

Minutes

August 27, 2009

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, August 27, 2009 on the 5th Floor, State Elections Enforcement Commission Conference Room, 18-20 Trinity Street, Hartford, CT 06106.

Vice-Chairperson Sister Sally J. Tolles called the meeting to order at 1:00 p.m.

The following members of the Board were present:

- Sister Sally J. Tolles, Vice-Chairperson
- Ernest Abate, Member (via telephone)
- Rebecca M. Doty, Member
- Kenneth Bernhard, Member
- Kathleen Bornhorst, Member
- Thomas H. Dooley, Member
- Dennis Riley, Member
- Shawn Wooden, Member (via telephone)

The following staff members of the OSE were present:

- Carol Carson, Executive Director
- Barbara Housen, General Counsel
- Cynthia Isales, Assistant Ethics Enforcement Officer
- Patrick Lamb, Assistant General Counsel
- Brian O'Dowd, Assistant General Counsel
- Meredith Trimble, Education Director
- Mark Wasielewski, Assistant Ethics Enforcement Officer
- Henry Herschkorn, Clerk of The Board

The following topics were addressed during the meeting:

1. The minutes of the July 23, 2009 regular meeting were presented to the Board for approval.

On the motion by Thomas H. Dooley, seconded by Kenneth Bernhard, the Board voted eight (8) to zero (0) to accept and approve the minutes as presented.

The minutes of the July 1, 2009 special teleconference meeting were presented to the Board for approval.

On the motion by Dennis Riley, seconded by Kenneth Bernhard, the Board voted eight (8) to zero (0) to accept and approve the minutes as amended.

2. Election of Chairman and Vice-Chairman for two year terms beginning on October 1, 2009.

Vice-Chairman, Sister Sally Tolles, called for a vote on the nominating sub-committee's proposed appointment of Kenneth Bernhard for the position of Chairperson and Thomas H. Dooley as Vice-Chairperson. After no other nominees were submitted, a vote was taken.

On the motion by Dennis Riley, seconded by Kathleen Bornhorst the Board voted six (6) to zero (0) to accept and approve the nomination of Kenneth Bernhard as Chairperson and Thomas H. Dooley as Vice-Chairperson. Kenneth Bernhard and Thomas H. Dooley abstained.

3. Assistant General Counsel O'Dowd presented the Draft Advisory Opinion "Application of the Code of Ethics for Public Officials to a Member of the Renewable Energy Investments Board."

Following discussion, on the motion by Ernest Abate, seconded by Dennis Riley, the Board voted seven (8) to zero (0) to accept and approve the Draft Advisory Opinion, "Application of the Code of Ethics for Public Officials to a Member of the Renewable Energy Investments Board."

4. Assistant General Counsel Lamb presented the Draft Advisory Opinion "Application of the \$1000 Limit to the 'Major Life Event' Gift Exception."

On the motion by Thomas H. Dooley, seconded by Kenneth Bernhard, the Board voted eight (8) to zero (0) to accept and approve the Draft Advisory Opinion "Application of the \$1000 Limit to the 'Major Life Event' Gift Exception."

5. Consideration of Hearing Officer's Reports in the following cases:

- a. Office of State Ethics vs. Richard Albrecht - Docket No. 2009-2UP, Hearing Officer Thomas H. Dooley.

Mr. Albrecht appeared on his own behalf and addressed the Board.

Thomas Dooley also addressed the Board.

Following discussion, on the motion by Dennis Riley, seconded by Kenneth Bernhard, the Board voted six (6) to two (2) to accept and approve the Hearing Officer's Report for Docket No. 2009-2UP, Office of State Ethics vs. Richard Albrecht. Kathleen Bornhorst and Sister Sally J. Tolles voted against.

- b. Office of State Ethics vs. Connecticut Coalition of Property Owners - Docket No. 2009-41UL, Hearing Officer Dennis Riley.

Attorney Marshall Collins, representing the Connecticut Coalition of Property Owners, addressed the Board.

Attorney Cynthia Isales, Assistant Ethics Enforcement Officer for the Enforcement Division, addressed the Board regarding opposition to the findings of the Hearing Officer.

The Hearing Officer, Dennis Riley, addressed the Board.

After discussion by the members of the Board, a motion by Ernest Abate to approve the Hearing Officer's report with a \$120.00 penalty was introduced. Shawn T. Wooden seconded. The vote was five (5) to accept and approve and three (3) against. Kathleen Bornhorst, Thomas Dooley, and Dennis Riley voted against.

The Legal Division informed the Board that the Code requires a 2/3 majority of its members. Consequently, consideration of the Hearing Officer's report was tabled until the September meeting.

6. Executive Director Carol Carson addressed the Board regarding concepts to develop legislative proposals clarifying the Code of Ethics for Lobbying. Ms. Carson stated that this request was the result of an opinion issued by the State Attorney General as a result of the recent controversy with the Archdiocese of Bridgeport. Ms. Carson stated that definitions in question include lobbyist, lobbying, registrant, and expenditures. She also stated there is no definition of "grassroots lobbying" and that providing one may address issues raised by the Attorney General.

Ms. Carson reported that the OSE staff has begun to draft language involving these concepts and requested the formation of a subcommittee to assist in the development of proposed language to present to the chairs of the GAE committee in October.

The Vice-Chairperson asked the Board if there were volunteers for the requested subcommittee. Rebecca M. Doty, Kathleen Bornhorst, and Dennis Riley volunteered.

The Board voted eight (8) to zero (0) to appoint these three Board members to the subcommittee.

7. General Counsel Housen presented the Board with the Legal Division Report.

8. Meredith Trimble, Director of Education, presented her oral report to the Board.

Ms. Trimble stated that in-person ethics training classes were filling up for September and October and included the Department of Administrative Services procurement staff as well as the State Police Training Academy. Ms Trimble also stated that Executive Director Carson is scheduled to speak to the Society of Governmental Accountants in September.

Ms. Trimble also stated that after meeting with the Connecticut Consortium of Law and Citizenship Education (CCLCE) and the Connecticut Council on Social Studies, she was provided the format for editing the OSE's Ethics Matter curriculum. Once the OSE's

curriculum is placed into this format it will be offered to all social studies teachers in Connecticut through the CCLCE web site. Ms. Trimble also stated that she is on the agenda for their October conference and will present the curriculum to all social studies teachers in attendance.

The Connecticut Council on Social Studies has also invited Executive Director Carson to act as judge for a debate style competition based on the “We The People” curriculum studies the constitution.

9. Executive Director Carson presented the Board with the Executive Director’s Report.

Ms. Carson reported that the General Assembly had not dealt with the budget. Regarding personnel, she reminded the Board that the staff was not up to full compliment and that use of unpaid interns from local high schools, colleges, and law schools was invaluable.

Ms. Carson stated that she had been in contact with the Governor’s Office and Senator McKinney’s office and they are aware of the need to fill vacancies in the Board that will occur at the end of September. Those offices have been provided the materials to properly vet potential nominees and Director Carson made them aware that the OSE’s General Counsel, Barbara Housen, is also available to answer any questions.

Ms. Carson then reminded the Board that September 11, 2009 is the start date for the board hearing in the Priscilla Dickman matter.

10. Assistant Ethics Enforcement Officer, Mark Wasielewski, presented the Enforcement Division Report. He presented the Board with eight (8) audits conducted by the Enforcement Division:

1. Amistad Academy, Inc.
2. Brendan Kennedy & Associates
3. ISO New England, Inc.
4. Pitney Bowes, Inc.
5. Precinct 13, LLC
6. Roy & LeRoy, LLC
7. TCORS Capitol Group, LLC
8. Tobin, Carberry, O’Malley, Riley & Selinger, P.C.

On the motion by Mr. Dooley, seconded by Ms. Bornhorst, the Board voted eight (8) to zero (0) to accept and approve the following enforcement audits as presented: (1) Amistad Academy, Inc., (2) Brendan Kennedy & Associates, (3) ISO New England, Inc (4) Pitney Bowes, Inc, (5) Precinct 13, LLC, (6) Roy & LeRoy, LLC, (7) TCORS Capitol Group, LLC, (8) Tobin, Carberry, O’Malley, Riley & Selinger, P.C.

Assistant Ethics Enforcement Officer Wasielewski indicated the need for a hearing officer to preside over upcoming October 8, 2009 hearings.

On the motion by, seconded by, the Board voted seven (7) to zero (0) to accept and approve Thomas H. Dooley as Hearing Officer to preside over the October 8, 2009 hearings. Mr. Dooley abstained.

11. **On the motion by Rebecca M. Doty, seconded by Ms. Bornhorst, the Board voted eight (8) to zero (0) to move into Executive Session to discuss strategy and settlement negotiations with respect to pending UAPA matters.**

The Board moved into Executive session at 2:57 p.m.

The following individuals attended the Executive Session:

- Sister Sally J. Tolles, Vice-Chairperson
- Ernest Abate, Member (via telephone)
- Rebecca M. Doty, Member
- Kenneth Bernhard, Member
- Kathleen Bornhorst, Member
- Thomas H. Dooley, Member
- Shawn Wooden, Member (via telephone)
- Carol Carson, Executive Director
- Barbara Housen, General Counsel

Mr. Riley did not attend the Executive Session because he is the Hearing Officer assigned to hear the matters that were discussed during the Executive Session.

The Board reconvened in public session at 3:07 p.m.

12. The Board adjourned the meeting at 3:08 p.m.

Respectfully Submitted by:

Citizen's Ethics Advisory Board

Date approved by the
Citizen's Ethics Advisory Board
of the Office of State Ethics