

Minutes

January 14, 2008

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held its Teleconference Special Meeting on Monday, January 14, 2008 at 1:00 10:30 a.m., in its Conference Room, Suite 205, 2nd floor, 18-20 Trinity Street, Hartford, CT 06106.

Chairperson Robert Worgaftik called the meeting to order at 10:35 a.m.

The following members of the Board were present via teleconference:

- Robert Worgaftik, Chairperson
- Enid Oresman, Vice-Chairperson
- Jaclyn Bernstein
- Rebecca Doty
- Sister Sally J. Tolles
- Dennis Riley
- Kenneth Bernhard
- Michael Rion

The following staff members of the OSE attended the meeting:

- Carol Carson, Executive Director
- Barbara Housen, General Counsel
- Thomas K. Jones, Ethics Enforcement Officer
- Peter Lewandowski, Assistant General Counsel
- Iris E. D'Oleo-Edwin, Clerk
- Henry Herschkorn, Office Assistant
- Yolanda Perez, Office Assistant

Barbara Housen proceeded to administer the oath or affirmation of office to Board Member Kenneth Bernhard.

The following topics were addressed during the meeting:

1. Peter Lewandowski, Assistant General Counsel, presented the Board with the outstanding 2008 Legislative proposals, Summary of Proposals, numbers 21 through 27 for a vote from the Board.
 - Carol Carson presents a summary of the proposal sorted into four general areas:
 1. Government
 2. Technical Corrections
 3. Jurisdictional Issues
 4. Statutory Changes

- Ms. Carson explains that the number one priority is the one that limits attorney's fees to \$5,000 dollars. She indicates to the Board the need to consider what the bottom line is in terms of dollars and suggests that a negotiating strategy should be in place. She further discusses language negotiation for the agency as far as having to pay for attorney's fees.
 - Thomas K. Jones further explains that there is no standard that applies to the agency having to pay attorney's fees. He explains that the respondents have numerous appeals and remand and with the agency having to file with the appellate court causes the agency to pay out attorney's fees. He further informs that the UAPA which governs all of the other administrative agencies has a threshold "that if the agency action was taken without substantial justification" that's when the agency has to pay.
 - Chairperson Worgaftik asked what would be a reasonable basis to consider, \$35,000-40,000 and would it break the budget?
 - Thomas K. Jones replied that if the agency had the "substantial justification language" the numbers would be reasonable. In the absence of the language, then the numbers would be lower. He further states that the cap for UAPA is up to \$7,500 dollars.
 - Barbara Housen explains that if the Board gives Carol Carson and her staff the authority to negotiate a standard, then the Board does not have to decide on a firm dollar amount today.
 - Carol Carson indicates that in terms of the budget, the agency can offer a figure in the \$35,000 dollar range if we can get the "substantial justification language" and the \$7,500 dollar, but if the agency cannot get the language then some sort of top figure.
 - Dennis Riley indicates that the "substantially justification language" is a better choice for the agency for its uniformity.
 - Carol Carson suggests that a subcommittee be appointed by the Board for legislation on this matter:
 - Chairperson Worgaftik requests volunteers for the subcommittee and the following members volunteered: Dennis Riley, Sister Sally J. Tolles, and Robert Worgaftik
2. **A motion was entered to approve legislative proposal # 1 "To limit attorney's fees to the UAPA Standards which includes language "that the action of the agency was undertaken without any substantial justification" and caps the amount to \$7,500 dollars." The Board voted eight (8) to zero (0) in favor.**
3. Chairperson Worgaftik entered the Board into a discussion regarding Proposal # 4.

- Thomas K. Jones explains that under the public official's code, OSE is able to get money back for financial gains that public officials get by virtue of their violations of the ethics code and OSE does not have that same ability under the contractor's code. The proposal would allow the OSE to get the same restitution provision under the contractor's code as in the public official's code.
 - Barbara Housen indicates that proposal #2 be a priority.
 - A discussion took place regarding the procedure on recovering and collecting funds. The procedure in place was explained and that the money is deposited into the general fund.
4. Technical Corrections #25, #26 and #27 were discussed.
- It was determined that Technical Correction #25 is a Jurisdictional issue and would be voted on separately.
5. **A motion was entered to approve the suggested Technical Corrections #26 and #27 which would be "To Replace CT Housing Authority with State Housing Authority and Correct References to the State Ethics Commission to refer to the Office of State Ethics the Citizens Ethic Advisory Board or the Board. The Board voted eight (8) to zero (0) in favor.**
6. **A motion was entered to approve the suggested Jurisdictional Issue #25, "The Bradley Airport Commission and Connecticut Transportation Strategy Board to be Included in our Code" in terms of having jurisdiction. Board voted eight (8) to zero (0) in favor.**
- A discussion took place regarding the adding of other proposals that the Board members thought could be priorities. It was determined that because this session was a short session that the other proposals would be worked on and brought forth for legislation for next session.

The Board adjourned the meeting at 11:15 a.m.

Respectfully submitted,



Iris E. D'Oleo-Edwin, Clerk
Citizen's Ethics Advisory Board

Approved: January 24, 2008