



STATE OF CONNECTICUT

OFFICE OF STATE ETHICS

CITIZEN'S ETHICS ADVISORY BOARD OFFICE OF STATE ETHICS 18-20 Trinity Street, Hartford, CT 06106

MINUTES OF THE SEPTEMBER 15, 2016 MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, September 15, 2016, in the 5th Floor Conference Room.

Chairman Charles F. Chiusano called the meeting to order at 1:02 p.m.

The following Board members were present:

Charles F. Chiusano, Chair
Mary Bigelow, Vice-Chair
Dena Castricone
Kevin Johnston
Daniel Young
Rev. Tommie Lee Jackson

The following staff members of the OSE were present:

Carol Carson, Executive Director
Alaaeldin Ali, IT Analyst, Temporary Clerk of the Board
Marc W. Crayton, Assistant Ethics Enforcement Officer
Barbara Housen, General Counsel
Thomas K. Jones, Ethics Enforcement Officer
Peter Lewandowski, Associate General Counsel
Nancy Nicolescu, Director of Education & Communications
Brian O'Dowd, Deputy General Counsel

The following topics were addressed during the meeting:

1. The minutes of the August 18, 2016 Regular Meeting were presented to the Board for approval.

On the motion of Ms. Castricone, seconded by Rev. Jackson, the Board voted six (6) to zero (0) to approve the minutes of the August 18, 2016 Regular Meeting.

2. Chairman Chiusano presented the Chairman's Report in which he recognized two departing Board members. He thanked Rev. Jackson and Mr. Young, whose terms end on September 30, 2016, for their dedicated service to the Board. He noted that they were prepared and present for meetings and that their input was invaluable.

Mr. Young commented on the Board, praising its consistent lack of any political agenda, and cited the “incredibly impressive” staff. Rev. Jackson echoed Mr. Young’s sentiments, saying that the Board serves the best interests of the State.

3. General Counsel Housen provided the Board with an update on the status of Draft Declaratory Ruling No. 2016-A, regarding Commissioner Katharine Wade. She reported that the staff had been unable to complete the Draft because it was unable to obtain a full factual record. She recommended that the Board assign two members, pursuant to General Statutes §1-80 (e), to conduct a hearing to ascertain additional facts, and suggested that the Board vote to extend the period of time in which to issue the Declaratory Ruling.

Attorney Kimberly Knox addressed the Board on behalf of Katharine Wade. Following remarks, she presented a letter from Commissioner Wade to the CEAB dated September 15, 2016 in which Ms. Wade concluded, “I will recuse myself from the Anthem Form A application.”

Tom Swan, Executive Director of Connecticut Citizens Action Group, provided comments and requested that the Board continue to issue Declaratory Ruling No. 2016-A, irrespective of Commissioner Wade’s written statement that she planned to recuse herself from the Anthem Form A Application.

On the motion of Rev. Jackson, seconded by Ms. Bigelow, the Board voted six (6) to zero (0) to assign Board members Dena Castricone and Kevin Johnston to conduct a hearing to ascertain facts related to Declaratory Ruling 2016-A, pursuant to C.G.S. §1-80 (e).

Following discussion by the Board, Rev. Jackson withdrew his motion, and Ms. Bigelow withdrew her seconding of the motion.

Following further discussion by the Board, and on the motion of Mr. Young, seconded by Rev. Jackson, the Board voted six (6) to zero (0) to assign two Board members to conduct a hearing to ascertain facts, pursuant to General Statutes §1-80 (e), related to Declaratory Ruling 2016-A, subject to the caveat that the hearing panel first report back to the Board its determination of whether Commissioner Wade intended to fully recuse herself from the Cigna/Anthem merger.

Chairman Chiusano assigned Dena Castricone and Kevin Johnston to serve as the hearing officers. Discussion was held regarding the fact that, after Mr. Young and Rev. Jackson completed their terms on September 30, the Board would be left without a statutory quorum with which to conduct business.

On the motion of Mr. Young, seconded by Rev. Jackson, the Board voted six (6) to zero (0) to instruct the hearing panel, consisting of Ms. Castricone and Mr. Johnston, to act expeditiously to determine if Commissioner Wade intended that her stated recusal was to be full and complete; and, to report back in a special meeting of the Board, on or before September 30, 2016.

On the motion of Ms. Castricone, seconded by Mr. Young, the Board voted six (6) to zero (0):

(a) to extend the time to no later than December 31, 2016 for the two members to report back to the Board if a special meeting cannot be held by September 30, 2016; and

(b) to extend the time to issue Declaratory Ruling 2016-A to no later than January 31, 2017; and

(c) in the event the Board does not have a quorum, to expand the deadlines in (a) and (b) above to the end of the first and second months, respectively, in which the Board has a quorum.

Mr. Johnston requested that recommendations for potential Board members be submitted to the appointing officers in order to expedite the appointment of Board members, such that the Board would be able to continue its business after September 30.

4. General Counsel Barbara Housen presented the Legal Division Report.
5. Ethics Enforcement Officer TJ Jones presented the Enforcement Division Report. He reported that October 20, 2016 was the date for hearing matters under the UAPA. Ms. Bigelow agreed to serve as the hearing officer. Mr. Jones noted that no hearings are scheduled at the present time.
6. Ethics Enforcement Officer Jones presented two audit reports. In the audit for Leeway Inc., there was one adverse finding.

On the motion of Mr. Johnston, seconded by Ms. Castricone, the Board voted six (6) to zero (0) to approve the audit report for Leeway Inc.

In the audit of Levin, Powers & Brennan, LLC, there were five adverse findings and Mr. Jones recommended corrective action.

On the motion of Mr. Young, seconded by Rev. Jackson, the Board voted six (6) to zero (0) to approve the audit report for Levin, Powers & Brennan and to direct that corrective action be completed.

7. Ms. Nicolescu presented the training and media reports.
8. Executive Director Carol Carson presented the Executive Director's Report. She reported on the status of two vacancies on the Board, which have existed since October 1, 2015, as well as the two vacancies that will occur after the departure of Mr. Young and Rev. Jackson on September 30, 2016. She thanked members Jackson and Young for their service to the Office of State Ethics.
9. There were no public comments.
10. **On the motion of Ms. Castricone, seconded by Mr. Johnston, the Board voted six (6) to zero (0) to enter into executive session pursuant to General Statutes section 1-210 (b) (4) to discuss negotiations and strategy in pending litigation in Rockville Superior Court in the matter of Priscilla Dickman.**

The following Board members were present:

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Mary Bigelow, Vice-Chair
Dena Castricone
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Daniel Young
Rev. Tommie Lee Jackson

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11. **The Board resumed the public meeting.**
12. **On the motion of Ms. Castricone, seconded by Mr. Johnston, the Board voted six (6) to zero (0) to adjourn the meeting.**

The meeting was adjourned at 2:35 p.m.

Respectfully submitted by,



Carol Carson
Executive Director
Citizen's Ethics Advisory Board

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