



# 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 FEBRUARY 20, 2020 REGULAR MEETING

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, February 20, 2020, in the 5<sup>th</sup> Floor Conference Room, 18-20 Trinity Street, Hartford, CT 06106.

Chair of the Board, Dena Castricone, called the meeting to order at 1:04 p.m.

#### The following Board members were present:

Dena Castricone, Chair  
Mary Bigelow  
Charles F. Chiusano  
Karen Christiana  
N. Beth Cook

Jason Farrell, Vice-Chair  
Kevin Johnston  
Cheryl Lipson  
Nichelle Mullins

#### The following staff members of the OSE were present:

Peter Lewandowski, Executive Director  
Brian O'Dowd, General Counsel  
Mark Wasielewski, Ethics Enforcement Officer  
Nancy Nicolescu, Director of Education &  
Communications  
Marianne Sadowski, Deputy General Counsel

Marc Crayton, Deputy Ethics Enforcement  
Officer  
Diane Buxo, Assistant General Counsel  
Jennifer Montgomery, Assistant Ethics  
Enforcement Officer  
Melissa Hamilton, Paralegal and Clerk of the  
Board

#### The following topics were addressed during the meeting:

1. The minutes of the January 23, 2020 Regular Meeting were presented to the Board for approval.

**On the motion of Ms. Lipson, seconded by Ms. Bigelow, the Board voted nine (9) to zero (0) to approve the minutes of the January 23, 2020 Regular Meeting.**

2. Chair Castricone thanked Board member Chiusano for volunteering to serve as the February 27, 2020 UAPA Hearing Officer. She discussed the need for a Hearing Officer for the UAPA hearing(s) scheduled for March 26, 2020, and Mr. Chiusano volunteered again to serve as the Hearing Officer.
3. General Counsel O'Dowd discussed Draft Advisory Opinion No. 2020-1, issued in response to the petition submitted by Ernestine Y. Weaver, Esq., on behalf of the Connecticut Community Colleges ("CCC") regarding how to comply with the Code while enabling educational travel opportunities for students when these opportunities must be purchased from third parties who rely on faculty to recruit and coordinate students to travel during breaks and while faculty are on their personal time; and in exchange, the faculty are provided the opportunity to participate with the travel free of cost. He explained to the Board that the draft does not question the value of foreign travel for students; that a single travel model (*the faculty led travel model*) was considered, as that was the only travel model provided in the facts; and that alternatives are not generally provided in advisory opinions; however, there could be other viable options such as, (a) faculty members pay their own travel expenses; (b) the private tour companies contract directly with the CCC; (c) faculty members are removed from the model; and (d) students are directed to contact the tour companies directly.
4. Petitioner, Ernestine Y. Weaver, Esq., presented comments to the Board with respect to Draft Advisory Opinion No. 2020-1. Attorney Weaver noted that the comments provided by General Counsel O'Dowd were helpful, as the question she presented was not so much "if the '*faculty led travel*' program fit the Code," but "how to comply with the Code." Accordingly, the CCC will continue their pursuit of viable solutions as they see travel as an educational value and vendors such as EF Tours provide exceptional programs that protect the state from liability and ensure the safety of its travelers. She plans to work with OSE regarding additional questions and/or models that she presented at the meeting. Attorney Weaver inquired whether the questions she presented can be addressed in the Draft Advisory Opinion, since it is in draft form; the Board opposed revising the current draft to address the new options, but it agreed to include language to the Draft that "other viable options exist."
5. Mark Comeau presented comments to the Board with respect to Draft Advisory Opinion No. 2020-1. Mr. Comeau is the Architecture chair and department chair of Business and Technology at Three Rivers College. He has led tours for 29 years with EF Tours. When he is not teaching, he is an architect. He pays his own travel expenses and his chaperone's "free trip" is divided among all the travelers to provide a lower cost. Any additional earned chaperones' "free trips" are distributed as scholarships to students that could otherwise not afford the full cost of the trip. He believes the model of creating scholarships with the earned chaperones' "free trips" is a viable solution.

**On the motion of Mr. Johnston, seconded by Ms. Mullins, the Board voted nine (9) to zero (0) to approve Draft Advisory Opinion No. 2020-1, provided it is amended to include a footnote or brief sentence in the brief answer that 'there may be other models that are permissible under the Code.'**

**On the motion of Mr. Chiusano, seconded by Mr. Farrell, the Board voted nine (9) to zero (0) to add an agenda item, the request from Peter Lewandowski to withdraw his Petition for Advisory Opinion.**

6. General Counsel O'Dowd discussed the request received from Peter Lewandowski to withdraw his Petition for Advisory Opinion. Attorney O'Dowd recommended that the Board accepts Mr. Lewandowski's request. The justification is that the OSE has a longstanding practice not to ask and answer its own questions, particularly involving people outside of the office and the Citizen Ethics Advisory Board, as it may present appeal and appearance issues.

**On the motion of Mr. Chiusano, seconded by Mr. Farrell, the Board voted nine (9) to zero (0) to approve the request from Peter Lewandowski to withdraw his Petition for Advisory Opinion.**

7. General Counsel O'Dowd presented the Legal Division Report. He noted each member of the Legal Division's contributions to Draft Advisory Opinion No. 2020-1 and thanked them. He also thanked Hearing Officers Beth Cook and Jason Farrell for their significant roles in preparing Draft Advisory Opinion No. 2020-1. Mr. O'Dowd provided an update to the Board with respect to the proposed Petition for Advisory Opinion from a member of the General Assembly that he mentioned at the January 23, 2020. He informed the Board that the Legal division found a declaratory ruling with similar facts, so there may not be a need for the Petition.
8. Director of Education and Communications Nancy Nicolescu presented the Training and Media Report and noted a training opportunity from the Presidents' College of the University of Hartford by board member Beth Cook. Ms. Cook provided a brief explanation of the Presidents' College and the birth of the training opportunity. Ms. Nicolescu also discussed the updates to OSE's training business cards with the Top Ten Ethics Rules. Copies of the training business cards were issued to the board members.
9. Ethics Enforcement Officer Wasielewski presented the Enforcement Division Report, noting five new evaluations, continuation of lobbyists' initiatives and nine background checks. He informed the Board that there are currently twenty-one lobbyist matters and one State Marshal matter scheduled for UAPA hearings on Thursday, February 27, 2020. He anticipates the lobbyists' matters decreasing significantly over the next week. Mr. Wasielewski also gave a brief update regarding the subcommittee to review Audit procedures that was created by the Board at its January 23, 2020 meeting. He informed the Board that the subcommittee planned to meet prior to today's meeting but had to cancel for just cause and is in the process of rescheduling another meeting. Finally, Mr. Wasielewski mentioned that he had an update to the Charmaine Thurmand matter which will be discussed in the Executive Session.
10. Executive Director Lewandowski discussed a new legislative proposal submitted to the Board for consideration. The proposal amends subsections 1-84b (c) through (e), revolving-door statutes, to require the agencies listed to provide OSE with an annual designation list for certain positions with significant decision-making authority. The proposed language requires that disclosure is made annually in the fall. Board member Cook inquired what happens to the Regulation if the Bill is granted and Mr. Lewandowski responded that the Bill would supersede the Regulation.

**On the motion of Ms. Cook, seconded by Mr. Chiusano, the Board voted nine (9) to zero (0) to approve the Legislative Proposal.**

11. Executive Director Lewandowski provided a legislative update on previously submitted Legislative Proposals. Based on his conversations with members of the Government Administration and Elections Committee, Mr. Lewandowski learned that no one, so far, has objections or concerns with the submission. Once the Bills are raised and assigned numbers he will provide another update to the Board.
12. Executive Director Lewandowski presented his report to the Board, highlighting on-going building matters resulting in his recent conversation with the Department of Administrative Services (“DAS”) regarding the possibility of OSE’s relocation and the agency’s requirement for office space and the continued discussion of retaining the vacant Human Resources position amid centralization of such position by DAS. Mr. Lewandowski informed the Board that the Budget was submitted and while the Office of Policy and Management (“OPM”) raised the budget for the funding of the two additional OSE’s positions, they recommended that it should not be granted. He also shared a discussion he had with OPM Secretary McCaw regarding the Budget and credit card fees. Finally, he discussed OSE’s annual report to the Governor which was issued to the Board at today’s meeting: the report consists of an introduction to OSE and its accomplishment in calendar year 2019.

**On the motion of Mr. Chiusano, seconded by Mr. Johnston, the Board voted nine (9) to zero (0) to enter into an Executive Session to discuss strategy and negotiations with respect to pending claims or pending litigation pursuant to General Statutes §§ 1-200 (6) (B) and 1-210 (b) (4) with respect to the status of the Charmane Thurmand matter.**

**The following Board members were present for the Executive Session:**

Dena Castricone, Chair  
 Mary Bigelow  
 Charles F. Chiusano  
 Karen Christiana  
 N. Beth Cook

Jason Farrell, Vice-Chair  
 Kevin Johnston  
 Cheryl Lipson  
 Nichelle Mullins

**The following staff members of the OSE were present for the Executive Session:**

Peter Lewandowski, Executive Director  
 Brian O’Dowd, General Counsel  
 Mark Wasielewski, Ethics Enforcement Officer  
 Marc Crayton, Deputy Ethics Enforcement  
 Officer

Jennifer Montgomery, Assistant Ethics  
 Enforcement Officer  
 Melissa Hamilton, Paralegal and Clerk of the  
 Board

**On the motion of Mr. Chiusano, seconded by Mr. Farrell, the Board voted nine (9) to zero (0) to adjourn the meeting.**

The meeting was adjourned at 2:14 p.m.

Respectfully submitted by,



Melissa Hamilton  
Clerk of the Citizen's Ethics Advisory Board  
Office of State Ethics

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