The Voice of Ethics Podcast Transcript
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The Chairman's Tab

Susan:
Hello ethical people. I'm Susan Willeke of the Ohio Ethics Commission, welcoming you to the Voice of Ethics, the podcast where we dive into stories about ethics in government. You know, one of the best parts of my job is meeting and working with ethics law experts from all across North America. Even after 21 years at the Ohio Ethics Commission, I still find that I learn something new almost every day, and on other days, my jaw drops just a little at some of the stories of ethics gone awry.

I turned to one such ethics expert for this episode, and found that my jaw dropped just a little from his story. I am so excited to bring you a fascinating conversation I had with TJ Jones, the former ethics prosecutor for the Connecticut Office of State Ethics. I asked TJ to share one of his favorite investigations with me, and boy, did he deliver.

If you thought the Disney movie Moana couldn't find its way into an ethics investigation, then you're about to discover that truth really is stranger than fiction. So sit back and relax. Or actually, if you're driving right now, sit up and be alert! But either way, please enjoy this episode of The Voice of Ethics with my special guest star, TJ Jones.

Would you mind, before we get into details, just kind of set the stage for listeners, how this came to your attention, what the allegations were? Just give us some good background on this case.

TJ:
The Connecticut Lottery Corporation is a quasi-public organization, which means that it's, you know, part public, part private, and it's made that way because it's supposed to turn a profit and lottery corporations in the state, if they're not turning a profit, really, or, something's going wrong there. In Connecticut, the Lottery Corporation is overseen by the Department of Consumer Protection. But there's really only loose things that the department can do, and a lot of it surrounds, you know, making sure the, the actual equipment for the lottery works. And this all started when it didn't work.

There were several, one after the other, high profile, real, just bonehead things that happened with the Connecticut Lottery Corporation, you know. For example, for one huge drawing, they put in the wrong numbers in the machine. So when it selected numbers, nobody had actually selected those numbers because they had the numbers wrong. So that was bad. They rolled out to what they thought was going to be their new flagship game, which was the little cards, you know, the scratch-off cards.

Susan:
Right, right.

TJ:
It turns out, the way they set it up, that the vendors of the cards, you know, the gas station attendants were able to see which cards were winners before it got disclosed. And so this this was bad.

Susan:
Yeah! Yeah! Unless you're one of the workers that gets the numbers, then it's really good for you I guess! If it weren't illegal, right?

TJ:
You know, and all this became public. And the president of the corporation got heat. And so she fired several employees who she alleged were responsible for this. They took very strong disagreement to that and filed cases against her. Ultimately, the board of directors, which is a volunteer board of the Lottery Commission, decided to fire the president. And it turned out that the chairman of the board had announced that he was going to be the new president of the commission, and that he would do double duty as the chairman of the board and the president of the commission.

Susan:
And just to be clear, TJ, even though you're using the words president, corporation, commissioner interchangeably - the board members are volunteers. They are all subject to the Ethics Law in the state of Connecticut. Right?

TJ:
Absolutely. Even though they're volunteers or quasi-public, they're still subject to all the rules. One of the rules that exists is, if you're a voluntary board member, you can't appoint yourself to a paid position that you have previously overseen.

Susan:
Uh-huh. Uh-huh.

TJ:
It's kind of the "you can't feather your own bed" type of situation.

Susan:
Right. Right.

TJ:
Well, this this chairman wanted to do that. And he was told in no uncertain terms by the Office of State Ethics that that was not a possibility. He could not do that. He could not be president of the corporation.

Susan:
Okay.

TJ:
So move forward a couple of months and it's announced that he will be the new president of the corporation.

Susan:
Hmm.

TJ:
So he did appoint himself president of the corporation as well as being chairman of the board. But what he said is, "I'm not going to take any money. I'm going to do this out of the goodness of my heart as a volunteer, because we really need a president." Nevertheless, we had people telling us from the inside that that even though it was volunteer, it really sort of stretched the meaning of what volunteer meant.

And so we opened an investigation, went first to the Department of Consumer Protection, which oversees or regulates the agency. And they said, you know, they went through the background of, this is a hot mess over there, highly dysfunctional organization. And they said, you just need to go in and talk to people. Sure. But just get the documentation of where the money's going.

And so we did. We then got all all the receipt, people who had put in for money. And lo and behold, the chairman, now president of the corporation, had not been working for free. Instead he said that, well, I need to have internet service in my house because I'm going to be working from my house sometimes. So the state should pay for my internet service.

And, you know, along with that, the internet company will bundle cable TV for me.

Susan:
Right…

TJ:
And so it only makes sense that the state should pay for that cable TV. And, you know, I like to rent movies in my off time, so I'll charge the state for my renting Moana on Friday nights. And you know, the videos that I like to watch and, and it extended from there.

Phone bill. You know, cell phone bill, even though he had a state phone, landline, mileage for his car - and it ended up being, you know, a substantial amount of money on a month-to-month basis.

Susan:
How did he justify this? I mean, did he do you? I know you can't read his mind, but publicly, when he was talking to you, did he really believe renting Moana, which I've never seen, so maybe it's a great movie, but I kind of doubt it's related to his line of work at the lottery. How did he justify this? At least with you all, if not in his own mind?

TJ:
Yeah, I mean, in his own mind. His thought was, you know, I'm doing this work and I deserve to get paid and ethics rules be damned. But,

Susan:
So much for "I'm a good guy volunteering to save the state out of the goodness of my heart," huh?

TJ:
Exactly. It came down to he wanted to have his cake and eat it, too.

Susan:
You probably wouldn't have been shocked if he had billed the Lottery Commission for his cake at some point. Right? **laughs**

TJ:
laughs That's right.

Susan:
Yeah.

TJ:
There was a whole lot of drama behind this. In one of the depositions that we took, in interviewing this woman and said, well, had there been any other inquiries about this behavior? And she says, "Oh, yes, I wore a wire for the FBI."

Susan:
…Whoa!

TJ:
Okay. Why don't you tell us a little bit more about that? And sure enough, you know, one of the members

of the human resources department had become so concerned with the chairman's behavior even before he took on the presidency, that she had contacted the FBI, and they had wired her for her conversations with the chairman.

Susan:
Wow. And you didn't know any of that beginning this case?

TJ:
No idea. No idea.

Susan:
Interesting.

TJ:
Turns out then, in addition, we had somebody say, well, when this screw-up happened with the, where the vendors could see what the ticket had before the patrons could. Apparently the chairman-slash-now-president, had fired the vendor who set up that system.

Susan:
Right…

TJ:
And hired exactly who you would want to be hired: a friend of his from his cricket team.

Susan:
Of course!

TJ:
On a no bid contract.

Susan:
His pickleball partner wasn't available that week, so we had to go to cricket, right? Yeah.

TJ:
Well, exactly. So from an outside perspective, it's like, well, that kind of tracks, you know, it's no wonder that we're having problems here at the agency.

Susan:
I know you can't read his mind or, you know, interpret his motives or thought process. I understand that, so this is an unfair question for me to ask, but just in your experience of of this investigation, do you, how much of this do you think was honestly not understanding the ethical boundaries put in place by statute versus kind of a “the rules don't apply to me” or “hey, my intent is good” so that somehow justifies. Did you get an insight at all that you could share?

TJ:
I can tell you my own impressions just based on the work that we did there. It's A) really hard initially for people to come in from the private sector - he was a real estate agent - and really get a grasp of of the ethical rules that apply to the state that don't apply to private practice.

Susan:
That’s fair.

TJ:
It becomes even worse if your private practice/business is all your own.

Susan:
Uh-huh.

TJ:
And it's really tough, especially for those people to be told, “No, no, no, you can't do this” because entrepreneurial mindset is, yeah, I'll figure out a way to do it. And he was definitely that, you know, “move fast and break things” type of guy.

Susan:
Yeah.

TJ:
For better or for worse.

Susan:
A lot of times in my speeches, people will sometimes say to me, “Well, sometimes isn't it easier to ask for forgiveness than permission?” And I always say, that's a really bad approach to criminal law.

TJ:
Yeah. Especially when, you know, if you ask for forgiveness, it usually comes with a price tag.

Susan:
I always like to speak on behalf of what I think is every good attorney in the world, that they'd rather spend time helping you make the right choice than having to do damage control after the fact.

TJ:
Yeah. Anytime there's a question, there's no reason not to ask.

Susan:
Uh-huh.

TJ:
Much cheaper for everyone. And it all comes back to the public trust.

Susan:
Amen!

I am so grateful to TJ for spending his time and sharing his expertise with us for this episode. If you'd like to know more about how the conflict of interest law prohibits certain behaviors in public service like the ones TJ described, please check out our show notes for a helpful overview on the conflict of interest statute in the Ohio Ethics Law.

I should also note that if that investigation had happened here in Ohio, we likely would also be looking at the possibility of working with the Ohio Auditor of State's office regarding the improper expenditure of public resources. But for now, I think we can all be grateful that that story didn't actually happen here. And with the help of all of you who listen to this podcast and then spread the good word about complying with the Ethics Law, hopefully we never will have that story here.

And that's our episode for this week. Again, a huge shout out of gratitude to TJ for hanging out with us virtually. And as always, a shout out to my all-things-online superhero, Nick Rohrbaugh of the Ohio Ethics Commission for making my podcast ramblings cohesive and hopefully fun.

Be sure to tune in again in two weeks for another story that might make you shake your head, but also help you appreciate that once again, as a citizen and as a taxpayer, the Ethics Law has your back.

But before I go, I wonder if you all happen to know why the pig bought a lottery ticket? **quizzical pig sound effect** Because he wanted to be filthy rich. **pig laughing sound effect** Take care everyone. Be ethical. Bye.