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BIPARTISAN COMMITTEE
OF REVIEW

September 6, 2007
2:00 p.m.

PRESIDING CHAIRMAN: Senator Roraback
 Senator Looney

COMMITTEE MEMBERS PRESENT:

SENATORS: DeFronzo, Guglielmo,
 Nickerson, Stillman

REPRESENTATIVES:

SENATOR RORABACK: Good afternoon, ladies and
 gentleman, and welcome to the second meeting of
 the Bipartisan Senate Committee of Review.

As the first order of business, if it's
acceptable to the Members of the Committee,
Senator Nickerson has proffered what I think is
a wise idea, which is given the unprecedented
nature of this Committee, and given our
responsibility to work in a bipartisan fashion,
that perhaps we would rearrange the seating so
that we would alternate between Republicans and
Democrats, rather than having a divide.

And I don't know if there are Members of the
Committee that, other than Senator Nickerson,
whose opinion I share, would other Members of
the Committee have differing opinions on that
question? Senator Looney.

SENATOR LOONEY: Uh--

SEN. RORABACK: I don't mean to put you on the spot.

SEN. LOONEY: I have no objection to an alternate seating arrangement if the Members prefer.

SEN. RORABACK: Musical chairs. We don't want to end up with all three Republicans on this side at the end of the musical chairs and all three Democrats over here, but if we can. How about if, may Senator Looney and I stay put because we are, we are alternating already. Actually, if you switch with Don.

SEN. STILLMAN: It depends. Are we going R, D, R, D?

SEN. RORABACK: I thought R, D, R, D, yeah. Or--

UNIDENTIFIED SPEAKER: Or D, R, D, R, yeah.

SEN. RORABACK: If you switch with Don, I think we're all set.

SEN. LOONEY: Then I think we're all set. Then we have alternate positions.

SEN. STILLMAN: [inaudible - microphone not on] I don't know, now is there too many Public Safety people?

SEN. RORABACK: Do you have a quorum? I thank Senator Nickerson for that idea. We have a long agenda, and I think it's important for people that may be watching on the Connecticut Television Network to know that not only is today's agenda, but all of the information that

this Committee is asking for and receiving is being posted as quickly as practical on the website of the Connecticut General Assembly.

And I believe that if you go to the place for Committees, that's where you will find it.

Welcome, everyone. I don't know whether my Co-Chair, Senator Looney, has any welcoming remarks for today. Senator Looney?

SEN. LOONEY: Thank you, Mr. Chairman. Just that we now have a folder prepared. I hope all of the Members received the packet of information that was sent out to them, and Sandy Forte has also prepared a binder in which we'll try to have everything with tabs and notation because our paper volume will presumably grow.

We have, in the first week, a fairly productive week in terms of requests for information and some responses that we will begin to go through in the course of this meeting. Thank you, Mr. Chairman.

SEN. RORABACK: Thank you. Do any other Members of the Committee have any remarks that they'd wish to offer at this moment? I think it's probably appropriate, as a matter of form, to alert Members of the Committee to the receipt of correspondence from Attorney Craig Raabe, which is located at the very back of our briefing books.

And the briefing books have been arranged so that the information precedes the tab rather

than following the tab. So in front of the tab labeled Letters/Memos.

Everyone found the, there is a letter dated August 30th, 2007, although it was not received by Senator Looney or myself until Tuesday of this week, which may have been September 4th.

A letter which indicates that Attorney Raabe is representing Senator DeLuca in connection with this matter, and that he is asking us to provide him with agendas, rule-making proposals, and other documents.

And just wish to, I think Senator Looney and I were, without wishing to characterize Senator Looney's sentiments, but I think the thought was that we would try to accommodate the expressed desires of counsel for Senator DeLuca.

Senator Looney.

SEN. LOONEY: Ah, yes, I think that, also, I don't know if it's included in our folders, but in addition to the letter from Attorney Raabe indicating that he would be providing counsel to Senator DeLuca, and asking for agendas, rule-making proposals, and other documents, there was a separate letter from him directed to Legislative Management, I believe, asking for transcripts of the proceedings in the House of Representatives regarding disciplinary matters against House Members.

SEN. RORABACK: That's my understanding as well. That an FOI request has been sent to the Office of Legislative Management and that they are about the business of complying with that request, which doesn't, it's information that's relevant to this Committee, but it's not anything that's being asked of this Committee specifically.

Are there any questions with respect to that? While not on our agenda, and I think that's on oversight for which I'll take responsibility, would be approving the minutes of the previous meeting, which I think might be an appropriate thing for us to do.

Has everyone had an opportunity to review the minutes of our prior meeting? And would there be a motion to--

SEN. GUGLIELMO: So moved.

SEN. RORABACK: Moved by Senator Guglielmo.

SEN. STILLMAN: Seconded.

SEN. RORABACK: Seconded by Senator Stillman. Any discussion? All in favor of approving the minutes of our first meeting, signify by saying "aye".

ALL: Aye.

SEN. RORABACK: Any opposed? The ayes have it. The motion carries. The minutes are approved. The next item on our agenda is Consideration of

Proposed Procedures. Have all of the Members, Senator Stillman, yes.

SEN. STILLMAN: Excuse me, yes. If I just may ask a quick question. Since I don't normally see transcripts, and we got to see the transcript, and I read through it, and I noticed a glaring error on my part. I was wondering, is there any way to correct a transcript by stating it in this meeting's transcript, as opposed to amending it the way we would minutes?

SEN. RORABACK: I don't know--

SEN. STILLMAN: In other words, I used the wrong name.

SEN. RORABACK: Oh. My sense would be that Members of this Committee would be given wide latitude to correct, I think all of us have slips of the tongue come with the territory. So if there's something that you'd like to put on the record where you made a--

SEN. STILLMAN: Where I made a, yes. I appreciate that.

SEN. RORABACK: Anyone have any objection to Senator Stillman correcting--

SEN. STILLMAN: If no one objects, thank you. Just to correct, and unfortunate, oh, it is numbered. I highlighted it in my notes here. It was towards the end, and I know we, as we were meeting last week, we had a tendency to

mention names in the wrong places, and that's what I did, and so I apologize.

I thought I would find the page a lot faster than I am. It was in some comments I made, let's see, what did I do with it. I'm sorry. I didn't think I would be bringing it up so quickly, but since we're approving minutes, I thought it might be a good time to make this request.

Oh, I know what it is. My aide gave me too many copies of minutes, which I appreciate. Don't get me wrong.

SEN. RORABACK: You spoke on pages 14 and 15. That's one place I find you speaking.

SEN. STILLMAN: No, it's actually towards the back. When I was responding to Senator Looney, and here we go. It's on page 40. My comment, several lines down in the first paragraph, it says, since you've taken on this role as being Chairs, I think that Senator DeLuca and Senator Roraback certainly can field any questions.

I would like to have this transcript to read that it should be Senator Looney, obviously, and not Senator DeLuca. So I would like to have the--

SEN. RORABACK: Thank you, Senator Stillman. The record, the transcript of this meeting will--

SEN. STILLMAN: Show that correction.

SEN. RORABACK: --serve to correct the transcript of the prior meeting.

SEN. STILLMAN: Thank you very much.

SEN. RORABACK: I appreciate your attention to detail. Senator Nickerson.

SEN. NICKERSON: Yes, thank you. I made exactly the opposite blunder when I said, the timeline should begin with the original contact between Senator Looney and Mr. Galante. No more need be said about the need to correct that.

SEN. RORABACK: And what page is that found on?

SEN. NICKERSON: That would be on the top half of page ten.

SEN. RORABACK: Fair enough. We'll make the similar correction for the benefit of Senator Nickerson.

SEN. NICKERSON: Thank you.

SEN. RORABACK: So continuing on with the agenda, the next item on the agenda, number two, is Consideration of Proposed Procedures. Did all of the Members of the Committee receive the draft, the September 4th, 2007 draft of the proposed procedures?

And I thought, would it be worthwhile to very briefly run through the rules, Senator Looney and I, to run through the rules? They are the product of work on the part of our staff.

Senator Looney, would you like to summarize the rules or each paragraph of the rules?

SEN. LOONEY: Yes. Just begin with, thank you, Mr. Chair, in the, under paragraph number one, we do recognize the possibility that the rules may need to be amended at some point as our proceedings might indicate a need, and we have a specific provision for that, that the Committee may, with four affirmative votes, promulgate additional rules and proceedings or modify existing rules and proceedings as it seems necessary for the fair and efficient conduct of its review.

So we are acknowledging, at the very beginning of the process, that the procedures that we're proposing to adopt here may not necessarily be all encompassing in terms of what the ultimate needs of the Committee might be in providing for that with that, in effect, caveat at the very beginning.

We do provide, in the next paragraph, that a quorum will consist of four Members of the Committee, provided that two Members from each caucus are present, but that all Committee decisions will require four affirmative votes, meaning that all decisions have to be, in effect, bipartisan.

And we have, next is providing of notices, where we indicate in the provision, Senator DeLuca, any counsel he may designate to receive notice, we have that in contemplation even

before we knew that Senator DeLuca would have counsel but anticipating that.

All meetings conducted in public. Some of the language in these procedures that we'll see are, in effect, either taken from or expansions of the language of the resolution creating this Bipartisan Committee of Review.

And number five, all requests for information shall be made through the Chairs of the Committee. We had discussed that last week as a way of trying to ensure that everyone has the same information at the same time to avoid potential confusion of any sort.

Also in paragraph five, we have the provision regarding documents, materials, or other publicly available information gathered or received by the Committee shall, to the extent allowed by state and federal law, be made available for public inspection at the Office of Legislative Management and, to the extent practicable, posted on the Committee's website.

So we are trying to post as much information as we can, as quickly as we can, so that the information will be available to the general public.

If information is offered to the Committee on a confidential basis, the Committee shall determine whether and how to receive and maintain such information.

So that should that eventuality arise, where some material is offered with a specific request that it be confidential, we will then have to make a determination at that point in time how to handle that.

We have a provision for, in paragraph six, for transcription of meetings and minutes. I think it was just to commend the staff, the turnaround, and having the entire transcript of the last meeting prepared before the second meeting is, I think, impressive indeed, that we have that on hand already.

And then in number seven, after reviewing publicly available information, and again, that phrase of publicly available information is the language, the actual language from the resolution creating the Committee, Committee shall offer Senator DeLuca the opportunity to appear before the Committee to offer his statement and answer questions, which is, in effect, taken from the resolution also, posed by Committee Members

Again, Senator DeLuca may be represented by counsel at such meeting.

And then in eight, we deal with the various eventualities that may proceed from that. Once Senator DeLuca has either complied with, declined, or failed to respond to the Committee's offer, that is the offer to appear and offer his statement and answer questions, the Committee shall vote on a recommendation to the Senate.

If the recommendation is expulsion, such recommendation shall be designated as either preliminary or final.

And if the recommendation is a preliminary recommendation of expulsion, then the Committee may request additional resources from the full Senate including, but not limited to, the power to subpoena witnesses and the production of physical evidence.

So again, that is language that, in effect, is based upon and expands upon the language of the resolution creating the Committee.

And number nine then, if the recommendation is a preliminary recommendation of expulsion, and the Committee votes to hear live testimony, then it shall adopt the rules and procedures governing the appearance and testimony of any witnesses prior to hearing any testimony.

So in effect, that relates back to the language in paragraph number one about the option to amend and expand the rules as necessary.

And then finally, in number ten, at the conclusion of the review, of the Committee's review, the Committee shall make a final recommendation in the form of a resolution for approval or rejection by the Senate, and the recommendation shall be one of the following: expulsion, censure, reprimand, or no action.

Again, that is the list of alternatives that we're presented in the resolution creating the Committee. Thank you, Mr. Chair.

SEN. RORABACK: Thank you. Thank you, Senator Looney. Are there any questions or comments from Members of the Committee with respect to the proposed rules?

SEN. NICKERSON: Mr. Chairman.

SEN. RORABACK: Senator Nickerson.

SEN. NICKERSON: Thank you very much, Mr. Chairman. I support the rules as written, and I appreciate Senator Looney's summary and have no problem with them.

I do want to comment to see if others may agree with my understanding that in paragraph eight, the last sentence provides, as does the original resolution adopted by the Senate, that the Senate, excuse me, the Committee may request additional resources from the full Senate.

My understanding is that would precede the action contemplated possibly in section nine below, that the Committee might recommend preliminary expulsion, might preliminarily recommend expulsion and vote to hear live testimony.

Meaning that, to me, a vote to hear live testimony would follow rather than precede the request for additional resources from the full

Senate. So the sections should be read in sequence. That's my understanding and, with that, I support the resolutions, support the procedures.

SEN. RORABACK: Does anybody, does everyone understand Senator Nickerson's understanding or have any questions? Senator Stillman.

SEN. STILLMAN: Yeah, just to follow up. I'm reading, I read it the same way that Senator Nickerson does, but the issues are preliminary or final.

So this Committee could take a semi-final vote? I mean, I'm trying to figure out what we mean by preliminary as opposed to, I mean, I certainly know what final means.

But in other words, it could be the leanings of the Members of the Committee that we might move in the direction of expulsion, and so if that's the case, it would be at that time that we might request subpoena powers. Am I correct in my understanding of what we mean by preliminary, Mr. Chairman?

SEN. RORABACK: I don't think there's a correct answer. I think what's important is that all six of us have the same answer. And if all six of us have the same answer, that will make it the correct answer.

SEN. STILLMAN: Well, that's my understanding is that we could take a vote that we're, you know, the majority of the Members, and it would have

to be a formal vote, I would assume, or maybe not. I mean, that's why I'm somewhat confused.

I mean, if we have not heard any testimony, because, at this point, if we do, I'm assuming it's on a voluntary basis.

If we decide that we receive a letter from someone who we've written to, and we want to actually ask some questions at one of our meetings, as opposed to sending paper back and forth, we have, certainly have the right to ask them to voluntarily come in and answer our questions. Correct?

SEN. RORABACK: That, I'm not sure that I share that understanding. As we drafted these rules, I think the understanding was that we would see if we could arrive at a resolution of our responsibilities on the strength of the information that we receive, the paper information that we receive.

If we are unable to do that, or if we need additional information, or if we are inclined to make a recommendation of expulsion, it may be, we don't know, we haven't received information from all of the requests that we've made.

We don't know where the, quote, publicly available information, where that will leave us. But I think the belief was that we would only hear live testimony if there were a preliminary recommendation of expulsion.

I don't know. Senator Looney--

SEN. STILLMAN: That was not my understanding, so--

SEN. RORABACK: Well, that's why it's important--

SEN. STILLMAN: --I'm glad I broached the subject.

SEN. RORABACK: Thank you, Senator.

SEN. LOONEY: Yes, thank you, Mr. Chairman. What we're trying to do is to develop a series of rules or procedures that would reflect the charge of the Committee in Senate Resolution 200 so that, just as a statute may sometimes need clarifying or detailed regulations in order to bring a statute into practice, what we're trying to do under these rules is to adopt a rule regarding the language of the resolution as our statute.

So if you look at sections eight and nine of the resolution, it says that upon the conclusion of its business, the Committee shall make a recommendation to the Senate as to what action it deems appropriate. Such recommendation will be one of the following: expulsion, censure, reprimand, or no action.

And then in number nine, that the Committee may request additional resources in order to conduct the commensurate investigation if the recommendation is to be expulsion, and that such recommendation shall not be final until the conclusion of such investigation.

So that seemed to us to indicate a preliminary finding of a recommendation for expulsion. In other words, what we, the language in the proposed rules, we think, is a way to procedurally enact what is suggested in the resolution, that a recommendation of expulsion may be made pursuant to section nine of the resolution.

That may not be final until the conclusion of the investigation, which is why we have, in effect, a sort of bifurcated process in the rules that there could be a vote on expulsion that could, in effect, be a final vote, or there could be a preliminary vote that would then trigger more investigation.

So I think, to some extent, the language of section eight and nine of the rules are an effort to try to conform with the directive of sections eight and nine of the resolution.

SEN. RORABACK: Senator Stillman.

SEN. STILLMAN: Yes, thank you. So it's, the rules of the Committee or the understanding of the resolution that was passed in the Senate was that we could not have any live testimony, as opposed to paper, you know, paper, responses to requests via paper, we couldn't hear any live testimony unless we come to that preliminary conclusion?

Because I thought, it was my understanding from our first meeting that if upon receiving some response to a request we had, that we had some

further questions, we could ask if someone would be interested in voluntarily coming in to explain their correspondence.

That's what I'm trying to. I certainly understand what this is, but I just want to know is that the only way we're going to hear live testimony is if we come to the point of a preliminary conclusion of expulsion, preliminary conclusion, well anyway, at that point, only under subpoena would we have people come and actually give us live testimony.

So I'm trying to find out, before we get to that point, will we have an opportunity to question folks face to face? And that was my understanding we would, but only based on whether they agreed voluntarily to come in and speak to us.

SEN. RORABACK: Senator Nickerson.

SEN. NICKERSON: Thank you. My understanding was, starting with the resolution, that when we were authorized and directed to review publicly available information, that did mean exclusively written information.

And that the procedure, as Senator Looney has outlined, in the rules before us, read in connection with the original resolution, was meant to set up a process whereby if we voted a preliminary recommendation of expulsion, one might analogize it to not probable cause in criminal law, but possible cause.

That would trigger a request to the Senate, hopefully the Senate would comply, a request for the ability to have subpoenas and to have live testimony.

But that subpoenas, live testimony, and a broader inquiry could only take place after we returned to the Senate for additional authority, as opposed to staying within the four corners of our original authority, which is only publicly available information, which I read to be written only.

That was my understanding, and that's why I mentioned, in my earlier comments, that paragraph nine, with regard to live testimony, would be preceded by a request to the Senate for authority to hear live testimony, per paragraph eight.

SEN. RORABACK: And my sense is that as a practical matter, if this Committee as a whole is of the mind that it would not be able to responsibly discharge its responsibilities without hearing live testimony, we would then be put in the position where we make a vote of a preliminary recommendation of expulsion, which is preliminary by its very nature, go back to the Senate, ask the Senate to vest us with subpoena power, and then continue our work.

And then after having heard those witnesses, make a determination whether that preliminary recommendation would stand or whether we would conclude with one of the other options that are

available to us. That's kind of how I see it playing out as a practical matter.

SEN. LOONEY: Mr. Chairman, there is also--

SEN. RORABACK: Senator Looney.

SEN. LOONEY: --just one other. Obviously, the rules, the original resolution and the rules do provide, at an earlier stage, for one instance of live testimony, and that is Senator DeLuca himself.

SEN. RORABACK: Senator Stillman.

SEN. STILLMAN: I appreciate the clarification. I'm not in any way trying to change what we passed in the Senate. I'm looking for clarification.

So we will make a decision, whether it's preliminary or final, because we have four options when our work, when we consider our work concluded.

SEN. RORABACK: Actually, five. No action.

SEN. STILLMAN: Right.

SEN. RORABACK: Forgive me for interrupting. No action, reprimand, censure, preliminary recommendation of expulsion, or a final recommendation of expulsion.

SEN. STILLMAN: Thank you. So up until that point, we will base our decision on documentation that will come before us that has been made

publicly, that is considered public in nature.
Correct?

SEN. RORABACK: That's the understanding that I
think the rules were drafted around.

SEN. STILLMAN: Okay. That's fine.

SEN. RORABACK: Wouldn't, Senator Looney, I would
welcome any--

SEN. LOONEY: Yes.

SEN. STILLMAN: Okay. Thank you for the
clarification.

SEN. DEFRONZO: Let me take a crack at this.

SEN. RORABACK: Another country to be heard from
here.

SEN. DEFRONZO: I sort of view our initial
responsibilities here as fact finding, in many
respects.

At the end of this initial process, if we come
to a conclusion that either no action,
reprimand, or censure are in order, if we find
that there is actionable behavior warranting
one of those disciplinary actions or no action,
then our work would be essentially finished at
that point.

We make our recommendation to the Senate, and
we're essentially done if we do not move in the
direction of expulsion.

However, if we do look at all the facts we amass in the public record, and we come to the conclusion that expulsion is an appropriate remedy for the behavior that we've observed in the public record, and we make that type of a determination, we're essentially obligated to provide to Senator DeLuca the opportunity to be heard again, in addition to what we may receive as testimony.

Similar to what I think Senator Nickerson was mentioning about almost like finding a probable cause, we need to, before we make a final recommendation to the full Senate concerning the issue of expulsion particularly, because, in that case, we're overturning the will of the people in Senator DeLuca's district, we would have to have very concrete, I would think, concrete evidence and justification and rationale for that type of a recommendation.

So that's how I perceive this, and mind you, maybe that's a little more simplistic than others, but that's the way I view it, that we have sort of a fact finding phase, and then we're going to have to make a determination on what is actionable or not actionable.

And if the behavior is determined to warrant the ultimate disciplinary action, in this case expulsion, we have yet another standard to comply with in terms of justifying that recommendation to our colleagues in the Senate.

Does that sound about right?

UNIDENTIFIED SPEAKER: Sounds right, yes.

SEN. DEFRONZO: All right. Thank you.

SEN. RORABACK: Senator Guglielmo.

SEN. GUGLIELMO: I think just, if you had witnesses prior to having subpoena power, then they wouldn't be under oath, and I don't know really if that would have a lot of value anyway, and we'd be using that testimony to come to a conclusion.

So I think that was the reason that, perhaps the reason that this, the resolution states as it's laid out the way it does, so that the only time we'd hear from witnesses, except Senator DeLuca, would be if we decided to go the final step. And at that point, they'd be subpoenaed that point they'd be under oath.

Does that jive with everybody's--

SEN. RORABACK: Thanks. Senator Looney.

SEN. LOONEY: Yes, thank you. Just for clarification, I think the language of our rules is a little more broad than if at the point where we, if we did have this preliminary vote recommending expulsion, I think we would then have power to, I think all the testimony we would take would be sworn, just as Senator DeLuca would be put under oath when he appears before us first.

But I think that the language in rule number eight provides for, in effect, voluntary testimony as well as subpoenaed testimony, but it would be, in each case, under oath.

So that if the recommendation is a preliminary recommendation of expulsion, then the Committee may request additional resources, including the power to subpoena witnesses.

And then in nine, if the recommendation is preliminarily expulsion, and the Committee votes to hear live testimony, I think that contemplates both testimony that we might decide to hear because have volunteered to come before us or that we may invite to come before us, as well as testimony that we might try to compel through the subpoena--

SEN. GUGLIELMO: Thanks for the clarification. I appreciate it.

SEN. RORABACK: Thank you. And I just wanted, I don't think that anything that Senator DeFronzo said was inconsistent with anything that Senator Stillman. I think that everyone is, my belief is that everyone is saying the same thing, reaching the same conclusions, through a somewhat different prism, but substantively, I'm going to do my best to capture my understanding of rules eight and nine and see if the Committee, see how I do.

My understanding is that if this, if the six of us or if four of the six of us vote to a preliminary vote of expulsion, or I think, and

this is the confusion I have, or a final vote of expulsion, in either case, I think this Committee, pursuant to the resolution, would go back to the Senate and ask for additional powers.

Those additional powers would include the power, could include the power to hear live testimony and/or the power to subpoena witnesses.

Upon the Senate responding affirmatively to our requests, we would then begin another phase of this review, which would, to Senator DeFronzo's point, would be more comprehensive in nature, recognizing the gravity of what's being contemplated.

Is that, does that synopsis comport with everybody's understanding of what these rules mean? Or is there anyone with a different interpretation?

We have a record that's being created here, and I know they always say that silence doesn't create much of a record, so. So there is silence.

SEN. LOONEY: No, I think that's a very good explanation of eight and nine. Just to, again, to clarify that I think when we do seek those additional powers, the seeking the power to hear live testimony would be something that we could hear then live testimony both volunteered and subpoenaed, potentially, depending on how we frame the request for additional powers.

SEN. RORABACK: Fair enough. I think it's important to bear in mind that we also, we as a Committee do, by the terms of these procedures, reserve the right to change them along the way as circumstances warrant.

So anything that we might do today or, you know, whenever we adopt these procedures is not a forever thing. We can modify them to accommodate changing circumstances if necessary.

Is there any further discussion on the procedures?

UNIDENTIFIED SPEAKER: I move the procedures be adopted, Mr. Chairman.

SEN. RORABACK: A motion to accept the procedures.

UNIDENTIFIED SPEAKER: Second.

SEN. RORABACK: Any discussion? Any further discussion? If not, all in favor, say "aye".

ALL: Aye.

SEN. RORABACK: Any opposed? The ayes have it. The procedures are adopted. The next item on our agenda is a Review of Requests for Information and Responses thereto.

And Members of the Committee will recall that at our last meeting we were charged with writing letters seeking information from a

number of different law enforcement agencies and the like.

I think perhaps the easiest way to go through this would be to review each request and then what we've received in response to each request, unless anyone has a different way of approaching this. I'm trying to be respectful of the Committee's time and cover the ground.

So we have a tab, we have tabs that are color-coded in which the letters are then corresponding with the responses. Is everyone, towards the beginning of your book, Senator DeFronzo.

So the blue letter one, for instance, is a letter to John Connelly, the State's Attorney for Waterbury. And then if you look back to the responses, the blue tab number one is the response from John Connelly.

So with respect to John Connelly, we asked for information. He replied that the information we requested is not held by this office. That the DeLuca matter was prosecuted by the Office of the Chief State's Attorney.

Okay, so that's probably the end of the road with John Connelly's office.

UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

SEN. RORABACK: Just in regard to this matter, yes. Understood. Number two was a letter to John

Danaher, the Commission of the Department of Public Safety. Again, that's the green tab.

Going to his response, also the green tab, Commissioner Danaher's response has a copy of the conviction history for Senator DeLuca and advises us that any records pertaining to the involvement of the State Police are held by the FBI and that there's nothing else in his files.

The information for the Department of Public Safety reflects that Senator DeLuca pled guilty to a charge, a misdemeanor charge of threatening, conspiracy to commit threatening in the second degree, and that the offense occurred on April 1st, 2005, and that the verdict, this is what the form says, verdict date, June 4th, 2007.

The next, are there any questions? I don't mean, if anyone has any questions, certainly.

The next, well, number three is missing, but if you go, it has a number three between number two and number four without a tab is number three, which is our letter to Paul Giguere at the Connecticut Television Network.

We have received transcripts, three CDs of interviews and press briefings that Senator DeLuca participated in from June 1st until the date of the letter. Did everyone receive those CD's? Any questions with respect to that?

Number four was our letter to Kevin Kane, the Chief State's Attorney, yellow. His response, also yellow--

SEN. LOONEY: We're not designating it as a non-courageous response--

SEN. RORABACK: No, no, no, no.

SEN. LOONEY: --in that it was yellow.

SEN. RORABACK: His response, the heart of his response is that the, any information that is in the Office of the Chief State's Attorney was provided to his office by federal authorities, and that there's no independent information that he's gathered.

And because the information that he has come from federal authorities, he would need a green light from the federal authorities in order to disclose that information to this Committee.

We will take up in a minute a letter that Senator Looney and I have just signed back to the U.S. Attorney asking that the U.S. Attorney disclose the information that's in Kevin Kane's files.

Is that, everyone follow that? Okay. Number five was a letter to Judge Lavery, the Administrative Judge, asking for the court file.

And the response that we got from the Judicial Branch was a certified copy of the court file,

as well as a copy of the transcript of the sentencing hearing and the printout from the court. Everyone has received that and had a chance to review that?

Number six was a letter to the FBI, and I'm going to combine number six with number seven, which was our letter to the U.S. Attorney, because the response that we got from the U.S. Attorney covered both the FBI and the U.S. Attorney.

So if we go to tab number seven, you'll see a letter from Kevin O'Connor dated August 31st.

Senator Stillman, do you have a--

SEN. STILLMAN: Mr. Chairman, I'm just looking. I have under tab seven a letter to Kimberly Mertz.

SEN. RORABACK: Is that in the response?

SEN. STILLMAN: No, that's, our letter went to her, and then one to the U.S. Attorney.

SEN. RORABACK: And then if you go to the, I'm looking at the response.

SEN. STILLMAN: Oh, it's all the way back here. I apologize.

SEN. RORABACK: No problem. It's a little confusing.

SEN. STILLMAN: Blue against black I don't do well.
Thank you.

SEN. RORABACK: So in response to our request to the
FBI and the U.S. Attorney, Kevin O'Connor wrote
us a letter, dated August 31st, which speaks for
itself.

It appears that federal law requires that we
are to articulate with greater specificity for
what purpose the information is sought and why
it's relevant.

That being the case, at the beginning of this
meeting, we handed out a letter, dated
September 6th, which was just signed by Senator
Looney and myself, back to Kevin O'Connor,
which attempts to detail the purposes for which
the information is sought and why we think it's
relevant, and also asks Kevin O'Connor to give
the, to release whatever information Kevin Kane
has in his custody that came from the federal
government authorities.

SEN. LOONEY: Mr. Chairman.

SEN. RORABACK: Senator Looney.

SEN. LOONEY: For clarification, just to point out,
if you notice in the response from the United
States Attorney, Kevin O'Connor, the August 31st
letter, it says re: request for information
from the FBI and U.S. Attorney.

So in effect, he is responding both for his own
office, U.S. Attorney's Office, and the FBI.

SEN. RORABACK: So we will have to await, because that letter is only being sent today, we won't know what information they will provide until it is, until our letter is responded to.

The final letter is letter number eight, which was our letter sent to the Waterbury Police Department, to the Chief of that Department, and we received two items in response to that letter.

The first of which is signed by Attorney Janis Small, coming out of the Office of the Corporation Counsel in the City of Waterbury, which states that in response to this letter, there was an anonymous complaint which was received, an anonymous complaint was received by the Waterbury Police Department after Senator DeLuca pled guilty.

An investigation was commenced and completed, and the allegations which were investigated were found to be unsubstantiated.

They could not release the police report because the anonymous complaint contained uncorroborated allegations which are exempt from disclosure, pursuant to the statutes, and subject to destruction, pursuant to the statutes.

Are there any questions? Senator Nickerson.

SEN. NICKERSON: If I may take a moment to comment on item number eight.

SEN. RORABACK: Please.

SEN. NICKERSON: Thank you. To put it in context, Senator Looney and Chairman Roraback, we all agree that Senator DeLuca's actions were [Gap in testimony. Changing from Tape 1A to Tape 1B.]

--and a rash and a plausible rationale, which he has offered. And the plausible rationale which he has offered hinges on a whole series of transactions he said took place with regard to the Waterbury Police.

And the letter responds to those in a way that puts us in a very awkward position because we have as a very clear conflict, to put the word mildly, between Senator DeLuca's statements and the Chief's statements in answer to four questions.

And I'll just pose questions which the answers to which have been answered quite differently from Senator, in Senator DeLuca's statements publicly and elsewhere versus what we have before us this afternoon.

Question one, did Senator DeLuca bring abuse to the Chief's attention? Senator DeLuca has said yes. The letter before us says no.

SEN. RORABACK: May I--

SEN. NICKERSON: Yeah, sure. Do you want to postpone this?

SEN. RORABACK: No, no. We were discussing first the letter that we received from the Corporation Counsel's Office.

SEN. NICKERSON: Well, they're intertwined--

SEN. RORABACK: Fair enough. And we haven't made mention for the benefit of those that are present or those that may be watching on television, the second element of what we've received is a statement, an unsworn, signed statement from the Chief of the Police Department in the City of Waterbury, which has 13 paragraphs in it which contain a recital of facts as related by him.

I don't mean to interrupt, but I thought it might be helpful that people know that there are two documents that we're looking at.

SEN. NICKERSON: Thank you. There are two. They're intertwined. One fact, there are many, there may be other fact questions, but I'll just pose some that I have in my mind.

One fact question was did or did not Senator DeLuca bring family abuse to Chief O'Leary's attention? Senator DeLuca's answer to that question, as has been stated many times, is yes. The Chief's answer in this letter is repeatedly no.

Second question, did Senator DeLuca ask the Chief to act? Senator DeLuca has said

frequently yes. The Chief says not, no, he did not ask me to act.

The third question is, did the Chief decline to act? Senator DeLuca has said yes, the Chief did decline to act. The Chief said, in this letter, not only did he not decline to act, he offered to act.

And finally, I'm not sure this is the most relevant, but we should mention it, the final question might be, was there in fact abuse? And of course, Senator DeLuca has said yes.

And interestingly, I learned for the first time today, to your point, the letter from Attorney Janis Small says that the Waterbury Police Department, upon anonymous complaint, launched an investigation, completed it, and determined that the allegations of abuse were unsubstantiated.

So why is all this relevant? It goes not to whether a crime was committed, because we all know that it was, but it does go to the motivation as to whether there was, as I said earlier, a plausible rationale which might go to motive.

And if this were a court of law, which it certainly isn't might go not to whether a crime took place, but to the sentence.

We're left in a difficult position because these are very clear conflicts. There is no way there to harmonize the statements made by

the Chief and Attorney Small in these two letters versus what Senator Looney has said.

And yet they do go, I think if we knew from a stroke of lightning from the clouds which was the more accurate one, go to motivation behind his actions, and thus might be relevant to our views of what level of sanction, if any sanction, were appropriate.

So I leave us with a question, obviously, not an answer, but it is a, it is a thorny place for the Committee to be. Thank you, Mr. Chairman.

SEN. RORABACK: Senator Looney, for an early transcript correction.

SEN. LOONEY: Just a notation, following up on Senator Nickerson's point. Obviously, he has pointed out a clear contrast between what Chief O'Leary said and Senator DeLuca's discussion of motivating factor, wholly apart from anything else.

But in addition to the contrast that Senator Nickerson has elucidated, Senator DeLuca's attorney, in effect, in his statements to the court at the sentencing hearing, also stated Senator DeLuca's version of those events as being factors for the court to take into consideration in its acceptance of the plea.

SEN. RORABACK: Thank you, Senator Looney. And, Senator Nickerson, you may have inadvertently

misspoken and said Senator Looney when you meant Senator DeLuca. That--

SEN. NICKERSON: I promise I will never do that again throughout the course of this Committee's deliberations.

SEN. RORABACK: And if so, would the transcript stand corrected now.

I do want to raise one other point for the Committee's consideration, which is this, we did not in our letter to the Waterbury Police Department, specifically request a statement from the Chief of Police.

Nevertheless, it came our way. And my belief is that when something comes our way, it enters the public domain, and the Committee will have to deal with whatever comes its way in a responsible fashion.

I just say that parenthetically as something to keep in the back of our mind. Senator Stillman.

SEN. STILLMAN: Thank you, Mr. Chairman. I feel at a bit of a disadvantage in another level, and that's the fact that I'm just reading this letter now. I hadn't seen it before now.

And I'm trying to put our discussion, trying to read the letter at the same time that we're having this discussion. So I feel as though I'm at a disadvantage in terms of following this discussion.

SEN. RORABACK: And just for the record, Senator Looney and I received this about 4:00 yesterday afternoon, and we decided that to overnight mail it, because we were meeting today, it wouldn't be a wise use of resources to overnight mail. So we apologize--

SEN. STILLMAN: I understand.

SEN. RORABACK: It's late-breaking information.

SEN. STILLMAN: Yeah, no, I understand that. I mean, I've been in the building all day, but that's, you wouldn't have necessarily known that.

I did, though, in terms of this letter, yesterday I had received the overnight of the transcripts and the CDs, DVDs, whatever they call them.

I viewed the DVDs, and one that I looked at yesterday, Senator DeLuca stated in that press conference, and it was the one dated June 7th, because I took some notes as I was listening to it, stated that his attorney had sent a letter to the Chief because of their disagreement in terms of who said what to whom when.

And I was wondering, in light of this letter, is it possible that we could request a copy of that letter that the attorney sent to the Chief looking for, expressing the fact that they don't share the same understanding as to what

transpired between the two of them, or has that already been requested?

SEN. RORABACK: Well, I don't know to whom that request would best be made. Senator DeLuca will be provided, pursuant to our rules and the resolution, opportunity to appear before this body.

My belief would be that if his attorney sent a letter, his attorney would have retained a copy of the letter that was sent, and we might ask that of Senator DeLuca if as and when he elects to appear to before us. That's one option.

I don't know, the other option, I suppose, would be, we have asked the Waterbury Police Department for copies of all their records. They have responded in writing and with a statement.

For us to go further than that, I don't know what the Committee feels, whether that's something they'd like to do or? I'm just posing the question, how we would go about confirming.

SEN. STILLMAN: Well, if there's some discrepancy here, we've already received some documentation from the Department. I don't know why we couldn't ask the Chief to forward correspondence that he may have received from Senator DeLuca's attorney in reference to this case.

SEN. RORABACK: And I guess my belief, and I'll look at the letter that we sent behind tab eight, is that our request ought to have covered that, if any such letter of that nature were sent to the Chief that it would have been provided to us pursuant to the request that we made.

SEN. STILLMAN: Unless they overlooked it. I mean, it is possible that they were focusing on only one aspect of this and not the other. It's just that Senator DeLuca, in that press conference, made that statement that his attorney had sent a letter to the Chief in reference to their differences of their discussions with each other.

I think it's important, a piece of this little puzzle, big puzzle I should say. So that we have, if that is referenced, references what's before us, I think it's important for this Committee to have a copy of that letter.

So I'd like to ask the Chairs and the other Members of the Committee if they agree or disagree. Be that as it may, at some point, I think we should have a copy of that letter, because I don't know if that letter spelt out the exact, spelled out the exact differences between the two stories.

SEN. RORABACK: I certainly would like to see that, if there is such a letter, I would like to see that letter as well. It appears to me that if that letter wasn't produced pursuant to the request that we made, somebody is reading our

letter more narrowly than I think the Committee intended for it to be read.

And I guess the only question I have is whether, Senator DeLuca is represented by counsel in this proceeding, whether or not, and I think it's the same counsel that's been representing him throughout this proceeding, whether or not to ask him for a copy of it or--

UNIDENTIFIED SPEAKER: [inaudible - microphone not on] ask the Chief.

SEN. RORABACK: Senator Nickerson.

SEN. NICKERSON: Yeah. I think it's not inappropriate to ask the Chief, just politely, is there anything else. We have heard in a transcript mention of a letter that you may be in receipt of. Is that correct, and might you be in a position to see if there's any other piece of paper that you have including such a letter? I see no harm in asking him that.

SEN. RORABACK: How about we enclose a CD from CT-N in which Senator DeLuca represents that something was sent to you by his lawyer. Do you now or did you ever have anything of that nature in your files? Senator Guglielmo.

SEN. GUGLIELMO: Yeah, couldn't we at the same time ask Senator DeLuca's attorney for a copy? Because we're under a time pressure, so whichever one responded first would be the same information and we'd have it.

SEN. RORABACK: Sure. And I guess, you know, again, we are, again, I don't know if this distinction makes a difference, us being styled a committee of review as opposed to a committee of inquiry, but to the extent that the publicly available information includes a representation by Senator DeLuca that his lawyer sent a letter, I think that falls under the heading of review as opposed to inquiry.

SEN. GUGLIELMO: I agree.

SEN. STILLMAN: Absolutely. I appreciate that.

SEN. RORABACK: So can we take from this discussion that we will ask our lawyers to draft a letter, either one letter or two letters, maybe two letters, one to Chief O'Leary enclosing a copy of the CT-N transcript and asking if he has anything that, if he received a letter that was referenced in that press briefing, and then also a letter to Senator DeLuca's lawyer asking for a copy of that letter, and also enclosing a transcript of the CT-N tape.

And will the Committee trust Senator Looney and I to review that letter and sign it?

UNIDENTIFIED SPEAKERS: Yes.

SEN. RORABACK: And I would, I think today's meeting was really intended to just review the letters that we've gotten, the responses. Certainly we can go back, and I expect we will be going back to these documents as the Committee's deliberations proceed.

Are there any other questions that Members of the Committee have with respect to the letters that we wrote or the responses that we've received?

The next item on our agenda is we had asked of our staff, who has been working very hard for the benefit of us and the people of Connecticut, to gather some information.

And I was going to, at this time, invite them to share with us what they've been able to, how they have been able to respond to our requests to date.

Attorney Norman-Eady is on the front lines, but I'd like to thank all of the individuals who are here today for the work that they continue to do on our behalf. Attorney Norman-Eady.

ATTY. SANDRA NORMAN-EADY: Thank you, Senator Roraback. Actually, we have divided up our responses to your request for information, and Attorney Brad Towson will answer that first question on the timeline.

SEN. RORABACK: And for the benefit of Committee Members, we have these in our books under, there are tabs which correspond to these requests.

ATTY. BRAD TOWSON: In regard to the timeline, which is tabbed Timeline and captioned Timeline of Events As Reported In Newspapers, that timeline was composed by the staff as a result of

reviewing newspaper articles that were accumulated by the legislative librarians.

And what we did is, pursuant to the request last week, we went through approximately 100 newspaper articles, give or take, and we created a timeline of events that provided information bearing on the Committee's work, as requested.

ATTY. SANDRA NORMAN-EADY: If you don't have any, do you have any questions on that, on the timeline?

SEN. RORABACK: No. I think it's very helpful, and I believe that we've, I believe that we've asked that all of this information be posted on the website and available for public inspection.

And I think the other thing we contemplated was that as time goes on, if we gather more information, that this timeline may be revised to insert other dates of consequence or potential consequence.

ATTY. SANDRA NORMAN-EADY: Since this document is dated a Timeline of Events As Reported In Newspapers, would you want a separate document detailing other timelines of events or would you want us to maintain this as a live document and remove the reference to newspapers?

SEN. RORABACK: I can't speak for the Committee, but I think it's important that we include the reference to newspapers because we will have

to, that enables us to go back to that original document.

And I guess it's probably premature, my guess is that any additional information that comes our way with new dates will be reported in newspapers, and so there will be an opportunity to update it under the heading, under the same heading, if necessary.

ATTY. SANDRA NORMAN-EADY: Okay. Now on to the second item, and that is the item on appointments. Dan Duffy will explain the document that you should all have in your notebooks on that.

DAN DUFFY: Mr. Chairman, the document General Assembly maintains routinely a database of legislative appointments or appointments to boards, commissions, and other sorts of panels made by legislators.

I contacted Information Technology Services and got a spreadsheet of appointments made by Senator DeLuca as the Senate Minority Leader. That is the primary basis.

There was times that information was missing, and we referred to the actual appointment letters to fill it in. And there's one bit of added information.

As you know, many boards and commissions are not permanent, but they're created for one specific task, where we knew that a board had

been created, but is now inactive, we labeled that board or commission as inactive.

You'll see that the list we provided you is organized alphabetically by the name of the task force or board. It includes whether or not the appointee has specific qualifications. It identifies the appointee, the town he is from, and the dates of services. And that's all of it. Are there any questions?

SEN. RORABACK: Yes, Senator Nickerson.

SEN. NICKERSON: Yes, I'd be the first to admit that I haven't read every line of this. Is there anything in particular you want to draw to our attention that you might feel is relevant to our deliberations?

DAN DUFFY: No. But there is something I'd want to add. When we post this to the website, we could post an Excel version. And the Excel version, as you know, is sortable, so you could sort by the name of the appointee, you could sort by dates of the appointee, as well as by, as I did on this document, by the type of, by the name of the task force or board.

SEN. RORABACK: Senator Stillman.

SEN. STILLMAN: Oh, I'm sorry. Were you done, Mr. Duffy?

DAN DUFFY: Yes, I was.

SEN. STILLMAN: Oh, okay. Thank you. I was just looking through the list. I don't know if it's done alphabetically. It's hard to say because there's so many commission committee, but it's Committee to Assess Pathways to Baccalaureate Degrees in Early Childhood Education. It says it's inactive, but yet the status of the member is active.

So I'm trying to ascertain, you know, because most of them say, if it's inactive, then term expired, but that particular one, and I just noticed it, so.

DAN DUFFY: There are some anomalies like that, and I attempted to resolve them where I could. The status was taken from a code in the database, and it says A.

Now it may be that the committee has completed its report, but the task force is still on the books. It may or may not be revived. I honestly don't know. Could not resolve in the time I had.

SEN. STILLMAN: Thank you.

ATTY. SANDRA NORMAN-EADY: In response to your request for a memo on federal preference regarding congressional disciplinary actions, we have received a 2002 Congressional Research Services report on disciplinary actions undertaken by the U.S. House of Representatives.

We also have a 2002 historical summary of U.S. House of Representatives conduct cases prepared by the Committee on Standards of Official Conduct.

We also have a list of U.S. Senate censure and expulsion cases that are listed on the U.S. Senate's website.

On the state level, we've contacted and received materials from NCSL on legal authority and rules in several cases and examples of disciplinary action in a number of states.

We've also conducted Internet, newspaper, and library searches in other states, and we have posed a series of questions on the legislative librarians listserv.

The information we are seeking are for the names of the subjects of discipline, nary actions in other states, a summary of the incidents triggering the investigation, a summary of the investigative procedure, findings and recommendations of the investigatory body, and finally, the final action or outcome.

We have received a lot of information. We haven't gone through all of it, and at this point, we would just seek your direction as to how you want it presented.

If you want us to prepare a document that provides information piecemeal, if you just want hard copies of the information you

receive, or if you want us to prepare a report by a given date, we would do that.

SEN. RORABACK: Thank you, Attorney Norman-Eady, Mr. Duffy, Attorney Towson. Members of the Committee have any thoughts on how we would begin to compile helpful information? Senator DeFronzo.

SEN. DEFRONZO: Mr. Chairman, I'm sure you have a lot of information, as you went through that list. And I think it should be all available to us and to the public.

I don't know exactly how we'd accomplish that, but to get at the heart of what we're doing here and trying to determine what constitutes actionable behavior for disciplinary purposes, I would be interested in seeing a document assembled, maybe similar to one of your typical OLR reports, which would maybe summarize what has been done in Congress, what has been done in the Senate, what has been done in other states, with maybe a sampling of the cases.

But focusing more directly on the actions that have, the behavior that has resulted in specific disciplinary action in other jurisdictions.

You referenced one report there done on Congress. I think I dug that up myself the other day. You know, in Congress, there are very high standards established for the expulsion of members, and I was shocked to see

in the entire history of Congress only five members have actually been expelled.

Others have resigned in the face of disciplinary action, but only five have actually been expelled.

And since our constitution gives us very little direction in terms of what is appropriate disciplinary action for various types of behavior, I think it would be helpful for us to see that.

Certainly, I think it's a fundamentally important part of our deliberation. As I said, the other information, all the documents should be available to all of us to reference, but that part particularly, I think, would be important. Thank you, Mr. Chairman.

SEN. RORABACK: Thank you, Senator DeFronzo.
Senator Stillman.

SEN. STILLMAN: Thank you, Senator, Senator Roraback and Senator DeFronzo, for your suggestion. One of the things I would like to request is that we get to see it in a hard copy. Whenever you send to us, I would much rather read it off paper than off the computer, although I know that saves paper.

But certainly whatever information you have, I agree, should be as public as it, publicly available as possible.

It does state that in our procedures that documents can be read or copies can be gotten from the Office of Legislative Management. So if it's not able to post it on the website, I assume that was the meaning of that.

But I agree, I think some kind of I guess relying on your very good judgment to sort of weed through it and give us those finer details.

And then if, upon reading it, we want more information, we can certainly seek it. But to ask her to give us another notebook full of information, some of which might not be relevant or might not be, it's all relevant, but may not be hone in on the issue as well, I think. I think that's a good idea that Senator DeFronzo suggested. Thank you.

SEN. RORABACK: I share, I think there's two universes, at least two universes that the Committee may be interested in, which is federal precedent in the Congress, but then what do our sister states.

I'd love to start recognizing that we will get closer to the ground as time goes on, but for initial things, I'd love if we can gather information from our sister states as to the year in which a transgression occurred, the individual who committed the transgression, and the sanction that was visited upon that individual, and the nature, the general nature of the transgression.

So we can see that in, to pick on Kentucky, in 1957 in Kentucky, Senator So and So was censured for theft or in Nevada, Representative So and So was reprimanded for pick a bad thing to do, but, there are many to choose from.

Then when we look at that, that might pique our interest as to those things which most closely resemble what this Committee has been called upon to review.

So is that, are we making requests that are going to keep you here late into the night?

ATTY. SANDRA NORMAN-EADY: I mean, that's consistent with what we are doing. I would only ask, is there a date by which you want us to go back? Because some of these cases go back to the 1700s and half to do with sedition and, or if you want us to limit our research to the last 20 years or 30 years.

SEN. RORABACK: No horse thieves or.

ATTY. SANDRA NORMAN-EADY: Yeah, poker fights and that kind of thing.

SEN. RORABACK: I don't know what other Members of the Committee, it would seem reasonable to me that you start with the most, things that are most recent in time and work backwards, going back, I think, well, my sense would be going back more than 50 years would be a lot.

I mean, I think going back 50 years would be a lot. That's just my sense.

SEN. STILLMAN: Mr. Chairman.

SEN. RORABACK: Senator Stillman.

SEN. STILLMAN: And I hate to give them all work, but if the information could be readily available as well, I don't mind going back, I think it's important, I would say 50 years is probably the limit in my mind.

But also, I would like to know how they came to, other than, how they came to the conclusion. In other words, if a State Senate, in this case, expelled someone or what other, sanctioned them in some way, what was their process?

In other words, not just their conclusion, but how did they get to the conclusion? I think, that to me would be very helpful to know what their process was, because I think that's part of, personally I think that's part of what we're trying to do here.

Since this is precedent setting in what we're doing, one of the outcomes, I believe, should be should we have a process here and what should it be. So I think having that process information would be helpful.

SEN. RORABACK: So another column where we could have date, name of elected official, transgression, process, outcome. That would be five columns. Did I say that too quickly?

ATTY. SANDRA NORMAN-EADY: No, but that is exactly what we've done, so that's why I'm smiling.

SEN. RORABACK: Well, in that case, thank you. And we don't know, one of the things, do Members of the Committee have any other comments on that subject at this time, in terms of what you'd like to see?

If that's, does the staff have any further questions of us? That would bring us into the, is there any Old Business?

SEN. LOONEY: Yes, Mr. Chairman.

SEN. RORABACK: Senator Looney.

SEN. LOONEY: Yes, thank you, Mr. Chairman. One of the items that we had discussed last week in terms of soliciting some information on was regarding, I believe, the sentencing for Mr. Caccavale who was the person who was allegedly contacted by Mr. Galante to carry out the request of Senator DeLuca.

I don't think we specified or at the time how that request should be made, and we weren't aware at the time whether or not that plea was in federal court or state court.

But our timeline going back to that makes that more clear. Mentions on March 21st, 2007, Mr. Caccavale, an employee of James Galante, pled guilty to one count of conspiracy to violate federal racketeering laws.

And then on July 12th of, the timeline indicates July 12th that Mr. Caccavale was sentenced in U.S. District Court on racketeering charges.

So just want to say that we should maybe have a letter specifically requesting the clerk of the District Court or whatever, just as we requested the transcript on Senator DeLuca's sentencing hearing from the state Judicial Department for that proceeding that took place in Waterbury, suppose we need to find out what the appropriate federal authority to request that transcript of, presumably the clerk of the District Court, and make that request.

SEN. RORABACK: Does anyone have any objection to us soliciting, eliciting that information? Then we will do so. Thank you, Senator Looney.

Is there anything else under the heading of Old Business? I guess I will, as more and more information comes into the possession of the Committee, and we all will continue to interact with the press, but I just, I don't wish to be, I just want to put on the record how I think that if we were to speculate as to the information that we receive or offer preliminary judgments, how that runs the risk of compromising our work as a unit.

While of course all of us have opinions, if we were to express opinions on information that comes before us, it would be a little bit like a judge or a jury hearing one day of testimony and then typically judges don't, after one day of testimony, the press doesn't say to a judge

who's winning or how do you think things are going or how does it look.

I think that this Committee, in many respects, has been charged with at least as serious a responsibility as judges are, and against that backdrop, I think it's important that we be careful.

I've spoken to the press, and I've told them that it disappoints me that I can't answer questions that I'm sure everyone in the world has about specific leanings or tendencies, but I thought to do so would be disrespectful to my colleagues on this Committee and also run the risk of violating the integrity of this process.

So I don't mean to make a sermon, but I just feel better having said that. Thank you.

Is there any New Business to come before the Committee? When would you like to get together again, and what would you like to do when we do get together again?

SEN. LOONEY: Mr. Chairman, scheduling I believe of that next week or toward the end of next week, is it Wednesday, Thursday, and Friday are days of Rosh Hashanah, correct, so we should probably go into the following week then for our next meeting, I would guess, the week of the, that would be the week of the 20th.

SEN. STILLMAN: Yeah, the 20th would be the Thursday, so if we wanted to stick to Thursday--

SEN. LOONEY: Or the week of the 17th rather, yeah.

SEN. STILLMAN: My week is open, other than--

SEN. RORABACK: Other than?

SEN. STILLMAN: Other than Friday [inaudible -
microphone not on] of that week.

SEN. LOONEY: I know, Senator DeFronzo, you have a
teaching schedule on Tuesday and Thursday. Is
that right?

SEN. DEFRONZO: Yeah, so--

SEN. LOONEY: Starting next week.

SEN. DEFRONZO: Right. So the Thursday you're
talking about, if could start just a half an
hour earlier, half an hour later, I should be
able to make it. So if we could start at 2:30
instead of 2:00, I would be okay, I think.

SEN. LOONEY: That's good. If the Members still
want to stay on Thursday's, whatever they
pleasure.

SEN. NICKERSON: Just an observation. I think it
would be useful if we can know with some
certainty, not every Thursday, but the general
pattern will be Thursday's. So I would suggest
Thursday afternoon, as Senator DeFronzo
suggests, Thursday afternoon, that is to say
the 20th. Just a suggestion.

SEN. STILLMAN: Well, just to throw a cog in the wheel, the following week I'll be gone. I'll be on vacation the following week, I'm sorry, so I won't be here for that Thursday meeting if we have one that week, so.

SEN. RORABACK: But as a--

SEN. STILLMAN: As a rule. Now that I've just announced to the world--

SEN. RORABACK: As a general proposition, if we look at Thursday's as, and I think it's reasonable to expect, one of the reasons that a quorum is four is because, as elected officials and busy people, we may not all be able to be at every meeting.

The good news is that CT-N is televising these proceedings so that any of us who might miss a meeting will have the opportunity to review what transpired, live and in living color, as well as the transcripts.

So we will plan on reconvening on Thursday, September 20th, at 2:30. Do Members of the Committee today have any thoughts as to what we might hope to accomplish at that meeting?
Senator DeFronzo.

SEN. DEFRONZO: Perhaps through you to the staff, is there any likelihood that that precedent document would be ready by next week or two weeks?

ATTY. SANDRA NORMAN-EADY: We can certainly give you something before the next meeting. I'm sure we will still be receiving information and our work will continue, but we can certainly have a document drafted and delivered to you prior to the 20th.

SEN. DEFRONZO: Well, Mr. Chairman, I think it would be helpful if we could review that information at that time, and perhaps the staff could be prepared to walk us through it with a type of presentation, summary of the report.

I just see that as a fundamentally important piece for us to be concentrating on, so hopefully that would be ready early in the process. And if it's ready on the 20th or before, that would be good. Thank you, Mr. Chairman.

SEN. RORABACK: Senator Stillman.

SEN. STILLMAN: Yes, thank you, Sir. Also, I think any information that we are, again, requesting that we haven't received yet, whether there's, we've now just sent another letter to U.S. Attorney O'Connor, and we are going to send one to the Police Chief, so that will be some other documents for us to review.

SEN. RORABACK: It would be our intention to forward anything we receive to Members of the Committee as soon as we receive it, just so that people can have as much time as possible to review information as it comes in.

Does our Clerk, who has also been working very, very hard keeping us on track, Sandy, do you have any issues that you'd like to put before the Committee?

SANDY FORTE: No.

SEN. RORABACK: Well, thank you for all of your work. Ms. Forte has been, Senator Stillman.

SEN. STILLMAN: I'm sorry. One other thought was that, in the course of the next week or so, if Members of the Committee think of something they would like to add to the agenda, we should let you know and then we can.

In other words, if there is some other new information or something we gleaned from something we read or hear that we think warrants discussion, I assume we should call each of the Chairs and request that it be on the agenda, if they deem it appropriate.

SEN. RORABACK: Certainly--

SEN. STILLMAN: Thank you.

SEN. RORABACK: --that would be my expectation. Senator Nickerson.

SEN. NICKERSON: Yeah, I just thought of something else, and I'm not suggesting it be on the next agenda, but we were, in the resolution, offered the opportunity to request Senator DeLuca to appear before us. Do we need to make a formal

request of him? You asked about future activities. I'm just tossing that out.

SEN. RORABACK: I'm just referring, the language of the resolution in section seven says that the Committee shall offer Senator DeLuca the opportunity to offer a statement and answer questions posed by Committee Members.

I think that would take an affirmative act on our part to make that offer.

SEN. NICKERSON: Would it be timely then, and just a suggestion, that we write Senator DeLuca indicating it would be our intention to extend that offer to him so that he can think about it, to occur on a date to be determined later? But just so that he has the opportunity to prepare well in advance if he chooses to accept the offer.

SEN. RORABACK: Sure. I think we had previously discussed the desirability of making that offer at the conclusion of our fact gathering phase so that we had all of the information that we would have in front of us, and then have Senator DeLuca's statement come at the end of that.

SEN. NICKERSON: Right. I was just thinking we might want to alert him, if it is our view, that we do plan to move forward with that offer at the appropriate time.

SEN. RORABACK: Sure. And that, I think the resolution obligates us to do that, but I think

it would be helpful for us to send a letter to his lawyer saying it is our expectation, it is our intention to honor the resolution and offer an opportunity to Senator DeLuca to offer a statement and answer questions posed by Committee Members.

SEN. LOONEY: Thank you, Mr. Chairman, just but indicating that the date of that request will be somewhat later in our process, once we've considered all of the publicly available information prior to that time.

SEN. RORABACK: Does anybody else have any questions? Is there a motion to adjourn?

UNIDENTIFIED SPEAKER: So moved.

UNIDENTIFIED SPEAKER: Second.

SEN. RORABACK: All in favor?

ALL: Aye.

SEN. RORABACK: Any opposed? We can adjourn. Thank you.

[Whereupon, the hearing was adjourned.]