



# 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 AUGUST 17, 2023 REGULAR MEETING**

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, August 17, 2023.

Chair of the Board, Dena Castricone, called the meeting to order at 1:02 p.m.

#### **The following Board members were present:**

Dena Castricone, Chair  
Mary Bigelow  
Charles Chiusano  
Karen Christiana (virtual)

N. Beth Cook  
Jason Farrell (virtual)  
Cheryl Lipson  
Laura Schuyler (virtual)

#### **The following staff members of the OSE were present:**

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

Jennifer Montgomery, Assistant Ethics Enforcement Officer (virtual)  
Carol Langevin, Associate Accounts Examiner  
Sarah Clark, Director of Education & Communications  
Melissa Hamilton, Paralegal and Clerk of the Board

#### **The following topics were addressed during the meeting:**

1. The minutes of the July 20, 2023 Regular Meeting were presented to the Board for approval.

**On the motion of Ms. Lipson, seconded by Ms. Bigelow, the Board voted eight (8) to zero (0) to approve the Minutes of the July 20, 2023 Regular Meeting.**

2. The minutes of the July 31, 2023 Special Meeting of the Nominating Committee were presented to the Board's Nominating Committee for approval.

**On the motion of Mr. Chiusano, seconded by Ms. Lipson, the Nominating Committee voted three (3) to zero (0) to approve the Minutes of the July 31, 2023 Special Meeting.**

3. The Chairperson's report was presented by Chair Dena Castricone.

Chair Castricone requested a volunteer to serve as the October 12, 2023 Uniform Administrative Procedure Act ("UAPA") Hearing Officer. Mr. Chiusano volunteered. Chair Castricone also reminded the Board that Ms. Cook will serve as the September 14, 2023 UAPA hearing officer, and that she will serve as an alternate hearing officer should a schedule conflict arise.

Chair of the Board's Nominating Committee Charles Chiusano presented the Committee's report noting that, at its special meeting this morning, the Committee, after polling all Board members' interests in serving as Chair and/or Vice-Chair of the Citizen's Ethics Advisory Board, recommended the following slate of officers for one-year terms beginning on October 1, 2023:

<b><u>Chairperson</u></b>	<b>Dena Castricone</b>
<b><u>Vice-Chairperson</u></b>	<b>N. Beth Cook</b>

Following the Nominating Committee's report, Mr. Chiusano opened the floor for nominations for the election of the Chair and Vice-Chair positions. With no additional interests or nominations, the Board voted to accept the Nominating Committee's recommendation of the slate of Board officers for one-year terms beginning on October 1, 2023.

**On the motion of Ms. Lipson, seconded by Ms. Schuyler, the Board voted eight (8) to zero (0) to approve the election of Dena Castricone as Chair and N. Beth Cook as Vice-Chair of the Citizen's Ethics Advisory Board.**

Chair Castricone thanked the Board members for their continued confidence in her service as the Chair and welcomed Ms. Cook as Vice-Chair.

4. General Counsel Brian O'Dowd presented the Petition for Declaratory Ruling submitted by Karl Dudek, wherein Mr. Dudek inquired as to the State of Connecticut's alleged decision to withhold certain funds. Mr. O'Dowd recommended that the Board deny Mr. Dudek's Petition because it involves an issue beyond the Code's purview and this office's jurisdiction.

**On the motion of Ms. Cook, seconded by Mr. Chiusano, the Board voted eight (8) to zero (0) to deny the Petition for Declaratory Ruling submitted by Karl Dudek.**

**On the amended motion of Ms. Lipson, seconded by Ms. Cook, the Board voted eight (8) to zero (0) to deny the Petition for Declaratory Ruling submitted by Karl Dudek due to lack of jurisdiction.**

5. OSE Legal Division's report was presented by General Counsel O'Dowd. Mr. O'Dowd updated the Board that the informal staff opinion concerning the outside employment of a legislator/private attorney has been issued, and that the caucus attorney for said legislator has indicated the likelihood of the legislator pursuing a formal opinion on this issue. Due to the nature of the request, which is, "whether a legislator who is also a private attorney may, in his private capacity, represent a client for compensation in litigation challenging the constitutionality of a bill passed by the legislature," the caucus attorney was made aware that in preparation of a formal opinion on this matter, comments from all caucuses and legislators will be solicited and considered. Also, in anticipation of a formal opinion, paralegal Hamilton has begun outreach to other states' Ethics Commissions to determine if this specific issue has been addressed by their Commissions. To date, the State Commissions that have been contacted and replied represented that their offices have not been faced with the specific issue; however, it does not appear to implicate the Code of Ethics.

In response to Ms. Cook's questions, as to whether the request concerning the outside employment of a legislator/private attorney is one of first impression, Mr. O'Dowd provided that the Executive Director and General Counsel of the former State Ethics Commission concluded that "being a legislator/private attorney and challenging the constitutionality of a bill" in itself is not a violation of the Ethics Codes.

Lastly, Mr. O'Dowd thanked Deputy General Counsel Marianne Sadowski for exploring the history of why the legislature expanded the definition of administrative lobbying, and Director of Education & Communications Sarah Clark for uncovering the corresponding news articles. Mr. O'Dowd informed the Board that he is postponing further discussion and responses to follow-up questions that the Board may have as a result of last month's presentation on "Administrative Lobbying" for the Board's full attendance.

6. Ethics Enforcement Officer Mark Wasielewski presented the Enforcement Division report.
7. At 1:17 pm, and prior to the commencement of the discussion of Counteroffers, Ms. Cook, serving as the September 14, 2023 UAPA Hearing Officer, Chair Castricone, serving as the September 14, 2023 alternate UAPA Hearing Officer, and the Procedural Attorney to the Board in UAPA matters, Deputy General Counsel Sadowski, stepped out of the open meeting due to their administrative involvement in the matter.

Deputy Ethics Enforcement Officer Marc Crayton explained the Counteroffer by the subject in the Matter of Neighborhood Music School, Docket No. 2023-68UL, which was represented by Craig Hazel. Subject Neighborhood Music School made a counteroffer to settle its pending matter for \$100. Mr. Crayton noted that Neighborhood Music School filed its second quarter ETH-2D report for 2023 (which was due on or before July 10) on July 31, 2023.

Board members Lipson, Chiusano, and Schuyler asked clarifying questions regarding the number of prior filing delinquencies by the subject; the technical difficulty experienced by the subject with regard to the agency's electronic filing system at the time of filing the ETH-2D report at issue; and the timeline difference between receipt of the notice of delinquency and the actual filing of the report. Mr. Crayton and Mr. Hazel confirmed that Neighborhood Music School filed a July ETH-2D report on July 10, but did not file the second quarter ETH-2D report on time, and that the subject ultimately filed the correct report on the date of the teleconference with its office.

Mr. Hazel addressed the Board, acknowledging his filing error. The Board members proceeded to discuss the enforcement process and the ability of the subject to correct any filing mistakes, and they acknowledged the subject's recognition of the mistake and willingness to pay a penalty. Mr. Chiusano, Ms. Lipson, and Ms. Bigelow proposed the acceptance of the subject's counteroffer in light of the clerical error, with Ms. Christiana, Mr. Farrell, and Ms. Schuyler concurring.

Ethics Enforcement Officer Mark Wasielewski explained the Counteroffer by the subject in the Matter of Kevin Walton, Docket No. 2023-09UL. Mr. Wasielewski noted that Mr. Walton is on the Social Equity Council and is required to file a Statement of Financial Interest ("SFI"). Mr. Wasielewski also noted that, with his counteroffer, the subject sought a reduction in the amount of the penalty from \$5 per day to \$2.50 per day.

Mr. Walton dialed into the Board meeting but left before his counteroffer was presented.

Board members Lipson, Farrell, and Christiana asked clarifying questions regarding the period of delinquency; the number of occurrences of delinquency; mitigating factors; and whether the subject was informed of today's meeting so that he could be heard. Mr. Wasielewski provided that it was the subject's first SFI filing; that the subject acknowledged receiving OSE's emails of notices to file an SFI but dismissed them because he was unaware of said filing and thought the emails were spam; and that the subject planned to be heard at today's meeting, which he briefly attended before leaving for a pre-existing appointment.

The board members discussed the SFI process, and the notices for same, including notices extended to the subject by his Council and OSE. Ms. Schuyler and Mr. Farrell proposed declining the subject's counteroffer in light of the robust SFI process instituted by OSE and the subject's reasons for not filing on-time, with Ms. Lipson, Mr. Chiusano, Ms. Bigelow, and Ms. Christiana concurring.

Following the discussion concerning counteroffers, Chair Castricone, Ms. Cook, and Deputy General Counsel Sadowski rejoined the open meeting at 1:37 pm.

8. Deputy Ethics Enforcement Officer Marc Crayton and Associate Accounts Examiner Carol Langevin presented audit reports for Universal Health Foundation of Connecticut and GMP Real Estate Solutions.

Associate Accounts Examiner Langevin requested the approval of Universal Health Foundation of Connecticut's audit and findings. Ms. Langevin reported that Universal Health Foundation of Connecticut filed both its 2020 second quarter ETH-2D report and its combined 2021 third and fourth quarter report one day late, overstated payments to its communicator lobbyist totaling \$27.17 in 2021, and understated "Other Reportable Expenditures" totaling \$15.38 on its 2021 second quarter ETH-2D report. Universal Health Foundation of Connecticut has since amended its reports to correct the overstatements and understatements.

**On the motion of Ms. Lipson, seconded by Mr. Farrell, the Board voted eight (8) to zero (0) to approve the audit report for Universal Health Foundation of Connecticut.**

Deputy Ethics Enforcement Officer Crayton requested the approval of GMP Real Estate Solutions' audit and findings, which contained three findings: 1) GMP Real Estate Solutions did not file an ETH-1B for the 2020 registration period despite entering into an agreement with its communicator to make expenditures for lobbying on June 13, 2019; 2) GMP Real Estate Solutions filed its (a) 2020 first quarter ETH-2D 1,027 days late, (b) 2020 second quarter ETH-2D 1,018 days late, (c) 2020 combined third and fourth quarter ETH-2D 834 days late; (d) 2021 first quarter ETH-2D 2 days late, and (e) 2021 second quarter ETH-2D 45 days late; and 3) GMP Real Estate Solutions overstated payments to its communicator totaling \$27, 916.96 in 2022. GMP Real Estate Solutions has since amended its 2022 combined third and fourth quarter report to correct its overstatement. Also, GMP Real Estate Solutions provided correspondence to the OSE acknowledging its errors, and informing the office of measures it has instituted to avoid future errors.

In reply to Mr. Chiusano's question, as to whether OSE will audit future GMP Real Estate Solutions' financial reports to ensure that it does in fact adhere to the systems it has put in place to avoid future errors, Mr. Crayton answered that the statutes provide OSE with the authority to randomly select registrants once during any three consecutive year period to make documents substantiating financial reports concerning lobbying activities available for inspection and copying by the OSE for the purpose of verifying such financial reports.

**On the motion of Mr. Chiusano, seconded by Ms. Bigelow, the Board voted eight (8) to zero (0) to approve the audit report for GMP Real Estate Solutions.**

9. Director of Education & Communications Clark presented the Education and Communications report, highlighting the office's positive interactions with the Media. The office's outgoing communication this month included the monthly newsletter to Ethics Liaisons and the 2023 Digest Report to the Governor.

Ms. Clark's goals over the next month are to complete minor updates to the website, perform a major overhaul of the lobbyist resources, commence the strategic plan, prepare for the next few months of trainings. These trainings will include the Auditors of Public Accounts, which will require refocus from the general executive branch training to a legislative branch and audit-specific training. Ms. Clark and Executive Director Peter Lewandowski will continue

their work with the State Contracting Standards Board to develop an online ethics training module using software that OSE may consider implementing in the future.

Chair Castricone and Ms. Lipson expressed gratitude for the inclusion of the informative sheets in the monthly Education and Communications report, as both members indicated the benefits of the sheets. Ms. Cook expressed gratitude also concerning the creation of the Municipal Ethics page on OSE's website.

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

- (a) The status of the hiring of a staff attorney in the Enforcement Division.
- (b) Concerning OSE's office expansion, the first phase relocation of three workspaces has been completed, and the second phase involving the reconfiguration of two workstations is set to begin once the vendor receives the required materials.
- (c) The announcement of the annual Board and staff luncheon at the September 21, 2023 regular board meeting.

11. Adjournment

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

The meeting was adjourned at 1:47 p.m.

Respectfully submitted by,



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

September 21, 2023

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