

Minutes

June 26, 2008

The Citizen's Ethics Advisory Board ("Board") of the Office of State Ethics ("OSE") held a Regular Meeting on Thursday, June 26, 2008, at 1:00 p.m., in Conference Room 2-A, 2nd floor, 18-20 Trinity Street, Hartford, CT 06106.

Chairperson Robert Worgaftik called the meeting to order at 1:20 p.m.

The following members of the Board were present:

- Robert Worgaftik, Chairman
- Enid Oresman, Vice-Chairperson
- Ernest Abate, Member
- Kenneth Bernhard, Member
- Jaclyn Bernstein, Member
- Rebecca Doty, Member
- Dennis Riley, Member (attended the meeting via teleconference)
- Michael Rion, Member
- Sister Sally J. Tolles, Member

The following staff members of the OSE were present:

- Carol Carson, Executive Director
- Iris D'Oleo-Edwin, Clerk
- George Edelman, Associate Accounts Examiner
- Barbara Housen, General Counsel
- Cynthia Isales, Assistant General Counsel
- Quaneisha Johnson, Intern
- Thomas K. Jones, Enforcement Officer
- Brian O'Dowd, Assistant General Counsel
- Yolanda Perez, Acting Clerk
- Matthew Rich, Intern
- Tara Scullen, Intern
- Meredith Trimble, Director of Education

The following topics were addressed during the meeting:

1. The Minutes of the May 29, 2008 Subcommittee meeting were presented to the Board for approval. **On the motion of Sister Tolles, seconded by Mr. Abate and with the abstention of Ms. Oresman, the Board voted eight (8) to zero (0) to approve the minutes.**

The Minutes of the May 29, 2008 regular meeting were presented to the Board for approval. **On the motion of Mr. Bernhard, seconded by Mr. Rion and with the abstention of Ms. Oresman, the Board voted eight (8) to zero (0) to approve the minutes.**

2. A lottery selection of 40 registrants for audit was conducted by the Board. (Please see attached "Audit List of Client Lobbyists Selected in Drawing of Thursday, June 26, 2008.") The audits will be conducted in order of selection.
3. Assistant General Counsel O'Dowd presented a chronology of the events leading up to the preparation of Draft Advisory Opinion "Interpretation of General Statutes, section 1-84 (n)." He indicated that Catherine LaMarr, General Counsel from the State of Connecticut Treasurer's Office and Attorney Scott Murphy, both present at the meeting, were requesting postponement of consideration of the opinion.

General Counsel Lamarr addressed the Board and requested consideration of postponement of the opinion.

On the motion by Mr. Rion, seconded by Mr. Bernhard and with the abstention of Ms. Oresman, the Board voted eight (8) to zero (0) to add to the agenda the request for postponement of the Draft Advisory Opinion "Interpretation of General Statutes, section 1-84 (n)."

On the motion by Mr. Rion, seconded by Mr. Bernhard and with the abstention of Ms. Oresman, the Board voted eight (8) to zero (0) to grant postponement of the Draft Advisory Opinion "Interpretation of General Statutes, section 1-84 (n)" until the August 2008 Board meeting.

4. Mr. Worgaftik opened up discussion of the Draft Advisory Opinion, "Caucus Attorney's Representation of Legislators in Ethics Enforcement Actions." He stated that the matter had been tabled a number of times in an effort to allow the Legislature to make changes to the Code of Ethics but that the legislative session had concluded without any action on the issue. Thus, the matter had been left up to this Board to revisit the opinion.

The Board discussed the opinion at length.

On the motion by Mr. Bernhard, seconded by Mr. Abate and with the abstention of Ms. Oresman, the Board voted six (6) to two (2) not to table the Draft Advisory Opinion, "Caucus Attorney's Representation of Legislators in Ethics Enforcement Actions" for another 30 days prior to taking a final vote on the opinion.

Further discussion took place. Attorneys from both the Democratic and Republican Caucuses addressed the Board regarding the opinion.

On the motion by Mr. Abate, seconded by Mr. Bernhard and with the abstention of Ms. Oresman, the Board voted eight (8) to zero (0) to call the vote on the opinion.

On the motion by Mr. Abate, seconded by Mr. Bernhard and with the abstention of Ms. Oresman, the Board voted six (6) to two (2) to adopt the Draft Advisory Opinion, "Caucus Attorney's Representation of Legislators in Ethics Enforcement Actions."

Mr. Bernhard asked that the OSE Legal Division provide feedback regarding the following:

- 1) whether any legal prohibition exists to the Board adopting a procedure to reimburse the legal fees of respondents who are the subjects of ethics enforcement evaluations and investigations, but against whom the Enforcement Officer finds that there is no probable cause, and therefore no violation of the Code
 - 2) the fiscal impact of such a procedure
5. Enforcement Officer Jones presented the Board with the Enforcement Division Report. He informed of two consent orders: (1) Linda Morris Consent Order and (2) Theodore Wojtusik Consent Order. He reported that the OSE has 100% of required filers that are now in compliance with the filing of the Statements of Financial Interests. He also reported that one person filed after the deadline and that a subsequent hearing is scheduled for July 22, 2008. He reported that the quarterly reporting initiative for lobbyists is underway. Enforcement Officer Jones informed the Board regarding the 4 audits that were completed by the OSE and presented to the Board for adoption.

On the motion by Ms. Bernstein, seconded by Mr. Bernhard and with the abstention of Ms. Oresman, the Board voted eight (8) to zero (0) to accept and approve all Enforcement Audits.

On the motion by Mr. Abate, seconded by Mr. Rion and with the abstention of Ms. Oresman, the Board voted eight (8) to zero (0) to add to the agenda the selection of a hearing officer for the July 22, 2008 hearings.

On the motion by Mr. Abate, seconded by Ms. Bernstein, the Board voted seven (7) to zero (0) to appoint Mr. Riley as the hearing officer for the upcoming hearings on July 22, 2008. Ms. Oresman and Mr. Riley abstained.

6. Director Carson updated the Board on legislation. She reported that the Legislature met in special session and adopted an ethics reform bill signed by the Governor. She informed that there are two significant sections of the bill that deal with the OSE. One is that the OSE is now required to provide mandatory education to new legislators or to all legislators in the instance of significant changes to the law, and the other one enacts three changes involving the Board.
7. General Counsel Housen presented the Board with the Legal Division Report.
8. Ms. Trimble presented the Board with the Education Report. She reported that the media is beginning to anticipate and expect announcements from the OSE regarding enforcement actions. She noted continued updates to the OSE website and also that the

SFI filers' names and agencies are now posted on the website. She indicated that training is going well and that training for different agencies is scheduled for July. She informed that CT-N will be contacting the OSE in July regarding the taping of the OSE videos. Ms. Trimble also informed the Board of two new draft handouts for the election season, the insert flyer to be included in the August 14 paycheck and the banner that will hang on the corner of Trinity and Elm Streets.

Discussion took place regarding the inclusion of election rules on political contributions in the handouts, whether a procedure to exiting employees has been established and regulatory issues that identify specific people in different agencies that are subject to two special enforcement statutes.

9. Director Carson presented the Board with the Executive Director's report. She noted two unsolicited letters, one from a liaison thanking Ms. Trimble for her assistance and another letter from an audit subject thanking Mr. Edelman for his handling of the audit. She reported that a contract is being negotiated with Tri-Com to redesign the lobbyists filing system and the SFI system. She informed that the OSE has been granted a waiver of the hiring freeze to fill two of the outstanding positions, the legal investigator position and the paralegal II position. Director Carson reported that the OSE staff will conduct an inventory of all records in the office and in storage. She informed that draft regulations will be presented to the Board during the July meeting and that information on legislation will be presented during the August meeting. In response to her six month report and based on a request by one of the Board members, she will be presenting a report regarding long-term and short-term challenges facing the board, during the July meeting as well.

Mr. Worgaftik noted a correction on the agenda to "Docket No. 2008-12" to read "Docket No. 2003-12".

On the motion by Ms. Bernstein, seconded by Mr. Rion and with the abstention of Ms. Oresman, the Board voted eight (8) to zero (0) to move into Executive Session to discuss strategy and negotiations with respect to pending litigation.

10. The Board moved into executive session at 3:00 p.m.

The following individuals attended the executive session:

Robert Worgaftik, Chairman
Enid Oresman, Vice-Chairperson
Ernest Abate, Member
Kenneth Bernhard, Member
Jaclyn Bernstein, Member
Rebecca Doty, Member
Michael Rion, Member
Sister Sally J. Tolles, Member
Carol Carson, Director
Barbara Housen, General Counsel
Thomas K. Jones, Enforcement Officer

Mr. Riley did not attend the executive session during the discussion of Docket No. 2008-1UP.

The Board moved back into regular session at 3:24 p.m.

The Board adjourned the meeting at 3:25 p.m.

Respectfully Submitted by:

Yolanda Perez, Acting Clerk
Citizen's Ethics Advisory Board

Approved on: _____ (Date)