

Corrected Minutes

Regular Meeting

April 21, 2011

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, April 21, 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
- Yolanda Perez, Clerk of the Board
- Mark Wasielewski, Assistant Enforcement Officer

The following topics were addressed during the meeting:

1. The minutes of the March 24, 2011 Regular Meeting were presented to the Board for approval.

On the motion of Mr. Grant, seconded by Mr. Margulies, the Board voted eight (8) to zero (0) to accept and approve the minutes.

2. Chairman Dooley presented the Board with the Chairman's Report. He reminded the Board Members that the Statement of Financial Interests (SFI) is due on or before Sunday, May 1, 2011.

Chairman Dooley indicated that Mr. Riley will act as the hearing officer for any public UAPA enforcement hearings held on the May hearing date, and Mr. Margulies will preside over any June hearings.

Chairman Dooley indicated that an amendment of Policy No. 1, regarding nomination and selection of the Chair of the Board, was approved by the Board. The policy was discussed during the February 24, 2011 regular meeting. Based on the changes made to Policy No. 1, Chairman Dooley asked that the Board make recommendations for the nominating committee, which will make a recommendation to the Board of a new Chair and a Vice-Chair. He also indicated that the election will then take place at the August regular meeting and that the elected Chair and Vice-Chair will begin to serve in October. Chairman Dooley and Mr. Riley volunteered to serve on the nominating committee.

On the motion of Mr. Chiusano, seconded by Mr. Gay, the Board voted six (6) to zero (0) to nominate Chairman Dooley and Mr. Riley to serve on the nominating committee to make recommendations to the Board of a new Chair and Vice-Chair. Chairman Dooley and Mr. Riley abstained.

Chairman Dooley asked whether any Board Members wanted to discuss procedures or had any suggestions.

Mr. Chiusano suggested that the board meeting materials be mailed to them without the binder which will save on mailing costs.

3. Executive Director Carson presented a proposed Resolution and Order of the Citizen's Ethics Advisory Board recommending that the Enforcement Officer not enforce against anyone Filing an SFI on May 2, 2011.

On the motion of Mr. Riley, seconded by Mr. Gay, the Board voted eight (8) to zero (0) to approve the proposed Resolution and Order.

4. General Counsel Housen presented the Review of Staff Opinion RAO 8760. She indicated that upon her review of Staff Opinion RAO 8760, the opinion is consistent with the current status of the law. She indicated that if the Board chooses to, it may make recommendations to the legislature to change the outside employment law relative to high level, high ranking state employees. She indicated that the opinion as written is correct and that it specifies all of the parameters that this individual needed to be aware of. She indicated that, based on that,

she does not see any need for, and therefore does not recommend that, the Board issue an Advisory Opinion in this matter.

Discussion ensued.

Executive Director Carson reported that she had spoken to John Garagosian, and that he had indicated that he is wrapping up his practice. His mother owns the agency, and he expects to have very limited if any activity in this area other than if a former client ask him for something very specific. Executive Director Carson indicated that most other states have similar “moonlighting” provisions. She also indicated that the public policy underpinnings such provisions seek to create a balance between the ability to attract good people to government and making sure that they are not taking advantage of government for their own personal interests. Director Carson stated that if the rules become so harsh that employees cannot do anything for outside employment, people will say no to becoming involved with state government.

Chairman Dooley provided an opportunity for discussion of any new business or procedures. There was no new business.

5. General Counsel Housen presented the Legal Division Report. She reported that in regards to the two appeals that the OSE filed against Freedom of Information Commission and Journal Inquirer, the OSE put in a request to the court for a stay of the Freedom of Information Commission orders. She reported that the court has fast-tracked the two appeals and that they are likely to be decided before June 22, 2011.

Discussion ensued regarding the Legal Division Report.

6. Executive Director Carson presented the Education Report. She reported that ethics training was provided to the staff at the Governor’s Office and that the OSE was also at the Legislative Office Building concourse to assist SFI filers and lobbyists. She indicated that Education Director Trimble has scheduled monthly in-house trainings to reach out to new employees or those who missed any of the trainings at their agencies. She indicated that during this month Ms. Trimble will be providing training to the managers at the Department of Transportation.

Executive Director Carson reported that a press release will be going out to the media with information relative to the request process in place to obtain 2010 statements of financial interests.

Executive Director Carson reported that she has been in contact with Speaker of the House, Christopher Donovan, who is seeking a candidate to replace former Board Member Ernest Abate and that his office expects to have an appointment before the next meeting.

In terms of the budget, Executive Director Carson reported that, the Appropriations Committee budget proposal, calls for the creation of an Office of Governmental Accountability. She indicated that the OSE is one of the offices being merged and will take

an 11 % budget cut, which means the loss of two positions. She indicated that she will keep the OSE staff updated as well as the Board, but at this point does not have more information.

Discussion ensued regarding the Governor's proposed consolidation and the impact that it will have on the OSE and the other agencies as well.

Executive Director Carson reported that House Bill 6273 must be reviewed by the judiciary committee because a portion of it addresses penalties.

7. Chairman Dooley provided an opportunity for public comments. There were no public comments.
8. Enforcement Officer Jones presented the Enforcement Division Report. He indicated that the first quarter 2D initiative has started and that Assistant Enforcement Officer Marc Crayton will provide an update for the Board.

Enforcement Officer Crayton reported that 11 notices of hearings have been mailed out and of those 11, the OSE has received 7 filings and subsequent settlement letters have been sent out to those that have filed. He also reported that grace period letters have been sent out to those organizations that failed to file and indicated that the grace period will end April 25, 2011 and follow-up action will be taken.

Enforcement Officer Jones reported that he sent an email to the Board prior to the meeting in regards to the resolution of the enforcement matter concerning Dr. David Carter and that a press release was sent out as well.

Discussion ensued regarding the above matter.

Board members discussed the audit reports that are being presented for approval.

Discussion ensued regarding the matter of Michael Sanders, who was fined by the Board, but who refuses to pay. Assistant Enforcement Officer Wasielewski reported that he received information from the Attorney General's Office and that they reported that Mr. Sanders has not responded. He indicated that if Mr. Sanders fails to appear in court, follow-up action will proceed for a default judgment.

Enforcement Officer Jones presented the following three audit reports:

- 1) Connecticut Public Interest Research Group, Inc.

On the motion of Mr. Riley, seconded by Ms. Bigelow, the Board voted eight (8) to zero (0) to approve the above-listed audit report.

- 2) Hughes & Cronin Public Affairs Strategies

On the motion of Mr. Riley, seconded by Mr. Chiusano, the Board voted seven (7) to zero (0) to approve the above-listed audit report. Mr. Gay abstained.

3) International Union UAW

On the motion of Vice-Chairperson Bornhorst, seconded by Mr. Grant, the Board voted eight (8) to zero (0) to approve the above-listed audit report.

Discussion ensued regarding an informal opinion that had been issued to Jonathan Harris, former state Senator, who now works at the Office of the State Treasurer. Mr. Riley raised concerns about Mr. Harris' business affiliations and those affiliations interactions/dealings with the state.

General Counsel Housen said she would follow-up with Mr. Riley to discuss his concerns.

On the motion of Mr. Riley, seconded by Vice-Chairperson Bornhorst, the Board adjourned the meeting at 2:13 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)