

Minutes

Regular Meeting

February 24, 2011

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, February 24, 2011 on the 5th Floor, State Elections Enforcement Commission Conference Room, 18-20 Trinity Street, Hartford, CT 06106.

Chairman Dooley called the meeting to order at 1:00 p.m.

The following members of the Board were present:

- Thomas H. Dooley, Chairman
- Kathleen F. Bornhorst, Vice-Chairperson
- Mary Bigelow, Member
- Charles F. Chiusano, Member
- David Gay, Member
- Herbert A. Grant, Member
- Martin Margulies, Member
- Dennis J. Riley, Member

The following staff members of the OSE were present:

- Carol Carson, Executive Director
- Barbara Housen, General Counsel
- Thomas K. Jones, Enforcement Officer
- Marc W. Crayton, Assistant Enforcement Officer
- Cynthia Isales, Assistant General Counsel
- Peter Lewandowski, Assistant General Counsel
- Brian O'Dowd, Assistant General Counsel
- Yolanda Perez, Clerk of the Board
- Mark Wasielewski, Assistant Enforcement Officer

General Counsel Housen administered the oath of office to Board Member Mary Bigelow.

The following topics were addressed during the meeting:

1. The minutes of the December 16, 2010 Regular Meeting were presented to the Board for approval.

On the motion of Mr. Riley, seconded by Mr. Gay, the Board voted six (6) to zero (0) to accept and approve the minutes. Ms. Bigelow and Chairman Dooley abstained.

2. Chairman Dooley presented the Board with the Chairman's report. He reported that he was invited to give a presentation on ethics on March 10, 2011 to the Y's Men of Westport/Weston. Mr. Dooley indicated the need to select the hearing officers for March and April. Mr. Riley volunteered to preside over the March UAPA hearings and Mr. Gay volunteered to preside over the April UAPA hearings.
3. Assistant General Counsel O'Dowd presented Draft Declaratory Ruling No. 2011-A: Application of Ethics Code to Legislator's Proposed Outside Employment in a Political and Nonprofit Consulting Firm. He reported that the petitioner is Mr. Michael Farina. Assistant General Counsel O'Dowd stated that the legislator may accept outside employment as an owner of a political and nonprofit consulting firm because the legislator does not hold a committee chairmanship or leadership position and that there is nothing in the more than thirty years of precedent that would prohibit the legislator from accepting the position in question. He also indicated that the legislator must abide by certain strict guidelines.

Discussion ensued.

On the motion of Mr. Margulies, seconded by Mr. Chiusano, the Board voted seven (7) to one (1) to approve Draft Declaratory Ruling No. 2011-A: Application of Ethics Code to Legislator's Proposed Outside Employment in a Political and Nonprofit Consulting Firm. Mr. Riley opposed.

4. Mr. Riley addressed Agenda Item No. 6: Discussion of Major Life Events and stated that he had some concerns that the limit on this gift exemption is \$1,000 dollars

Discussion ensued. No action was taken.

5. Chairman Dooley addressed the Review of Board Policy No. 1, Citizen's Ethics Advisory Board, Board Organization, and indicated that the proposed changes to the existing policy will be more workable.

On the motion of Mr. Riley, seconded by Mr. Gay, the Board voted eight (8) to zero (0) to accept and approve the proposed changes to Board Policy No. 1.

6. Chairman Dooley provided an opportunity for discussion of any new business or procedures. There was no new business.
7. General Counsel Housen presented the Legal Division Reports for the months of January and February. She recommended that the Board appeal the FOI Commission's decision in Journal Inquirer vs. CEAB.

On the motion of Mr. Grant, seconded by Vice-Chairperson Bornhorst, the Board voted eight (8) to zero (0) to proceed with the appeal of the FOI Commission's decision.

8. Assistant General Counsel Cynthia Isales presented the Amendments to Regulations. She reported that a few months ago the Board had an opportunity to review the proposals and that the Board voted to accept proposed amendments to the regulations with any changes as suggested by former Board Member Abate. She indicated that, in spite of this vote, the regulations are being presented to the Board again for two reasons: (1) After review, Mr. Abate suggested that the Board consider the two alternatives presented regarding proposal number one and select one option; and (2) Upon answering a recent request for legal advice, the staff is recommending modification to proposal number two.

On the motion of Mr. Riley, seconded by Vice-Chairperson Bornhorst, the Board voted eight (8) to zero (0) to select and approve option 1 under Proposal #1.

On the motion of Mr. Riley, seconded by Mr. Margulies, the Board voted eight (8) to zero (0) to pursue the proposed changes to the regulations.

9. Executive Director Carson presented the Executive Director's Report. She reported that she has been in contact with Representative Donovan's office regarding a replacement for Mr. Abate. She also reported that she will be serving on the COGEL Program Committee for the 2011 conference that will held in Nashville next December. She reported that she will be traveling to Nashville at her own expense for a planning meeting for the conference.

On the subject of legislation, Executive Director Carson reported that public hearings have been held on two bills that contain the Office of State Ethics' legislative proposals. Among the two bills, one is considered critical and it should be advanced before the House within the next few weeks. She also reported there is a pending bill that would visitors to the legislature who are not lobbying to wear a different color badge.

Executive Director Carson then discussed Senate Bill No. 1009, which proposes to consolidate the Office of State Ethics, Freedom of Information Commission, Elections Enforcement Commission, Judicial Review Council and the State Contracting Standards Review Board into a newly created Office of Governmental Accountability. She indicated that the proposal's intent is to save about one million dollars and may result in staff reductions. She also indicated that the agencies being merged do not agree with the consolidation because the merge would not eliminate redundancy, and would do away with each agency's independence and effectively weaken each of the watch dog agencies. Finally, Executive Director Carson indicated that the proposal would concentrate a lot of power in one individual who reports to an elected partisan official. Executive Director Carson reported that she testified before the appropriations committee and will continue meeting with members of the legislature to discuss this proposal.

Discussion ensued regarding the Governor's proposed consolidation.

10. Chairman Dooley provided an opportunity for public comments. There were no public comments.

11. Enforcement Officer Jones presented the Enforcement Division Reports for the months of January and February. He reported that the OSE completed the annual ETH-2A initiatives and the 1st quarter ETH-2D initiatives and that there were 14 cases that were noticed for hearing. He reported that in total, the Division has received \$1,345 dollars in penalties from the resolution of these matters. He reported that in comparison with past years, there are far fewer problems and that the lobbyist community has shown that they understand our seriousness about these initiatives.

Enforcement Officer Jones reported that a date for the Anthony Perelli probable cause hearing has been scheduled for April 15, 2011 and explained that this is the individual alleged to have walked into Representative Heinrich's office and offered her an envelope with money. He indicated that if the judge trial referee finds probable cause the Board must begin hearings within 30 days of the finding.

Enforcement Officer Jones presented the following audit reports:

1. Capitol Region Council of Governments
2. Connecticut Industrial Energy Consumers
3. Domus Charter Schools in Stamford
4. Eastern Regional Tourism District
5. Farm Sanctuary
6. Kofkoff Egg Farms, LLC
7. Metal Management Connecticut, Inc.
8. Midfarm Investors, LLC
9. NRG Energy, Inc.
10. Robinson & Cole LLP Government Relations Group
11. Securities Industry & Financial Markets Association
12. Small Manufacturers Association of CT, Inc.
13. Sprint United Management Company
14. State Farms Insurance
15. Stateside Associates, Inc.
16. The Washington Center for Internships and Academic Services
17. The Women's Business Development Center
18. Wellspring Foundation, Inc.
19. Women's Health USA, Inc.

On the motion of Mr. Margulies, seconded by Mr. Riley the Board voted eight (8) to zero (0) to approve the above listed audits as presented.

12. Assistant General Counsel Lewandowski presented Draft Advisory Opinion No. 2011-1: Application of Code of Ethics to a Department of Developmental Services employee who is seeking to complete postdoctoral licensing requirements during state employment.

He reported that the request was made by Dr. Valencia Bagby-Young, who was in attendance at the meeting. He stated that the question was whether a Department of Developmental Services employee may fulfill postdoctoral licensing requirements in psychology at the place

of her state employment and during regular state work hours. He indicated that the Department of Developmental Services employee may fulfill her postdoctoral licensing requirements in psychology at the place of her state employment, and that the employee in question may also fulfill her postdoctoral licensing requirements in psychology during her regular state work hours, but only to the extent of the overlap between her established state job duties and the licensing requirements. He also indicated that any postdoctoral experience requirements that do not overlap with the established state job duties must be performed outside of the employee's regular state work hours.

Discussion ensued.

On the motion of Mr. Margulies, seconded Mr. Chiusano, the Board voted eight (8) to zero (0) to approve Draft Advisory Opinion No. 2011-1: Application of Code of Ethics to a Department of Developmental Services employee who is seeking to complete postdoctoral licensing requirements during state employment.

13. **On the motion of Mr. Grant, seconded by Mr. Chiusano, the Board voted eight (8) to zero (0) to move into closed session to discuss the status of matters that are confidential pursuant to General Statutes §§ 1-82a and 1-93a.**

The Board moved into closed session at 2:29 p.m.

The following individuals attended the closed session:

- Thomas H. Dooley, Chairman
- Kathleen F. Bornhorst, Vice-Chairperson
- Mary Bigelow, Member
- Charles F. Chiusano, Member
- David Gay, Member
- Herbert A. Grant, Member
- Martin Margulies, Member
- Dennis J. Riley, Member
- Carol Carson, Executive Director
- Thomas K. Jones, Enforcement Officer
- Marc Crayton, Assistant Enforcement Officer
- Mark Wasielewski, Assistant Enforcement Officer

On the motion of Vice-Chairperson Bornhorst, seconded by Mr. Margulies, the Board voted eight (8) to zero (0) to return to public session at 2:40 p.m.

14. **On the motion by Vice-Chairperson Bornhorst, seconded by Mr. Chiusano, the Board voted eight (8) to zero (0) to move into Executive Session to discuss matters pertaining to strategy and negotiations with respect pending claims pursuant to General Statutes § 1-210 (b) (4).**

The Board moved into Executive Session at 2:40 p.m.

The following individuals attended the Executive Session:

- Thomas H. Dooley, Chairman
- Kathleen F. Bornhorst, Vice-Chairperson
- Mary Bigelow, Member
- Charles F. Chiusano, Member
- Herbert A. Grant, Member
- Dennis J. Riley, Member
- Carol Carson, Executive Director
- Thomas K. Jones, Enforcement Officer
- Marc Crayton, Assistant Enforcement Officer
- Mark Wasielewski, Assistant Enforcement Officer

At 2:42 p.m., the Board moved back to public session.

15. **On the motion of Mr. Margulies, seconded by Mr. Gay, the Board voted eight (8) to zero (0) to move into Executive Session to discuss the annual performance evaluation of Executive Director Carson.**

OSE staff departed the room and the Board went into Executive Session.

The Board moved back into public session and stated that the performance of the Executive Director was “excellent” (distinctly and consistently outstanding).

The Board adjourned the meeting at 2:51 p.m.

Respectfully submitted by,

Yolanda Perez, Clerk
Citizen’s Ethics Advisory Board

Date approved
(By the Citizen’s Ethics Advisory Board of the Office of State Ethics)