

MINUTES
LEGISLATIVE ETHICS COMMITTEE
JUNE 24, 2026, MEETING
{Approved: July 30, 2026}

The Legislative Ethics Committee (RSA 14-B:2) met on Wednesday, June 24, 2026, at 1:00 P.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 Bob Lynn, Representative Catherine Rombeau, and the Honorable David W. Hess. 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 May 19, 2026. Following review, Mr. Hess moved to adopt the *Minutes* as presented. Representative Lynn seconded the motion, and the Committee voted 6 to 0 to adopt the *Minutes*.

ITEM #2

Formal Hearing on *Complaint 2026-3, Berch, Harvey & Horrigan v. Spillane*. (Public Session.)

{SEE ATTACHED TRANSCRIPT}

ITEM #3

Continued deliberation on *Complaint 2026-4*. (Nonpublic Session)

Representative Lynn moved to enter nonpublic session, pursuant to RSA 14-B:3, I(d), to deliberate on *Complaint 2026-4*. Mr. Hess seconded the motion, and the Committee voted as follows:

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

{NONPUBLIC SESSION}

Representative Lynn moved to exit nonpublic session. Senator Rosenwald seconded the motion and the Committee voted as follows:

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

Chairman Gordon stated, “We just came out of nonpublic session where we continued our deliberation on *Complaint 2026-4*. Having completed that deliberation, the Committee voted to dismiss the complaint and provide a document indicating the reasons for the dismissal.”

ITEM #4

Initial Review of *Complaint 2026-8*. (Nonpublic Session)

Representative Lynn moved to enter nonpublic session, pursuant to RSA 14-B:3, I(d), to conduct an initial review of *Complaint 2026-8*. Mr. Hess seconded the motion, and the Committee voted as follows:

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

{NONPUBLIC SESSION}

Representative Lynn moved to exit nonpublic session. Mr. Hess seconded the motion and the Committee voted as follows:

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

Chairman Gordon stated that, “We’ve just come out of nonpublic session having conducted an initial review of *Complaint 2026-8*. Having conducted that initial review, the Committee found that there was sufficient cause to move forward and conduct a preliminary investigation on the complaint and schedule a hearing at which both parties may appear.”

ITEM #5

New/Other Business

There was no new or other business.

ITEM #6

Scheduling of the next meeting.

The Committee scheduled its next meeting on July 30, 2026, at 10:00 A.M.

The Committee’s meeting adjourned at 2:37 P.M.

{Prepared by Richard M. Lambert, Executive Administrator}

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THE STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE GENERAL COURT
LEGISLATIVE ETHICS COMMITTEE

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Complaint No. 2026-3
On Wednesday, June 24, 2026
State House, Room 103

COMMITTEE MEMBERS PRESENT:

- Honorable Edward M. Gordon, Chair
- Honorable Donna Sytek, Vice-Chair
- Senator Cindy Rosenwald, Senate District #13
- Senator Ruth Ward, Senate District #08
- Representative Bob Lynn, Rockingham #17
- Representative Catherine A. Rombeau, Hillsborough #02
- Honorable David W. Hess

- Staff: Richard M. Lambert, Executive Administrator

- For the Respondent: Norman J. Silber, Esq., Gilford, NH

1 (The meeting convened at 1 o'clock p.m.)

2 CHAIRMAN GORDON: It being one o'clock,
3 we'll call this meeting of the Legislative Ethics
4 Committee to order. Just note for the record that --

5 REP. PETER SCHMIDT: Recording? Are you
6 recording, Judge?

7 CHAIRMAN GORDON: We are recording.

8 REP. SCHMIDT: I don't see the microphone.

9 CHAIRMAN GORDON: My recording. We are --
10 we have a stenographer here who is taking notes today or
11 making a transcript of today's meeting. I note that all
12 Members are present with the exception of Former Speaker
13 Sytek, and she has indicated that she is caught in
14 traffic and will be here as soon as she can.

15 Our first item of business today is
16 consideration of the draft minutes from the Committee's
17 meeting, our last meeting, which was held on May 19th.
18 Everyone have an opportunity to review the minutes?

19 ** HON. DAVID HESS: I move we adopt the
20 minutes as presented.

21 REP. LYNN: Second.

22 CHAIRMAN GORDON: Okay. Moved by Former
23 Representative Hess, and seconded by Representative --
24 Representative Lynn. Yeah, seconded by everybody that
25 we adopt the minutes as drafted. Any discussion? Any

1 amendments?

2 All those in favor of adopting the minutes
3 as drafted signify by saying aye?

4 COMMITTEE MEMBERS: [Chorus of Ayes].

5 CHAIRMAN GORDON: The minutes have been
6 adopted as drafted.

7 *** {MOTION ADOPTED}

8 CHAIRMAN GORDON: Our next item of business
9 is the formal hearing today on Complaint 2026. I'd note
10 that this is a public hearing. And, by way of
11 background, I note that in March of this year the
12 Committee received Complaints, three Complaints;
13 Complaint from Representative Berch, a Complaint from
14 Representative Harvey, and a Complaint from
15 Representative Horrigan. They all allege that
16 Representative Spillane had violated ethical standards.

17 On May 17th, the Committee met and conducted
18 an initial review. After that review, the Committee
19 found that there was just cause to conduct a preliminary
20 investigation.

21 On May 19th, again the Committee met.
22 Having heard from all parties at that time, the
23 Committee completed its initial -- its preliminary
24 investigation and voted to bring a formal Statement of
25 Charges.

1 On May 29th, the Committee issued a
2 Statement of Formal Charges and a Notice of Hearing.
3 That hearing's scheduled for today.

4 The Committee subsequently received a Notice
5 of Appearance from Attorney Silber. It also received an
6 Answer and Affirmative Defenses from Representative
7 Spillane.

8 The formal charges that were brought were
9 that the alleged conduct in the Complaints, which form
10 the basis of the formal charges, arises from postings
11 made by Representative Spillane on the social media web
12 site X. In those posts, and which Representative
13 Spillane identified himself as Representative James
14 Spillane, he made offensive and demeaning comments about
15 other House Members. More specifically, when a
16 Representative responded to his posted description of
17 another Representative as a liar, he referred to that
18 Representative as retarded, commented that his mother
19 had - and I won't use the full word - but F'd her
20 cousin, and accused him of dropping acid in the '60s.

21 The Committee voted formally to charge
22 Representative Spillane with violating Ethics
23 Guidelines, Principles of Public Service, Paragraph 3,
24 the Principle of Accountability, which requires that
25 legislators shall ensure that government is conducted

1 openly, equitably, and honorably, in a manner that
2 permits the citizenry to make informed judgments, have
3 confidence in the integrity of the Legislature, and hold
4 government officials accountable.

5 And Paragraph 4, the Principle of Conduct,
6 which requires that legislators shall treat each other,
7 legislative employees, and the public with dignity and
8 respect.

9 Prior to conducting the hearing today, we
10 did receive a Motion to Dismiss on behalf of
11 Representative Spillane from Attorney Silber.

12 (Honorable Donna Sytek enters the Committee
13 Room.)

14 CHAIRMAN GORDON: Welcome.

15 VICE-CHAIRWOMAN SYTEK: Sorry. There was an
16 accident on 93. Got stuck sitting in traffic.

17 CHAIRMAN GORDON: Not a problem. The Motion
18 to Dismiss was based upon a procedural issue.
19 Specifically, that this Committee would not have
20 jurisdiction to act on the Complaints. Because it's a
21 procedural issue, and because it does involve
22 jurisdiction, it should be addressed before we go
23 forward with the hearing today. Because, in fact, if we
24 did not have jurisdiction, we would not be entitled to
25 hold such a hearing.

1 So I think we'll address that Motion to
2 Dismiss first today, and rep -- Attorney Silber, you
3 filed a motion. Do you want to address the motion?

4 ATTORNEY SILBER: Yes, I do. Thank you, Mr.
5 Chairman.

6 This Committee exists and is governed by RSA
7 Chapter 14-B. And it states specifically under section
8 Roman numeral III, Jurisdiction of the Committee, means
9 those actions which allege a violation of law,
10 guideline, rule, or regulation, and relate to the
11 conduct of individuals in the performance of their
12 duties as members, officers, or employees of the
13 Legislature.

14 There is absolutely no allegation contained
15 in any of the Complaints that any of the posts on the
16 social media site by Representative Spillane were done
17 in the performance of his duties. There has to be, and
18 for this Committee to have jurisdiction, there must be
19 an allegation that the complained against acts were done
20 in the performance of his duties. There is no such
21 allegation. This Committee has no jurisdiction. We
22 object to any proceedings and any action by the
23 Committee on the Complaints. Thank you.

24 CHAIRMAN GORDON: Thank you. So to the
25 Committee. Do the Committees have thoughts with regard

1 to the Motion to Dismiss? I think we probably should
2 act on the Motion to Dismiss before we go forward with a
3 hearing.

4 REP. LYNN: Sorry. I guess I would say with
5 due respect to Attorney Silber, I -- I disagree with
6 him. I think that the -- the language in the -- in the
7 RSA 14-B:1, Roman numeral III, talks about, says that --
8 means actions which allege a violation of law,
9 guidelines, rules, or regulations, and relate to the
10 conduct of individuals in the performance of their
11 duties as Members of the House.

12 Seems to me that this conduct in question
13 does relate to the duties of the -- of a Member of the
14 House. In fact, the whole circumstance where it was
15 that there were comments about what had happened at a
16 proceeding on the Floor of the House, and it was in
17 response to those comments that the Representative made
18 statements in question; again, clearly identifying
19 himself as a Representative. So I think that, to me,
20 that definitely falls within the scope of the rule. The
21 statute I should say.

22 CHAIRMAN GORDON: Other thoughts?
23 Representative Hess.

24 HON. DAVID HESS: I concur with
25 Representative Lynn's interpretation of the statute. I

1 would also note that in the past when this issue has
2 come up, the Committee has adopted the provision that
3 when an individual uses his official title as
4 Representative, that that is significant evidence of --
5 of complying with the terms of this provision and vests
6 this Committee with jurisdiction. That is the case
7 here, and I think that that is evidence that contributes
8 to the assertion about jurisdiction.

9 CHAIRMAN GORDON: Anyone else wish to weigh
10 in? Somebody want to make a motion? Representative
11 Hess.

12 ** HON. DAVID HESS: Mr. Chairman, I move that
13 we deny the Motion to Dismiss.

14 REP. LYNN: Second.

15 CHAIRMAN GORDON: Okay. We have a motion
16 pending. Is there any discussion on the motion? All
17 those in favor of the motion, signify by saying aye?

18 COMMITTEE MEMBERS: [Chorus of Ayes].

19 CHAIRMAN GORDON: All those opposed say nay?
20 [No response].

21 CHAIRMAN GORDON: The motion's been adopted.

22 *** {MOTION ADOPTED}

23 CHAIRMAN GORDON: The Motion to Dismiss has
24 been denied. The Committee finds it has jurisdiction,
25 and we'll go forward with holding the hearing.

1 HON. DAVID HESS: Mr. Chairman.

2 CHAIRMAN GORDON: Yes.

3 HON. DAVID HESS: I have a preliminary
4 question.

5 CHAIRMAN GORDON: Yes.

6 HON. DAVID HESS: In paragraph one of the --
7 Attorney Silber's answer and affirmative defenses, he
8 states that the Respondent admits that he posted to
9 social media site the language referred to in the
10 Complaint. That being the case, I'm asking the Chair if
11 it would be appropriate to limit the testimony here with
12 that addition, to limit the testimony here to the effect
13 of the impact of those posts on the individuals, rather
14 than going into the description of the posts themselves?

15 CHAIRMAN GORDON: I think that's -- in terms
16 of -- what you're asking is that instead of them going
17 into a description of the actual posts, to limit their
18 testimony to what effect it may have had on them
19 individually?

20 HON. DAVID HESS: I just throw that out as a
21 question, a question of the Chair. It also be
22 understood that the nature of the post would be such
23 that, that that would explain or provide some background
24 for the response of the individuals as well.

25 CHAIRMAN GORDON: I -- I -- I think in terms

1 of -- of Attorney Silber's motion, but also in terms of
2 the response, the answer, the defenses that were
3 provided by Representative Spillane himself, he
4 acknowledged that he made those comments. So I think we
5 could, in fact, take notice of the fact that those
6 comments were made. So I'm not sure that there is a
7 need to go into further explanation of the comments
8 themselves; but I hesitate to limit other testimony
9 beyond that.

10 HON. DAVID HESS: I understand.

11 CHAIRMAN GORDON: So, we are here for a
12 hearing. I guess those who wish to testify may testify
13 here today. And we'll call upon the -- the affiants,
14 the people who filed the Complaints, if they want to
15 speak today.

16 ATTORNEY SILBER: Mr. Chairman, I believe
17 under the rules I have a right to cross-examine as well?

18 CHAIRMAN GORDON: Um --

19 ATTORNEY SILBER: The rules are clear. I
20 have a right to cross-examine.

21 CHAIRMAN GORDON: Yep.

22 ATTORNEY SILBER: I can point you to the
23 specific section.

24 CHAIRMAN GORDON: That would be great.

25 MR. LAMBERT: Page 52.

1 ATTORNEY SILBER: In Section 9, Roman
2 numeral IV, the Respondent shall be entitled to counsel
3 of his or her choice, shall have the right to advance
4 evidence, produce and cross-examine witnesses, and
5 present all relevant arguments.

6 CHAIRMAN GORDON: You do. In order to do
7 that, if you would like to sit at the chair so that you
8 can look people in the -- at the end of the table, I
9 think that might be helpful, and -- and people would be
10 able to hear your voice as well.

11 ATTORNEY SILBER: Thank you.

12 CHAIRMAN GORDON: And I saw you,
13 Representative Horrigan, stand up before. Do you wish
14 to testify?

15 REP. TIMOTHY HARRIGAN: So I'm
16 Representative Timothy Horrigan from -- I'm
17 Representative Timothy Horrigan, represent Strafford
18 County, District 10, which is the Town of Durham. And I
19 was one of the three complainants. So probably -- my
20 Complaint was probably less momentous than the others,
21 because I probably wouldn't necessarily have filed the
22 Complaint if it was just about me.

23 The Tweet in question, it was probably -- I
24 mean, I interpreted it as a bad attempt at humor; but
25 certainly the things that he said were obnoxious and not

1 at all true. I am an amateur genealogist, and I can
2 assure you that my mother and father, if they were
3 cousins, were extremely distant cousins.

4 And in the 1960's, I was twelve years old
5 when the 1960's ended, so I wouldn't have been dropping
6 any acid in the 19 -- in the 1960's, so.

7 And one thing, I mean, in terms of
8 embarrassing comments on TWITTER, that -- that happens a
9 lot, right? I probably post more times on TWITTER than
10 I -- I should. I got a disclaimer on my TWITTER account
11 that says -- that acknowledges, yes, I'm a
12 Representative, but it's a personal account. I mostly
13 -- I mostly just say that cuz there's this common
14 conception that if you're a public official you can't
15 block or view people on TWITTER. But, occasionally,
16 captious people just made meaningless or obnoxious
17 comments, and I block them.

18 I did not block Representative Spillane, and
19 I -- nor -- nor would I, because he's a colleague, and I
20 do try to keep track of what I'm saying. He's a
21 Committee Chair. So he has a position of some
22 significant power. And that's actually one thing that I
23 find probably objectionable about what he said about the
24 gentle lady from Cheshire County.

25 You know, the -- the -- he's complaining

1 that the -- the -- the Minority Committee Report on
2 certain CACR, I think it was CACR 15, he said it was a
3 lie. It was not a lie and -- but, also, like as the
4 Committee Chair, he actually, at least in theory, he had
5 the power to refuse to approve that Committee Report.
6 He's objecting to a Committee Report that he himself
7 signed off on and approved.

8 So that somebody who's been -- I've been in
9 the Legislature a long time, so that's probably just not
10 how you'd expect a Committee Chair to -- to -- to
11 behave. And I see actually not one but two people
12 who've been my Committee Chair, and certainly they would
13 never do anything, one of them being yourself, Judge
14 Gordon. But neither of them would ever do anything --
15 anything like that, and they both are very good. They
16 both have very respectful relationship with the other
17 body. So just, you know, just as a Member of the House
18 was kind of offensive that he's, you know, complaining
19 about -- about this.

20 And, you know, the Committee Report in
21 question, I think it was truthful. It was not
22 necessarily why I was one of 128 members who voted
23 against it. But, you know, it -- you know, he -- he
24 introduced the CACR, and it didn't get the necessary 240
25 votes, and that's -- that's -- that's just the way it

1 is, and that was certainly not an appropriate reaction
2 on his part to that result that he was disappointed by.
3 So that's -- that's pretty much about all I have to say.

4 ATTORNEY SILBER: Mr. Chairman, I ask that
5 all the witnesses who are going to testify be sworn.

6 CHAIRMAN GORDON: Is there any provision for
7 that?

8 MR. LAMBERT: They can be.

9 CHAIRMAN GORDON: They can be?

10 MR. LAMBERT: Yes.

11 REP. HERRIGAN: It doesn't -- I've been
12 testifying for a few minutes without being sworn in; but
13 I mean, everything I said is to the best of my knowledge
14 true, so. Okay. Thanks.

15 CHAIRMAN GORDON: The Committee like the
16 witnesses sworn today? I think so. Just raise your
17 right hand. You swear that the information today that
18 you provided the Committee is true to the best of your
19 knowledge and belief, so help you God?

20 REP. HERRIGAN: Yeah, so help me God.
21 Thanks.

22 CHAIRMAN GORDON: Thank you. Do you have
23 any questions?

24 ATTORNEY SILBER: I do.

25 CHAIRMAN GORDON: Oh, sorry.

CROSS EXAMINATION

(By Attorney Silber.)

Q. Representative Horrigan, the statements and the posts in question on X, did those occur in the State House to your knowledge?

A. Um -- I -- I do not -- I do not know where he was -- where he was sitting when he got on his phone or computer or other device and did it. So I have no --

Q. Isn't it true that those posts did not occur in the State House or in a committee hearing, committee meeting?

A. Um -- I'm not -- I'm not prepared to -- I have no knowledge of exactly where he was. And I guess if you want to go back and look at the time stamp, you can determine when he sent it and see if there was a hearing going on. But at least -- at least in my opinion those aren't -- those aren't major issues.

Q. Isn't it true that the posts were not made utilizing Justice -- Representative Spillane's legislative e-mail account?

A. I -- I do not know what e-mail account his TWITTER or X account is linked to.

CHAIRMAN GORDON: Any other questions, Attorney Silber?

ATTORNEY SILBER: Yes.

1 (By Attorney Silber.)

2 Q. During your lifetime as an adult --

3 A. Yep.

4 Q. -- did you ever utilize substances, ingest
5 substances that were not lawful?

6 A. I -- I -- I respectfully not to answer that. I
7 -- I believe it's not -- it's not relevant to the
8 question --

9 Q. Are you -- are you claiming --

10 CHAIRMAN GORDON: You -- you -- you do have
11 a Fifth Amendment right.

12 (By Attorney Silber.)

13 Q. Yeah. Are you claiming your Fifth Amendment
14 Right --

15 A. If I can do that, yes.

16 Q. -- of self-incrimination?

17 A. Yes.

18 Q. Okay. Thank you.

19 A. I certainly was not taking any illegal substances
20 at the time that I was reading Representative Spillane's
21 tweets. So no.

22 ATTORNEY SILBER: That's all I have.

23 REP. CATHRYN HARVEY: Good afternoon, Mr.
24 Chair, and Committee.

25 CHAIRMAN GORDON: Just please identify

1 yourself for the record first.

2 REP. HARVEY: Yes, sir. My name is
3 Representative Cathryn Harvey. I represent Cheshire 6.

4 CHAIRMAN GORDON: And if you could just
5 raise your right hand.

6 Do you swear the testimony you're about to
7 provide to this Committee be the truth, the whole truth,
8 and nothing but the truth, so help you God?

9 REP. HARVEY: I do. Thank you.

10 CHAIRMAN GORDON: Thank you.

11 REP. HARVEY: So, I understand that -- um --
12 we're to limit our conversations to how this affected
13 us. So if I overstep, please let me know.

14 Um -- the post was made, and it called me a
15 liar -- um -- and that I should be punished. This was
16 extremely frightening to me because in earlier posts
17 Representative Spillane had posted that punishment
18 should include flogging in the square in front of the
19 State House or your tires should be slashed. So it was
20 frightening in that I didn't know if when I got to my
21 car I would have four tires to go home on after any
22 state meeting.

23 And because Representative Spillane is in a
24 position of power, he is Chair of our Fish and Game, and
25 I am the ranking member, there were a number of people

1 then posted -- that e-mailed me afterwards agreeing that
2 I should be punished, and that they were watching me --
3 um -- and -- and those kind of things.

4 So even after the posting, it went on for
5 some time, because I had received threatening e-mails
6 from other people. I don't know who those people are.
7 They very courageously signed their e-mails with Joseph
8 or Diane or whatever. But sometimes the -- the results
9 of an original post have frightening consequences that
10 continue sometime afterwards and that's exactly what
11 happened in this case.

12 Um -- and if I could say, also, that before
13 I presented anything as a Committee Report or before I
14 -- certainly, before I speak from the well, I make sure
15 that I do have my facts straight. And in this
16 particular case, I had actually conferred with two
17 lawyers; one who works with domestic abuse -- um -- uh
18 -- um -- victims, and one who is an attorney in my -- in
19 my -- in the county in which I live. And so there was
20 nothing that I had said or written that was not approved
21 and -- and seen by another attorney as being truthful.

22 CHAIRMAN GORDON: Thank you.

23 REP. HARVEY: You're welcome.

24 CHAIRMAN GORDON: Do you have any
25 cross-examination?

1 ATTORNEY SILBER: Yes, I do.

2 **CROSS EXAMINATION**

3 (By Attorney Silber.)

4 Q. Representative, isn't it true that the statements
5 made by Representative Spillane on TWITTER, now known as
6 X, were not made in the State House?

7 A. I have no idea.

8 Q. They were not made in the -- in a Committee room?

9 A. I -- I have no idea.

10 Q. You indicated in your written statement here that
11 you were fearful based on these statements?

12 A. Yes, sir.

13 Q. What were you fearful of?

14 A. That my tires might be slashed by not -- not
15 necessarily -- um -- by anyone.

16 Q. Did Representative Spillane threaten to slash
17 your tires? Isn't it true he did not?

18 A. He threatened to punish me.

19 Q. Isn't it true that Representative Spillane made a
20 general statement that people who lie in the well should
21 be punished? Isn't that his statement?

22 A. His statement was that I should be punished, and
23 his interpretation of punishment was flogging or tires
24 being slashed.

25 Q. Was that on -- was that posted on X? Those

1 specific remedies, so-called remedies, were those --
2 isn't it true that no such remedies, slashing of tires,
3 flogging, nothing like that was ever posted on X?

4 A. Yes, those were posted on X.

5 Q. They were -- where --

6 A. In two -- if I could finish, please?

7 Q. Sure. Go ahead.

8 CHAIRMAN GORDON: You do have to let the
9 witness answer.

10 (By Representative Harvey.)

11 A. So they were posted on X in two different posts.
12 One the -- the one where he described what punishment
13 should be included was an earlier post, not -- it was
14 not -- it was an explanation of what he considered
15 punishment. And the post to me did not include those
16 specific words, simply they included punishment.

17 Q. Isn't it true that those so-called punishment
18 posts did not refer to you directly?

19 A. I have no idea, because he -- he simply said
20 punishment. And so I had -- I would assume that -- um
21 -- the posts would apply to anybody that he felt worthy
22 of punishment.

23 ATTORNEY SILBER: Nothing further.

24 CHAIRMAN GORDON: Thank you.

25 REP. HARVEY: Thank you.

1 CHAIRMAN GORDON: Thank you for your
2 testimony. Representative Berch, do you want to
3 testify?

4 REP. PAUL BERCH: If this is about the
5 impact on me, I don't think I have anything to add on
6 that.

7 CHAIRMAN GORDON: Okay. Anybody else wish
8 to testify here today? Representative -- is -- is your
9 client going to testify today?

10 ATTORNEY SILBER: No. And I have closing
11 argument, if you will.

12 CHAIRMAN GORDON: Yeah.

13 ATTORNEY SILBER: Whenever you're ready.

14 CHAIRMAN GORDON: Why don't you go to the
15 seat down there.

16 ATTORNEY SILBER: It's my understanding that
17 the information or the statements regarding remedy,
18 so-called remedies of flogging or slashing tires was an
19 internal caucus discussion never posted on X. That
20 being said, I'd still like to address closing arguments.

21 When someone posts -- when a State
22 Representative becomes elected as a State
23 Representative, they do not give up their rights under
24 our State and Federal Constitution. They have a right
25 to free speech. And no matter how objectionable the

1 speech might be, other than yelling fire in a crowded
2 theater, which Justice Holmes has said you can't do,
3 pretty well you can say anything you want to under the
4 protection of the First Amendment, without being
5 subjected to any kind of discipline, whether by this
6 Committee or by any group of any legislative body or any
7 governmental body.

8 The -- any action taken by this Committee on
9 these complaints would be diminishing and inhibiting and
10 chilling Representative Spillane's First Amendment
11 Rights, which are guaranteed under the Federal
12 Constitution and under our State Constitution. And
13 whatever -- whatever the Committee decides, that's up to
14 the Committee. I don't agree with your determination on
15 jurisdiction. That's something that will be dealt with
16 in another forum.

17 But I can tell you that, and I asked the
18 question of the Chair, when you vote on the disposition
19 of these complaints, is this a roll call vote or just a
20 voice vote? If it's -- I would like to make sure that
21 there is a roll call vote. That the Members of the
22 Committee who might vote in favor of any discipline for
23 Representative Spillane step up and have their names
24 recorded in the public record that they're the ones who
25 voted that way. Because there are Federal

1 Constitutional issues inherent in this proceeding. And
2 these -- basically, if this thing continues and goes
3 down any pathway toward any kind of discipline for
4 Representative Spillane, it will be dealt with in
5 another forum.

6 CHAIRMAN GORDON: We do our -- we do our
7 consideration in non-public session; but there is a roll
8 call vote.

9 ATTORNEY SILBER: Is that available at some
10 point later?

11 CHAIRMAN GORDON: Is it?

12 MR. LAMBERT: Yeah, the minutes.

13 CHAIRMAN GORDON: Is it identified by
14 individual or just the total vote?

15 MR. LAMBERT: Individual.

16 CHAIRMAN GORDON: Okay. Yes.

17 ATTORNEY SILBER: And is it also, if we want
18 to get a copy of the verbatim transcript from the court
19 reporter, can that be -- is that available?

20 CHAIRMAN GORDON: I suspect that's why the
21 transcript is being made.

22 ATTORNEY SILBER: Okay. Good. That's all I
23 have.

24 CHAIRMAN GORDON: Any questions for Attorney
25 Silber?

1 ATTORNEY SILBER: You know, one final
2 comment and that is that you have your -- we're graced
3 here today with this Committee having two judges sitting
4 here. And I'm sure that those judges can explain to the
5 non-judge members of the Committee the implications of
6 42 U.S.C. 1983. Thank you.

7 CHAIRMAN GORDON: Thank you. So we will
8 make our determination. We're going to do that based
9 upon the evidence that we received here today. We also
10 have a record of evidence with the -- which are the
11 documents which have been received as part of the
12 record, and which have been provided to Representative
13 Spillane through his attorney, Attorney Silber.

14 And is there anything else the Committee
15 would like to address during the court side hearing?
16 Thank you very much. The hearing is now closed.

17 (The public hearing closed at 1:31 p.m.)

18 CHAIRMAN GORDON: And would somebody like to
19 make a motion to go into non-public session?

20 ** REP. LYNN: I move to enter non-public -- I
21 move to enter non-public session pursuant to RSA 14-B:3,
22 Roman Numeral I, (d), to deliberate on Complaint 2026-3.

23 CHAIRMAN GORDON: Thank you.

24 (The Committee went into non-public session
25 at 1:31 p.m.)

1 (The Committee came out of non-public
2 session at 2:01 p.m.)

3 CHAIRMAN GORDON: Committee has just come
4 out of non-public session. During that non-public
5 session, the Committee considered the evidence which it
6 heard at the hearing and the record evidence that's been
7 presented to the Committee. And is there a motion to be
8 made with regard to that consideration?

9 ** VICE-CHAIRWOMAN SYTEK: I move that the
10 Committee find the allegation contained in the charges
11 to be sustained by clear and convincing evidence.

12 REP. LYNN: Second.

13 CHAIRMAN GORDON: It is a motion pending to
14 find that the charges have been sustained by clear and
15 convincing evidence. And is there any discussion on the
16 motion? Seeing none, we'll take a roll call vote.

17 MR. LAMBERT: Mr. Hess.

18 HON. DAVID HESS: Aye.

19 MR. LAMBERT: Representative Lynn.

20 REP. LYNN: Yes.

21 MR. LAMBERT: Representative --
22 Representative Rombeau.

23 REP. ROMBEAU: Yes.

24 SEN. WARD: Aye.

25 MR. LAMBERT: Senator Ward. Senator

1 Rosenwald.

2 SEN. ROSENWALD: Yes.

3 MR. LAMBERT: Chairman Gordon.

4 CHAIRMAN GORDON: Aye.

5 MR. LAMBERT: Vice-Chairman Sytek.

6 VICE-CHAIRWOMAN SYTEK: Yes.

7 MR. LAMBERT: Seven to zero, Mr. Chair.

8 *** {MOTION ADOPTED}

9 CHAIRMAN GORDON: Is there a motion with
10 regard to a -- a recommended outcome with regard to the
11 finding?

12 ** VICE-CHAIRWOMAN SYTEK: I move that we
13 recommend a -- the penalty of censure.

14 (The court reporter ask the statement be
15 repeated.)

16 VICE-CHAIRWOMAN SYTEK: Penalty of censure.

17 CHAIRMAN GORDON: She recommends the penalty
18 of censure. There's a motion. Is there a second?

19 SEN. WARD: Second.

20 CHAIRMAN GORDON: Second by Senator Ward.
21 Any discussion on the motion? A roll call vote. All
22 those in favor?

23 MR. LAMBERT: Mr. Hess.

24 HON. DAVID HESS: Yes.

25 MR. LAMBERT: Representative Lynn.

1 REP. LYNN: Yes.

2 MR. LAMBERT: Representative Rombeau.

3 REP. ROMBEAU: Yes.

4 SEN. WARD: Yes.

5 MR. LAMBERT: Senator Ward.

6 SEN. WARD: Yes.

7 MR. LAMBERT: Senator Rosenwald.

8 SEN. ROSENWALD: Yes.

9 MR. LAMBERT: Chairman Gordon.

10 CHAIRMAN GORDON: Yes.

11 MR. LAMBERT: Vice-Chairman Sytek.

12 VICE-CHAIRWOMAN SYTEK: Yes.

13 MR. LAMBERT: Seven to zero, Mr. Chairman.

14 CHAIRMAN GORDON: No need to call for the
15 nos.

16 *** {MOTION ADOPTED}

17 CHAIRMAN GORDON: Is there -- I guess that
18 concludes our discussion. Is there any other matter
19 that we need to discuss with regard to Complaint 2026-3?
20 Seeing none, then we'll move on to our next agenda item.

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C E R T I F I C A T E

I, Cecelia A. Trask, a Licensed Court Reporter in the State of New Hampshire, do hereby certify that the foregoing transcript is a true and accurate record of my stenographic notes of said public hearing on June 24, 2026, to the best of my ability, skill, knowledge and belief.

This Certification applies only to those originals and copies which bear my signature and seal.

Date: _____

Cecelia A. Trask, RPR/RMR
NH-LCR Certificate No. 47