISC, a contractor of CHFA, did not trigger the one-year ban in § 1-84b (f), the petitioner is not barred by that provision from accepting post-state employment with LISC.

On the motion of Mr. Chiusano, seconded by Ms. Christiana, the Board voted seven (7) to zero (0) to approve Draft Advisory Opinion No. 2023-1.

Chair Castricone thanked Mr. O'Dowd and the Legal Division for expediting the draft of Advisory Opinion No. 2023-1, in response to the Petition submitted by Bhavani Daryanani.

6. General Counsel O'Dowd presented the Legal Division report, providing an update that OSE's proposed Regulations have successfully advanced from the Office of the Attorney General, are

now before the Legislative Regulations Review Committee, and will appear on the Legislative Regulations Review Committee's agenda for April 25, 2023.

Mr. O'Dowd noted, in response to the Chair Castricone's inquiry as to whether the Legal Division anticipates any opposition from the Legislative Regulations Review Committee with respect to the approval of OSE's proposed Regulation changes, that while the Committee may suggest additional technical changes, he does not anticipate that any such suggestions will result in the restarting of the process.

7. Ethics Enforcement Officer Mark Wasielewski presented the Enforcement Division report, highlighting that the Division still has two matters open for the April 13, 2023 UAPA Hearing; however, one matter is anticipated to be settled, and a counteroffer will be presented in the second matter.

At 1:20 p.m., and prior to the commencement of the discussions of Counteroffer, Chair Castricone, serving as the April 13, 2023 Hearing Officer, the Procedural Attorney to the Board in UAPA matters, Marianne Sadowski, and the Clerk of the Board, Melissa Hamilton, due to her administrative involvement in the matter, stepped out of the open meeting.

8. Vice-Chair of the Board, Nichelle Mullins presided over the discussion of the counteroffer in the Matter of Wine and Spirits Wholesalers of CT, Inc., Docket No. 2023-33UL. Deputy Ethics Enforcement Officer Marc Crayton explained the counteroffer presented by the respondent, which was represented by Victoria Griffin. Mr. Crayton noted that Ms. Griffin filed the combined 3rd and 4th quarter ETH-2D form for 2022 on February 16, 2023, and filed the combined 3rd and 4th quarter ETH-2D form for 2023 on January 4, 2023.

Vice-Chair Mullins and board member Laura Schuyler asked clarifying questions regarding the information contained on the respondent's ETH-2D form and the timing of the filing, to which Mr. Crayton confirmed that the respondent filed the correct information but on the wrong form.

Ms. Griffin addressed the Board acknowledging her filing mistake. The board members proceeded to discuss the enforcement process and the ability of a respondent to correct any filing mistakes, and they acknowledged the respondent's recognition of the mistake and willingness to pay a penalty. Ms. Schuyler proposed waiving the late fee in light of the clerical mistake, with Ms. Christiana and Mr. Chiusano concurring.

On the motion of Mr. Chiusano, seconded by Mr. Farrell, the Board voted six (6) to zero (0) to not impose penalties in Docket No. 2023-33 UL.

At 1:33 p.m., Chair Castricone, Deputy General Counsel Marianne Sadowski, and Paralegal Specialist Melissa Hamilton rejoined the open meeting following the vote.

9. Deputy Ethics Enforcement Officer Marc Crayton presented the lobbyist audit report for the Connecticut Construction Industries Association, Inc., requesting approval of the audit and its findings. Mr. Crayton reported that the audit contained one finding: an understated payment of

\$100, in 2020. The Connecticut Construction Industries Association, Inc., has amended its 2020 ETH-2D financial disclosure form to correct the error.

On the motion of Mr. Chiusano, seconded by Ms. Mullins, the Board voted seven (7) to zero (0) to approve the audit report for the Connecticut Construction Industries Association, Inc.

10. Associate Accounts Examiner Carol Langevin presented the lobbyist audit report for the Connection Fund, Inc., requesting approval of the audit. Ms. Langevin reported that the audit consisted of no findings.

On the motion of Mr. Chiusano, seconded by Ms. Christiana, the Board voted six (6) to zero (0), with Ms. Mullins abstaining, to approve the audit report for the Connection Fund, Inc.

11. Board member Charles Chiusano presented the UCONN Faculty Consulting Oversight Committee report, highlighting that the Committee met on January 26, 2023, to review the materials submitted for audit and the conclusion of the audit. Mr. Chiusano expressed that during discussion of the audit, he inquired whether OSE was notified of a termination of a professor for violation of rules and was assured that OSE had knowledge. Ethics Enforcement Officer Wasielewski confirmed with Mr. Chiusano that OSE was, indeed, notified of the matter. Accordingly, he submitted his approval of the audit/report, and the report was unanimously approved.

Mr. Chiusano noted that UCONN continues to improve its software which in turn improves the process of performing internal audits of research conducted by faculty and staff.

Chair Castricone thanked Mr. Chiusano for his continued service on the UCONN Faculty Consulting Oversight Committee. Ms. Christiana shared a similar sentiment.

12. Executive Director Lewandowski presented the Education and Communications report, noting that the Office is still coordinating with legislative management to hold a training while the General Assembly is in session to accommodate the members who have not yet attended a mandatory ethics training. This will include the three recently elected members as a result of the special elections. A training was held on February 28, 2023, for the Office of the Governor which was attended by Governor Ned Lamont. Governor Lamont expressed gratitude to the Office of State Ethics for its work. Finally, additional trainings are being scheduled for state and quasi-public agencies, and the office has received and responded to a number of media inquiries on various topics concerning the Code of Ethics for Public Officials and the Code of Ethics for Lobbyists.

Mr. Lewandowski acknowledged and thanked Assistant General Counsel Diane Buxo for preparing this month's media report.

13. Concerning the Legislative Update, Executive Director Lewandowski shared that on March 6, 2023, he had an opportunity to testify during the Government Administration and Elections Committee's public hearing with respect to OSE's three bills: **SB-1151**, *An Act Concerning*

Revisions to the State Codes of Ethics; SB-1152, An Act Concerning Contracting with Quasi-Public Agencies under the State Code of Ethics; and HB-6828, An Act Concerning Conflicts of Interest due to an Employer other than the State under the State Code of Ethics.

No adverse bills that would impact OSE or the Codes of Ethics have been observed at this point in the legislative session.

Mr. Lewandowski acknowledged and thanked Paralegal Specialist Malissa Hurry for her assistance with the preparation of this month's legislative report and the monitoring of bills.

14. Executive Director Lewandowski presented his Executive Director's report, highlighting the following items:

- (a) Concerning OSE's proposed Budget for Fiscal Years 2024 and 2025, he, on March 6, 2023, appeared before and discussed with the Appropriations Committee's Subcommittee that oversees, among others, the three watchdog agencies. Prior to the subcommittee's meeting, each agency had to answer a series of questions presented by Representative Tammy Nuccio, focusing on agency headcount, lapsing funds, and the pandemic related funding (which OSE did not receive). Mr. Lewandowski shared that, during the March 6 appearance, the subcommittee primarily focused on questions concerning the reclassification of OSE's sixteenth position from an Office Assistant to a Staff Attorney.
- (b) The Statement of Financial Interest ("SFI") season has officially begun! An email was recently sent to required filers, including members of the Board, reminding them of their obligation to file an SFI and informing them that the filing period to do so is now open. Similar emails will be sent biweekly until the last week of the May 1 deadline. The Information Technology department shared an update that the improvements to the SFI system have been successfully implemented.
- (c) As it relates to matters of COGEL, one of OSE's staff, Ethics Enforcement Officer Mark Wasielewski, was nominated to join COGEL's Program Committee for this year's conference. This year's conference will take place in Kansas City, Missouri.

On the motion of Mr. Chiusano, seconded by Vice-Chair Mullins, the Board voted seven (7) to zero (0) to enter an Executive Session to discuss the evaluation of the Executive Director pursuant to Connecticut General Statutes § 1-200 (6) (A).

At 1:47 p.m., the Board proceeded into executive session.

The following Board members were present for the Executive Session:

Dena Castricone, Chair (virtual)
Nichelle Mullins, Vice-Chair (virtual)
Mary Bigelow
Charles Chiusano

Karen Christiana (virtual)
Jason Farrell (virtual)
Laura Schuyler (virtual)

No staff members of the OSE were present for the Executive Session.

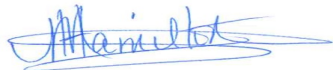
The Board exited Executive Session at 2:14 p.m.

On the motion of Mr. Chiusano, seconded by Ms. Bigelow, the Board voted seven (7) to zero (0) to adjourn the meeting.

The meeting was adjourned at 2:15 p.m.

*The Minutes of Agenda Item No. 8, Discussions of Counteroffers in UAPA Matter, has been prepared by Executive Director Lewandowski.

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)