



STATE OF CONNECTICUT

OFFICE OF STATE ETHICS

**CITIZEN'S ETHICS ADVISORY BOARD
OFFICE OF STATE ETHICS
165 Capitol Avenue, Suite 1200, Hartford, CT 06106**

MINUTES OF THE DECEMBER 16, 2021 REGULAR MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, December 16, 2021, by Teleconference.

Chair of the Board, Dena Castricone, called the meeting to order at 1:05 p.m.

The following Board members were present:

Dena Castricone, Chair
Nichelle Mullins, Vice Chair
Mary Bigelow
Charles Chiusano

Karen Christiana
Jason Farrell
Kevin Johnston
Cheryl Lipson

The following staff members of the OSE were present:

Peter Lewandowski, Executive Director
Brian O'Dowd, General Counsel
Mark Wasielewski, Ethics Enforcement Officer
Nancy Nicolescu, Director of Education & Communications

Marc Crayton, Deputy Ethics Enforcement Officer
Diane Buxo, Assistant General Counsel
Melissa Hamilton, Paralegal & Clerk of Board

The following topics were addressed during the meeting:

1. The minutes of the November 18, 2021 Regular Meeting were presented to the Board for approval.

On the motion of Ms. Lipson, seconded by Mr. Chiusano, the Board voted seven (7) to zero (0) to approve the minutes of the November 18, 2021 Regular Meeting. (Mr. Johnston did not participate in the vote due to technical difficulties.)

2. Chair Castricone presented the Chairperson's report reminding the Board that Mr. Farrell has volunteered to serve as the January 13, 2022 Uniform Administrative Procedure Act ("UAPA")

Hearing Officer. Mr. Farrell volunteered to serve as the February 10, 2022 UAPA Hearing Officer.

Mr. Johnston rejoined the meeting.

Chair Castricone discussed the means by which the Board would conduct monthly meetings in the Winter months. It was unanimously agreed by the Board that the January 2022 and February 2022 meetings are to be held virtually, and that the Board will reconvene the discussion of meeting methods for future meetings at its February 2022 meeting. Board members and staff were recognized by Chair Castricone for being flexible and adaptive to meeting changes due to the ongoing pandemic and the weather.

3. General Counsel O'Dowd presented the Petition for an amended Advisory Opinion from Petitioner Noel Petra to the Board for consideration. The Board was reminded that, at its September meeting, it approved an opinion that Mr. Petra could serve as the Department of Administrative Services ("DAS") Deputy Commissioner for Real Estate and Construction Services while concurrently serving in a volunteer position on the Guilford Board of Education. Due to recent changes within his department, Mr. Petra was asked to serve as Interim Director of the Office of School Construction at DAS, and has now asked the Board whether the change alters its previous decision. General Counsel O'Dowd recommended that the Board grant Mr. Petra's Petition.

On the motion of Mr. Chiusano, seconded by Ms. Lipson, the Board voted eight (8) to zero (0) to approve the Petition for an amended Advisory Opinion from Noel Petra.

4. General Counsel Brian O'Dowd discussed Draft Advisory Opinion No. 2021-3 (Amended), issued in response to the Petition submitted by Noel Petra. Mr. O'Dowd noted that the analysis and the conclusion did not change from the original opinion, because even if Petitioner were to take official action at DAS as Interim Director of the Office of School Construction there would be no financial gain to him, his family members, or associated business(es). In addition, DAS informed Mr. O'Dowd that it is very unlikely that Petitioner will take official action at DAS concerning Guilford schools (where he sits on the Guilford Board of Education in a voluntary role), and that protocols will be instituted in the event Petitioner is called upon to take any such action, so as to remove any conflicts or the appearance of any such conflicts. Based upon the foregoing, Mr. O'Dowd recommended that the Board approve Draft Advisory Opinion No. 2021-3 (Amended).

Mr. Chiusano commented that the Draft was well thought out, written, and thoroughly explained.

On the motion of Ms. Bigelow, seconded by Vice-Chair Mullins, the Board voted eight (8) to zero (0) to approve Draft Advisory Opinion No. 2021-3 (Amended).

5. General Counsel O'Dowd presented the Legal Division report.

With regards to the Regulation changes proposed at last month's meeting, Mr. O'Dowd noted that there were no substantive revisions required following his comprehensive review. Thus, the agency's Regulations amendments are complete and will be submitted through the eRegulation system for approval. The Board will be kept abreast of the progress and if any substantive issues arise.

6. Director of Education & Communications Nancy Nicolescu presented the Training and Media reports, highlighting an analysis of the five-year overview of Ethics trainings. Ms. Nicolescu noted that this year's statistics are consistent with the statistics in 2018 and 2019 (pre-pandemic).

In response to Chair Castricone's question regarding a recap of the virtual COGEL conference, Ms. Nicolescu informed the Board that despite being remote, the conference was well-attended, with 338 participants. Additionally, COGEL intended to offer recorded conference sessions to members at a later date, but due to technical difficulties with the ZOOM platform, the recordings were not saved. There will, however, be offerings of mini sessions in all disciplines, which members may attend free of charge.

7. Ethics Enforcement Officer Mark Wasielewski presented the Enforcement Division Report, highlighting that the Division is preparing for January initiatives: the filing of lobbyists' financial disclosures, amendments to registrations, and the filing of new registrations.
8. Legislative Proposals were presented by Executive Director Peter Lewandowski. The proposals are in response to the Board's discussion of potential 2022 legislative initiatives at its October meeting. The following proposals were presented to the Board for consideration:

Proposal #1: Extending substantial and potential conflicts of interest to outside employers.

Proposal #2: Allowing for the recovery of attorneys' fees by respondents in ethics enforcement proceedings only when matters are brought without any substantial justification.

Upon the Board's approval, Mr. Lewandowski plans to submit the proposals at the upcoming legislative session, work with the Government Administration and Elections Committee to advance both proposals and keep the Board abreast of any developments adverse to the Office of State Ethics requiring further action from the Board.

In response to Ms. Lipson's inquiry as to the grounds for the hesitation to advance Proposal #1 in prior legislative sessions, Mr. Lewandowski informed Ms. Lipson that no specific reason was provided. Chair Castricone noted that it may be useful to seek feedback from the members of the General Assembly to obtain some understanding as to the hesitancy regarding Proposal #1.

On the motion of Ms. Lipson, seconded by Mr. Chiusano, the Board voted eight (8) to zero (0) to approve the Legislative Proposals.

9. Mr. Lewandowski presented the Executive Director's report, which consisted of the following:

- (a) **Telework.** At the end of November, the State and the unions reached a permanent telework agreement whereby beginning January 1, 2022, employees may pursue telework in six months increments by submitting applications for approval. The percentage cap imposing on the amount of telework an employee may pursue during the biweekly pay period remains an outstanding issue to be determined by an arbitrator. Most employees of OSE are currently teleworking 50% during the biweekly pay period. Mr. Lewandowski noted that the OSE staff are very accommodating and cooperative with telework, and the need for on-site appearances for events such as UAPA hearings and Board meetings.
- (b) **OSE Matters.** Mr. Lewandowski is currently seeking additional funding for an Office Assistant position, which was lost due to budget cuts in 2016. (The OSE currently has fourteen employees but is authorized to have sixteen employees.) The process of hiring a Legal Investigator, for which funding was previously approved, will commence soon. In addition, the minor construction to install sound-proof walls between OSE and the Freedom of Information Commission has been completed.
- (c) **Board Matters.** To kick-off the Board's in-depth presentations on specific Code topics, the "Revolving Door" provisions will be the focus of the presentation at the January 2022 meeting.

Chair Castricone requested the recirculation of the link to the Ethics online training for Board members.

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

The meeting was adjourned at 1:38 p.m.

Respectfully submitted by,



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

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