

MINUTES
LEGISLATIVE ETHICS COMMITTEE
FEBRUARY 10, 2025, MEETING
{Approved: March 10, 2025}

The Legislative Ethics Committee (RSA 14-B:2) met on Monday, February 10, 2025, at 2:00 P.M. in Room 103 of the State House.

The following committee members were appointed for the 2025-2026 biennium: the Honorable Edward M. Gordon, Chairman, the Honorable Donna Sytek, Vice Chairman, Senator Cindy Rosenwald, Senator Ruth Ward, Representative Bob Lynn, Representative Catherine Rombeau, and the Honorable David H. Hess. All were in attendance except Representative Lynn and Mr. Hess, who were unable to attend. Also participating was Richard M. Lambert, Executive Administrator.

Chairman Gordon welcomed all those who were appointed to the Committee for the next 2 years. He then said, “We had some obligations. First of all, we were to have scheduled our first meeting by the first of February, but the last person to be appointed to the Committee wasn’t appointed until last week, and so we weren’t able to do so. So, we did call the meeting as soon as we could. We have another obligation and that is to certify our financial disclosure filings by the 15th of February, and that’s why we were required to hold the meeting this week and why, thankfully, we were able to have a quorum here today but not arrange for everyone to attend.”

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

ITEM #1

Consideration of the draft *Minutes* from the Committee’s meeting held on November 18, 2024. Following review, Vice Chairman Sytek moved to adopt the *Minutes* as presented. Chairman Gordon seconded the motion, and the Committee voted 3 to 0 in favor of the motion, with 2 abstentions, by Senator Rosenwald and Representative Rombeau.

ITEM #2

Review of the filing of the 2025-2026 Financial Disclosure Forms and approval of electronically transmitting the filed forms to the Secretary of State (pursuant to RSA 14-B:3, IV).

The Committee reviewed a report submitted by Mr. Lambert, which reported the following:

- **Senate**
All **24** members of the Senate filed a form by the January 17, 2025, deadline.
- **House**
All **399** currently elected members of the House filed a form by the January 17, 2025, deadline.
- **Officers**
The Senate Clerk, the House Clerk and the House Sergeant-at-Arms filed their forms by the January 17, 2025, deadline.
- **Electronic Filing**
91% of House members and **42%** of Senate members filed electronically using the My GCNH Portal.

Mr. Lambert: “I reviewed every form closely and every form is posted on the ethics committee’s website. I found 46 with what I’ll call ‘deficiencies.’ Thirty-one clearly do because in Section I you’re required to disclose income in excess of \$10,000 in the prior year from sources such as jobs or ownership of companies. But there are exceptions. You do not have to report federal social security or other federal benefits, and you don’t have to report securities. Otherwise, everything should be reported if it exceeded \$10,000 in income in the prior year by you or a household member. And there were 31 cases where an individual submitted something in Section I such as membership in the (NH) Retirement System, or a position in a financial institution, or some other thing that’s obviously a job, but did not indicate any of that on the checklist. And so, if you are in the New Hampshire Retirement System, for example, you must disclose that in the checklist and these individuals did not do that.

“There were also 15 who sort of went the other way and, while we can’t be so certain if there’s an omission or not, they indicated something in the checklist in Section II but did not disclose that same interest in Section I, Sources of Income. Now, that could be okay if the source did not produce over \$10,000 in income. But there were some that maybe you have to wonder a little bit about if it did or didn’t, but I don’t know how we would pursue that without being intrusive ...Also, there were some that, if you have nothing to declare in Section 1, there’s a line where you must insert your initials where it says ‘My or my household member’s income did not qualify,’ and the software is set up so if you don’t either put something to disclose in Section I or your initials you can’t proceed any further in the Portal. Some people put this little, tiny font that starts to say something like ‘household member is...’and then nothing. I don’t know if they were trying to say what their job is, but it’s not their initials anyway. It’s some sort of attempted disclosure. There’s maybe 3 or 4 of those. And that’s the report.”

Chairman Gordon: “I think the question is to what extent do we have an obligation or a desire to go and correct the financial disclosure forms.”

Vice Chairman Sytek: “I looked to see what authority we have, and I can’t find that we have any authority to send them back and ask them to be corrected....”

Chairman Gordon: “Other than someone being held accountable after the fact as I think we had a case last year, without naming names, where we had an individual who hadn’t perhaps reported correctly on the form.”

Senator Rosenwald: “And we did invite that individual in to explain why their forms varied so much over the years.”

Chairman Gordon: “So what’s your preference? Do you want to undertake some type of corrective action on the forms...”

After further discussion, Vice Chairman Sytek moved to transmit the forms to the Secretary of State. Senator Rosenwald seconded the motion, and the Committee voted 5 to 0 in favor of the motion.

ITEM #3

Discussion of pending legislation affecting the Legislative Ethics Committee: 2025 House Bill 546-FN, “An Act relative to financial disclosures to legislative ethics committee.”

Chairman Gordon summarized the bill. “Basically, what it’s looking for is if someone receives a contribution of \$1000 or more, they have to update their financial disclosure.”

Vice Chairman Sytek: "Is that a campaign contribution?"

Chairman Gordon: "It looks like that's what's intended. And it looks like whoever is doing the bill is mixing apples and oranges, because we don't have jurisdiction over campaign contributions because they're exempt from the gift law. And there is a separate form which is filed with the Secretary of State."

Senator Ward: "Many of us have somebody who takes care of the finances, and we give all of the evidence to that person who keeps track of it and communicates then with the Secretary of State. Every time we have a chunk of money coming in that gets reported. So, when I read this thing, I didn't really understand why."

Vice Chairman Sytek: "They want the Secretary of State to tell the ethics committee. What are we going to do about it? We haven't any jurisdiction over campaign funds."

Senator Ward: "Because all the income and expenses have to be reported to the Secretary of State."

After further discussion, Chairman Gordon said, "I guess the question is, do we want to take a position? Does the Committee want to take a position on it or testify, or not necessarily take a position but indicate at the hearing that this doesn't really work?"

Senator Rosenwald: "I think we should take a position that these contributions are properly reported to the Secretary of State. There's nothing we're going to do about them, and it just seems like more paperwork that we have no jurisdiction over."

Senator Ward: "Every time we go to a workshop that is being paid for, or we get tickets that are paid for, that gets reported to the Secretary of State, as well. So, I'd be curious about what set this thing off. Did something happen?"

Vice Chairman Sytek: "So, are we going to speak against it or are we just going to point out the unworkability or the appropriateness?"

Chairman Gordon: "I think if we could authorize the chair or Rich, somebody to testify at the hearing in the matter. Not necessarily taking a position but explaining this is inconsistent with the current law."

Vice Chairman Sytek: "Then I would so move."

Senator Rosenwald seconded the motion, and the Committee voted 5 to 0 in favor of the motion.

ITEM #4

New/Other Business.

- a) Paul Smith, Clerk of the NH House of Representatives, asked to address the Committee about how he has started to get a lot of questions concerning the recusal requirement. He said: "Unfortunately, some of them have now started turning into this type of question: 'Is there a rule preventing a legislator from being a prime sponsor of a bill that will significantly benefit themselves financially, and I am referring to a crypto bill that's in

Commerce?’ and my response is basically always the same, ‘I’m attaching the link for the new recusal statute here. If there are some specific questions you may have or if you believe something warrants the attention of the Committee, I’d suggest reaching out to Rich and going through that avenue.’ But I’m getting more and more of those, so obviously, as you know... it was the position of the Committee to kind of wait to see and deal with some of these requests. I’m hopeful that some of these requests will start coming to you in writing so that we have more guidance soon, but I did want to let you know that I’m starting to field a lot of these questions. I’m sure Rich is getting some of those questions. I’m hoping that they rise to a level where you’ll be asked for some guidance soon. But in terms of asking some specifics about what is the difference between declaring a conflict of interest and recusing, some of those questions, some of those nuances, people are starting to not understand....” After further testimony, Mr. Smith offered to submit a request to issue a formal opinion so that advice can be made available to members through the calendars.

Chairman Gordon said: “I’m actually surprised we haven’t gotten requests so far. Have you had many inquiries, Rich?”

Mr. Lambert: “Yes. And I have given them your advisory opinion and said that the Committee is hoping they’ll be some formal requests soon so this could be worked out and that both Chairman Gordon and Representative Lynn during Orientation stated they didn’t think there would need to be that many requests in order to sort of come up with some good explanations and guidance.”

Vice Chairman Sytek: “The advisory opinion never appeared in the calendar. Is there a reason that it didn’t get printed in the calendar?”

Mr. Lambert: “Yes. Because it was not actually, at that meeting, it was a long meeting, and it was never actually put to a vote to be formally issued as an advisory opinion.”

Vice Chairman Sytek: “Can I move that now? Because I think it would be helpful just to raise peoples’ awareness. So, I would move that we affirm the contents of the advisory opinion that’s listed on our website and formally approve it for printing in the calendars ... to issue it.”

Chairman Gordon summarized the opinion, which was docketed as *Advisory Opinion 2024-3*. Senator Rosenwald then seconded the motion to formally issue the opinion, and the Committee voted 5 to 0 in favor of the motion.

Chairman Gordon stated: “And I certainly would invite a request for an advisory opinion. I’d prefer not necessarily to have complaints. But I would certainly invite that.”

- b) Mr. Lambert said that he would like to go back to add one more thing about the financial disclosure filings. He said: “We had 100% compliance. But I wanted to thank the people who did a lot of work to make that happen, if I could. It was, of course, Aaron Goulette and Debra Childs of the Speaker’s Office, and in the House Majority Office, Zachary Letourneau, Sean Connor, and Caleb Kruger, and in the Minority Office, Dan Mason, Rachel Potter, and Slate Goodwin, and in the Senate, Chief of Staff Harold Parker and Grant Bosse, the Deputy Senate Chief of Staff, from the Senate President’s

Office, and in the Majority Office, the person I most worked with was Tricia Melillo. In the Minority Office of the Senate, Jennifer Gallagher, in particular, but also Nick Randos and Thomas O'Neil, and all the Senate Administrative Assistants and Legislative Aides who helped in various ways to make sure the Senators filed their forms because I can't be 5 places at once. And so, I take in the forms, I help members make out their forms, but then I send my Excel reports daily to the leadership offices and they're the ones who track everyone down."

Chairman Gordon: "Thanks to the staff for both bodies for doing the work they did. It's much appreciated. And it's rare, I can't remember when we had everybody file on time."

Vice Chairman Sytek: "Never."

ITEM #5

Scheduling of the next meeting.

The Committee scheduled its next meeting on Monday, March 10, 2025.

The Committee's meeting adjourned at approximately 2:30 P.M.

{Prepared by Richard M. Lambert, Executive Administrator}