



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 FEBRUARY 17, 2022 REGULAR MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, February 17, 2022, 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
Cheryl Lipson
Laura Schuyler

The following staff members of the OSE were present:

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

Diane Buxo, Assistant General Counsel
Jennifer Montgomery, Assistant Ethics Enforcement Officer
Melissa Hamilton, Paralegal & Clerk of Board

The following topics were addressed during the meeting:

1. The minutes of the January 20, 2022 Regular Meeting were presented to the Board for approval.

On the motion of Mr. Chiusano, seconded by Ms. Bigelow, the Board voted seven (7) to zero (0), with Ms. Lipson abstaining, to approve the minutes of the January 20, 2022 Regular Meeting.

2. The minutes of the February 3, 2022 Special Meeting of the Subcommittee on Municipal Ethics were presented to the subcommittee members for approval.

On the motion of Mr. Chiusano, seconded by Ms. Lipson, the Subcommittee on Municipal Ethics voted three (3) to zero (0) to approve the minutes of the February 3, 2022 Special Meeting.

3. Chair Castricone commenced the presentation of the chairperson's report by revisiting the discussion on how the Board would conduct future meetings (i.e., virtual, in-person or both "hybrid") now that winter is concluding. With no opposition, the Board agreed to return to primarily in-person monthly meetings with the option for hybrid meetings.

Executive Director Peter Lewandowski provided a technological update which he believes will improve the Board's hybrid meeting experience.

Board member Ms. Lipson inquired about the 165 Capitol Avenue building "masking" policy, and Executive Director Lewandowski replied that the current policy is, "all employees and visitors must wear masks while visiting the building, including the duration of meetings and hearings." In response to a question from Vice-Chair Nichelle Mullins, Executive Director Lewandowski answered that there have not been any updates as to the "masking" policy pursuant to the Governor's emergency mandates, which expired on February 15, 2022, but he will keep the Board abreast of any updates, especially prior to its March in-person meeting.

The Board was reminded that Mr. Farrell previously volunteered to serve as the March 10, 2022 Uniform Administrative Procedure Act ("UAPA") Hearing Officer, and was called upon for a volunteer to serve at the April 14, 2022 UAPA hearing. Mr. Chiusano volunteered to serve as the April 14, 2022 UAPA Hearing Officer.

4. General Counsel Brian O'Dowd presented the Legal Division report, noting that due to the recent media coverages pertaining to government ethics, the division has received increased interest relating to advice and agencies seeking assistance with updating their individual ethics policies.

Mr. Farrell made an inquiry into the future of the ethics education and training program and volunteered to assist the office during the transition period following the departure of former Director of Education and Communications Nancy Nicolescu and until the hiring of her successor. General Counsel O'Dowd responded that he will work with Executive Director Lewandowski to develop a plan for continuing the program while the OSE seeks a successor for the position. Thereafter, OSE plans to review and update the education and training materials. The OSE welcomes Board members' participation and assistance with these efforts. Executive Director Lewandowski added that the hiring for the Director of Education and Communications position is underway; that requests for immediate in-person/virtual trainings are being upheld; and that the online ethics training module on the OSE's website serves as an additional channel for routine training compliance. Lastly, Mr. O'Dowd informed the Board that any attorney in the legal division in addition to Executive Director Lewandowski can host in-person/virtual trainings, as they did in the past, prior to the establishment of the Director of Education and Communications position.

5. Ethics Enforcement Officer Mark Wasielewski presented the Enforcement Division report, noting that the probable cause hearing scheduled for March 31, 2022, is still active, and that there are five open UAPA matters scheduled for hearings on March 10, 2022.

Chair Castricone asked about the time period the Board has to take action if there is a finding of probable cause, and Ethics Enforcement Officer Wasielewski answered that the Board must initiate a hearing within thirty days of a probable cause finding. Mr. Wasielewski also informed the Board that the likelihood of the probable cause hearing going forward is doubtful, but he will keep the Board abreast of any updates.

6. Board member Charles Chiusano presented the UConn Faculty Consulting Oversight Committee report, highlighting that the Committee met via teleconference on January 25, 2022, to discuss, among other things, research grants' statistics and the oversight compliance figures. Mr. Chiusano noted that changes to software have taken place twice in the last eight years, which have made compliance reporting more efficient, and that the Committee has been successful in keeping violations low and minor.

Chair Castricone thanked Mr. Chiusano for participating on the UConn Faculty Consulting Oversight Committee and acknowledged his tenure on the Committee.

7. Executive Director Lewandowski presented the Education and Communications report. Concerning education matters, Mr. Lewandowski discussed that in light of the recent public spotlight on ethics education following the release of an independent report which resulted from an investigation involving the Chief State's Attorney and the Deputy Commissioner of the Office of Policy and Management, the Governor has requested that the OSE develop and deliver, within the next ninety days, an ethics training with the focus on "conflicts of interest" and "improper use of office" to all political appointees within the executive branch including, and not limited to, all commissioners and deputy commissioners. In response to the Governor's request, OSE has been in contact with the Governor's Chief Counsel to iron out the logistics and format of the training. The training is anticipated to take place in March. Coincidentally, the topic of "conflicts of interest" is being considered for the Board's next training installment. Therefore, the training that will be developed in response to the Governor's request will be shared with the Board. Separately, a comprehensive training for the Office of Treasurer is being developed and is scheduled to be presented on March 3, 2022. Trainings for other agencies are also in the pipeline. Mr. Lewandowski thanked Mr. Farrell for expressing interest to assist the office with the ethics education and trainings, and that he will be in touch with him. Finally, OSE has seen an uptick in interest in taking the ethics online course.

A media report prepared by Assistant General Counsel Diane Buxo was included in this month's Board package. Mr. Lewandowski thanked Ms. Buxo for lending a hand with the compilation of news articles and the preparation of this month's media report.

8. Executive Director Lewandowski presented the following legislative updates to the Board:
 - (a) On February 4, 2022, OSE's legislative proposals were filed with the Government Administration and Elections ("GAE") Committee and copies of the proposals were sent to legislative leadership. The proposals are anticipated to be raised as bills any day and public hearings in March. Once bill numbers are assigned to the proposals and published, the numbers will be emailed to Board members for tracking purposes. Commencing at the March Board meeting, tracking reports of bills of interest to the OSE will be prepared and provided to the Board with the assistance of Paralegal Specialist Malissa Hurry.

- (b) Meetings with legislative leadership to discuss OSE's proposals have been scheduled and that he already had an opportunity to meet with House Majority Leader, Representative Jason Rojas. Representative Rojas did not see any issues from his side of the aisle with advancing OSE's current proposals in the House and noted no specific reason for OSE's past failed Municipal Ethics bill. Representative Rojas, however, acknowledged that the House has a more cumbersome process than the Senate when Mr. Lewandowski mentioned that OSE's past failed Municipal Ethics bill perennially has been successful in the Senate, but stalls in the House, and listed (i) the greater number of legislators than the Senate, (ii) that not as many bills are on consent as the Senate, and (iii) the process of managing the legislative calendar, particularly at the end of the session, becomes challenging. Nevertheless, Representative Rojas was informed that the Board reconvened its Municipal Ethics Subcommittee and there may be a possibility of future legislative initiatives on the subject.
9. Executive Director Lewandowski presented his Executive Director's report, highlighting the January 27, 2022 submission of the OSE's annual report covering calendar year 2021 to the Governor pursuant to both the Code of Ethics for Public Official and the Code of Ethics for Lobbyist. He thanked former Director of Education and Communications Nicolescu, General Counsel O'Dowd, Ethics Enforcement Officer Wasielewski, and Information Technology Analyst III Ann Morgan for not only their continued contributions to the annual report, but also their assistance in timely furnishing the report to the Governor.

Concerning budget matters, on February 9, 2022, the Governor released his mid-term adjustments to the state budget. As requested, OSE was granted funding for its sixteenth position. The Appropriations Committee is holding hearings this week, including today, but only certain agencies were asked to provide testimony. Watchdog agencies, including OSE, were not asked to provide testimony, but these agencies will have an opportunity to provide testimony before a subcommittee of the Appropriations Committee, which has cognizance over the agency.

With regards to personnel matters, today is the closing date for applications for the Legal Investigator position. It is anticipated that the office will receive a good amount of interest in the position. Because the position is a competitive hiring position, pursuant to Department of Administrative Services ("DAS") rules, the OSE must wait two weeks (the Appeals period) before it can review and conduct interviews. The office anticipates commencing interviews during the week of March 14, 2022. OSE is also simultaneously working to fill the Director of Education and Communication position. In addition, the Human Resources ("HR") Specialist, housed in the Freedom of Information Commission "FOIC", is scheduled for maternity leave in April; therefore, Mr. Lewandowski is partnering with his counterparts at the FOIC and the State Elections Enforcement Commission to ensure these agencies have adequate staffing from DAS to cover HR needs. Finally, Mr. Lewandowski thanked Information Technology Analyst III Morgan and Information Technology Analyst II Alaaedin Ali for taking on additional information technologies responsibilities, not only within OSE due to the departure of Ms. Nicolescu, but also at FOIC due to the departure of an employee who was responsible for its website and hearings.

Lastly, the Governor decided not to extend the Executive Order mandating COVID vaccinations and testing for state employees, which expired on February 15, 2022. Further guidance from DAS on this

topic is anticipated and will be shared with the Board once received, since it will impact the transition to in-person/hybrid monthly meetings.

Chair Castricone asked whether OSE has knowledge of the number of applicants that have applied for the Legal Investigator position, and Mr. Lewandowski replied that the office will not be informed until after the application process closes. Chair Castricone commented that she is aware of the challenge across industries to find suitable applicants for positions, so she was curious about OSE's success rate in the application process.

On the motion of Mr. Chiusano, seconded by Ms. Christiana, the Board voted eight (8) to zero (0) to enter into an Executive Session to discuss the evaluation of Executive Director, pursuant to General Statutes § 1-200 (6) (A).

The Board entered the Executive Session at 1:40 p.m.

The following Board members were present for the Executive Session:

Dena Castricone, Chair
Mary Bigelow
Charles F. Chiusano
Karen Christiana

Nichelle Mullins, Vice-Chair
Jason Farrell
Cheryl Lipson
Laura Schuyler

The following staff members were present for the Executive Session:

Melissa Hamilton, Paralegal Specialist &
Clerk of the Board

The Board re-entered the public meeting at 1:50 p.m.

On the motion of Mr. Chiusano, seconded by Ms. Schuyler, the Board voted eight (8) to zero (0) to amend today's meeting agenda to add and consider the evaluation of the Executive Director of OSE.

10. Chair Castricone presented the 2021 evaluation of Executive Director Peter Lewandowski for the Board's consideration and approval.

On the motion of Ms. Lipson, seconded by Mr. Farrell, the Board voted eight (8) to zero (0) to approve the 2021 evaluation of Executive Director of OSE, Peter Lewandowski.

On behalf of the Board, Mr. Farrell informed Mr. Lewandowski how grateful he is of his leadership and the staff of OSE. Mr. Lewandowski thanked Mr. Farrell and the Board for their support throughout the year on initiatives as well as during challenges.

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

The meeting was adjourned at 1:53 p.m.

Respectfully submitted by,

A handwritten signature in blue ink, appearing to read "Melissa Hamilton", with a stylized flourish extending to the right.

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

March 17, 2022

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