

Office of State Ethics



At a Glance

(Public Act 11-48 created the Office of Governmental Accountability, which is made up of nine formerly independent agencies including the Office of State Ethics. The nine divisions continue to have independent decision-making authority, including budgeting and staffing).

CAROL CARSON, Executive Director

Citizen's Ethics Advisory Board Members: Thomas H. Dooley (*Chair*), term ending September 30, 2012; Dennis Riley, term ending September 30, 2013; Gen. David Gay (Ret.), term ending September 30, 2013; Martin Margulies, term ending September 30, 2011; Charles Chiusano, term ending September 30, 2013; Herbert Grant, term ending September 30, 2015; Mary Bigelow, term ending September 30, 2013; Roger Kemp, term ending September 30, 2015; and one vacant position as of August 15, 2011 (term ending September 30, 2012).

Established - July 1, 2005

Statutory authority - Public Act 05-183, as amended by Public Act 11-48

Central office - 18-20 Trinity Street, Suite 205, Hartford, CT 06106

Phone - 860-263-2400

Number of employees - 13 as of July 1, 2011

Recurring operating expenses - \$1,436,305 for Fiscal Year 2011

Organizational structure - Citizen's Ethics Advisory Board, Executive Director, Legal Division, Enforcement Division.

Mission

The Office of State Ethics (OSE), a division of the Office of Governmental Accountability, administers Connecticut General Statutes, Chapter 10, Part I for Public Officials and Part II for Lobbyists, with limited jurisdiction over Part IV, Ethical Considerations Concerning Bidding and State Contracts. The mission of the Office of State Ethics is to ensure honesty, integrity and accountability in state government through education, interpretation and enforcement of the State of Connecticut Codes of Ethics.

Statutory Responsibility

The statutory responsibilities of the Office of State Ethics are broken down into four main categories: education, interpretation, enforcement and preservation. The OSE is charged with providing education, guidance and advice to state employees, public officials, lobbyists and legislators on the Codes of Ethics. The Citizen's Ethics Advisory Board (CEAB) is responsible for adjudicating cases brought under the ethics codes and making findings of violations as well as issuing advisory opinions – interpretations of the codes as they apply to specific situations. All investigation and prosecution matters are the responsibility of the Ethics Enforcement Officer. The OSE is also statutorily obligated to receive, process, and maintain records of all lobbyist filings along with public official and state employee Statements of Financial Interests (SFIs).

Public Service

The Office of State Ethics is committed to carrying out its mission in the most user-friendly and transparent manner possible. To this end, the OSE continues to update and improve its website by adding new and historical material as well as continually improving and updating the online filing systems utilized by lobbyists and public officials. It is important to note that these systems are also utilized by members of the public and the media for information and research.

Improvements/Achievements 2010-11

Education/Communications

- The OSE provides in-person training on Parts I and II of the Code of Ethics through approximately 50 training sessions each year for over 1,000 state employees. In 2010, the OSE's in-person training attendance increased by 48% over 2009. In the first half of 2011, the OSE held 24 sessions and reached 637 individuals. Noteworthy among these were three sessions for state agency commissioners and newly-appointed officials.
- The OSE increased its additional training options at its office to include quarterly roundtables addressing specific topics, as well as monthly "Ethics 101" sessions for new state employees or those who may have missed an in-person session at an agency.
- On October 1, 2010, the OSE held its biennial "Ethics Day," which celebrated the five-year anniversary of ethics reform and the OSE's creation. The day included morning civics sessions for approximately 225 students at the Hartford Law and Government Academy and an afternoon conference for executive branch and quasi-public state agency officials and employees.
- The OSE offers, free of charge, supplemental training tools that it packaged and disseminated in 2011 as the "Ethics Mini Library" to agency liaisons. Among the material offered were: plain-language guides to the Codes of Ethics; handouts on specific areas of the law; PowerPoint presentations; a series of eight ethics posters; a training DVD; an interactive,

online training program (which received 2,546 Web visits in 2010); and Web-streaming video (accessed over 1,700 times in 2010).

- The agency maintained its media list of nearly 150 contacts and grew its Web-based E-alerts list to 137. In 2010 and the first half of 2011, the OSE issued 31 press releases and, in 2010, penned a feature article on ethics in state government for *Connecticut Lawyer*.

Advisory Opinions and Other Legal Division Achievements

- With assistance from the OSE's legal division staff, the CEAB issued 5 advisory opinions and 2 declaratory rulings. The full text of all opinions and rulings, as well as summaries of both from 1978-present, is available on the OSE's website. Summaries of all pre-1993 opinions and declaratory rulings are newly available on the website.
- The legal division staff issued approximately 922 written staff opinions during the reporting period, in addition to providing legal advice via the telephone on a daily basis, with an average of 26 calls answered per day.
- The legal division staff reviewed approximately 992 Necessary Expense reports from public officials and state employees. Over 90 percent of those reports were filed electronically using an online filing system for Necessary Expense reports created in November 2009. These reports detail who is paying for the lodging and/or out-of-state travel expenses for a state official or employee actively participating at an event.

Court and Administrative Agency Appeals

- The OSE successfully defended in Superior Court the Board's decision in Advisory Opinion No. 2009-3, "Application of the Code of Ethics for Public Officials to Workers' Compensation Commission Hearing Reporters". This was the first legal challenge of a Board Advisory Opinion. The opinion was appealed by Council 4, American Federation of State, County and Municipal Employees (AFSCME) on behalf of the reporters. Following the OSE's successful defense of the appeal in Superior Court, AFSCME appealed the matter to the state Appellate Court. That appeal is currently pending.
- The OSE was successful in Superior Court in its Motion to Dismiss a challenge to Advisory Opinion 2009-9. However, the issue was raised in the context of another court challenge, which is currently pending.
- In January 2010, the OSE concluded its first post-probable cause prosecution culminating with the Board finding that a state employee had used her public office and position to run two private businesses in violation of the state ethics code. The Board hearing was presided over by a Judge Trial Referee and was the first of its kind in the nation. The subject of the hearing was fined \$15,000. That case was argued before the Court on July 15, 2011 and is currently pending in the Superior Court.
- The OSE lost two, and successfully defended two, Freedom of Information complaints before the Freedom of Information Commission, and was also successful in resolving another complaint with the opposing party without the need for a hearing.

Enforcement

- The Enforcement Division issued or received 29 complaints and opened 48 evaluations for alleged violations of the Code of Ethics for Public Officials or Lobbyists.

- The Division opened 13 matters against public officials and state employees for failure to timely file the annual Statement of Financial Interests (SFI) and 36 matters against client and communicator lobbyists for failure to file mandatory reports.
- Forty three matters were settled publicly. Nine of these cases were settled by Consent Order, resulting in \$10,291.00 in penalties, and \$1,752.00 in disgorgement to victims, for a total of \$12,043.74. In addition, 34 cases were settled as UAPA matters, resulting in \$5,310.00 in penalties to the state. (All penalty money goes directly into Connecticut's General Fund).
- The OSE completed, and the CEAB approved, 46 audits of registered client and communicator lobbyists.
- The Enforcement Division randomly selected and audited ten percent of the Statement of Financial Interests that were filed by May 1, 2011. All State Marshal Statements of Income were also audited for the second time in 2011. Late filings by State Marshals decreased from 20 percent to 4 percent.

Records: Public Access and Maintenance

- The OSE handled nearly 2,700 public official Statements of Financial Interests in paper and electronic form, with 95 percent of required filers meeting the May 1, 2011 filing deadline and 84 percent of those utilized the online filing system. Seventy-two state agencies had 100 percent timely filing compliance and received certificates recognizing their efforts to ensure that their employees complied with the filing deadline.
- The OSE handled over 200 State Marshal Annual Statements of Income and responded to numerous media requests for various marshal filings.
- The agency responded to 45 requests for information under the Freedom of Information Act.

Conclusion

The Office of State Ethics promotes integrity in government by providing advice, guidance and education to public officials, state employees and lobbyists; by sensibly interpreting and, when necessary, fairly and impartially enforcing the applicable laws; by administering the lobbyist and financial disclosure filing systems; and by providing the public with access to non-exempt information. The OSE's principles are reflected in its logo: honesty, integrity and accountability. The Citizen's Ethics Advisory Board and OSE staff will continue to strive for innovation and progress that result in cost-savings and efficiency in the agency's core areas, such as the online Necessary Expenses Report. The OSE will also continue to reach out to the larger community to foster a culture of ethics in the state and an environment of public trust in which the citizens of Connecticut will have ethical state government.