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February 1, 2022

VIA E-MAIL

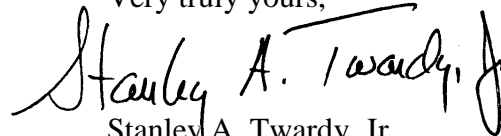
Office of Governor Ned Lamont
State Capitol
210 Capitol Avenue
Hartford, CT 06106

Re: Report of Investigation

Dear Governor Lamont:

Please find enclosed our Report of Investigation.

Very truly yours,


Stanley A. Twardy, Jr.

SAT/sbp
Enclosures

cc: Paul Mounds
Nora Dannehy

REPORT OF INVESTIGATION

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Sara J. van Vliet
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Hartford, CT 06103

February 1, 2022

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I. INTRODUCTION

Day Pitney LLP was retained by the Office of the Governor to conduct an independent factual investigation regarding possible ethical or other improprieties by state employees and/or others in connection with the hiring of Anastasia Diamantis – the daughter of former Deputy Secretary of the Office of Policy and Management (“OPM”), Konstantinos Diamantis – to the position of Executive Assistant to the Chief State’s Attorney, Richard Colangelo. The purpose of the investigation was to make independent factual findings and to provide legal analysis and recommendations for possible further actions to the Office of the Governor.

This report sets forth the factual findings of our independent investigation. Our legal analysis and recommendations have been provided separately in an oral briefing to the Office of the Governor as privileged attorney-client communications that are exempt from disclosure under the Connecticut Freedom of Information Act (“FOIA”). Conn. Gen. Stat. § 1-210(b)(10).

II. ETHICS STATUTES

All public officials and state employees¹ are required to adhere to the Code of Ethics for Public Officials (the “Code”). Conn. Gen. Stat. §§ 1-79 et seq. We identified the following provisions of the Code as potentially relevant to this investigation:

1. Conn. Gen. Stat. § 1-84 (Prohibited activities):

(a) No public official or state employee shall, while serving as such, have any financial interest in, or engage in, any business, employment, transaction or professional activity, which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, as defined in section 1-85. . . .

(c) [N]o public official or state employee shall use his public office or position . . . to obtain financial gain for himself, his spouse, child, child’s spouse, parent, brother or sister or a business with which he is associated. . . .

(g) No public official or state employee or candidate for public office shall solicit or accept anything of value, including but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any

¹ The Code defines “public official” to include, among others, “any person appointed to any office of the . . . executive branch of state government by the Governor or an appointee of the Governor . . .” Conn. Gen. Stat. § 1-79 (11). The Code defines “state employee” to include, among others, “any employee . . . in the executive . . . branch of state government, whether in classified or unclassified service . . .” Conn. Gen. Stat. § 1-79 (13). At all relevant times discussed in this report, Mr. Diamantis was appointed to a state executive branch office by the OPM Secretary, a gubernatorial appointee. He was, therefore, a public official subject to the Code. The Division of Criminal Justice is an executive branch of state government. Accordingly, Mr. Colangelo and Anastasia are state employees subject to the Code.

understanding that the vote, official action or judgment of the public official or state employee or candidate for public office would be or had been influenced thereby.

Conn. Gen. Stat. § 1-84(a), (c), (g).

2. Conn. Gen. Stat. § 1-85 (Interest in conflict with discharge of duties):

A public official, including an elected state official, or state employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. . . . A public official, including an elected state official or state employee who has a substantial conflict may not take official action on the matter.

Conn. Gen. Stat. § 1-85.²

III. BACKGROUND AND SCOPE OF INVESTIGATION

On October 1, 2021, a journalist reported on the hiring of Anastasia Diamantis³ by Chief State’s Attorney, Richard Colangelo. *See* Kevin Rennie, *Hartford Courant*, “Equity and Fairness Took a Holiday When Chief State’s Attorney Richard Colangelo Hired an Executive Assistant” (Oct. 1, 2021). The article questioned the propriety and circumstances surrounding Anastasia’s hiring. The article prompted the General Counsel’s office for the Office of the Governor to conduct a preliminary review of documents and other materials.

As a result of that preliminary review, it was determined by the Office of the Governor that Mr. Diamantis should be removed from his appointed position as OPM Deputy Secretary and placed on paid administrative leave from his classified position of Construction Services Director of Project Management for the Office of School Construction Grants and Review (“OSCGR”) pending the results of further investigation. (Doc. 81; Doc. 82.) Rather than accept the removal and placement on paid administrative leave, Mr. Diamantis chose to retire from state service by letter dated October 28, 2021, effective November 1, 2021. (Doc. 83.)

On November 15, 2021, Day Pitney was retained to conduct this independent factual investigation and to provide legal counsel to the Office of the Governor. The scope of the investigation was limited to examining the propriety and circumstances surrounding Anastasia’s hiring by the Division.

² Both OPM and the Division also have ethics policies that are potentially relevant to this matter.

³ For ease of reference given their shared last names, this report refers to Anastasia Diamantis as “Anastasia” rather than “Ms. Diamantis.”

In connection with this investigation, the Day Pitney team interviewed the following eighteen witnesses (some multiple times)⁴:

No.	Name	Job Title
1.	Richard Colangelo	Chief State's Attorney
2.	Anastasia Diamantis	Executive Assistant to Chief State's Attorney
3.	Kevin Lawlor	Deputy Chief State's Attorney – Operations
4.	Catherine Riberio	Director of Human Resources (DCJ)
5.	John Russotto	Deputy Chief State's Attorney – Administration
6.	Michael Sullivan	Chief Inspector, Chief State's Attorney's Office
7.	Konstantinos Diamantis	Former OPM Deputy Secretary
8.	Justin Antoine	Executive Assistant to OPM Secretary
9.	John Jaramillo	OPM Principal Budget Specialist
10.	Melissa McCaw	OPM Secretary
11.	Paul Potamianos	Executive Budget Officer (OPM)
12.	Melanie Richard	Secretarial Assistant to OPM Secretary
13.	Sandra Brown-Brewton	OPM Undersecretary for Labor Relations
14.	Debra Atkinson	DAS Human Resources Administrator
15.	Shari Grzyb	DAS Statewide Human Resources Program Manager
16.	Nicholas Hermes	Deputy DAS Commissioner
17.	Joseph Giulietti	Department of Transportation Commissioner
18.	Stavros Mellekas	Colonel of the Connecticut State Police

In addition, the Day Pitney team conducted a comprehensive review of documents and e-mail communications. The documents and communications reviewed included e-mails identified through targeted searches of the State of Connecticut e-mail server, documents and communications identified and released pursuant to FOIA requests in connection with this matter, and documents and communications requested from and provided by the witnesses interviewed.

IV. FACTUAL FINDINGS

The narrative that follows is based on documents provided to and reviewed by counsel, as well as counsel's interviews with witnesses. To the extent possible and where necessary to resolve competing witness accounts of matters germane to the investigation, the narrative includes our credibility determinations in our role as independent factfinders. All witness

⁴ Mr. Colangelo, Mr. Diamantis, Secretary McCaw, and Anastasia were each represented by counsel at their respective interviews. Mr. Colangelo was represented by James Glasser of the law firm Wiggin and Dana LLP. Mr. Diamantis was represented by Zachary Reiland of the Pattis & Smith Law Firm. Secretary McCaw was represented by Audrey Felsen of the law firm Koffsky & Felsen LLC. Anastasia was represented by her uncle Christopher Ziogas, a Connecticut State Representative, who said that he was Anastasia's lawyer. However, it should be noted that Representative Ziogas has been administratively suspended from the practice of law in Connecticut for failure to pay the Client Security Fund Fee in accordance with Practice Book Section 2-70.

statements bearing on disputed matters germane to this investigation are included for context, even if we were unable to determine the veracity of those statements.

A. The Division Requests Creation of an Executive Assistant Job Classification.

Mr. Colangelo was appointed Chief State's Attorney of the Division of Criminal Justice ("the Division" or "DCJ") effective February 1, 2020 to complete the term of retired Chief State's Attorney Kevin Kane. One of his objectives as Chief State's Attorney was to ensure that the Division's administrative staff had the personnel and resources necessary to fulfill the Division's many administrative responsibilities. As one State official described it, Mr. Colangelo wanted to modernize the Division by ten years in one year's time.

As part of that effort, in March 2020, the Division requested that the Department of Administrative Services ("DAS") create several new job classifications for use by the Division, including an "Executive Assistant" job classification. DAS is responsible for establishing the job classifications utilized by state employees. Once jointly approved by DAS and OPM, job classifications are administered through the "Core-CT" system, which is the State's online human resources database. According to multiple Division officials, the Division requested creation of the Executive Assistant job classification in order to provide hiring flexibility. The "Executive Assistant" job classification is one that has been historically utilized by other Executive Branch agencies to provide hiring flexibility when anticipated job responsibilities do not align with existing job classifications.

On March 6, 2020, DAS provided the Division's Director of Human Resources, Catherine Riberio, with a draft description for the new Executive Assistant job classification. (Doc. 2.) Later that day, Ms. Riberio e-mailed a copy of the draft job classification to Mr. Colangelo and the Deputy Chief State's Attorney for Administration, John Russotto. In that correspondence, Ms. Riberio explained that DAS had asked the Division to assign a salary group to the job classification. Ms. Riberio suggested the salary group "DM 35" (\$98,754 – \$135,413), explaining that the proposed range "most closely aligns with the existing specification." (Doc. 3.) On March 10, 2020, Ms. Riberio confirmed to DAS the Division's approval of the draft job classification description and the proposed salary group DM 35.

By memorandum dated March 10, 2020, DAS sent its approval of "Item No. 20-018" to OPM, which requested creation of a "DCJ Executive Assistant" position, an unclassified version of the Executive Assistant 1 (3501EX) classification utilized by other Executive Branch agencies. (Doc. 4.) The "Justification" portion of the memorandum, which was drafted by the Division, states that the Division "proposes to utilize this position primarily as a legislative and community liaison." However, the memorandum acknowledges that the "the position affords the agency head (most commonly, a Commissioner) some flexibility in hiring, especially when the duties and responsibilities do not fit neatly into another classification or the agency requires a unique set of skills." (Doc. 4.) The accompanying job classification description is broadly defined and specifies a general requirement of nine (9) years professional experience, with college training and a Master's Degree allowable as credits against that requirement. (Doc. 4.)

On March 16, 2020, OPM approved the creation of a DCJ Executive Assistant position. Shortly thereafter, DAS administratively implemented the new job classification into Core-CT.

Because the Executive Assistant position is “unclassified,” it is not posted or advertised for the solicitation of applicants as are “classified” positions. Rather, unclassified positions are filled through appointment to the position by the state agency. Under state law, the Division and other Executive Branch agencies are permitted to appoint up to four individuals into the role of Executive Assistant. Conn. Gen. Stat. §5-198(10). To date, the Division has appointed three Executive Assistants, including Anastasia.

We found no evidence to suggest that the Executive Assistant job description and qualifications were tailored to ensure that any particular individual, including Anastasia, would meet the requisite qualifications. Indeed, the investigation did not uncover any evidence that Mr. Colangelo had met Anastasia before requesting creation of the Executive Assistant job classification for the Division in March 2020. In addition, the salary range for the position was recommended by Division Human Resources with reference to existing specifications, and not by Mr. Colangelo.

B. Background and Brief Summary of the Pay Increase Issue.

a. Background.

Soon after his appointment as Chief State’s Attorney, Mr. Colangelo set out to obtain pay increases for himself as Chief State’s Attorney and the fifteen other individuals in the Division serving in the unclassified non-bargaining unit positions of Deputy Chief State’s Attorney (two individuals) and State’s Attorney (thirteen individuals) (collectively, these sixteen individuals are referred to herein as “Division Managers”). This was not a new effort that started with Mr. Colangelo. Rather, his predecessor, former Chief State’s Attorney Kevin Kane, had also sought during his tenure as Chief State’s Attorney to address perceived salary inequities and salary compression issues with respect to the compensation for non-bargaining unit Division Managers as compared to the compensation for bargaining unit prosecutors.

“Salary compression” describes a narrowing delta between salaries for non-bargaining unit managers as compared to subordinate bargaining unit positions. For instance, according to records prepared by the Division, the delta percentage difference between the salary for bargaining unit Supervisory Assistant State’s Attorneys and the salary for non-bargaining unit State’s Attorneys was 13.13% in fiscal year 2004 as compared to just 3.21% in fiscal year 2020. (Doc. 5.)

Salary compression is a statewide issue, not one limited to the Division. In 2021, the Office of the Governor, OPM, and DAS commissioned Boston Consulting Group to evaluate several issues around workforce efficiency and organization in Connecticut. (Doc. 63 at 2.) One of the issues examined in the report, entitled the “Connecticut CREATES Report” (the “BCG Report”), was the statewide issue of an unbalanced value proposition for managers, that is, the “low compensation that managers often receive relative to . . . their subordinate bargaining unit employees.” (Doc. 63 at 24.) The BCG Report explained: “There is little incentive for anyone to become a manager in a state agency, as they lose the benefits of becoming part of a bargaining unit without significant gain in return. In fact, the value proposition has become so unbalanced that dozens of managers continue to transition out of manager roles and into bargaining unit

positions, a phenomenon rarely seen elsewhere in the public or private sectors.” (Doc. 63 at 24.) The report noted that some State agencies “cite examples of bargaining unit employees making as much as 40% more than their supervisors.” (Doc. 63 at 24.) The report acknowledged that “many employees openly state they would have to take a pay cut if promoted, so they actively avoid earning or seeking out promotions.” (Doc. 63 at 24.)

The BCG Report made a number of recommendations to remedy the statewide inequities between managerial compensation and subordinate bargaining unit employee compensation, including a recommended one-time salary increase for managers.⁵ (Doc. 63 at 25.) In July 2021, Division Managers were among the beneficiaries of the recommended salary increase (up to 7.5% combined cost of living adjustment (“COLA”) and annual increment) as part of the statewide effort to address salary compression.

b. Brief Summary.

Mr. Colangelo contends that the Criminal Justice Executive Pay Plan (denoted the “CJ-EX” pay plan), which delineates the salaries for the three Division Manager positions (i.e., Chief State’s Attorney, Deputy Chief State’s Attorney, and State’s Attorney), was never increased approximately 14.286% when those positions increased from 35-hours per week to 40-hours per week (an increase in hours of approximately 14.286%) during the Governor Rowland administration in the 1990s, despite bargaining unit prosecutors receiving that pay increase when those positions increased to 40-hours per week pursuant to a union contract in approximately 2007. (Doc. 5.) Mr. Colangelo characterized what he was seeking on behalf of Division Managers (himself included) as a “pay plan correction,” not a pay increase. (For simplicity, this report refers to “pay plan correction” and “pay increase” interchangeably.)

As the communications described in this report demonstrate, there was considerable confusion around what Mr. Colangelo was seeking on behalf of Division Managers and whether the data supported his contention that Division Manager positions did not receive a 14.286% increase in pay when the positions went from 35-hour per week to 40-hour per week, purportedly unlike other executive branch managers at the time. To a large degree, communications between and among Mr. Colangelo, DAS officials, and OPM officials reveal a different approach to how each was analyzing the issue and arriving at their respective conclusions. DAS and Division

⁵ On July 15, 2021, following the release of the BCG Report, OPM and DAS jointly issued a memorandum to all Executive Branch agency heads providing an update on the Administration’s efforts to “solve the long-standing problem of salary compression and inversion impacting non-represented employees, including managers.” (Doc. 65.) One such effort was an E-Item, effective July 1, 2021, granting eligible non-represented employees a “true up” to their salaries that provides them with increases consistent with what bargaining unit employees received under the SEBAC 2017 agreement, including a 3.5% COLA, up to a 4% annual increment (AI), and a \$2,000 one-time payment. (Doc. 65.) The memorandum further advised that OPM and DAS would seek input from Executive Branch agency heads about “any instances of potential salary compression or inversion within your respective agencies that remain after the increases” and would examine whether “any further individualized adjustments are necessary to address acute instances of compression or inversion.” (Doc. 65.)

records do not appear to provide a clear answer to what proved to be the fundamental question of whether the CJ-EX pay plan was increased when hours increased in the 1990s. That is, whether the single salary rates for the positions in the CJ-EX pay plan -- namely, Chief State's Attorney, Deputy Chief State's Attorney, and State's Attorney -- were increased when hours increased, no matter if individuals in the positions appeared to have received compensation increases corresponding to the move from 35-40 hours at any time. Despite having no apparent documentary basis to determine, one way or the other, whether the CJ-EX pay plan was increased in the 1990s with the move to a 40-hour work week, DAS ultimately adopted Mr. Colangelo's analysis and approved an E-Item authorizing a compensation increase of 14.2857% for Division Managers in the CJ-EX plan. (See infra Section IV.J.)

Ultimately, it was beyond the scope of this investigation to determine whether the CJ-EX pay plan was increased when hours increased in the 1990s. No matter the answer to that question, the facts are clear that Mr. Colangelo and others believed that Division Managers did not receive an appropriate compensation increase and that that inequity compounded the Division's salary compression concerns. According to Mr. Colangelo and others, it was believed that the salary inequity and compression issues were negatively impacting the Division's ability to recruit qualified applicants for vacant State's Attorney positions. (See, e.g., Doc. 58; Doc. 32.) Consistent with the phenomenon described in the BCG Report, Mr. Colangelo and others believed that qualified individuals were not seeking promotion to State's Attorney because that promotion could coincide with decreased overall compensation despite increased managerial responsibilities. Mr. Colangelo believed that the recruitment issue became critical when there were just two or three qualified applicants for the State's Attorney position in New London in late fall 2020 or early spring 2021. This investigation did not examine whether other factors may have also contributed to the number of applicants.

C. OPM Denies Mr. Colangelo's Request for a Pay Increase in May 2020.

On April 16, 2020, Mr. Colangelo e-mailed then General Counsel for the Office of the Governor, Robert Clark, seeking advice on "the compression issue we are facing" and attaching two spreadsheets: a State's Attorney Compression Analysis dated April 2020 and a State's Attorney Historical Pay Increases spreadsheet dated April 2020. Mr. Colangelo added "[a] few other concerns," including "[w]e have been working the 40 hours with no increase in pay." (Doc. 5.) Mr. Clark responded, "This is really an OPM issue, Rich. Melissa [McCaw] is your best POC [point of contact]. I'll leave it to you to decide the wisdom of the timing of any such requests." (Doc. 6.)

Four days later, on April 20, 2020, Mr. Colangelo e-mailed the same salary analyses to Mr. Diamantis, stating in part, "Thank you for taking the time to look at this and talk to me." Mr. Colangelo added, "This would be a huge win for me to bring to the group of State's Attorneys and Deputy Chiefs." (Doc. 7.) Mr. Diamantis connected Mr. Colangelo with OPM Undersecretary for Labor Relations at the Office of Labor Relations, Sandra Brown-Brewton.

On May 14, 2020, Ms. Brown-Brewton discussed the Division Manager pay issue with Mr. Colangelo and Mr. Diamantis. The next day, on May 15, 2020, Ms. Brown-Brewton summarized that discussion in an e-mail to DAS Deputy Commissioner, Nicholas Hermes, and DAS Statewide Human Resources Program Manager, Shari Grzyb, copying Mr. Diamantis.

(Doc. 8.) In her e-mail, Ms. Brown-Brewton stated that, according to Mr. Colangelo, “In 2008 the prosecutors union went to 40 hours from 35 with a 14.1% increase in salary, but while working often more than 40 hours, the 16 employees, in his office, did not get a corresponding increase in pay.” (Doc. 8.) Ms. Brown-Brewton requested that DAS “review the issues pertaining to accrual, longevity and salary, and advise what options might be available, including increasing the hours to 40, and whether it could be accomplished via an Item, or would it require legislative approval.” (Doc. 8.) Mr. Diamantis replied all, adding the OPM Secretary to the e-mail “to keep her informed.” (Doc. 8.)

On May 18, 2020 at 5:06 p.m., Secretary McCaw responded stating: “In light of the 2.1B deficit and no action on a midterm budget, this item will not be approved via e-item.” (Doc. 8.) Secretary McCaw requested that Ms. Brown-Brewton draft a response, and that OPM’s Executive Budget Officer, Paul Potamianos, provide the budget component for that draft response. (Doc. 8.) Seventeen minutes later, at 5:23 p.m., Mr. Diamantis responded individually to Secretary McCaw: “I wish you had talked to me about procedure I would have liked to had finish [sic] it. At least I kept my word to him.” (Doc. 9.) When asked what he meant by his “word to him,” Mr. Diamantis stated that his “word” to Mr. Colangelo was that they “would have meetings and discussions” and “do the work to come to conclusions.” When asked about this e-mail communication, Secretary McCaw stated that she did not know what Mr. Diamantis meant by “I kept my word to him,” and she stated that she did not discuss with him what he meant. Mr. Colangelo stated that Mr. Diamantis did not make any promise to him of any kind concerning the Division Manager pay issue.

By letter dated May 21, 2020 signed by Mr. Diamantis on joint OPM Secretary letterhead, OPM informed Mr. Colangelo that the pay increase request had been denied, explaining: “OPM currently estimates a General Fund deficit of \$620 million in FY 2020, \$2.4 billion in FY 2021, and likely more than \$3 billion in FY 2022, based on current consensus estimates of the long term effects of the pandemic We are, therefore, unable to pursue your request for increased compensation, at this time.” (Doc. 10.) The letter further acknowledged that DAS records confirmed that Division Managers received a 3.5% COLA pay increase in July 2019. (Secretary McCaw stated that the May 2020 pay increase denial – which she referred to as the first of three such denials – was predicated on the fact that Division Managers had received the 2019 COLA increase like their bargaining unit counterparts.) Mr. Colangelo did not recall receiving the May 21, 2020 letter, noting this was during the pandemic and the Division was working remotely. Nonetheless, Mr. Colangelo recalled being told that OPM could not support the pay increase request. He continued to push the issue, according to him, because of recruitment concerns.

On May 27, 2020, Mr. Colangelo wrote to Ms. Brown-Brewton asking if she was “able to see what DAS thought about the 40 hour conversion for the 16 positions.” (Doc. 11.) Ms. Brown-Brewton responded to Mr. Colangelo on May 27, 2020, referencing the May 21, 2020 denial letter, as follows: “DAS determined that it was a policy matter within OPM’s purview. Based upon the State’s current economic situation, I understand from Deputy Secretary Diamantis’s response dated May 21, 2020 that the matter cannot be addressed at this time.” (Doc. 11.)

D. Mr. Colangelo Contacts Mr. Diamantis to Discuss the Pay Increase Denial and Sends Job Descriptions for Division Positions to Mr. Diamantis.

Twelve minutes after being informed by Ms. Brown-Brewton on May 27, 2020 that the pay increase issue was “a policy matter within OPM’s purview” that “cannot be addressed at this time,” Mr. Colangelo forwarded that e-mail correspondence to Mr. Diamantis, asking “Can we schedule time to talk about this?” (Doc. 11.) Mr. Diamantis responded, “sure tomorrow.” (Doc. 12.) Mr. Colangelo thanked Mr. Diamantis. Mr. Colangelo did not specifically recall speaking to Mr. Diamantis on or around May 28, 2020. He acknowledged, however, that he talked to “anybody and everybody he could” about the pay issue because it was “an inequity.” Mr. Diamantis did not recall meeting with Mr. Colangelo around that date.

On June 3, 2020, five days after agreeing to meet and discuss the pay increase denial, Mr. Colangelo e-mailed Mr. Diamantis with the subject line “info,” attaching a PDF scan of two Division job descriptions (a “Grants and Contracts Manager” and a “Grants and Contracts Specialist”).⁶ (Doc. 13.) There was no message in the body of the e-mail to provide context for the attachments. Later that day, Mr. Diamantis forwarded that e-mail and its attachments to Anastasia, stating “thoughts?” (Doc. 14.) (Anastasia stated she disregarded that e-mail because she was not qualified for the grant positions described in the attachments.) Both Mr. Colangelo and Mr. Diamantis stated they did not discuss a potential job for Anastasia. Mr. Diamantis also said that he never discussed job opportunities with Anastasia. When asked why he sent Mr. Colangelo’s e-mail with job postings to Anastasia, he said he did not know and that he could have been asking her “thoughts” about anything, even something entirely unrelated to the job postings. According to Mr. Diamantis, he did not know that Anastasia reached out to Mr. Colangelo until after she was hired. However, the fact that Mr. Diamantis forwarded the e-mail to Anastasia despite no message in the body of the e-mail from Mr. Colangelo prompting him to do suggests that Mr. Colangelo and Mr. Diamantis had discussed a job for Anastasia. Indeed, Mr. Colangelo stated that he expected Mr. Diamantis to forward the job postings to Anastasia for her consideration because he (Mr. Colangelo) had discussed potential job opportunities with Anastasia when he purportedly first met her at an event at Cava Restaurant in Southington. (See infra Section IV.E.) Mr. Colangelo could not explain how Mr. Diamantis knew to forward the job descriptions to Anastasia if the two had never discussed a job for Anastasia.

On June 9, 2020, Anastasia e-mailed Mr. Colangelo a copy of her resume, stating “per your request.” (Doc. 15.) Two minutes later, Mr. Colangelo replied, “thank you I will be in touch soon.” (Doc. 16.)

⁶ The attachments were job descriptions for a “Grants and Contracts Manager,” described as an unclassified position with a salary range of \$76,302 to \$105,336 requiring a minimum of seven years’ experience in “planning, implementation and/or management of grant programs on a community, state or federal level,” and a “Grants and Contracts Specialist” described as a classified position with a salary range of \$79,047 to \$101,662 requiring the same minimum experience. (Doc. 13.)

E. The Accounts Concerning How Mr. Colangelo and Anastasia First Met.

According to Mr. Colangelo, he first met Anastasia at an outdoor happy hour event, possibly one billed as a “Greek Night,” at Cava Restaurant in Southington. Mr. Colangelo did not recall the specific date or have any record of when it occurred, but stated that it was “probably summer” and certainly after March 2020 because it was during the COVID-19 pandemic. During his first interview, Mr. Colangelo stated he only attended two events at Cava, both “in the same timeframe.” (But see *infra* at 12.) He stated that he met Anastasia at the first event he attended at Cava. Mr. Colangelo recalled that he was invited to that event by phone call from either Mr. Diamantis or another state official. (That state official stated that he did not invite Mr. Colangelo to any events at Cava.) Mr. Colangelo identified several state officials who he recalled being present at the Cava event when he claims to have first met Anastasia, including Mr. Diamantis, Secretary McCaw, Connecticut State Police Colonel, Stavros Mellekas, and Department of Transportation Commissioner, Joseph Giuliatti. Mr. Colangelo described the event as being attended by between ten to thirty people. Mr. Colangelo did not recall how he began speaking to Anastasia at the event, and did not recall Mr. Diamantis introducing them. Mr. Colangelo stated that he did not discuss Anastasia with Mr. Diamantis prior to meeting her. As for their conversation at Cava, Mr. Colangelo stated that he and Anastasia discussed her background, education, and experience, and that he asked her to send him her resume. Mr. Colangelo stated that his impression was that Anastasia was personable and well-spoken. No witness who spoke to Mr. Colangelo around the time of Anastasia’s hiring recalled him describing the circumstances of their meeting.

According to Anastasia, she first met Mr. Colangelo at an event at Cava Restaurant in Southington in May 2020. Despite being asked, she could provide no specificity as to when in May but she was adamant it was during that month. Anastasia recalled that she was invited to the event by a phone call from her father telling her to come to Cava with her sisters. Anastasia identified several individuals who she recalled being present at that Cava event, including Mr. Diamantis, Secretary McCaw, Colonel Mellekas, and Deputy DAS Commissioner Nicholas Hermes. Anastasia stated that she walked up to Mr. Colangelo to introduce herself, and that she did not recognize him or know who he was, but rather was just being polite. Anastasia recalled that Mr. Colangelo asked her about her experience and background. When she told him about her experience (she was then a Disability Claims Examiner Assistant at the Connecticut Department of Rehabilitative Services), Mr. Colangelo told her there may be some upcoming available positions at the Division and asked her to send him her resume. According to Anastasia, she and Mr. Colangelo did not discuss any specific positions at the Division or compensation. When asked, Anastasia did not know why she did not send Mr. Colangelo her resume until June 9, 2020, despite her recollection that he asked her to send it to him when they spoke at Cava in May 2020.

Mr. Diamantis similarly stated that his daughter first met Mr. Colangelo at an event at Cava Restaurant in Southington in May 2020. Although Mr. Diamantis stated that he did not introduce Anastasia to Mr. Colangelo or have any involvement in their alleged first meeting, Mr. Diamantis recalled being present at the Cava event. Mr. Diamantis described the event as one of many “Greek nights” that he has hosted or attended at Cava, which typically took place on Monday or Tuesday nights. Mr. Diamantis recalled the event was outdoors under a tent due to

the COVID-19 pandemic. Mr. Diamantis identified several individuals who he recalled being present at the Cava event when he claims Anastasia first met Mr. Colangelo, including Secretary McCaw, Commissioner Giulietti, Deputy DAS Commissioner Hermes, and Colonel Mellekas.

Against the backdrop of these three largely consistent accounts, we did not find any evidence confirming that an event at Cava as described above by Mr. Colangelo, Anastasia, and Mr. Diamantis took place in or around May 2020, or at any time prior to Anastasia sending her resume to Mr. Colangelo on June 9, 2020. None of those individuals were able to provide any evidence confirming an event at Cava in or around May 2020, despite being provided the opportunity to do so. At the same time, we did not find any evidence to prove that an event at Cava did not take place in or around May 2020.

However, the available evidence compels our conclusion that the Cava event described as the initial meeting between Mr. Colangelo and Anastasia took place after Anastasia was interviewed and hired for the Executive Assistant position with the Division. Based on our investigation, we determined that there were two events at Cava in the summer of 2020 that comport with the foregoing accounts of Mr. Colangelo, Anastasia, and Mr. Diamantis. The first event was on Monday, June 22, 2020 and the second event was on Monday, August 3, 2020 – both after Anastasia sent her resume to Mr. Colangelo on June 9, 2020.

Three state officials identified as being present at the Cava event described as the initial meeting between Mr. Colangelo and Anastasia attended events at Cava on either or both of June 22, 2020 and August 3, 2020, and attended no other events at Cava during the COVID-19 pandemic.

A first state official identified by Mr. Colangelo, Mr. Diamantis, and Anastasia as being present at the Cava event in question stated that he has attended several gatherings at Cava on Monday nights. However, the official recalled seeing Mr. Colangelo at only one such gathering. The official recalled being surprised to see Mr. Colangelo when the two arrived at the same time to the Cava parking lot, asking him “What are you doing here?” He recalled that the gathering where he saw Mr. Colangelo was an outdoor event to celebrate Mr. Diamantis’s birthday. According to public records, Mr. Diamantis’s birthday is June 21. The official stated that there were approximately fifteen people in attendance at that Cava event. The official recalled seeing Anastasia at that event. The official also recalled seeing another state official (the third state official described below) in attendance who separately confirmed that he (the third state official) attended only two events at Cava: on June 22, 2020 and August 3, 2020. When asked, the first state official stated that he did not attend an event at Cava on August 3, 2020. The official recalled being invited to the August 3, 2020 event but that he was unable to attend. Based on this evidence, the event described by the first state official took place on June 22, 2020.

A second state official identified by both Mr. Colangelo and Mr. Diamantis as being present at the Cava event in question confirmed that he attended an event at Cava on August 3, 2020 at the invitation of Mr. Diamantis via text message. (Doc. 30.) The August 3, 2020 event at Cava was outdoors and included a ceremony to honor the Cava owners with the reading of a Governor’s proclamation by Secretary McCaw. At that event, the state official recalled that Mr. Diamantis introduced him to one of his adult daughters. The state official had no knowledge of whether Mr. Colangelo attended the August 3, 2020 event because he has never met Mr.

Colangelo. The state official confirmed that he has only ever attended one other event at Cava, but that other event was held indoors on the second floor of Cava before the onset of the COVID-19 pandemic.

A third state official identified by both Anastasia and Mr. Diamantis as being present at the Cava event in question confirmed that he attended only two events at Cava, both at the invitation of Mr. Diamantis via text message. (Doc. 23; Doc. 31.) The events were on June 22, 2020 and August 3, 2020. The official recalled that both events were outdoors, with the June event smaller (estimated approximately 30 attendees) than the August event (estimated approximately 60 attendees). The official recalled seeing Mr. Colangelo at the August event, but could not rule out the possibility that he also saw Mr. Colangelo at the June event. The official recalled seeing Anastasia at least one of the two events, if not both the June and August events.

During a follow-up interview, we described to Mr. Colangelo the foregoing statements and documentary evidence from three state officials identified as being present at the Cava event when he met Anastasia. We explained that the available evidence demonstrates that those events took place on June 22 and August 3, 2020 – both after Anastasia was hired by the Division. We also provided Mr. Colangelo with a copy of a June 23, 2020 e-mail that he sent to Secretary McCaw and Mr. Diamantis, stating, “It was great to see you both yesterday,” referring to June 22, 2020. (Doc. 24.) Although that e-mail does not state where those individuals met on June 22, 2020, it is further evidence that Mr. Colangelo attended an event with those two individuals on June 22, 2020. After being presented with this evidence, Mr. Colangelo reaffirmed through counsel that he met Anastasia at Cava in around May 2020. However, Mr. Colangelo revised his earlier statement concerning how many events he ever attended at Cava. Instead of two events at Cava in the summer of 2020, Mr. Colangelo now contends through counsel that he recalls attending three such events at Cava.

Based on the available evidence, we do not find credible the largely consistent accounts of Mr. Colangelo, Anastasia, and Mr. Diamantis concerning how Mr. Colangelo and Anastasia first met. Our conclusion that those individuals lack credibility concerning the straightforward question of how Mr. Colangelo and Anastasia first met casts doubt on the integrity of the circumstances surrounding Anastasia’s hiring with the Division.

F. Anastasia Interviews for a Position in the Chief State’s Attorney’s Office.

Mr. Colangelo recalled that on June 10, 2020, the day after receiving Anastasia’s resume by e-mail, he called Anastasia to ask her to come to the Chief State’s Attorney’s Office in Rocky Hill for an interview. Initially, Mr. Colangelo stated that he did not explain the role or position for which she would be interviewing. But he later stated that he must have told Anastasia that she was interviewing for a position as an Executive Assistant. Anastasia stated that she was asked for an interview for an Executive Assistant position, which is a position she had looked up on the DAS website. However, the Executive Assistant position was unclassified and DAS never received a requisition to post the Executive Assistant position on its website and, therefore, the position was never posted.

Prior to Anastasia’s job interview, Mr. Colangelo provided at least two individuals in the Division with a copy of Anastasia’s resume. At the time, neither individual was told by Mr.

Colangelo that he first met Anastasia at Cava or otherwise the details of how they met. One of those individuals did not recall Mr. Colangelo commenting on the name of the candidate, or making any reference at that time to the fact that she is the daughter of then OPM Deputy Secretary, Mr. Diamantis. However, the other individual recalled that a couple of days after discussing the need to fill the grants manager position, Mr. Colangelo came to his office on June 10, 2020 and placed Anastasia's resume on his desk. The individual then reviewed the resume and, seeing no experience in grants administration, questioned if it was for the grants position. According to this individual, Mr. Colangelo then tapped on the name "Diamantis" on the resume, and stated "look at the name." When the individual asked, "related to Kosta?," Mr. Colangelo responded "yes." When the individual said "no," explaining the Division could not hire the daughter of the Deputy OPM Secretary, according to this individual, Mr. Colangelo then backpedaled and stated "only if she is qualified" and "she can learn." That individual's handwritten notes dated October 4, 2021 reflect back on this interaction sixteen months earlier, stating: "RC [Richard Colangelo] adamant . . . OPM and DAS have now realized issue and they are rectifying it not Kosta [Diamantis]. Seems different than when he showed me her resume and pointed to her name" (Doc. 18.) However, that individual's handwritten notes dated June 10, 2020 do not make any reference to Mr. Colangelo pointing to Anastasia's name. Those notes state: "RC [Rich Colangelo] looking to hire Anastasia Diamantis for grant job. Gave me her resume." (Doc. 18.)

On June 11, 2020, beginning at approximately 12:30 p.m. according to Mr. Colangelo's Outlook calendar, Anastasia was interviewed by Mr. Colangelo, Mr. Russotto, and Deputy Chief State's Attorney for Operations, Kevin Lawlor. Mr. Colangelo confirmed that no one else was interviewed for the position and that he offered Anastasia the position on the spot during the interview.⁷ All of the participants recalled that during the interview, Anastasia spoke about her background, education and prior work experience. Other than that, the accounts diverge in regards to the interview's discussion of job responsibilities and compensation.

a. Conflicting Accounts Concerning Anticipated Job Responsibilities.

All of the participants agreed that there was discussion at the interview concerning the anticipated job responsibilities for the position. All participants recalled that the responsibilities would include special projects, training, and some responsibilities pertaining to grants – with the extent of the latter grant responsibilities being the primary source of disagreement.

Anastasia recalled being told at the interview that she would be doing "special projects," which she understood to include tasks pertaining to policymaking, training, and grants. The "Detailed Position Description" entered into the Core-CT database by Ms. Riberio at the time of Anastasia's hiring refers specifically to responsibility for "special projects and grants." (Doc. 80.) As for her relevant experience in regards to potential grant responsibilities, Anastasia recalled stating during the interview that she had relevant experience based on working in the Bursar's office at Sacred Heart University where she obtained her undergraduate degree. None

⁷ Mr. Colangelo similarly interviewed only one individual for a second Executive Assistant position with the Division. The third Executive Assistant currently employed by the Division was not interviewed because she had previously worked for the Division.

of the other participants in her interview recalled any mention of her experience working in the Bursar's office.

According to Mr. Colangelo, he had not determined at the time of Anastasia's hiring in June 2020 whether the Division even needed to replace the recently vacated Grants Manager position. Mr. Colangelo explained that they were interviewing Anastasia to fill an Executive Assistant position. He stated that if they were to ask Anastasia to take on grant responsibilities, there was training she could do for that. Mr. Colangelo stated that Anastasia would be a "jack of all trades" who would assist the Division in many areas.

One individual recalled Mr. Colangelo telling him that Anastasia would be a "perfect fit" for a "jack of all trades" role, which the individual stated was something the Division identified as a need prior to any mention of Anastasia as a potential job candidate. That individual recalled the interview discussion concerning prospective responsibilities for the position focusing on potential support for grant writing, but not grant writing responsibility itself. According to this individual, there was consensus at the interview that Anastasia did not have grant writing experience. However, there was discussion that she could take on certain responsibilities to facilitate grant writing, namely data collection, even if she did not have the experience to fulfill the writing or finance responsibilities entailed with grant writing. According to this individual, Mr. Colangelo assured him that the Executive Assistant position that Anastasia ultimately obtained would not replace the Grants Manager position that had been recently vacated. That classified grants position was ultimately filled in the summer of 2021, approximately one year after Anastasia was hired.

Another individual, however, recalled Mr. Colangelo telling him prior to the interview that Anastasia was "someone for the grants position," referring to the Grant Manager position that was then recently vacated due to the incumbent's retirement. He provided contemporaneous handwritten notes dated June 10, 2020 -- the day prior to Anastasia's interview -- which state "RC [Rich Colangelo] looking to hire Anastasia Diamantis for grant job." (Doc. 18.) That individual's contemporaneous notes from January and June 2021, between six months and one year into Anastasia's tenure with the Division, similarly reflect his understanding that Anastasia was hired to work on grants. For instance, a January 22, 2021 entry states: "Anastasia does nothing RC protects her 'Our fault not her job to do grants . . . ' It was what we hired her for, supposedly." A June 24, 2021 entry states: "[Division official] causing a stir with RC [Richard Colangelo] by expressing concern about Anastasia's role in grants in an email."⁸

⁸ We also examined e-mail communications in which a Division official raised questions in January 2021 about who was the Division's contact person for grants with responsibility for liaising with OPM grant administrators for various grant programs. Two Division officials expressed a belief that Anastasia was the contact person for grants. In September 2021, a Division official asked Mr. Colangelo by e-mail whether Anastasia's grant responsibilities had been transitioned to someone else, and Mr. Colangelo responded, "Please come and meet with us before sending e-mails." (Doc. 71.) Mr. Colangelo explained that it was his common practice to ask that individuals meet to discuss issues rather than reduce them to writing. Another Division official asked about the specific communications in question confirmed that the request not to put concerns in writing was not unique to discussion of Anastasia, but rather was common practice irrespective of who was involved.

The same individual recalled Mr. Colangelo, a year after Anastasia's hiring, making statements about Anastasia's hiring benefiting the Division at OPM. That individual's contemporaneous handwritten notes from June 24, 2021 attribute the following statement to Mr. Colangelo: "That job has gotten us a lot of stuff!" In another entry on June 30, 2021 referring to "express[ed] concerns about Anastasia's role in grants," the notes state: "RC [Richard Colangelo] doesn't want [Division official] mkg [making] waves. Can't upset the OPM applectart." (Doc. 18.) Other than this witness's recollection and notes, however, no other witness recalled Mr. Colangelo making statements about Anastasia's hiring benefiting the Division at OPM. Mr. Colangelo denied ever stating that Anastasia's hiring was benefiting the Division with pending Division matters at OPM and stated that was not a motivation for hiring her.

b. Conflicting Accounts Concerning Discussion of Compensation.

All three Division officials at the interview, including Mr. Colangelo, recalled that compensation was discussed during or immediately following the interview. Mr. Colangelo recalled that during the interview, he suggested a compensation of \$99,000 per year, which he described as "below" the bottom of the salary range for the Executive Assistant job class. (It was at the bottom of the salary range.) One individual recalled that approximately fifteen minutes into the interview, Mr. Colangelo offered Anastasia the job and asked, "How does \$105,000 sound?" According to that individual, Anastasia responded, "Sounds great." (At the time, Anastasia was earning \$66,447 annually in her position with DDS.) That individual's handwritten notes dated June 11, 2020 contain the notation: "Diamantis interview. Smart but young no exp. w/ grants. Offered the job on the spot. \$105,000!!!" Another individual recalled that compensation was discussed immediately after the interview, but recognized the possibility that it may have been discussed during the interview. That individual's best recollection was that Mr. Colangelo suggested a compensation of \$110,000 for Anastasia. That individual reportedly told Mr. Colangelo that figure was too high and suggested that a salary of around \$95,000 would be more appropriate. Anastasia stated that compensation was not discussed during the interview at all.

G. Anastasia Submits a Job Application and Background Check Paperwork.

a. The Background Check Meeting.

At the conclusion of the interview on June 11, 2020, Mr. Colangelo directed Anastasia to the Office of the Chief Inspector, Michael Sullivan, to begin the Division's background check paperwork. Inspector Sullivan's Outlook calendar reflects that the background check meeting started at 1:00 p.m., which means that Anastasia's 12:30 p.m. job interview appears to have lasted at most thirty minutes. The day prior to the interview, on June 10, 2020, Mr. Colangelo had asked Inspector Sullivan to conduct Anastasia's pre-employment background verification. Mr. Colangelo provided Inspector Sullivan with a copy of Anastasia's resume at that time. (On June 10, 2020, Inspector Sullivan e-mailed Mr. Colangelo the standard background questionnaire for prospective new hires.) (Doc. 17.) This was the only Executive Assistant position of the three hired by the Division that went directly from Mr. Colangelo to Inspector Sullivan for the

background check; the other two went through Human Resources. Otherwise, the process for the background check was characterized as unremarkable and consistent with past practice.

In the June 11, 2020 meeting with Inspector Sullivan, Anastasia filled out and signed some paperwork. On June 11, 2020 at 1:19 p.m., Inspector Sullivan e-mailed Anastasia a copy of the standard background questionnaire for prospective new employees for her to complete and return to him by e-mail. On June 12, 2020, Inspector Sullivan e-mailed Anastasia an employment application to complete, which she returned to him by e-mail later that morning. (Doc. 17.) Although it was described as unusual for the job application to be completed after the job interview, it was not unprecedented. Indeed, our investigation determined that at least one other Executive Assistant hired by the Division similarly completed her job application following her job interview.

b. The Background Check Paperwork – Personal References.

In connection with the background check, Anastasia completed and signed the “Division of Criminal Justice Applicant Personal History” questionnaire (the “Employment Questionnaire”). As part of the Employment Questionnaire, Anastasia was required to list three personal references “not related to you and not former employers, who have known you for at least five years” who “may be asked to appraise your character, ability, experience, personality and other qualities.” (Doc. 20.) Anastasia named Secretary McCaw as one of her three personal references.

When asked about whether she knew Secretary McCaw for five years as specified in the Employment Questionnaire, Anastasia stated that she did not recall noticing that requirement. Anastasia stated that she first met Secretary McCaw after her father became Deputy OPM Secretary in November 2019 – just seven months prior to her hiring by the Division. Anastasia stated that she asked Secretary McCaw to serve as a reference when she had a pending job application with the Connecticut Department of Education (“DOE”), which she thought might have been when she saw Secretary McCaw at a Cava event.

Secretary McCaw recalled first meeting Anastasia around the time that she appointed Mr. Diamantis as her deputy at a fall pumpkin carving event, likely in October 2019. Secretary McCaw recalled that Anastasia asked her to serve as a reference for a classified position with the Connecticut DOE. Secretary McCaw did not recall or specify when Anastasia asked her to serve as a reference for the DOE position, but she recalled telling Anastasia at that time that she could only serve as reference on a limited basis because she did not know her professionally. While Secretary McCaw stated that she became aware of Anastasia’s hiring by the Division in July 2020, she stated that she did not agree to serve as a reference for Anastasia for any positions with the Division because she had no knowledge that Anastasia was being considered for a position with the Division. Secretary McCaw stated that she did not have any knowledge that Anastasia had listed her as a reference for a position with the Division.⁹

⁹ On June 12, 2020, Inspector Sullivan e-mailed Secretary McCaw at the e-mail address that Anastasia provided in the Employment Questionnaire (an “@aol.com” e-mail address). That e-mail stated that Anastasia had a tentative job offer from the Division and that Anastasia had asked the

Mr. Colangelo stated that he was not aware that Anastasia had listed Secretary McCaw as a personal reference on the Division's background check paperwork. He stated that he did not review that paperwork.

c. Background Check Paperwork -- Concurrent Part-Time Employment with Construction Advocacy Professionals.

As part of the Employment Questionnaire, Anastasia was also required to disclose her complete employment record. Anastasia identified "Construction Advocacy Professionals" ("CAP") as a then-current employer, with dates of employment "7/2019 to present" in the position of "part-time assistant Project Manager." (Doc. 20.) CAP was not listed on Anastasia's resume. (Doc. 15.)

Anastasia stated that she told Mr. Colangelo about her position with CAP, but she could not specifically recall whether she told him at her interview or after she began her employment with the Division. Anastasia stated that Mr. Colangelo assured her there was no issue with her concurrent part-time employment with CAP while being employed by the Division, as there are lots of individuals at the Division with other part-time employment. According to Anastasia, the owner of CAP called her out of the blue and offered her the job. She described CAP as a Rhode Island company, but then admitted that she did work on school projects in Connecticut for CAP. Anastasia described that she worked on spreadsheets and did filings for CAP. According to Anastasia, her part-time employment with CAP ended in approximately October 2021 because of news articles questioning the circumstances surrounding her hiring by the Division. According to Anastasia, CAP's owner terminated her employment because she did not want CAP named in unfavorable press articles.

By contrast, Mr. Colangelo stated that Anastasia never told him that she had part-time employment with CAP and that the two of them never discussed her employment with CAP. Instead, Mr. Colangelo stated that he first learned of Anastasia's employment with CAP from the Connecticut State Police in around late July or early August 2021. Mr. Colangelo stated that someone from the Connecticut State Police called to tell him that a former CAP employee was making threats against CAP employees, including Anastasia. Mr. Colangelo did not recall who from the Connecticut State Police contacted him to relay this information. When asked about the nature of the threats, Mr. Colangelo stated that the individual with the Connecticut State Police did not specify and he did not ask for specifics. He recalled that the individual did not tell him about any threats against Mr. Diamantis or that the Connecticut State Police had opened an investigation file. Mr. Colangelo's impression at the time was that the Connecticut State Police were not worried. At the same time, Mr. Colangelo stated that he believed the State Police relayed this information to him because the State Police thought it possible that the former CAP employee might show up at the Chief State's Attorney's Office in Rocky Hill. Despite that belief, Mr. Colangelo did not recall asking for the name of the former CAP employee who allegedly made the threats or taking any action to advise anyone in the Chief State's Attorney's

Secretary to serve as personal reference, and asked the Secretary to complete and send back the attached personal reference form as part of the Division's background check process. (Doc. 19.) Neither Inspector Sullivan nor the Division's Human Resources department received a response from Secretary McCaw.

Office of that possibility. Mr. Colangelo stated that he did not discuss the threats with Anastasia. When asked if he was aware of allegations by the same former CAP employee that Anastasia was a “ghost employee” at CAP to bribe Mr. Diamantis in his then position as Deputy OPM Secretary, Mr. Colangelo stated he had no knowledge of those allegations at that time. He stated that had he been aware of those allegations at that time, he might have followed up with Anastasia concerning her then concurrent part-time employment with CAP.

Mr. Colangelo stated that once he became aware of Anastasia’s concurrent employment with CAP and the Division in around late July or early August 2021, he did not have any concerns about actual or potential conflicts of interest. He explained that many individuals in the Division have part-time employment.

Mr. Colangelo’s account concerning how he learned about Anastasia’s employment at CAP contradicts information obtained from the Colonel of the Connecticut State Police. First, Colonel Mellekas provided a text message from Mr. Diamantis to him dated July 27, 2021 that states that Mr. Diamantis told Mr. Colangelo about the threats. (Doc. 86.) When asked specifically if Mr. Diamantis told him about the threats (after stating on two separate occasions that he learned this information from the State Police), Mr. Colangelo acknowledged that Mr. Diamantis might also have told him. Second, Colonel Mellekas told us that based on his questioning, no State Police officials involved in the investigation of the former CAP employee threats spoke to Mr. Colangelo about the threats.

Furthermore, it does not appear that the State Police involved in the investigation would have had any basis to contact Mr. Colangelo, for two reasons. First, the State Police investigated threats against Mr. Diamantis (then a state official, which was the basis for State Police jurisdiction over the investigation), not Anastasia or the Chief State’s Attorney’s Office. Second, Colonel Mellekas expressed doubt that State Police officials involved in the investigation even knew that Anastasia worked in Mr. Colangelo’s office. Colonel Mellekas speculated that someone within the Division of State Police could have contacted Mr. Colangelo (who is known to have worked closely with the Division’s Major Crimes Unit in his former role as State’s Attorney). When viewed in its totality, we find that the information obtained from the Connecticut State Police directly contradicts Mr. Colangelo’s statements.

On June 17, 2020, Ms. Riberio e-mailed Anastasia to confirm that her background check was complete and that she was “cleared for hire.” Ms. Riberio asked Anastasia for her preferred start date prior to sending an official confirmation letter. (Doc. 22.) On June 18, 2020 at 2:02 p.m., Mr. Colangelo wrote to Ms. Riberio asking, “Did the letter go out to Anastasia yet?” Ms. Riberio responded minutes later, “No, I still have to draft it, but I have confirmed the 7/3/20 date with her. I wanted to confirm all the details first.” (Doc. 21). On June 18, 2020 at 2:27 p.m. Ms. Riberio e-mailed Anastasia a confirmation letter confirming her appointment to the position of Executive Assistant for the Office of the Chief State’s Attorney, effective July 3, 2020, with an annual salary of \$99,000 and reporting directly to Mr. Colangelo. (Doc. 22.)

H. Questions Arise Concerning OPM’s and DAS’s Role in Division Hiring.

On June 24, 2020, Mr. Hermes contacted individuals within DAS to inquire about whether DAS and/or OPM needed to approve the hiring rate for a DCJ Executive Assistant. As

background for that inquiry, Mr. Hermes stated in his e-mail correspondence: “[T]o be more specific, the OPM Secretary is thinking she needs to approve this. I believe the question is the result of a conversation between the Chief State’s Attorney and the OPM Secretary. I don’t think this requires DAS and/or OPM approval (based largely on these hires haven’t in the past), but my answer needs to include the authority.” (Doc. 26.)

On July 1, 2020, Ms. Grzyb forwarded Mr. Hermes’s inquiry to Ms. Riberio to request her assistance, which Ms. Riberio in turn forwarded to Mr. Colangelo. A few minutes later, Mr. Colangelo forwarded that e-mail communication to Secretary McCaw, copying Mr. Diamantis, stating “this is what I would like to discuss.” (Doc. 27.) Fifty-three minutes later at 10:56 a.m. on July 1, 2020, Mr. Diamantis responded to Mr. Colangelo, copying Secretary McCaw, “All set.” (Doc. 28.) Seven minutes after receiving that response, Secretary McCaw wrote to Mr. Diamantis directing him to “check with Paul P [Potamianos] on procedure. I want to know if the same procedure was utilized.” (Doc. 29.)

Mr. Colangelo explained that he wanted to discuss and confirm his understanding that OPM did not need to approve unclassified appointed Division positions or hiring rates. Although Mr. Colangelo did not recall a discussion about this issue, he acknowledged there must have been some discussion that led to resolution of the issue.

According to Secretary McCaw, Mr. Diamantis came to her on July 1, 2020 to inform her that the Division had hired Anastasia and there was a question about procedure (*i.e.*, whether OPM needed to approve Division appointees). Secretary McCaw stated that she was previously unaware of Anastasia’s hiring. In response to that information and inquiry, Secretary McCaw stated that she told Mr. Diamantis to confer with Mr. Potamianos about procedure. Secretary McCaw explained that she wanted to ensure compliance with statute and policy, and that she was “intentional” about that here because the Division had hired Mr. Diamantis’s daughter. Secretary McCaw stated that she understood that Mr. Diamantis confirmed with Mr. Potamianos that OPM does not approve Division appointee hires or hiring rates. Secretary McCaw therefore understood that she did not have “jurisdiction” of this issue as OPM Secretary. Although Mr. Potamianos did not specifically recall discussing this issue with Mr. Diamantis in July 2020, he surmised that if he had discussed the issue with Mr. Diamantis, he would have explained that Division appointees do not come to OPM for approval. (On September 30, 2021, Mr. Potamianos provided Secretary McCaw’s assistant with constitutional and statutory authority to support that conclusion, nearly fifteen months after Anastasia was hired. (See infra Section IV.N).)

A DAS official confirmed that no hiring rate submittal for review was made for any of the three Executive Assistants hired by the Division in 2020. (Core-CT data confirms that the Division approved the hires, not DAS.) This appears consistent with statutory and constitutional authority providing that Division unclassified appointees are exempt from classified service. See Conn. Gen. Stat. § 5-198 (Positions exempt from classified service); CT CONST., ART. XXIII. Division and OPM officials separately confirmed that Division positions do not go to DAS or OPM for approval, so long as the position is within the “position count” for the Division. One official advised that the Division is well below this count due to attrition.

I. Following Anastasia’s Hiring at the Division, Mr. Colangelo Continues to Press the Division Manager Pay Issue at OPM through Mr. Diamantis.

Our investigation examined communications between Mr. Colangelo and Mr. Diamantis from approximately May 2020 through October 2021. Time and again, Mr. Colangelo e-mailed Mr. Diamantis individually concerning the pay increase issue, particularly when Mr. Colangelo encountered resistance regarding the issue. Mr. Colangelo specifically sought out Mr. Diamantis’s guidance to overcome obstacles he faced with the issue, including asking at one point, “This is not what [Ms. Brown-Brewton] told me, she said she was going to recommend it to you. And its not true, what should I do? Might need to keep them happy so they don’t oppose me at reappointment.” (Doc. 41.) In turn, Mr. Diamantis kept Mr. Colangelo apprised of the issue and requested information from Mr. Colangelo that could assist with moving the issue forward, including at one point stating, “Want to give you a heads up that DAS is saying they all received the increase in pay with the increase in hours. . . . So if you have any additional information I can use it sooner than later.” (Doc. 37.) Mr. Diamantis repeatedly forwarded information received from Mr. Colangelo to Secretary McCaw, including on one occasion under the cover “your eyes only.” (See *infra* at 32; Doc. 68.) In those communications to Secretary McCaw, Mr. Diamantis repeatedly advocated for the Division Manager pay increase with statements echoing Mr. Colangelo’s stated belief that the issue was impacting the Division’s recruitment efforts for State’s Attorney positions. Those statements include:

- “We should resolve it [*i.e.*, the Division Manager pay issue] because he is not getting qualified people” (Doc. 35);
- “My hope is we fix it so folks apply for the job in openings as supers have qualifications.” (Doc. 57);
- “I think we should do what we can for quality.” (Doc. 43);
- “I would like to do something to get good people in.” (Doc. 44.)

During his interviews, Mr. Colangelo insisted that he did not think Mr. Diamantis could help him with the Division pay issue. Mr. Diamantis and Secretary McCaw similarly stated that Mr. Diamantis did not have authority over the issue at OPM. However, those claims are contradicted by the magnitude of communications between Mr. Colangelo, Mr. Diamantis, and Secretary McCaw concerning this issue, the reality that Mr. Diamantis was then the second highest ranking OPM official in the State, and the fact that the issue kept resurfacing at OPM despite repeated denials – the first being just weeks before Mr. Colangelo contacted Mr. Diamantis with job descriptions and then hired Anastasia just days later.

Multiple state officials interviewed in the course of this investigation similarly stated that Mr. Diamantis was adamant about pressing the Division Manager pay issue forward. One state official described Mr. Diamantis as a “pit bull with a pork chop” in regards to the Division Manager pay issue. Another state official observed that Mr. Colangelo had an audience at OPM unlike any other executive branch department head because of Mr. Diamantis, who the state official similarly described as persistent in pressing the Division Manager pay issue forward. None of the state officials interviewed had knowledge of Mr. Diamantis advocating for pay

increases for any other executive branch exempt managers, despite salary compression being a statewide issue.

The communications that follow evidence Mr. Diamantis's persistence in pressing the pay increase issue on Mr. Colangelo's behalf.

On June 26, 2020, eight days after the letter confirming Anastasia's hiring at the Division effective July 3, 2020, Mr. Colangelo forwarded Mr. Diamantis an e-mail concerning compensation for Division Managers, stating: "This is another reason why we need to get the 40 hours for the group we talked about, thanks for helping to correct the issue that DAS created. I appreciate your help and understanding of this issue." (Doc. 25.) When asked about this document, Mr. Colangelo stated that he forwarded the document for Mr. Diamantis's "file" with regards to Mr. Colangelo's effort to correct the Division Managers pay plan. Mr. Colangelo acknowledged that he understood at the time that OPM would be a decision-maker on any pay increase for Division Managers.

On August 31, 2020, Mr. Colangelo e-mailed Mr. Diamantis a table showing the number of applicants for the State's Attorney position in multiple judicial districts from 2001 through 2020. (Doc. 32.) In that e-mail, Mr. Colangelo stated: "We really need to correct the not moving from 35 to 40 hours for this group. You can see how it has hurt the number of applicants. I look forward to having the opportunity to discuss this with you." (Doc. 32.)

On September 18, 2020, Secretary McCaw e-mailed Ms. Brown-Brewton, copying Mr. Diamantis, stating: "Need the structure of the attorney hierarchy. I am told that the state's attorneys are paid less than their subordinate supervising attorneys. Need you to lay out the issue, background and fiscal impact." (Doc. 33.)

In response, on September 21, 2020, Ms. Brown-Brewton provided Secretary McCaw and Mr. Diamantis a copy of the May 21, 2020 letter on joint OPM Secretary letterhead denying Mr. Colangelo's request for a pay increase, and explained that she was awaiting information from Mr. Colangelo concerning the Division's organizational structure. (Doc. 33.) Ms. Brown-Brewton further explained in that correspondence Mr. Colangelo's position that "although 16 of his staff regularly work 40 plus hours, they have never received the corresponding 14.1% pay increase that others received commencing in 1999 as we gradually moved to 40." (Doc. 34.) In response, Secretary McCaw asked whether "Budget and DAS confirm[ed]" this information and whether there were "other employees that went to 40 hours that did indeed receive the adjustment." (Doc. 34.) Ms. Brown-Brewton responded that "DAS previously indicated they had no records regarding the move to 40 hours, but Rich Colangelo said today that it was done locally by administrative directive, and there was no formal action by DAS." (Doc. 34.) On September 25, 2020, Ms. Brown-Brewton further responded to Secretary McCaw's inquiry with the information she obtained from Budget. She stated, "You recall that Richard Colangelo advised me that sixteen (16) employees, including himself, had gone from 35 to 40 hours back in 2007 or 2008 and had not received the corresponding pay increases. According to CORE records that have been reviewed thus far on those 16 people, there was a corresponding increase in pay when they moved to 40 hours." (Doc. 34.) Mr. Diamantis responded to that e-mail stating, "We should resolve it because he is not getting qualified people." (Doc. 35.) When

asked, Mr. Colangelo clarified that the Division Managers moved from 35 to 40 hours in the 1990s, not in 2007 or 2008 as stated in Ms. Brown-Brewton's e-mail.

On September 25, 2020, Mr. Colangelo provided Ms. Brown-Brewton with employee numbers for several individuals within the Division for purposes of researching compensation history in Core-CT. (Doc. 57.) A few days later, Mr. Colangelo followed up with Ms. Brown-Brewton on status, and she responded "Once I have all the relevant data, I will be able to present it to the Secretary." (Doc. 57.)

On September 30, 2020, Ms. Brown-Brewton provided her analysis to Secretary McCaw and Mr. Diamantis confirming that all sixteen Division Managers received at least a 14% increase when their hours increased from 35 to 40 hours, "but for some it coincided with a promotional increase as well." (Doc. 57.) Within an hour, Mr. Diamantis thanked Ms. Brown-Brewton, stating, "I will defer to the Secretary. My hope is we fix it so folks apply for the job in openings as supers have qualifications." (Doc. 57.)

On October 6, 2020 at 11:56 am, Ms. Brown-Brewton wrote to Mr. Colangelo, stating: "The Secretary asked me to verify that your folks had not received the corresponding increase in pay when moving to 40 hours with Budget or DAS. Based upon the information in CORE-CT, the attached compilation shows that all of them received at least the requisite increase in pay (14%), but for some it coincided with a promotional pay increase as well." (Doc. 36.) Ms. Brown-Brewton provided Mr. Colangelo a compilation of data from Core-CT showing that twelve of the sixteen individuals received a 14.285% pay increase when their hours increased from 35 to 40 hours on June 22, 2007 (the individuals held bargaining unit positions as of that date), and three individuals received increases well in excess of 14% coinciding with a promotional pay increase. The positions into which those three individuals were promoted (on July 7, 2006, July 9, 2004, and October 13, 2006, respectively) were 40-hour per week Division Manager positions as of those dates. (Doc. 36.)

On October 6, 2020 at 12:42 p.m., Ms. Brown-Brewton responded to Mr. Diamantis concerning his hope to "fix" this issue (see Doc. 57), asking "What fix would you like to employ? As I noted previously, they all received the increase in pay with the increase in hours. As you know, the problem with managers not getting the same or similar increases as bargaining unit members is a state-wide issue." (Doc. 57.) At 1:30 p.m., Secretary McCaw responded, "So basically all employees were indeed compensated for the increase from 35 to 40 hours. No further action required from my perspective." (Doc. 38.)

On October 6, 2020 at 1:34 p.m., Mr. Diamantis alerted Mr. Colangelo by e-mail as follows: "Want to give you a heads up that DAS is saying they all received the increase in pay with the increase in hours. As you know, the problem with managers not getting the same or similar increases as bargaining unit members is a state-wide issue. So if you have any additional information I can use it sooner than later." (Doc. 37.) When asked about this document, Mr. Diamantis explained that he wanted Mr. Colangelo to provide information that would enable Secretary McCaw to evaluate the issue because that was his job.

On October 16, 2020, Mr. Colangelo clarified to Ms. Brown-Brewton as follows: "The group I'm talking about is an e-Item through DAS and OPM. Signed off by both. No pay plan

there is one salary for State's Attorneys, the Deputy Chief State's Attorneys and the Chief State's Attorney." (Doc. 39.)

On or around November 23, 2020, Ms. Brown-Brewton received a phone call in the evening from Secretary McCaw and Mr. Diamantis about the Division Manager pay increase issue. Ms. Brown-Brewton recalled that Secretary McCaw stated that she could not support the pay increase request because it appeared that the Division Managers had already received the 14% increase in pay upon moving from a 35 to 40 hour work week. When Ms. Brown-Brewton hung up, her understanding was that Secretary McCaw and Mr. Diamantis stayed on the line to continue to discuss the issue.

On November 24, 2020 at 12:19 p.m., Secretary McCaw e-mailed Ms. Brown-Brewton and Mr. Diamantis, stating "Touching base on this item again, how is it fair that employees who were not promoted in their responsibilities get a 14.285% increase for going 35 to 40, and employees that are being promoted, taking on additional duties and going from 35 to 40 hours get the same increase of 14.285%? Any employee that went from 35-40, was promoted concurrently, and only received 14.285% should be re-evaluated for a solution. That appears to be Colangelo, Mahoney, Ferencek, Corradino, Hardy, Preleski, and Griffin." (Doc. 57.) Ms. Brown-Brewton proceeded to request that information from DAS. (Doc. 45.)

That same day, Ms. Brown-Brewton clarified in writing to Secretary McCaw and Mr. Diamantis what she understood Mr. Colangelo to be seeking. Ms. Brown-Brewton wrote: "As I understand Rich Colangelo's claim isn't that he didn't get a pay increase when he was promoted, but that the job class of 'Chief State's Attorney' didn't get increased years before he was promoted into it." (Doc. 40.)

On December 3, 2020, DAS confirmed that each of the seven individuals identified in Secretary McCaw's e-mail of November 24 "received an increase of at least 5.5% following every promotion," with that increase "in addition to the 14.286% increase as a result of the change in standard hours in 2007." (Doc. 45.) Attached to that e-mail was a spreadsheet with Core-CT data for each of the seven individuals.

On December 4, 2020 at 3:02 p.m., Ms. Brown-Brewton provided DAS's analysis of the Core-CT data to Secretary McCaw and Mr. Diamantis. The e-mail explained that "the attached spreadsheet shows that in addition to the 14.286% increase as a result of the standard change in hours in 2007, all of those employees named below (Colangelo, Mahoney, Ferencek, Corradino, Hardy, Preleski, and Griffin) also received an increase of at least 5.5% following every promotion." (Doc. 57.) At 3:23 p.m., Mr. Diamantis copied and pasted that e-mail and attachment into a separate e-mail message to Mr. Colangelo with the subject line "between us." (Doc. 41.) At 3:45 p.m., Mr. Colangelo responded to the "between us" e-mail from Mr. Diamantis, "This is not what she told me, she said she was going to recommend it to you. And its not true, what should I do? Might need to keep them happy so they don't oppose me at reappointment." (Doc. 41.) When asked about his reference to "keep[ing] them happy so they don't oppose me at reappointment," Mr. Colangelo confirmed that he was referring to the State's Attorney's and Deputy State's Attorneys for whom (in addition to himself) he was seeking a pay increase.

On December 4, 2020 at 4:04 p.m., Mr. Colangelo further responded to the “between us” e-mail from Mr. Diamantis stating, “And if you look at Matthew Gedansky and John Russotto and Kevin Kane they never got the 14%.” (Doc. 42.) At 5:16 p.m., Mr. Diamantis copied and pasted a portion of that message into a reply to Secretary McCaw and Ms. Brown-Brewton concerning the hours and promotional pay increases, stating, “I cannot see where Matthew Gedansky and John Russotto and Kevin Kane they never got the 14% I think we should do what we can for quality.” (Doc. 43.)

On December 5, 2020, following a request from Mr. Diamantis, Ms. Brown-Brewton requested that DAS provide the same analysis (pay increases associated with hours increase and promotional increase) for three additional individuals, stating: “Kosta [Diamantis] is asking for the same information for . . . Matthew Gedansky and John Russotto and Kevin Kane.” (Doc. 45.) DAS responded with the requested information on December 18, 2020. (Doc. 45.)

On December 6, 2020, Mr. Diamantis again insisted by e-mail to Ms. Brown-Brewton and Secretary McCaw that “I would like to do something to get good people in.” (Doc. 44.)

J. A January 21, 2021 Meeting Results in DAS Drafting and Signing an E-Item for OPM Approval to Increase Division Manager Pay.

On January 21, 2021, there was a videoconference meeting between DAS officials and the Division to discuss the Division Manager pay increase issue. The participants in the meeting included Mr. Colangelo, Mr. Russotto, Deputy DAS Commissioner Hermes, Ms. Grzyb, and DAS Human Resources Administrator Debra Atkinson. As a result of that meeting, DAS drafted an E-Item authorizing an adjustment to the Criminal Justice Executive pay plan. However, DAS officials could not identify the factual basis for their conclusion that the Criminal Justice Executive pay plan rates “were never adjusted when weekly hours changed from 35 to 40 per week in the mid-to-late-1990s,” as stated in DAS’s transmittal e-mail to OPM attaching the signed E-Item. (Doc. 47.)

Mr. Colangelo recalled that during the meeting he explained that the Division Manager pay plan, which is denoted the “CJ-EX” pay plan (a single salary for each of the three Division Manager positions), had not increased by 14.285% when the Division Manager positions increased from 35 to 40 hours. Mr. Colangelo recalled providing DAS officials with historical salary information for each of the three Division Manager positions (*i.e.*, Chief State’s Attorney, Deputy Chief State’s Attorney, and State’s Attorney), which he contended demonstrated that the positions never received an increase in compensation corresponding to an increase from 35 to 40 hours. Mr. Colangelo explained that the Division Manager positions increased from 35 to 40 hours in the late 1990s when then Governor Rowland increased the Executive Branch managers to a 40-hour work week. According to Mr. Colangelo, all other Executive Branch manager pay plans were increased 14.285% (which he believed happened over a two-year period, approximately 7% per year), but the CJ-EX pay plan was not. During the meeting, Mr. Colangelo referred to E-Items dating to the mid-1990s concerning the Division Manager pay plan, and stated that none reflected any increase to account for the adjustment to a 40-hour work week. (See Doc. 59; Doc. 84.)

During the meeting, DAS officials adopted the Division's analysis of the issue.¹⁰ But when asked, DAS officials could not show one way or another whether the CJ-EX pay plan was increased when Division Manager positions went to 40 hours in the 1990s. It was beyond the scope of this investigation to answer that question. No matter the answer, the fact remains that Mr. Colangelo believed that the pay plan had not been adjusted almost three decades ago and sought to correct that issue through DAS and OPM.

On January 21, 2021 at 12:30 p.m., Ms. Grzyb e-mailed a draft E-Item to Mr. Russotto, stating: "Attached find the draft E-Item authorizing an adjustment to the existing Criminal Justice Executives pay plan. The adjustment reflects the change in weekly hours from 35 to 40 resulting in an increase in compensation of 14.2857%. . . . Please review these materials. If all looks ok, we will submit the item to Nick [Hermes]. After Nick approves, the Item will be sent to OPM for approval." (Doc. 48.) On January 22, 2021, Mr. Russotto responded, confirming that "Rich [Colangelo] and I reviewed all of your materials and everything looks to be in order." (Doc. 48.) Later that day, Ms. Grzyb forwarded the draft E-Item to Mr. Hermes for his review and approval. On Sunday, January 24, 2021, Mr. Hermes responded to Ms. Grzyb, "Looks good to me. To double-check, DCJ is good with this? If so, please go ahead and submit as per normal." (Doc. 48.) On Monday, January 25, 2021 at 7:33 a.m., Ms. Grzyb confirmed to Mr. Hermes that "Yes, both Rich [Colangelo] and John [Russotto] have reviewed and OK'd" the draft E-Item.

On January 25, 2021 at 8:59 a.m., Ms. Grzyb submitted Item 2768-E for approval to OPM by e-mailing the E-Item, signed by DAS Deputy Commissioner Hermes, to Melanie Richard, the secretarial assistant to Secretary McCaw. (Doc. 46.) Ms. Grzyb copied Mr. Colangelo and Mr. Russotto, among others, on her e-mail transmittal of the E-Item to OPM. The transmittal e-mail explained: "This item authorizes an increase of 14.2857% to the Criminal Justice Executive rates (and, as a result, to the current salary of incumbents). This is necessary because the rates for DCJ Chief State's Attorney, DCJ Deputy Chief State's Attorney, and DCJ State's Attorney were never adjusted when weekly hours changed from 35 to 40 per week in the mid-to-late-1990s."¹¹ (Doc. 46.) At 9:01 a.m., two minutes later, Mr. Colangelo forwarded that transmittal e-mail to Mr. Diamantis, stating "FYI." (Doc. 47.) Below is an image of the one-page E-Item signed by the DAS Deputy Commissioner and submitted to OPM for approval (referred to herein as the "DCJ Pay E-Item"):

¹⁰ At the meeting, DAS officials asked whether the correction should be retroactive to 2007 when union prosecutors received a 14.285% increase due to a shift to a 40-hour work week at that time. However, it was agreed that the correction should be effective as of January 1, 2021, as reflected in the E-Item sent to OPM.

¹¹ On January 28, 2021, Ms. Grzyb re-submitted the E-Item to OPM with a minor correction to change the suffix of the job codes from "xxxxCJX" to "xxxxCX" because the Core-CT system is configured to accept 6-digit codes, not 7-digit codes. (Doc. 46.)

ITEM NO. 2768-E

Subject: Adjustment to Criminal Justice Executive Pay Plan

Effective: January 1, 2021

In accordance with Sections 4-40 and 5-200(p) and 5-208(a) of the Connecticut General Statutes, Item 2768-E authorizes an adjustment to the Criminal Justice Executive Pay Plan effective January 1, 2021.

Specifically, the Criminal Justice Executive Pay Plan has been adjusted by 14.2857% to reflect the increase in weekly hours from 35 to 40. Effective January 1, 2021 the new Annual and Semi-Monthly rates are as follows:

Salary Plan	Salary Grade	Annual Salary	Semi-Monthly Rate
CJX	01	\$203,226	\$8,467.75
CJX	02	\$191,067	\$7,961.13
CJX	03	\$186,621	\$7,775.88

The following table lists the job classifications and job codes assigned to each of the salary grades in the Criminal Justice Executive Pay Plan.

Salary Plan	Class Code	Salary Grade
DCJ Chief State's Attorney	2606CX	01
DCJ Deputy Chief State's Attorney	2611CX	02
DCJ State's Attorney	2628CX	03

All employees currently in these job classifications will be placed in the new job code and salary grade effective January 1, 2021 and compensation will be in accordance with this schedule as of that date.

On February 3, 2021, Mr. Colangelo e-mailed Ms. Grzyb asking, "I was wonder[ing] what the process was for the E item we discussed." (Doc. 49.) Ms. Grzyb responded with the following explanation of the process:

The signed Item is sent from DAS to OPM for approval. OPM reviews and informs us of the decision. In this case, the E-Item was signed by Nick [Hermes] and submitted to OPM for approval on January 25th. . . . At this time, OPM must review the Item. Once that review is complete and a decision made, Secretary McCaw's staff will advise with the decision. Typically, that communication comes to me from the Secretary's Executive Assistant via email. I will then pass that information along to you and John. (Doc. 49.)

On February 10, 2021, Mr. Colangelo forwarded that e-mail explanation to Mr. Diamantis, stating "FYI." (Doc. 49.)

K. OPM's Analysis and Denial of the E-Item.

a. OPM's Analysis of the E-Item.

As a general matter, OPM analysts are assigned to review any proposals (including E-Items) with a potential budget or fiscal impact, and to draft a financial analysis of the proposal.

The OPM analysts assigned depends on the agency involved. Each OPM analyst is assigned to approximately ten to fifteen state agencies. With regards to E-Items, the OPM analyst receives the E-Item from the OPM Secretary's secretarial assistant, along with a blank Excel template. The OPM analyst inserts within the Excel template his or her analysis of the fiscal and budgetary impact of the E-Item (the "OPM Write-Up"). The OPM Write-Up is then provided to the OPM section director for review, revision, and ultimately recommendation as to whether the E-Item should be approved or disapproved. Here, the DCJ Pay E-Item was assigned to the OPM budget specialist and OPM section director with responsibility for analyzing the budget impact of proposals concerning the Division of Criminal Justice.

On January 28, 2021, Secretary McCaw's secretarial assistant forwarded the E-Item received from DAS to the assigned OPM analysts. (Doc. 55.) On February 17, 2021, the assigned OPM Principal Budget Specialist, John Jaramillo, contacted the Division's Director of Financial Services, Peter Zelez, to inquire about the fiscal impact of the DCJ Pay E-Item, specifically how it would impact the fiscal year 2021 and Biennium budgets. (Doc. 51.) Before responding to Mr. Jaramillo, Mr. Zelez provided a draft response concerning the anticipated budget impact of the E-Item to Mr. Colangelo and Mr. Russotto. (Doc. 51.) Minutes later, Mr. Colangelo forwarded that draft response to Mr. Diamantis. (Doc. 51.) A short time later, the OPM budget specialist received that information from Mr. Zelez. (Doc. 52.) That information flowed into the OPM Write-Up.

On February 17, 2021, Mr. Jaramillo forwarded the E-Item and blank template for the OPM Write-Up to the assigned OPM Section Director, Patti Maroney, stating "This does impact the current incumbents." (Doc. 50.) On February 18, 2021, Mr. Jaramillo sent Ms. Maroney a link to the draft OPM Write-Up, which was saved on OPM's shared network drive. On February 23, 2021, Ms. Maroney responded to Mr. Jaramillo asking for clarification on whether the Division could afford the proposed pay increases in fiscal year 2022. Mr. Jaramillo responded, "they can afford it if holdbacks are released in FY 2021 and they have enough in funding in the biennium to cover these costs instead of filling vacant positions." (Doc. 54.) In that correspondence, Ms. Maroney also noted that she had added to the draft OPM Write-Up. (Doc. 54.)

On February 26, 2021, Ms. Maroney forwarded the E-Item and signed OPM Write-Up to OPM's Executive Budget Officer, Mr. Potamianos, and to Secretary McCaw's secretarial assistant, Ms. Richard. (Doc. 55.) The OPM Write-Up recommended that the E-Item be disapproved. (Doc. 55.) Below is an image of the OPM Write-Up setting forth comments on why the E-Item was recommended to be disapproved:

5) Comments:

Based on the Division of Criminal Justice's January 2021 projections, the agency will only lapse under \$80,000 in Personal Services, which, per the agency, will be used to FAC transfer later in the fiscal year to cover shortfalls in other accounts. The agency has a holdback of \$500,000 and a rescission of \$463,095 in Personal Services. DCJ would not be able to afford these increases without releasing this unallotted funding. Also, there is no funding provided in the Governor's Recommended Biennium Budget specifically for this purpose, although the agency was left with some funding -- rescissions were annualized, holdbacks were not. DCJ can absorb the annualized cost of these increases in FY 2022 should they choose to forego filling vacancies. Wage adjustments included in the recommended budget are based on increases and contracts finalized at the time of budget submission on and as of September 1, 2020 and do not reflect this set of positions or this increase.

There is no need to adjust the salary plan for these titles since these positions have always been 40 hour positions and were compensated as such. The employees who are currently in the positions covered by this request either had their salaries adjusted in 6/22/2007 to reflect the impact of moving from 35 to 40 hours while they were in their previous titles or received increases when promoted that included compensation for the increase in work hours. Therefore their base pay already includes the 14% increase related to the increase in work hours to 40. If the salary range is adjusted, those individuals should not receive an additional 14% increase since the adjustment was taken care of at the time of their move to 40 hours. Adjusting the salaries at this point would provide double the compensation needed for the 35 to 40 hour adjustment.

An OPM official recalled that Ms. Maroney, now retired, drafted the paragraph that began, “There is no need to adjust the salary plan for these titles since these positions have always been 40 hour positions and were compensated as such.” (Doc. 55.) According to that OPM official, the observations set forth in that paragraph were based on information in the Core-CT database. Although we were unable to determine the precise information relied upon, the observations in the second paragraph of the OPM Write-Up appear consistent with the compilation of Core-CT information prepared in October 2020 by Ms. Brown-Brewton (which was provided to Secretary McCaw by December 2020. (Doc. 36; Doc. 57.) That Core-CT information was similarly interpreted at that time as showing that all sixteen Division Managers “either had their salaries adjusted in 6/22/2007 to reflect the impact of moving from 35 to 40 hours while they were in their previous titles or received increases when promoted that included compensation for the increase in work hours.” (Doc. 55.) This analysis appears to have been premised on a review of individual compensation history, not compensation history for the three Division Manager positions.

When asked why the OPM Write-Up refers to a “salary range” when the CJ-EX pay plan is one set salary not a range, an OPM official explained that the term was probably used because nearly all salaries that come across OPM analyst desks are ranges, not set salaries. To the extent that the OPM Write-Up refers to “positions” being “40 hour positions [that] were compensated as such,” on the one hand, and “employees who are currently in the positions” having already received “compensation for the increase in work hours,” on the other hand, an OPM official explained that the terminology “positions” and “employees . . . in the positions” was used interchangeably. In other words, the OPM Write-Up does not appear to address the issue that Mr. Colangelo is believed to have raised to DAS at the January 21, 2021 meeting that resulted in DAS drafting the E-Item, which is whether the single pay rates for the three Division Manager positions were adjusted 14.285% upwards when the positions increased from 35 to 40 hours.

b. OPM’s Denial of the E-Item and the “E-Item Log.”

On February 26, 2021, OPM’s Executive Budget Officer forwarded the OPM Write-Up to Secretary McCaw’s secretarial assistant, Ms. Richard, stating: “You can give this to Kosta [Diamantis] or Melissa [McCaw]. Please ensure they know our recommendation is that this

NOT be approved.” (Doc. 56.) Ms. Richard recalled providing the OPM Write-Up to Secretary McCaw on the fifth floor of OPM’s office while Mr. Diamantis was present.

Secretary McCaw stated that she denied the E-Item “around the time” that she was provided a copy of the OPM Write-Up, which as noted was completed on February 26, 2021. However, our investigation was unable to determine the precise timing of when Secretary McCaw received the OPM Write-Up and denied the E-Item.

Secretary McCaw’s secretarial assistant maintains an Excel spreadsheet log that is intended to track the status of E-Items that are sent from DAS to OPM for review and decision (referred to herein as the “OPM E-Item Log” or “Log”). The OPM E-Item Log tracks information concerning the status of OPM’s review of an E-Item, including when the E-Item is received from DAS and sent to the assigned OPM analyst, when the E-Item is received from the assigned OPM section director, when the E-Item is reviewed by the OPM Executive Budget Officer, when the E-Item is sent back to DAS (either approved, denied, or without signature), and comments concerning the status and review of the E-Item. (Doc. 53.)

With regard to the DCJ Pay E-Item, the Log reflects only that the E-Item was received from DAS on January 28, 2021 (the corrected E-Item, see supra note 11) and that it was sent to the OPM analysts on that same date. Aside from the comments column, no other information is provided, including when the E-Item was sent back to DAS (if ever). The Log’s comments column states, “Denied per MM as of 2/22.” (Doc. 53.) Ms. Richard recalled making this entry in the Log after the denial was communicated to her verbally by Secretary McCaw. However, the notation’s date of “2/22” appears to be a clerical error based on the totality of the evidence. The OPM Write-Up was not finalized until February 26, 2021, at which time it was reviewed by OPM’s Executive Budget Officer and forwarded to Ms. Richard with the cover e-mail directing her to provide the OPM Write-Up to Secretary McCaw or to Mr. Diamantis. (Doc. 56.) When asked about the Log date “2/22,” Ms. Richard concluded that was a data entry error because the OPM Write-Up was not finalized until February 26, 2021.

According to contemporaneous documents and multiple witness statements, OPM’s denial of the DCJ Pay E-Item was not communicated to DAS. For example, internal DAS correspondence on October 4, 2021 states: “I think the status is that the Item is still with OPM. I could not find any correspondence from Mel[anie] Richard] advising the Item was approved or returned without signature (denied). Note: the folder we use for items indicates “not signed” (rather than “approved or “denied”) so I’m as sure as I can be that we did not receive any word back from OPM.” (Doc. 78.) Mr. Colangelo similarly stated that he was never told that OPM had denied the E-Item. DAS communications to Mr. Colangelo concerning how he should expect to be apprised of the status of OPM’s review of the E-Item, namely, that he would be informed by DAS, further suggest that OPM’s denial of the E-Item was never communicated to DAS. (See supra at 26 (Doc. 49).)

Secretary McCaw characterized her denial of the E-Item as the second of three denials of the Division Manager pay increase request. According to Secretary McCaw, the first was the denial by letter dated May 21, 2020, which she stated was based on Division Managers receiving the 2019 COLA increase. (See supra Section IV.C.) The second was the denial of the E-Item, which she stated was based on OPM’s determination that the sixteen Division Managers all

received a 14.285% increase upon moving from 35 to 40 hours. As for the third denial, Secretary McCaw stated that she denied the request again in around March 2021. (See infra Section IV.L.) When asked why despite the three separate denials, the pay issue resurfaced at OPM again in September 2021 (see infra Section IV.M), Secretary McCaw stated there was a lag between when she denied the request and when a meeting was scheduled at OPM to explain the denial to Mr. Colangelo. However, Mr. Colangelo stated that he was not aware that OPM had denied the E-Item when he requested the eventual September 2021 meeting at OPM.

L. March 2021 Communications Concerning the Division Manager Pay Issue.

In March 2021, Secretary McCaw corresponded on multiple occasions with DAS officials concerning the Division Manager pay issue. In view of the timing of this correspondence in close succession to when the E-Item is believed to have been denied, and references within that correspondence to the matter being “on hold pending this last step” (see Doc. 57), it is unclear that OPM officially denied the E-Item prior to March 2021 or, if so, why Secretary McCaw was considering the Division pay issue again just days after she denied the E-Item.

On March 1, 2021, Secretary McCaw replied to the December 2020 e-mail thread with Ms. Brown-Brewton and Mr. Diamantis (dating to September 2020 through December 2020, as described supra at 21-24) concerning the Division Manager pay issue. Secretary McCaw stated: “Can your team complete the Core data for the remaining individuals listed in the Word document? This matter is on hold pending this last step. Thus far the excel data extract shows that the 5-6 employees included indeed received the 14.2%, separate and apart from a promotion. I’d like to see if there was consistent treatment in the case across the board. . . . The data will tell. If my expectations are correct as supported by CORE, request is denied.” (Doc. 57.) Ms. Brown-Brewton forwarded that e-mail to Ms. Grzyb at DAS.

On March 5, 2021, Ms. Grzyb responded to Ms. Brown-Brewton with an updated Excel spreadsheet showing the compensation history for the sixteen Division Managers (and former Chief State’s Attorney, Mr. Kane), as well as a table showing the salary increases authorized for the CJ-EX pay plan from July 2000 through July 2019. In that e-mail, Ms. Grzyb stated: “I wanted to reiterate that when we spoke to Richard Colangelo and John Russotto, we learned that the recruitment and retention issue they raised is compounded by the fact that, unlike all other pay plans in the Executive Branch that were adjusted following the increase in weekly hours, the CJ-EX pay plan was never increased. This is the crux of the issue and why we submitted the Item to OPM.” (Doc. 58.)

On March 24, 2021 at 1:34 p.m., Mr. Colangelo e-mailed Secretary McCaw three documents listing the individuals in the position and corresponding salaries from 1995 through 2021 for the Chief State’s Attorney, the Deputy Chief State’s Attorney for Administration, and the Stamford/Norwalk State’s Attorney (as representative of all of the State’s Attorneys). That e-mail states: “These are the positions that were moved from 35 to 40 hours without the corresponding pay increase, and you will see that at no time did anyone in these positions get the pay increase. I look forward to speaking to you further.” (Doc. 60.) Later that day at 5:28 p.m., Mr. Colangelo forwarded the e-mail and attachments he had sent to the Secretary to Mr. Diamantis, stating: “Here it is. So you know SA Matt Gedansky and DSCA John Russotto never

got the increase from 35 to 40 hours [and] they were in the position.” (Doc. 60.) At 5:49 p.m., Mr. Diamantis forwarded that correspondence with attachments to Secretary McCaw and Ms. Brown-Brewton, stating “FYI.” (Doc. 61.)

On March 25, 2021, Ms. Brown-Brewton forwarded DAS’s explanation to Secretary McCaw and Mr. Diamantis from March 5, 2021, which stated that the “crux of the issue” was that “the CJ-EX plan was never increased” and that is “why [DAS] submitted the Item to OPM.” (Doc. 62.)

There was a period of relative quiet from the end of March through the end of June 2021.

M. Mr. Colangelo Meets with Secretary McCaw and Mr. Diamantis at OPM.

Following numerous requests beginning in June 2021, Mr. Colangelo ultimately secured a meeting at OPM to discuss the pay issue with Secretary McCaw and Mr. Diamantis on September 30, 2021. During their respective interviews, Secretary McCaw and Mr. Diamantis both stated that the requested action on the CJ-EX pay plan would not benefit Mr. Colangelo personally, but rather only future hires. Those were the only two individuals to make such a claim. Both Mr. Colangelo and Mr. Russotto, who reviewed and approved the E-Item that DAS sent to OPM following the January 2021 meeting in which DAS adopted the Division’s analysis of the pay increase issue (see *supra* Section IV.J), confirmed that the requested action on the CJ-EX pay plan would indeed benefit them personally.

a. Numerous Meeting Requests and the Initial FOIA Request to the Division.

On June 28, 2021 at 8:57 a.m., Mr. Colangelo wrote to Secretary McCaw and Mr. Diamantis to request a meeting, stating “Before thing[s] got crazy I wanted to see when you would like me to come over and meet with you both. Please let me know.” (Doc. 64.) One minute later at 8:58 a.m., Mr. Diamantis responded, “Will set up.” One minute after that at 8:59 a.m., Mr. Colangelo replied “Thank you.” (Doc. 64.) When asked her understanding of why Mr. Colangelo wanted to meet, Secretary McCaw stated that Mr. Colangelo wanted to understand “why the request was denied.” However, as noted, Mr. Colangelo stated that he was never told that OPM had denied the request. Rather, his understanding was the E-Item was still pending at OPM.

On July 28, 2021, journalist Kevin Rennie made a FOIA request to the Division seeking documents and communications concerning Anastasia’s hiring by the Division. (Doc. 66.) That was the first known FOIA request concerning Anastasia’s hiring. Mr. Colangelo acknowledged that he was aware of that FOIA request at or about the time it was made. Mr. Colangelo reviewed his files and provided responsive documents to the Executive Assistant State’s Attorney tasked with responding to FOIA requests on behalf of the Division.

On August 10, 2021, Mr. Colangelo e-mailed Mr. Diamantis an updated “Compression Analysis” comparing the salaries from fiscal years 2004 through 2022 for Supervisory Assistant State’s Attorney and State’s Attorney, with the calculated “compression” percentage year over year. (Doc. 67.) Mr. Colangelo stated in that e-mail, “Hello sir. Here it is. Please let me know when we can talk and meet.” (Doc. 67.) On August 12, 2021 at 11:14:51 a.m., Mr. Diamantis

responded “Thanks.” (Doc. 68.) Just seconds later, at 11:15:10 a.m., Mr. Diamantis forwarded Mr. Colangelo’s e-mail (inadvertently omitting the attachment) to Secretary McCaw, stating “your eyes only.” (Doc. 68.) On August 16, 2021, Secretary McCaw wrote back “There is no attachment.” (Doc. 68.) When asked, Secretary McCaw did not know why Mr. Diamantis sent this information to her under the cover “your eyes only.”

On September 8, 2021 at 12:22 p.m., Mr. Colangelo again requested a meeting with Secretary McCaw and Mr. Diamantis by e-mail with copy to each of their assistants, stating “I just realized we never set up a meeting with the Secretary and Deputy Secretary. Please let me know a few days and times that would work for me to come up.” (Doc. 69.) One minute later, at 12:23 p.m., Secretary McCaw responded, “Look forward to having you on-site Rich.” (Doc. 69.)

It took several attempts to coordinate schedules for the requested meeting. On September 15, 2021, Secretary McCaw’s secretarial assistant suggested September 22 for the meeting. (Doc. 70.) Mr. Colangelo responded, “Can she do tomorrow morning. I really need to meet with her.” (Doc. 70.) When asked about the urgency surrounding this meeting request, Mr. Colangelo stated the urgency was that he believed there were only two or three qualified candidates for the New London State’s Attorney position (which was filled months earlier, in around spring 2021). He denied that the urgency had anything to do with Mr. Rennie’s FOIA requests or forthcoming opinion article ultimately published on October 1, 2021. Due to scheduling conflicts, the requested meeting could not be scheduled until September 30, 2021.

b. The September 30, 2021 Meeting at OPM.

On September 30, 2021, the long-requested meeting between Mr. Colangelo and the OPM Secretary and Deputy Secretary took place. The meeting was held in-person at OPM and, according to Secretary McCaw’s Outlook calendar, was scheduled from 2:30 p.m. until 4:00 p.m. (Doc. 75.) The meeting attendees were Mr. Colangelo, Mr. Diamantis, Secretary McCaw and her Executive Assistant, Justin Antoine. There are conflicting accounts around what happened at the September 30, 2021 meeting.

In preparation for the September 30, 2021 meeting, Secretary McCaw asked Mr. Antoine to prepare a simplified analysis showing that Division Managers received a 14.286% hours increase separate and apart from promotional pay increases. Secretary McCaw provided Mr. Antoine with the Excel spreadsheet from Ms. Brown-Brewton containing compensation history for ten Division Managers. (Doc. 76.) Secretary McCaw did not provide Mr. Antoine with the OPM Write-Up. Mr. Antoine used the Excel spreadsheet to compile an Excel worksheet showing that each individual received a 14.286% increase when their hours increased from 35 to 40, plus an additional percentage increase for any corresponding promotion. (Doc. 85.) This comports with what DAS reported to Secretary McCaw back in March 2021.

Secretary McCaw stated that the September 30, 2021 meeting is the only time she met with Mr. Colangelo to discuss the pay increase issue. In short, Secretary McCaw recalled that Mr. Colangelo explained the difference between a salary increase for the position (i.e., a pay plan correction) as compared to a salary increase for the individuals in the position, and that she flipped the issue back to DAS to “correct their mistake.”

According to Secretary McCaw, on the day of the September 30, 2021 meeting at OPM, she sent Mr. Antoine into the meeting with Mr. Colangelo and Mr. Diamantis because she was finishing up a prior meeting and running late. She asked Mr. Antoine to explain the analysis to Mr. Colangelo. Secretary McCaw recounted that when she arrived at the meeting, she asked Mr. Antoine, “Did you show him [Mr. Colangelo] that every person has been adjusted,” meaning for hours and promotion. That is when, according to Secretary McCaw, Mr. Colangelo responded, “You’re missing my point. I’m not talking about the person, I’m talking about the salary scale.” Secretary McCaw stated that she responded, “Oh! You’re not trying to correct for employees. You’re saying the salary scale was never adjusted.” According to Secretary McCaw, she understood at that time that Mr. Colangelo was not seeking a pay increase for himself and the other Division Managers, but rather a salary range increase to benefit only future hires. Secretary McCaw stated that she told Mr. Colangelo that was an issue with DAS and that DAS needed to “address the error and only then will she approve it.” Secretary McCaw stated that she directed Mr. Colangelo to speak to Deputy DAS Commissioner Nick Hermes, and that she also directed Mr. Diamantis to relay to Mr. Hermes that “the Chief State’s Attorney has clarified the need to correct the pay scale.”¹² Secretary McCaw stated that the correction would “result in an accurate pay plan to help with new hires, but it would not affect Rich [Colangelo].” She stated that DAS would have to examine whether the sixteen Division Managers were making less than the new “minimum” for the corrected pay scale in order to determine whether the pay scale correction would impact current employees in addition to future hires.

We asked Secretary McCaw to explain her understanding that a pay plan correction would affect only new hires and not the sixteen incumbents in the Division Manager positions, including Mr. Colangelo, given that there is a single pay rate for those positions (as shown on the E-Item that DAS sent to OPM). Secretary McCaw stated that she was thinking of this as a pay scale, not a single rate pay plan. She stated that pay scales are 95% of what OPM sees when reviewing salary plans. Secretary McCaw stated she did not have the E-Item available at the meeting, which showed a single pay rate for each of the three Division Manager positions. Putting aside the fact that an individual recalled the E-Item being among the materials available at the meeting (which, according to Secretary McCaw, was a meeting to explain the E-Item denial to Mr. Colangelo), Mr. Colangelo specifically recalled explaining to Secretary McCaw that the CJ-EX pay plan is a single rate pay plan, not a salary range.

Nonetheless, Secretary McCaw stated that regardless if it is a pay scale or a pay rate, DAS would have to determine whether the sixteen incumbent Division Managers were making more or less than the corrected rate. When pressed on that point because the sixteen incumbent Division Managers would necessarily be making less than the corrected rate (since the corrected rate would be derived by multiplying the existing rate for the three Division Manager positions by ~1.142857, as described in the E-Item), Secretary McCaw stated that DAS would have to look at that. She stated that compensation schedules are under the jurisdiction of DAS, and she wanted to put the onus back on DAS. Secretary McCaw could not explain why the issue needed to go back to DAS when DAS had already authorized the pay plan correction that Mr. Colangelo

¹² Mr. Antoine recalled that Secretary McCaw asked Mr. Colangelo to go back to DAS. He did not recall whether Secretary McCaw asked Mr. Diamantis also to go back to DAS.

was seeking. Secretary McCaw reaffirmed her understanding that the requested pay plan correction would only apply to new hires.

Mr. Diamantis stated that the September 30, 2021 meeting is “when the lightbulb went on” that Mr. Colangelo was not asking for raises for himself and the other State’s Attorneys, but rather for “the pay scale to be corrected for future hires.” Mr. Diamantis described what Mr. Colangelo was seeking as a “far cry from what was approved by Nick Hermes,” referring to the E-Item signed by DAS Deputy Commissioner Hermes on January 25, 2021. Mr. Diamantis stated that what Mr. Colangelo was seeking “would not benefit Rich [Colangelo] and his sixteen,” referring to the incumbent Division Managers. According to Mr. Diamantis, Secretary McCaw directed him to call Deputy DAS Commissioner Hermes and “fix the mistake on the E-Item.”

When asked to explain the nature of the “mistake” on the E-Item, Mr. Diamantis stated that the E-Item was asking for a pay raise and that was not what Mr. Colangelo was asking for. Rather, Mr. Diamantis explained, Mr. Colangelo wanted “the pay scale elevated for future hires.” Mr. Diamantis recalled that during the September 30 meeting, Secretary McCaw stated that she finally understood that the E-Item was wrong and needed corrected. According to Mr. Diamantis, that is when Secretary McCaw directed him to call Mr. Hermes to have DAS “fix their mistake.” Mr. Diamantis stated that he called Mr. Hermes directly after the meeting and told him something along the lines of “we figured out the problem” and the Secretary wants DAS Commissioner Geballe to correct the document, referring to the E-Item. Mr. Hermes did not recall a discussion with Mr. Diamantis on September 30, although he did receive a text message from Mr. Diamantis at 3:19 p.m. that day stating, “I’m with the chief states and Melissa if you can call now. . . Call me when you can.” (Doc. 74.) He suspected that he returned the call, but did not recall any substantive discussion at that time. Rather, Mr. Hermes recalled a discussion with Mr. Diamantis on October 18, 2021 in response to a text message from Mr. Diamantis that day. (See infra at 37.)

With reference to the E-Item, we asked Mr. Diamantis to explain what was purportedly wrong and needed corrected. Mr. Diamantis explained that the E-Item was wrong because it was asking for pay raises for existing Division Managers, and OPM had data showing that those individuals already received pay raises when they went from 35 to 40 hours. Instead, he explained, the E-Item should have been asking for a pay scale adjustment going forward for future hires.

Both Secretary McCaw and Mr. Diamantis were adamant that their takeaway from the meeting was that the requested action on the CJ-EX pay plan would not benefit Mr. Colangelo or the other fifteen incumbent Division Managers, but rather only future hires. Against that backdrop, Mr. Colangelo’s account of the September 30, 2021 meeting differs from those of Secretary McCaw and Mr. Diamantis in two critical respects.

First, Mr. Colangelo denies ever saying that he was seeking a pay plan correction for future hires, not current employees (himself included). Indeed, as another Division official confirmed, a correction for only future hires would not be workable because State’s Attorneys, Deputy Chief State’s Attorneys and the Chief State’s Attorney are paid on a single rate pay plan (as shown in the E-Item). New hires make the same as incumbents, no matter the duration of the

incumbent's tenure. That is why the E-Item was clear that the sixteen Division Managers would have their compensation increased as a result of the E-Item. (Mr. Colangelo approved that language when DAS submitted a draft for the Division's review in January 2021.)

Second, Mr. Colangelo stated that he explained to Secretary McCaw that the pay plan for the sixteen Division Managers is a single pay rate, not a salary scale. Specifically, he recalled that Secretary McCaw asked about the attorney hierarchy in the Division. Mr. Colangelo told Secretary McCaw that there is a State's Attorney assigned to each Judicial District who manages the Supervisory Assistant State's Attorneys, Assistant State's Attorneys, and Deputy Assistant State's Attorneys, with the latter three positions being part of a union. Mr. Colangelo recalled explaining to Secretary McCaw that the union positions have a salary scale, specifically a twenty-step salary scale under the union contract. When Secretary McCaw asked Mr. Colangelo about the salary scale for the sixteen Division Managers, Mr. Colangelo responded that there is no salary scale, everyone makes the same amount in each position. He explained to Secretary McCaw that the CJ-EX pay plan at issue is a single rate salary plan. When asked whether he thought Secretary McCaw understood that, Mr. Colangelo said he could not know what was in her mind but his impression was she understood.

As for the outcome of the meeting, Mr. Colangelo recalled Secretary McCaw stating that she understood the issue and she could support this if DAS indicated it was a mistake they made. His impression was that OPM was going to follow up with DAS, but he did not know the next steps to get this over the finish line. When asked if Secretary McCaw directed him to follow up with DAS Deputy Commissioner Hermes, Mr. Colangelo did not recall that and stated he did not leave the meeting thinking he had to do so. Had she asked him to do that, Mr. Colangelo said he would have called Mr. Hermes from the car on the way home (which he did not). Still, Mr. Colangelo said it's possible that Secretary McCaw asked him to follow up with DAS.

When asked what he understood DAS had to "correct" about the E-Item if it already asked for precisely what he was seeking (*i.e.*, a pay plan correction to adjust for hours that were increased from 35 to 40 in the 1990s without a corresponding pay increase), Mr. Colangelo stated his understanding was that "out of an abundance of caution," Secretary McCaw wanted DAS to "own the mistake" because she did not want it to appear "anything untoward was going on." Specifically, Mr. Colangelo explained that his understanding was that Secretary McCaw did not want "someone thinking there is a conflict with Anastasia working at the Division." According to Mr. Colangelo, Secretary McCaw wanted DAS to write a letter stating that they made a mistake by moving Division Managers from 35 to 40 hours decades ago without a corresponding increase in pay, unlike other executive branch managers. His understanding was that if DAS acknowledged their mistake, Secretary McCaw would "sign it," that is, support the pay increase request.

N. Secretary McCaw Again Inquires about OPM's Role in Approving Division Positions.

On September 30, 2021, the same date as the meeting at OPM with Mr. Colangelo, Secretary McCaw inquired via telephone to an OPM official concerning OPM's role in approving Division positions. The official informed Secretary McCaw via telephone that Division positions do not come to OPM through the Core-CT workflow, unlike other executive

branch agency position requests (excluding higher education). At 2:49 p.m. on September 30, 2021, the official e-mailed the statutory and constitutional cites believed to support that determination to Secretary McCaw's secretarial assistant, Ms. Richard. (Doc. 73.)

Secretary McCaw's inquiry on September 30, 2021 concerning OPM's role in approving Division positions was nearly fifteen months after Anastasia was hired by the Division.

By the time of the September 30, 2021 meeting at OPM with Mr. Colangelo, Mr. Rennie had e-mailed the Division's Director of Communications, Elaine Griffin, for comment concerning his forthcoming article that was ultimately published on October 1, 2021.¹³ Specifically, on Wednesday, September 29, 2021, Mr. Rennie contacted Ms. Griffin to inform her that he had reviewed the documents provided by the Division in response to his FOIA request concerning Anastasia's hiring and to pose a number of questions for comment prior to his publication deadline. (Doc. 72.) On September 30, 2021 at 9:46 a.m. (prior to the September 30, 2021 meeting later that afternoon at OPM), Ms. Griffin responded with a comment that was ultimately published in the October 1, 2021 article. The comment referred to Connecticut General Statutes § 5-198(10) and stated: "The Division of Criminal Justice is currently utilizing three of the four permissible executive assistant positions. Following an in-person inquiry about potential openings at the Division, Ms. Diamantis was encouraged to submit her resume and upon further review, it was determined that her education and experience aligned with the current needs of the agency." (Doc. 72.) Mr. Colangelo did not specifically recall his role in crafting this comment, but he acknowledged that he would have reviewed and approved it before it was released. Mr. Colangelo acknowledged it was fair to say that he knew about Mr. Rennie's FOIA request and the subject of his forthcoming opinion article (published October 1, 2021) by the time of the September 30, 2021 meeting with Secretary McCaw and Mr. Diamantis at OPM.

Secretary McCaw denied having any knowledge at the time of the September 30, 2021 meeting that Mr. Rennie had made a FOIA request to the Chief State's Attorney's Office concerning Anastasia's hiring or that Mr. Rennie's October 1, 2021 article was forthcoming. Mr. Colangelo also denied discussing the FOIA request or Mr. Rennie's forthcoming article at the September 30 meeting, stating that the two were entirely unrelated.

O. Communications Following Publication of the October 1, 2021 Article.

a. Mr. Colangelo's Discussions with Division Leadership.

Following publication of the October 1, 2021 article in the *Hartford Courant*, Mr. Colangelo consulted with Division leadership regarding the status of the requested pay plan correction. Although recollections around what Mr. Colangelo stated during those discussions differ, Mr. Colangelo expressed such confidence that OPM would approve the request that both of his deputies recommended withdrawing the request on account of appearances of impropriety following publication of the October 1, 2021 article.

¹³ On September 30, 2021 at 4:35 p.m., Mr. Rennie e-mailed Anastasia with a request for comment on the forthcoming October 1, 2021 article. At 5:12 p.m., Anastasia forwarded that communications to Mr. Colangelo and Ms. Griffin. (Doc. 77.)

One of Mr. Colangelo's deputies recalled Mr. Colangelo stating after the October 1, 2021 article was published that the pay increase was a "done deal," specifically, that it had been approved by OPM, DAS and the Office of the Governor. That individual's contemporaneous handwritten notes dated October 4, 2021 refer to a meeting with Mr. Colangelo and others to discuss the October 1 article. The notes state that "[We] both point out optics of a quid pro quo w/ Kosta. RC [Richard Colangelo] adamant Kosta has nothing to do w/ it. This is an injustice b/c OPM + [and] DAS have now realized the issue and they are rectifying it not Kosta." (Doc. 18.) Mr. Colangelo denied stating that the pay increase request was a "done deal," adding that nothing is certain until it happens.

Mr. Colangelo's other deputy recalled Mr. Colangelo calling him over the weekend following publication of the October 1 article. According to that individual, Mr. Colangelo reported receiving a phone call from Secretary McCaw after the September 30 meeting. The individual recalled Mr. Colangelo stating that Secretary McCaw told Mr. Colangelo by phone that his presentation was exemplary and a model for other agencies to demonstrate salary compression issues. The individual's impression from Mr. Colangelo's account of his phone call with Secretary McCaw was that things were proceeding favorably with the pay increase request. The individual recalled that perception heightening his concern around the appearance of impropriety if the pay increase request were to be approved on the heels of the October 1 article questioning the circumstances surrounding Anastasia's hiring by the Division. The same individual recalled that during a subsequent meeting at the Chief State's Attorney's Office to discuss the October 1 article (likely on October 4, 2021 as per the handwritten notes described above), Mr. Colangelo stated that "things are starting to move on the pay increase." That individual recalled that Mr. Colangelo was optimistic, but did not state that a decision had been made or that the increase was a "done deal."

b. Mr. Diamantis Directs Deputy DAS Commissioner Hermes to Complete "the Paperwork" for the Division Manager Pay Increase.

On October 18, 2021, Mr. Diamantis texted Deputy DAS Commissioner Hermes that he "need[s] time for me you and the secretary to connect and get rid of another matter." They set up a phone call for 3:30 pm. (Doc. 79.) Mr. Hermes recalled that in the course of that phone call, which did not include Secretary McCaw, Mr. Diamantis reported that he and Secretary McCaw wanted to move forward with the Division Manager pay increase. Mr. Diamantis asked Mr. Hermes to send over "the paperwork," but did not specify any changes that needed to be made to the E-Item. Mr. Hermes did not recall Mr. Diamantis making any request to involve DAS Commissioner Geballe (despite Mr. Diamantis's statement that Secretary McCaw directed him to involve Commissioner Geballe in resolution of this matter). Mr. Hermes recalled Mr. Diamantis stating that Secretary McCaw has done her research and she is satisfied this is the right thing to do and OPM is comfortable moving forward.

By the time of the October 18, 2021 phone call, there were concerns around this issue due to the October 1, 2021 article. Accordingly, Mr. Hermes did not take further action as directed by Mr. Diamantis.

c. Secretary McCaw Informs an OPM Official that the E-Item Will be “Resubmitted.”

An OPM official recalled receiving a phone call from Secretary McCaw in which she stated that the E-Item would be “resubmitted.” Secretary McCaw requested information from the official about how the requested salary adjustment in the E-Item would compare to public defender compensation. The OPM official recalled the Secretary stating that he should be prepared to receive the “resubmitted” E-Item. The OPM official stated that he did not know what the Secretary meant by “resubmitted.”

The OPM official was unable to say with certainty when he received that phone call from Secretary McCaw, but thought it was soon after the OPM Write-Up was finalized in around February 2021. Although our investigation was unable to determine when Secretary McCaw made this phone call, the multiple accounts around references to the E-Item being “resubmitted” by DAS to OPM following the September 30, 2021 meeting between Secretary McCaw, Mr. Diamantis, and Mr. Colangelo suggest that the OPM official received this phone call at some time following the September 30, 2021 meeting, not in February 2021. No other witness made reference to an E-Item being “resubmitted” in February 2021, or at any time other than following the September 30, 2021 meeting at OPM.

P. Other Relevant Facts.

a. Mr. Diamantis Pressured a DAS Official to Hire Anastasia in 2018.

A DAS official reported that in the fall of 2018, Mr. Diamantis (then working with DAS as director of OSCGR) pressured him to hire Anastasia for a DAS human resources position. The DAS official recounted an incident in the men’s restroom at DAS’s office at 450 Columbus Boulevard when Mr. Diamantis said in his ear, “When are you going to hire my daughter?” The DAS official described Mr. Diamantis’s persistence and repeated inquiries over a period of a few months about hiring Anastasia at DAS. The DAS official provided a contemporaneous text message reflecting his decision not to hire Anastasia for various reasons, including “it probably wouldn’t be a good idea to have her work up here. It’s way too close (to Dad).” (Doc. 1.) The official described that after the Division hired Anastasia in 2020, Mr. Diamantis made several comments to him along the lines of, “you couldn’t get it done, but she’s got a better job anyways.” Mr. Diamantis denied pressuring any DAS or other state official to hire Anastasia.

b. Concerns Regarding Possible Conflict of Interest.

Mr. Colangelo denied any improper motive for hiring Anastasia. During the course of the investigation, multiple Division officials confirmed expressing concerns to Mr. Colangelo in June 2020 that the Division’s hiring of Anastasia created at least an appearance of a conflict, if not an actual conflict, given the Division’s routine pending matters with OPM where Anastasia’s father was then Deputy Secretary. When Division officials voiced those concerns prior to Anastasia’s hiring, Mr. Colangelo was steadfast in denying that he had any improper motive for hiring Anastasia. Mr. Colangelo hired Anastasia despite Division officials cautioning him against doing so.

One Division official who voiced concerns to Mr. Colangelo prior to his hiring Anastasia stated that his concerns would have been even more pronounced had he known that Mr. Colangelo was corresponding with Mr. Diamantis concerning the Division's pay issue before and concurrent with Anastasia's hiring. That official credibly stated that he did not have any knowledge of Mr. Colangelo's discussions with Mr. Diamantis prior to the Division's hiring of Anastasia, despite that official being closely involved in Division compensation issues. Mr. Colangelo denied excluding that individual from discussions of the pay issue, and insisted that the individual knew of the pay increase discussions he was having with Mr. Diamantis "every step of the way."

Our investigation could not resolve these competing accounts. However, at a minimum, it is clear that Mr. Colangelo had extensive communications with Mr. Diamantis individually to further discussions on the Division Manager pay issue and press the issue at OPM. To the extent Mr. Colangelo may have deliberately excluded members of Division leadership from discussions with Mr. Diamantis concerning the Division Manager pay issue, particularly around the time of Anastasia's hiring, those actions would cast doubt on Mr. Colangelo's motivations for hiring Anastasia.

V. CONCLUSION

As stated at the outset, this report is limited to the factual findings of our independent investigation. The scope of that investigation was limited to the circumstances surrounding the hiring of Mr. Diamantis's daughter, Anastasia, by Chief State's Attorney Colangelo. Our legal analysis and recommendations have been provided separately to the Office of the Governor.

We understand that the Office of the Governor will not only make this factual report public, but will also provide it to the Office of State Ethics ("OSE"), which ultimately has jurisdiction over the question of whether any State ethics provisions were violated in connection with the matter under review in this investigation. (See *supra* Section II.) We are available to answer any questions that the OSE may have, subject to appropriate limitations around privileged attorney-client communications.

We understand that the Office of the Governor will also provide this factual report to the Criminal Justice Commission, which ultimately has the authority to take any appropriate action in regards to Mr. Colangelo's appointment as Chief State's Attorney. We are available to answer any questions that the Criminal Justice Commission may have, subject to appropriate limitations around privileged attorney-client communications.