

# Minutes

## Regular Meeting November 18, 2010

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, November 18, 2010 on the 5<sup>th</sup> 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
- Ernest N. Abate, Member
- David Gay, Member
- Martin Margulies, Member
- Dennis J. Riley, Member (participated via teleconference)
- Charles F. Chiusano, Member

The following staff members of the OSE were present:

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

The following topics were addressed during the meeting:

1. The minutes of the October 21, 2010 Regular Meeting were presented to the Board for approval.

**On the motion by Mr. Margulies, seconded by Mr. Chiusano, the Board voted seven (7) to zero (0) to accept and approve the minutes.**

2. Chairman Dooley presented the Board with the Chairman's report. He asked Mr. Margulies if he would preside over the January UAPA hearings and if Mr. Gay would preside over the February UAPA hearings. Both agreed.

Chairman Dooley indicated that Executive Director Carson's annual review is due in December and that he would like input from the Board Members.

3. Assistant General Counsel Isales presented Draft Advisory Opinion No. 2010-7: "Application of the Code to Potential Conflicts of Interest for Members of the Board of Education and Services for the Blind." She reported that the advisory opinion was issued at the request of Andrew Norton, Legislative and Legal Affairs Director for the Board of Education and Services for the Blind ("BESB") and indicated that Mr. Norton was present at the meeting. The question asked is whether a BESB board member may advocate or vote for an agency decision which would predominantly benefit a class of which he is a member (e.g., blind persons over the age of 55).

Mr. Norton addressed the Board.

Discussion ensued.

**On the motion by Ms. Bornhorst, seconded by Mr. Gay, the Board voted seven (7) to zero (0) to approve Draft Advisory Opinion No. 2010-7: "Application of the Code to Potential Conflicts of Interest for members of the Board of Education and Services for the Blind."**

4. 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 introduced the Legal Division Intern, Karen Peabody. She reported that the OSE recently filed an appeal in the Freedom of Information final decision, Alexander Wood and the Journal Inquirer v. CEAB
6. Assistant General Counsel Lewandowski presented the University of Connecticut Policies to Regulate Student State Employment in Connecticut arising from Public Act No. 10-101. He indicated that Rachel Rubin, Compliance Officer, University of Connecticut, was present at the meeting to answer any questions the Board may have regarding the policies governing student state employment.

Ms. Rachel Rubin addressed the Board in response to questions regarding the policies.

**On the motion by Mr. Chiusano, seconded by Mr. Margulies the Board voted seven (7) to zero (0) to approve the University of Connecticut Policies to Regulate Student State Employment, Public Act No. 10-101.**

7. Assistant General Counsel Lewandowski presented the Legislative Report. He indicated that Executive Director Carson and he have begun to meet with members of the legislature to discuss the proposals.
8. Assistant General Counsel Lewandowski presented an additional legislative proposal for inclusion in the 2011 legislative session packet- "Amendment to General Statutes § 52-259a" which deals with agency specific exemptions from filing court fees.

**On the motion by Mr. Abate, seconded by Mr. Gay, the Board voted seven (7) to zero approve the legislative proposal to amend General Statutes § 52-259a.**

9. Assistant General Counsel Isaies presented the Regulations Report. She indicated that a package will be submitted to the Board at the next regular meeting with exact proposed regulatory language addressing the following: (1) color of the lobbyist badge; (2) gifts to state employees from non-restricted donors; (3) definition of principal officer and directors for purposes of lobbyist registrations; and (4) cleanup of the regulations in regards to changes to other agencies.

Assistant General Counsel Isaies provided the Board with information regarding the regulations review process and procedures.

10. General Counsel Housen presented revised language suggested in relation to Board Policy No. 2. She thanked Mr. Abate for his input.

Discussion ensued.

**On the motion by Mr. Margulies, seconded by Ms. Bornhorst, the Board voted seven (7) to zero to accept and approve the revised language to Board Policy No. 2.**

11. Executive Director Carson presented the Executive Director's Report. In regards to the appointment of new Board members, she is awaiting news from Senator Looney and Representative Cafero's office for potential candidates. She reported that 3 press releases were issued, one ethics training was conducted and 7 other ethics trainings are scheduled. Executive Director Carson reported that she made a presentation to a Chinese delegation at the Department of Education providing them with a basic understanding of our ethical rules and regulations. She indicated that due to the transition of the new and old gubernatorial administrations, many requests for advice are pending. She reported that a training session is scheduled for January for lobbyists and also a mandatory training session for newly-elected legislators is scheduled for December 1 with a back-up date of December 14, 2010. Executive Director Carson reported that the COGEL Conference will be held on December 5 - 8, 2010 and that she, General Counsel Housen and Enforcement Officer Jones will be presenting at the conference. She indicated that four other staff members will be attending the conference as well. Executive Director Carson informed the Board that Mark W. Crayton has joined the OSE staff as an Assistant Enforcement Officer.
12. Chairman Dooley provided an opportunity for public comments. There were no public comments.
13. Enforcement Officer Jones presented the Enforcement Division Report.

He presented the following eight (8) audits conducted by the Enforcement Division:

1. Citizens for Economic Opportunity
2. Connecticut Dermatology & Dermatologic Surgery
3. Connecticut Jewelers Association
4. Cystic Fibrosis Foundation
5. EPDM Roofing Association
6. Environment Northeast
7. Fed Ex Corporation

8. Northington Partners CT, Inc.

**On the motion by Mr. Riley, seconded by Mr. Margulies, the Board voted seven (7) to zero (0) to accept and approve the above eight (8) audits as presented.**

Enforcement Officer Jones then presented the Board with the following audit conducted by the Enforcement Division:

1. Center for Children's Advocacy

**On the motion by Mr. Riley, seconded by Mr. Chiusano, the Board voted six (6) to zero to accept and approve the above audit. Mr. Margulies abstained.**

14. **On the motion by Mr. Margulies, seconded by Vice-Chairperson Bornhorst, the Board voted seven (7) to zero (0) to move into Executive Session to discuss matters pertaining to strategy and negotiations with respect to pending claims, pursuant to General Statutes § 1-210 (b) (4).**

The Board moved into Executive Session at 2:13 p.m.

The following individuals attended the Executive Session:

- Thomas H. Dooley, Chairman
- Kathleen F. Bornhorst, Vice-Chairperson
- Ernest N. Abate, Member
- Charles F. Chiusano, Member
- David Gay, Member
- Martin Margulies, Member
- Dennis J. Riley, Member (participated via teleconference)
- Carol Carson, Executive Director
- Thomas K. Jones, Enforcement Officer
- Marc W. Crayton, Assistant Enforcement Officer
- Mark Wasielewski, Assistant Enforcement Officer

The Board returned to regular session at 2:21 p.m.

15. On the motion by Mr. Gay, seconded by Ms. Bornhorst, the Board voted seven (7) to zero (0) to adjourn the meeting.

Respectfully Submitted by,

Yolanda Perez, Clerk  
Citizen's Ethics Advisory Board

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