

MINUTES
LEGISLATIVE ETHICS COMMITTEE
NOVEMBER 18, 2024, MEETING
{ Approved: February 10, 2025 }

The Legislative Ethics Committee (RSA 14-B:2) met on Monday, November 18, 2024, at 1:00 P.M. in Room 103 of the State House.

The following committee members were present: the Honorable Edward M. Gordon, Chairman, the Honorable Donna Sytek, Vice Chairman, Senator Ruth Ward, Representative Bob Lynn, and the Honorable David H. Hess. Senator Cindy Rosenwald and Representative Janet G. Wall were unable to attend. Also participating was Richard M. Lambert, Executive Administrator.

The Committee's meeting consisted of the following agenda items:

ITEM #1

Consideration of the draft *Minutes* from the Committee's meeting held on October 28, 2024. Following review, Vice Chairman Sytek moved to adopt the *Minutes* as presented. Representative Lynn seconded the motion, and the Committee voted 5 to 0 in favor of the motion.

ITEM #2

Preliminary Investigation of *Complaint 2024-8*. (Nonpublic Session)

Vice Chairman Sytek moved to enter nonpublic session, pursuant to RSA 14-B:3, I(d), to conduct a preliminary investigation of *Complaint 2024-8*. Representative Lynn seconded the motion, and the Committee voted as follows:

Mr. Hess	Yea
Representative Lynn	Yea
Senator Ward	Yea
Chairman Gordon	Yea
Vice Chairman Sytek	Yea
{ MOTION ADOPTED }	

{NONPUBLIC SESSION}

Vice Chairman Sytek moved to exit nonpublic session. Representative Lynn seconded the motion, and the Committee voted as follows:

Mr. Hess	Yea
Representative Lynn	Yea
Senator Ward	Yea
Chairman Gordon	Yea
Vice Chairman Sytek	Yea
{ MOTION ADOPTED }	

Chairman Gordon stated: "The Committee just came out of nonpublic session. The nonpublic session was a continuation of our preliminary investigation of *Complaint 2024-8*. During the nonpublic session, considering the evidence, the Committee voted to dismiss the complaint and to notify the complainant and the respondent thereof."

ITEM #3

Discussion of proposed amendments to the *Ethics Guidelines*.

Chairman Gordon said that Representative Lynn had proposed some changes to the draft amendment since the Committee's prior meeting, as had Vice Chairman Sytek and Senator Rosenwald, and that Mr. Lambert had incorporated the changes into the latest draft for the Committee's review.

Representative Lynn's suggested change was to paragraph 1 of the introductory language on the Declaration of Intent Form where it states that a legislator is required to file the form whenever "(a) legislator or a legislator's household member has a financial interest." His change would add to that sentence: "***that is not disclosed on the Financial Disclosure Form.***" Vice Chairman Sytek proposed that, if Representative Lynn's change were adopted, the first paragraph of the introductory language should be broken up into two paragraphs as the change would create two possibilities. Senator Rosenwald proposed adding the words "that specific" in the second paragraph so that it would read "than would accrue to any other member of ***that specific*** business, profession, occupation, or other group..."

Chairman Gordon proposed a change to the Financial Disclosure Form, Section II, paragraph 2, and said, "The one thing (Section II of the Financial Disclosure Form) doesn't point out is if you have to recuse, you also have to file a Declaration of Intent Form if you're subject to mandatory recusal...because it makes it seem like, let's say you are a member of the Retirement System, so you put it down here on this form, it makes it sound like you don't have to do anything else after that. But potentially, depending on how the Committee interprets it, if you're a member of the Retirement System you could have to recuse yourself even though you put it down here. And it makes it sound like you don't have to, that your duties are done."

Vice Chairman Sytek suggested that if the Committee were to adopt the change, the section should reference the new *Ethics Guidelines* Section 6-a, the provision requiring recusal.

After further discussion, Chairman Gordon asked the Committee if they were okay with the changes proposed by Representative Lynn, Vice Chairman Sytek, Senator Rosenwald, and himself. They indicated they were.

Vice Chairman Sytek then proposed an amendment to *Ethics Guidelines* Section I, Principles of Public Service, Paragraph IV, Principle of Conduct. She said, "We've struggled with the Principle of Conduct, 'Legislators shall treat each other, legislative employees, and the public with dignity and respect' and we've been reluctant to try to enforce that because it's not specific enough, but if we added the language, 'Legislators shall treat each other, legislative employees, and the public with dignity and respect ***including but not limited to observing the General Court Policy Against Sexual Harassment and Other Unlawful Harassment and Discrimination,***' that's in the (*Ethics*) *Booklet*, it's very specific. It applies to the public as well as legislators. Now that would give you something to hang your hat on when you have a case like we've seen before, because we've had a lot of complaints about dignity and respect but haven't had anything to hang our hat on."

Chairman Gordon: "Because we don't have the standards."

The Committee then reviewed the *Policy Against Sexual Harassment and Other Unlawful Harassment and Discrimination*, as printed in the *Ethics Booklet*, and discussed the merits of adding the proposed language to the *Ethics Guidelines*' Principles of Public Service.

Senator Ward suggested adding the language instead in Section 3, Prohibited Activities. Her suggestion was to amend paragraph III (g), so it would read: “Legislators shall not: ****(g) Engage in conduct that constitutes sexual harassment as defined in RSA 14-B:1, IV *or in violation of the Policy Against Sexual Harassment and Other Unlawful Harassment and Discrimination.*” After further discussion, Mr. Hess proposed placing the language in a new subparagraph “(h)” and re-lettering the existing “(h)” as “(i)”. He reasoned that as the language in “(g)” refers to sexual harassment, it makes sense to place the broader prohibition against other forms of harassment separately and following “(g)” so the two harassment issues would be in sequence. The Committee then agreed to the following new subparagraph: “**(h) Engage in conduct in violation of the Policy Against Sexual and Other Unlawful Harassment and Discrimination.**”

Vice Chairman Sytek moved to approve the amendments to the *Ethics Guidelines*, including those offered at the meeting by Representative Lynn, Senator Rosenwald, Vice Chairman Sytek, Mr. Hess, and Chairman Gordon. The Committee voted 5 to 0 to adopt the *Ethics Guidelines* as amended.

ITEM #4

Further discussion of HB 1388.

The Committee reviewed a draft advisory opinion prepared by Chairman Gordon.

Chairman Gordon said, “When the *Guidelines* were first adopted back in 1991, the Ethics Committee issued an advisory opinion basically saying, in essence, ‘we understand this is new, it’s going to take some time for people to understand it, and therefore, in effect, we will be forgiving, initially, as to its application.’ And so, what I’ve done is to try to put together something similar which doesn’t excuse people from having to comply, but just gives some reassurance that we’re not going to be hanging people if they don’t comply.” He said that he would like to have an advisory opinion to hand out at the upcoming House and Senate Orientation presentations.

Vice Chairman Sytek suggested adding language stating that legislators should ask for an advisory opinion or interpretive ruling if they have questions about how the new law will specifically apply to them. Following discussion, the Committee authorized Chairman Gordon to add language stating that legislators are encouraged to contact the Committee if they have any questions about the application of the law to their circumstances by submitting a request for an advisory opinion or interpretive ruling.

Following further discussion, the Committee agreed to the advisory opinion.

ITEM #5

New/Other Business.

There was no new or other business.

ITEM #6

Scheduling of the next meeting.

The Committee’s next meeting will be at the call of the chair.

The Committee’s meeting adjourned at approximately 1:50 P.M.

{Prepared by Richard M. Lambert, Executive Administrator }