



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 OCTOBER 21, 2021 REGULAR MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, October 21, 2021.

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	Karen Christiana (by telephone)
Nichelle Mullins, Vice Chair (by telephone)	Jason Farrell (by telephone)
Mary Bigelow	Cheryl Lipson (by telephone)
Charles Chiusano (by telephone)	Laura Schuyler (by telephone)

The following staff members of the OSE were present:

Peter Lewandowski, Executive Director	Marc Crayton, Deputy Ethics Enforcement Officer
Brian O'Dowd, General Counsel (by telephone)	Jennifer Montgomery, Assistant Ethics Enforcement Officer (by telephone)
Mark Wasielewski, Ethics Enforcement Officer	Diane Buxo, Assistant General Counsel (by telephone)
Nancy Nicolescu, Director of Education & Communications (by telephone)	Melissa Hamilton, Paralegal & Clerk of the Board
Marianne Sadowski, Deputy General Counsel (by telephone)	

The following topics were addressed during the meeting:

1. The minutes of the September 23, 2021 Regular Meeting were presented to the Board for approval, as amended.

On the motion of Ms. Mullins, seconded by Ms. Christiana, the Board voted seven (7) to zero (0), with Ms. Lipson abstaining, to approve the minutes of the September 23, 2021 Regular Meeting.

2. The minutes of the August 18, 2021 Special Meeting of the Nominating Committee were presented to the Nominating Committee members for approval.

On the motion of Mr. Chiusano, seconded by Ms. Lipson, the Nominating Committee voted two (2) to zero (0) to approve the minutes of the August 18, 2021 Special Meeting.

3. Chair Castricone presented the Chairperson's report, noting that because there are no hearings held in December, there is no need for a hearing officer, and that she will resume seeking a volunteer for the January 2022 Uniform Administrative Procedure Act ("UAPA") Hearing Officer at the November Board meeting. Additionally, at the November Board meeting, Board meeting dates for the upcoming year will be finalized. Chair Castricone reminded the Board that Mr. Farrell volunteered to serve as the November 4, 2021 UAPA Hearing Officer.
4. General Counsel O'Dowd presented the Legal Division report.
5. Director of Education & Communications Nancy Nicolescu presented the Training and Media reports, highlighting that Executive Director Lewandowski conducted trainings at the University of Connecticut ("UConn") School of Law and the Quinnipiac School of Law.

In response to a question from Board member Chiusano, it was stated that Board members should expect the release of the virtual Ethics training in November or December.

Board member Lipson queried Mr. Lewandowski about the questions that were asked during his trainings at the UConn and Quinnipiac Schools of Law, and Mr. Lewandowski replied that the students asked very thoughtful and engaging questions, an indication that they were very involved and interested in the subject matter.

6. Ethics Enforcement Officer Mark Wasielewski presented the Enforcement Division Report, highlighting the settlement of Docket No. 2021-4, In the Matter of Erik Johnson. The details of the settlement were previously discussed at the September meeting. Mr. Wasielewski noted that the Division has been busy processing confidential complaints, and other matters, as well as background checks. Malissa Hurry and Melissa Hamilton were recognized by Mr. Wasielewski for their timely and significant efforts in conducting background checks.
7. Deputy Ethics Enforcement Officer Marc Crayton presented the lobbyist audit report for Anthem, Inc. and Its Affiliates dba Blue Cross Blue Shield, requesting approval of the audit and its findings. Mr. Crayton reported that the audit consisted of three findings: (i) an understated payment of \$10,635.00 to its communicator lobbyist; (ii) an understated payment of \$31,905.00 to its communicator lobbyist; and (iii) an overstated payment of \$5,400.00 to its communicator lobbyist. The client lobbyist has since amended its filings to correct the overstatements and understatements, which were noted in the footnotes of the audit report.

In response to a question from Chair Castricone concerning the extent to which audits are considered "free of material misstatements," Mr. Crayton replied that generally it is a method used by the Enforcement Division to analyze audits and performed amendments to the reports,

for example in the case of mathematical errors, so as, to cure and satisfy the audit's requirements.

Mr. Crayton indicated that he noticed typographical errors in footnotes 1 and 3 of the audit report, which he would amend.

On the motion of Mr. Chiusano, seconded by Ms. Lipson, the Board voted eight (8) to zero (0) to approve the audit report as amended for Anthem, Inc. and Its Affiliates dba Blue Cross Blue Shield.

8. Mr. Lewandowski presented potential legislative initiatives for the upcoming legislative session (2022) and invited the Board to provide other proposals. The potential legislative initiatives began with proposals the Board agreed to pursue in the 2021 session but were not advanced due to a request by the General Assembly to limit bills to essential ones because of ongoing COVID restrictions.

Mr. Lewandowski discussed the following potential proposals for consideration:

- (a) Amendment to §§ 1-85 and 1-86 of the General Statutes to extend substantive and potential conflicts of interest to official action involving a public official's and state employee's outside employer and the employer of such official's or employee's spouse.
- (b) Revisions to the Ethics Code involving Quasi-Public Agencies.
- (c) Amendment to the definition of a "Public Official" in the Codes of Ethics to include individuals appointed by any state-wide elected officer or his or her appointee.
- (d) Amendment to § 1-82 (c) of the General Statutes to clarify that when the Board determines that an enforcement matter was brought without any substantial justification or a court of competent jurisdiction determines as such upon appeal, the state will pay reasonable attorney fees to the respondent not to exceed \$25,000.

During the discussion, Chair Castricone suggested that this proposal be pursued in a two-step approach: first, amending the statute to include the "substantial justification" legislative language, which may significantly limit the risk so that the second approach (of amending the statute to cap reasonable attorney fees at \$25,000) may not be necessary.

- (e) To require that all municipalities adopt and maintain a Code of Ethics.

In reply to a question from Ms. Lipson, in which she asked of the reason for the House's recurring opposition to the OSE's Municipal Ethics bill, Mr. Lewandowski stated that the three or four members of the Government Administration and Elections Committee who consistently oppose the bill, do so because of their opposition to any idea of the state placing mandates on municipalities. These members are, however, supportive of the concept of a town rule or self-determination.

Mr. Lewandowski shared that he has spoken with legislators from both sides, and they are supportive of OSE's Municipal Ethics bill, and due to the passing of the bill in the Senate, municipalities are contacting the OSE for feedback regarding ethics and assistance with the drafting of their own town's Ethics Code. It was also shared with the Board that a unanimous vote is not required for passing of the bill in the House.

Ms. Bigelow suggested to hold off on the pursuing of the Municipal Ethics bill, until at least the 2023 legislative session, to allow for the reconvening of the Board's Municipal Ethics Subcommittee to discuss and brainstorm ideas how to assist municipalities with the integration of the functionality of ethics by, for example, encouraging the collaboration of towns with regional organizations, with the state overseeing and offering help, as opposed to establishing mandates.

It was concluded that OSE's Municipal Ethics bill will not be pursued in the upcoming session.

With regards to strategy, Mr. Lewandowski recommended that due to the short upcoming session, legislative proposals should be prioritized, well-focused and limited to two or three. In addition, the Board was reminded that the revamping of OSE's Regulations is on its agenda with the first installment to be presented in November and further installments in subsequent months. The OSE plans to present the Regulations to the legislators in the early months of 2022 for approval. Based on a discussion with the Board and the OSE's staff, it was determined that there is interest in: (i) pursuing the proposal amending substantial and potential conflicts with respect to other employers; (ii) advancing the proposal regarding attorney's fees; and (iii) restarting the internal discussion about Municipal Ethics. Mr. Lewandowski will bring the legislative language for the two proposed bills to the Board for its vote in December.

9. Mr. Lewandowski presented the Executive Director's report, which consisted of the following:
 - (a) **Vaccination Mandate.** The OSE is 100% compliant with the Governor's vaccination mandate. The State and Unions have reached an agreement about facilitating the vaccination mandate.
 - (b) **Telework.** The OSE staff members are currently in the second phase of teleworking, effective October 2, 2021 and running through the end of the year. The State and the Unions are still negotiating a permanent agreement. Most of the OSE's staff members are teleworking at least 50% of their biweekly schedule.
 - (c) **Facility Maintenance.** Due to an explosion at the central power plant, the 165 Capitol Avenue building had been experiencing issues with heating, cooling, and hot water. Heating and hot water services have been recently restored through the use of temporary boilers, while the central power plant is under repair.

- (d) **Reconfiguration of Basement Storage.** Because OSE shares its storage space with the Freedom of Information Commission and both agencies maintain sensitive files, a divider was installed to keep each agency's files separate, secure, and accessible only by the respective agency.
- (e) **COGEL Conference.** The Board was reminded that this year's in-person COGEL conference has been cancelled; however, the conference will be held virtually on December 6, 7 and 8. Mr. Lewandowski recommended that the Board review the virtual schedule, which is more streamlined than the in-person conference with not many offerings, and inform him by December 3, 2021, if there is any interest to attend the conference.

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

The meeting was adjourned at 1:49 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)