

MINUTES
LEGISLATIVE ETHICS COMMITTEE
SEPTEMBER 18, 2025, MEETING
{Approved: November 24, 2025}

The Legislative Ethics Committee (RSA 14-B:2) met on Thursday, September 18, 2025, at 10:00 A.M. in Room 103 of the State House.

The following members were present: the Honorable Edward M. Gordon, Chairman, the Honorable Donna Sytek, Vice Chairman, Senator Cindy Rosenwald, Senator Ruth Ward, Representative Catherine Rombeau, and the Honorable David W. Hess. Representative Bob Lynn was 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 June 23, 2025.

Following review, Vice Chairman Sytek moved to adopt the *Minutes* as drafted. Senator Ward seconded the motion, and the Committee voted 6 to 0 in favor of the motion.

ITEM #2

Consideration of a request for an Advisory Opinion from Representative Ross Berry.

Chairman Gordon summarized Representative Berry's request. "In effect he wants to put in legislation with regard to childcare licensing and he is an owner of a facility, although he indicates in his request that he would not be directly affected by the legislation."

Senator Ward said it seemed to her that Representative Berry can probably make an argument for why the bill shouldn't affect him, but the perception by the public would be, "He has a childcare center, why is he supporting this?" She said she thought that from a public perception point of view, he should not cosponsor the bill.

Senator Rosenwald noted that Representative Berry pointed out in his request that he would likely experience a financial detriment to his business should the bill pass.

Mr. Hess said he thought the opportunity for Representative Berry to take advantage of the bill's changes to the zoning ordinances in the future should he wish to expand "is very clear and obvious. So, I think not only is the perception there, but the reality is there in terms of any potential future development that he may have. So, I agree with the previously expressed opinions, and I think this is a conflict of interest under our statute which requires recusal."

Representative Rombeau said, "I was very interested in this question of what happens in the future versus where he is now. It's less clear to me that that would be where we would make the decision."

Vice Chairman Sytek said, "I agree that the optics are bad, and I was trying to find the words in (RSA 14-C) about 'direct and substantial.' Is it direct? It's probably substantial. Is it direct? I don't know. But I think it would be best if he did not cosponsor this bill."

Senator Rosenwald said, "He only asked about co-sponsoring it. I think he needs to recuse himself because of the current potential detriment..."

Chairman Gordon said, “My concern is I don’t think we disqualify people from participating based on potential. I think that’s my big concern in that, yeah, potentially he might be affected but if we look at the statute it is whether he’s going to get any substantial and direct benefit, and with the facts that we have, at least the facts that he’s presented, it doesn’t appear to me that he’s going to be getting an immediate benefit. He has a potential benefit but no immediate benefit. And so, is he getting a direct benefit? I’m not sure that’s the case. But I agree with the perception. But in the past, the way we’ve dealt with perception is by disclosure. And it would seem to me that in any event he would have to – and he already has on his initial filing (on his Financial Disclosure Form) indicated that he has a potential conflict with licensed daycare.”

Senator Rosenwald said, “I just would point out that the statute refers to a ‘benefit’ or ‘detriment.’ And he points out a detriment to his business. And so, I don’t think we’re talking about what’s going to happen in the future, but as he points out, what will happen to his current business immediately. So, I think under the plain language of the statute, because of the detriment, he would not be able to participate. Yeah, in the future he might have a benefit, but he points out that it’s going to act against his own interest.”

Chairman Gordon responded, “When I view ‘detriment’ it’s ‘I’m gonna lose something because of it and I want to avoid losing something.’ In this case, he’s not attempting to avoid losing something, is he?”

Representative Rombeau said, “I had that question, too. Because I’m looking and it talks about recusing from participation in official legislative activity which we’re talking about constantly. (Inaudible.) So, it’s something you’re voting on in order to get something to avoid the detriment, right? So, I’m not sure. It seems like there’s a distinction here between wanting to sponsor a bill and voting on a bill, even though it’s all an official activity. I don’t know if I can read it the same way.”

Chairman Gordon said, “I don’t think we can just say, ‘You can’t cosponsor, but you could participate otherwise.’ I think you either have to recuse or not recuse. One or the other. You have to be recused or not recused.”

Senator Rosenwald said she agreed.

Mr. Hess noted the definition of “conflict of interest” in RSA 14-B:1 and read it. “I. ‘Conflict of interest’ means the condition in which a legislator has a special interest in any matter which could directly or indirectly affect or influence the performance of the legislator’s official activities.” He then said, “I noticed in his cover letter he mentions that ‘I am not currently seeking to start a new childcare center under a new license, but that could be the case in the future.’ That suggests to me that he has anticipated a potential conflict here and, in that respect, perhaps he has answered our question with respect to a substantial or potential impact. You can’t divine an applicant’s intent, a state of mind, except through objective standards (inaudible) and I think this language suggests that he recognizes the potential conflict, and I applaud him for being so frank and honest and direct in mentioning that, but I point that out. I think it’s a close call. But again, the perception, I think, would be very substantial. Although I don’t think we should make decisions or render our opinions based solely on appearances.”

Chairman Gordon said, “If I were a legislator and I’m a parent and I have school-aged kids who are in public school, do I have to recuse myself on voting for educational savings accounts because potentially my kids could take advantage of them at some time in the future?”

Representative Rombeau said, “I guess I’m less comfortable with the idea of coming to a conclusion based on what potentially, what they may pursue later. ... (inaudible)”

Regarding the example of voting on bills related to the Educational Freedom Account (EFA) program, Senator Ward said, “You are not the only individual getting it, you’re part of a larger group that is benefiting from it. And I think that makes a difference whether it’s an individual or you’re part of a group that could benefit or not benefit from something.”

Chairman Gordon said, “I think it gets down to this: direct and substantial. We dealt with the issue of substantial, I think, to a large extent. But we haven’t been able to define ‘direct.’ As a committee, we really need to think about that. What is ‘direct?’”

After further discussion, Vice Chairman Sytek made the following motion: “I move that we advise Representative Berry to recuse himself based on the fact that the bill would act against his own interests by expanding competition to his business.” Senator Rosenwald seconded the motion.

Chairman Gordon said, “I’m not sure I could agree with the motion in that I think it will set a bad precedent for what constitutes ‘direct,’ frankly, and because he has provided us with the facts and circumstances, basically, ‘I might have a potential benefit here, but I’m not going to get any direct benefit from doing this. But I’m familiar with the industry and I want to cosponsor this and potentially I could benefit, I guess. But there’s no direct benefit to the business that I operate currently.’ Do we now set a precedent where in the future people come to us and say, ‘I might do something in the future’ and here’s our precedent saying you’ve got to recuse yourself?”

Senator Rosenwald said, “I would agree with you on the potential future benefit, but the statute also says ‘detriment’, and he says in his letter the bill would act against my own interest by introducing and expanding competition to my business. And that’s why I think he has to recuse himself because he’s required to if there’s a substantial benefit or detriment and he admits the detriment.”

Mr. Hess said, “Mr. Chair, I think you have persuaded me to change my opinion based upon the precedential impact of our decision. I would prefer that we had more time to think about this but, in the interim, I guess I would vote no on the current motion.”

Chairman Gordon said, “I think the way I would approach it is the way a judge would approach it: with a very narrow decision as opposed to an expansive decision, and that would be to say, ‘Based upon the facts you have presented to us, it does not appear that you would receive a direct and substantial benefit or detriment and, therefore, you would not be required to recuse yourself from participation.’ And do it that way to make it narrow, based upon just the facts he’s presented us. And so, on another set of facts we could potentially decide differently.”

Vice Chairman Sytek asked, “Couldn’t you have a narrow decision saying that based on the facts that this is a detriment?”

Chairman Gordon responded, “You see, I don’t view ‘detriment’ the same way. So, you’re viewing a detriment as he’s gonna end up hurting himself, that potentially he’s going to do something that will end up potentially hurting himself. But I think ‘detriment,’ the way it’s intended in the statute, is there’s some piece of legislation out there that’s going to negatively affect my business and, therefore, I’m not gonna vote for it, obviously, because it’s going to have a substantial effect on my business negatively. But I’m not sure in this particular case where you’re the one who is sponsoring the legislation that that can really be considered a detriment because it’s not against your interests.”

Senator Rosenwald said, “I’m not following that. It’s a piece of legislation that will introduce more competition into his industry segment. He admits that’s gonna hurt his own interest. I don’t see how we can say, ‘Well, it’s not a detriment’...”

Chairman Gordon responded, “I don’t think the statute was intended to protect people from hurting themselves. It was intended to stop people from taking advantage of legislation.”

Senator Rosenwald said, “Well, it would be nice if it were written differently, but it isn’t. It was written to protect people from hurting themselves, too.”

Mr. Lambert said, “Mr. Chairman, traditionally, before we had recusal, when it was all about disclosure and Declarations of Intent, I had always understood that detriment meant just what you said, that members are not allowed to enrich themselves or benefit, but if they were voting against their self-interest there was no need to do anything further in terms of Declarations of Intent. That’s what I was always telling people for 30 years, since we had these provisions, ‘If you’re going to be voting against something that could hurt you, that could be a conflict, but if you were voting for something that could hurt you, that was not a conflict.’”

Chairman Gordon asked Vice Chairman Sytek to restate her motion. Vice Chairman Sytek stated, “I move that we notify Representative Berry that he should recuse himself from participation on this bill based on his statement that it would be a detriment to his business.” Chairman Gordon noted that the motion had been seconded previously by Senator Rosenwald. The Committee voted 3 to 3 on the motion, so the motion failed.

Vice Chairman Sytek then stated, “I move that we notify Representative Berry that he does not have to recuse himself based upon the facts that he’s presented to the Committee.”

Mr. Hess suggested including in the opinion that we advise Representative Berry that the Committee was also very concerned about the appearance of a conflict and that he should take that factor into consideration in deciding whether, and to what extent, he participates. The Committee agreed.

Chairman Gordon seconded the motion. He then asked Senator Rosenwald if she was okay with the motion.

Senator Rosenwald responded, “Again, we’re ignoring the detriment part of the statute. So, I think your letter would have to say, it doesn’t appear that you have a direct, substantial benefit or detriment currently. I don’t agree with that, but I don’t think we can’t just ignore the detriment part of the statute.”

Chairman Gordon agreed to include Senator Rosenwald's suggested language in the draft opinion.

The Committee voted 5 to 1 in favor of the motion.

Chairman Gordon stated that a draft opinion would be circulated to the Committee members to review and approve.

ITEM#3

Consideration of a request for an Advisory Opinion from Anastasia Childs, Executive Administration Director, Office of the Speaker.

Chairman Gordon noted that Ms. Childs was in attendance. He summarized her request saying, "Ms. Childs has asked for an opinion from the Committee in regard to a GoFundMe page in which she is the beneficiary, and she has provided us a fairly extensive letter explaining the circumstances. ... The question is, 'Is she in violation of the Ethics Guidelines by virtue of the fact that she has the GoFundMe page. Whether she created it or somebody else created it, presumably she's the beneficiary and potentially the recipient of, under the statutory guidelines, 'gifts' which would be prohibited. And does she qualify for an exception?"

Representative Rombeau said, "In the prior letters about the exception (which provided informal advice from Legislative Ethics Committee chairmen with regard to GoFundMe-type fundraisers), one talked about the funds being handled by a disinterested third party, which is not the scenario here where it is a friend. I don't know if that scenario would necessarily change the outcome in my opinion. ... In another, we don't know who the donors were in that scenario. Potentially in the GoFundMe it's sort of up to the donors to disclose or whether they're anonymous or not, potentially."

Vice Chairman Sytek said, "Doesn't it depend on whether the donations were made in her capacity as a legislative employee or just to a fellow citizen who's got a tragedy? Apparently, the GoFundMe was set up by coworkers. Were the coworkers legislative employees? Does that make a difference? If we find it violates, does she have to give the money back? That's not an outcome we want."

Chairman Gordon said, "I think the standard is whether or not the donations were given in order to influence the person in their official capacity. And in this case, I don't see it. [Several members indicated their agreement.] I noticed there was sort of a conflict between the prior precedents with whether or not you should keep the donors secret or whether or not you disclose them. But I think I'm in favor of the disclosure."

Senator Rosenwald asked, "How do you disclose them?"

Chairman Gordon replied, "It's right on the website, isn't it?"

Representative Rombeau said, "Sometimes you can make a donation anonymously. It depends on how the GoFundMe is set up. ... To be honest, I can't imagine that (inaudible) suggesting that colleagues cannot support a coworker in those circumstances. That is not my interpretation of the rule."

Vice Chairman Sytek said "Somebody ought to have a bill to provide an explicit exception for this kind of thing because it's come up more than once."

Mr. Hess said, “I am concerned about the contribution from a lobbyist because I think we already have statutory restrictions on lobbyists and financial gifts to legislators. And I don’t recall whether the statute applies specifically to employees of the legislature or not. But I am concerned about the receipt of a donation from a lobbyist as the petitioner has told us. Perhaps we need more information about that, whether it’s nominal, if it’s \$10 or \$20, or something like that. But if it’s \$100 or a couple of hundred dollars, that may change my perception of the propriety of that compliance with the statutes.”

After further brief discussion, Chairman Gordon said, “I think what happens is, in terms of where we go with this, is we either find that it’s not a violation of the Ethics Guidelines or, if it is a violation of the Ethics Guidelines, then probably the remedy is to return those funds to the people who gave them. I think that’s a potential outcome here.”

Senator Ward said, “The only thing that raised a red flag with me is the donation from the lobbyist.”

Chairman Gordon invited Ms. Childs to speak to the Committee.

Representative Rombeau asked Ms. Childs if she would address the Committee’s concerns about the donation from the lobbyist.

Ms. Childs said, “So, I had had interactions with him prior to working at the State House. I had gone to different events, and I had actually considered applying to lobbyist roles before ending up working for the Chief and the Speaker. So, there was a little bit of a relationship there. But it was one thing that I thought was important to bring up because when all of this just randomly crossed my mind, I just wanted to make sure that I was as transparent as possible. I wanted to protect everybody involved because I know that they were just trying to help me out in a difficult time. As I mentioned in my letter, I have difficulty accepting help from others. So, I can also speak to why there were fewer donations from personal friends and family because I could not personally share the GoFundMe anywhere. And yes, GoFundMe can be anonymous. People can post anonymously. Very few people did. And when I was given access to the GoFundMe to transfer the money to my account, I could actually have access to see everybody. So, even the individuals that were anonymous.”

Mr. Hess asked, “Can you tell us how much the lobbyist contributed?”

Ms. Childs responded, “I believe it was \$250.”

Mr. Hess asked, “Do I correctly understand that you were not the official sponsor of the GoFundMe?”

Ms. Childs responded, “I did not start it.”

Mr. Hess asked, “But was your name on it?”

Ms. Childs responded, “Yes.”

Representative Rombeau asked, “May I ask who set up the GoFundMe?”

Ms. Childs responded, “It was Aaron and Jennifer.”

Representative Rombeau asked, “So, you did not set up the GoFundMe?”

Ms. Childs responded, “Correct.”

Aaron Goulette, House Chief of Staff, addressed the Committee. “I just want to introduce to the conversation the fact that I understand that we’re in a unique work environment here. We are in our positions, and we’re subject to these things. But it also is a workplace. We develop relationships with one another, and we develop relationships with legislators because we work with them, too. Between everybody as coworkers. As some of these relationships develop, I just fear that, depending on where the Committee is going to go with this, that folks are going to be reluctant to help each other out in the future, and that’s not the environment that I want to have for legislative employees. We deal with enough unusual things as it is. I don’t want to have to disclose to people when we hire them that they’ll have to think twice about receiving some sort of compassionate gift from somebody in personal tragedies or for other events. I can’t tell you how many times I’ve contributed to somebody, whether it’s a personal circumstance, a family circumstance, illnesses of children, fundraisers for school, retirement gifts, showers of some sort. That all happens in a normal workplace. And to say that we should think twice about doing any of that for our work colleagues is going to be different and unusual for us to consider. So, to that extent -- I know this was mentioned, it’s in the background material -- that one of the exceptions to gifts is if the item, whatever it may be, would have been given or received even if the person were not a legislator or legislative employee. (Inaudible) How do I know this person? Am I giving a gift because of where they work, or is where they work just how I know them? And I think in this case it was the latter. It’s just how folks came to know Anastasia, not because they wanted to give to her because of her position or where she works, they were just making a compassionate donation. So anyway, I just want to inject that. Personally, this was not the only thing I contributed to this year, to be honest with you. There have been other employees who’ve had tragic things that have happened in their life, and it’s just something that I think we should think about, the Committee should think about. (Inaudible) And yes, if I were to receive an email indicating somebody had had a tragic circumstance, I would probably donate whether they were a legislative employee or not. So, it’s just the way I work.”

Chairman Gordon thanked Mr. Goulette for speaking with the Committee and said, “I think, looking at the anonymous, the fact is lots of people could give anonymously and not be on GoFundMe. So, a lobbyist could make a substantial donation not through GoFundMe, but in some other manner, as well. And actually, the GoFundMe provides you with more information than perhaps other means.” He then asked if there was a motion.

Representative Rombeau said, “I move that we find no conflict in the GoFundMe fundraiser that was previously held as there was no indication that it was intended to influence the staff member.”

Vice Chairman Sytek seconded the motion and the Committee voted 6 to 0 in favor of the motion.

Chairman Gordon stated that a draft opinion would be circulated to the Committee members for their review.

ITEM #4

Consideration of an inquiry from Rep. Mark Pearson.

The Committee reviewed an email inquiry from Representative Pearson which asked the Committee to review a draft LSR that Representative Pearson was considering introducing for the 2026 legislative session relating to expansion of mental health courts in the state. He asked the Committee to advise whether his participation in the legislation would constitute any ethics violation.

Following a brief discussion, Chairman Gordon moved that the Committee should respond with an opinion stating that based upon the facts Representative Pearson presented, the Committee can see no ethics violation.

Vice Chairman Sytek seconded the motion and the Committee voted 5 to 1 in favor of the motion.

ITEM #5

New/Other Business

There was no new or other business.

ITEM #6

Scheduling of the next meeting.

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

The Committee's meeting adjourned at approximately 10:55 A.M.

{Prepared by Richard M. Lambert, Executive Administrator}