

Minutes

January 29, 2009

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, January 29, 2009 on the 5th Floor, State Elections Enforcement Commission Conference Room, 18-20 Trinity Street, Hartford, CT 06106.

Chairperson Robert Worgaftik called the meeting to order at 1:11 p.m.

The following members of the Board were present:

- Robert Worgaftik, Chairman
- Sister Sally J. Tolles, Vice Chairperson
- Ernest Abate, Member
- Kenneth Bernhard, Member
- Kathleen Bornhorst, Member
- Thomas H. Dooley, Member

The following staff members of the OSE were present:

- Carol Carson, Executive Director
- Barbara Housen, General Counsel
- Thomas K. Jones, Enforcement Officer
- Peter Lewandowski, Assistant General Counsel
- Brian O'Dowd, Assistant General Counsel
- Cynthia Isales, Assistant General Counsel
- Meredith Trimble, Education Director
- Yolanda Perez, Acting Clerk
- Eduardo Soto, Intern

The following topics were addressed during the meeting:

1. The Minutes of the December 18, 2008 regular meeting were presented to the Board for approval.

On the motion by Mr. Bernhard, seconded by Mr. Dooley and with the abstention of Sister Tolles, the Board voted five (5) to one (1) to accept and approve the minutes.

2. Assistant General Counsel Brian O'Dowd presented draft Advisory Opinion No. 2009-1 "Application of General Statutes § 1-84b (b) to Employees of the Office of Consumer Counsel" in Response to a Request for Reconsideration & Modification of Advisory Opinion No. 96-9."

He reported that the draft advisory opinion was prepared in response to a request from Joaquina Borges King, who is a former staff attorney with the Office of Consumer Counsel (“OCC”). She is now employed in the legal department of a regional provider of energy services, which is regulated by the Department of Utility Control (“DPUC”). Advisory Opinion No. 96-9 prohibits Attorney King from representing her new employer before the DPUC for one year after she left her state position.

The Board discussed the draft Advisory Opinion.

Attorney Victoria Hackett from OCC, and Attorney Joaquina Borges King, addressed the Board regarding the opinion.

Assistant General Counsel O’Dowd informed the Board that it is the opinion of the Legal Department that Advisory Opinion No. 96-9 was wrongly decided in part.

On the motion by Sister Tolles, seconded by Ms. Bornhorst, the Board voted four (4) to two (2) to accept and approve Advisory Opinion No. 2009-1, “Application of General Statutes § 1-84b (b) to Employees of the Office of Consumer Counsel.” Mr. Worgaftik and Mr. Abate voted against the opinion.

3. General Counsel Housen presented the Statement of Financial Interests form (SFI) for 2008 for Public Officials and State Marshals for Board consideration.

Assistant General Counsel Lewandowski summarized the revisions made to the financial disclosure forms for 2008 for Public Officials and State Marshals.

Discussion took place regarding revision to the State Marshals’ form. The Board requested that the instruction page and item #4 on the State Marshals’ certification page be corrected to reference the requirement to file if the office of State Marshal was assumed during the first 3 months of the calendar year.

On the motion by Mr. Dooley, seconded by Sister Tolles, the Board voted six (6) to zero (0) to accept and approve the SFI for 2008 to be filed by Public Officials.

On the motion by Mr. Dooley, seconded by Mr. Bernhard the Board voted six (6) to zero (0) to accept and approve the State Marshals 2008 Annual Statement of Income form with the noted corrections.

4. General Counsel Housen presented to the Board the 2009-2010 Lobbyist Registration forms (ETH-1A and ETH-1B).

Discussion took place regarding the forms.

On the motion by Mr. Abate, seconded by Mr. Bernhard, the Board voted six (6) to zero (0) to accept and approve the 2009-2010 Lobbyist Registration forms (ETH -1A and ETH-1B).

5. General Counsel Housen presented the Board with the Legal Division Report. She reported that the proposed amendments to OSE's regulations were submitted to the Attorney General's Office (AG), and that suggestions and minor revisions were requested by that office. She noted that the revisions were included in the Board meeting materials.

She also noted that after the AG's office review and approval of the proposed amendments, a 20-day notice letter will be sent by the OSE to all individuals and entities who commented on the regulations, following which, a final product will be submitted to the Regulations Review Board.

Enforcement Officer Jones commented on the suggestions made by the AG's office regarding subcontractors.

Further discussion took place regarding the regulations.

General Counsel Housen introduced Mr. Eduardo Soto, a high school junior who is currently an intern at the OSE.

6. Ms. Trimble presented the Board with the Education Report. She reported that a summary of outreach statistics was included in the Board meeting materials. She also reported that OSE will be offering training to lobbyists on the filing of the financial reports (ETH-2D) that are due on February 10, 2009.
7. Director Carson presented the Board with the Executive Director's Report. She reported that she continues to be in contact with Senator Looney's office regarding a candidate to serve on the Board. Regarding the budget deficit, she informed the Board that the OSE was able to keep \$150,000.00 in the budget to complete the SFI filing system update. She also noted that other funds available in the OSE's personal services account will be cut by \$150,000.00 as per the Governor's proposal. She reported that she will have a slide show on the new SFI filing system to present during the next Board meeting and that the OSE is compiling a list of SFI filers. Director Carson reported that lobbyists' registrations were completed on January 15, 2009 and that updates will be made to the new filing system to correct any problems.

Director Carson reported on the OSE's Annual Report that she is drafting with Ms. Trimble. She updated the Board regarding the status of OSE legislative proposals. Director Carson informed that the Appropriations Committee is conducting a pilot program for "results based accountability" and its goal is that Connecticut residents have ethical government at the state and local levels. It will serve as the basis for the review of the budget this year.

Discussion took place regarding measuring government ethical behavior, and what information could be included in the results based accountability report.

8. Mr. Worgaftik addressed the Selection of a Nominating Committee for Chair and Vice Chair of the Citizen's Ethics Advisory Board. He reported that the volunteers for the committee are Sister Tolles, Mr. Riley and himself.

On the motion by Mr. Bernhard, seconded by Mr. Dooley, the Board voted four (4) to two (2) to accept and approve Sister Tolles, Mr. Riley and Mr. Worgaftik as members of the Nominating Committee for Chair and Vice Chair. Sister Tolles and Mr. Worgaftik abstained.

9. Director Carson presented draft Policy No. 2 regarding future Ethics Complaints Filed Against Staff and Board Members. Discussion took place, and it was requested by the Board members that revisions to item #3 of the policy be made.

On the motion by Mr. Bernhard, seconded by Mr. Dooley, the Board voted six (6) to zero (0) to accept and approve Board Organization Policy No. 2 with the noted revisions.

10. Enforcement Officer Jones presented the Board with the Enforcement Division Report.

Enforcement Officer Jones presented the Board with eleven (11) enforcement audits conducted by the Enforcement Division:

- (1) Connecticut Association of Theatre Owners, Inc.
- (2) Connecticut Defenders
- (3) Forba Dental Management
- (4) Linda Aloe-Sobin Government Relations
- (5) New England Cable & Telecommunications Association, Inc.
- (6) Plainfield Greyhound Race Track
- (7) Rabina Properties, LLC
- (8) Schepker & Associates, LLC
- (9) Trane
- (10) Waterside Power, LLC
- (11) William McCann

On the motion by Mr. Bernhard, seconded by Mr. Dooley, the Board voted six (6) to zero (0) to accept and approve the Enforcement Audits. Sister Tolles abstained on one audit involving a law firm (Halloran & Sage).

Mr. Worgaftik requested a volunteer to preside as a hearing officer for Uniform Administrative Procedure Act hearings on March 24, 2009.

On the motion by Ms. Bornhorst, seconded by Mr. Bernhard, the Board voted six (6) to zero (0) to appoint Mr. Dooley as the Hearing Officer for the March 24, 2009 hearing.

11. **On the motion by Mr. Dooley, seconded by Ms. Bornhorst, the Board voted six (6) to zero (0) to add to the agenda an item to move into Executive Session to discuss pending litigation matters.**

On the motion by Mr. Dooley, seconded by Ms. Bornhorst, the Board voted six (6) to zero (0) to move into Executive Session

The Board moved into Executive Session at 3:19 p.m.

The following individuals attended the Executive Session:

Robert Worgaftik, Chairman
Sister Sally J. Tolles, Vice Chairperson
Ernest Abate, Member
Kenneth Bernhard, Member
Kathleen Bornhorst, Member
Thomas H. Dooley, Member
Carol Carson, Director
Barbara Housen, General Counsel
Thomas K. Jones, Enforcement Officer

The Board reconvened in public session at 3:24 p.m.

12. **On the motion by Mr. Abate, seconded by Sister Tolles, the Board voted six (6) 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 3:26 p.m.

The following individuals attended the Closed Session:

Robert Worgaftik, Chairman
Sister Sally J. Tolles, Vice-Chairperson
Ernest Abate, Member
Kenneth Bernhard, Member
Kathleen Bornhorst, Member
Thomas H. Dooley, Member
Carol Carson, Director
Barbara Housen, General Counsel
Thomas K. Jones, Enforcement Officer

The Board reconvened in public session at 3:40 p.m.

13. The Board adjourned the meeting at 3:41 p.m.

Respectfully Submitted by:

Yolanda Perez, Acting Clerk
Citizen's Ethics Advisory Board

Approved on _____ (Date)