

Advisory Opinion 2011- 2
Response to a Request for an Advisory Opinion
From Rep. David S. Robbins
(July 7, 2011)

Please Note: For clarity, references to and excerpts from provisions of statutes or the Ethics Guidelines have been updated to conform to subsequent changes in numbering and language, where the changes have not affected the substance of the Opinion.

By memorandum dated June 24, 2011, Representative David S. Robbins has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, it would be permissible for him to apply for and accept a scholarship with a potential value of up to \$900 from the Greater Nashua Chamber of Commerce, to participate in the 2011-2012 Leadership Greater Nashua Program.

According to information provided to the Committee by Rep. Robbins, the full cost of participation in the program is \$1000, of which he would personally pay as little as \$100.00, with the balance of the tuition to be covered by a scholarship provided by the Chamber.

Relevant provisions of statute appear to be:

RSA 14-C:2, Definitions. * * *

V. "Honorarium" means a payment in any form to a legislator or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities. * * *.

RSA 14-C:5 Form Established by the Secretary of State. The secretary of state shall establish a form for reporting of receipt of an honorarium or expense reimbursement, or other such report required by this chapter, which may be in paper or electronic form.

I. The report shall include at a minimum the following information, which shall be public:

- (a) The full name, work address, work phone number, the office, appointment, or employment held by person subject to the reporting requirement.
- (b) The full name, post office address, occupation, and principal place of business, if any, of the source of any reportable honorarium or expense reimbursement. When the source is a corporation or other entity, the name and work address of the person representing the corporation or entity in making the honorarium or expense reimbursement shall be provided in addition to the name of the corporation or entity.
- (c) The value of the honorarium or expense reimbursement. When the exact value is unknown, the person filing the report shall provide an estimate of the value of the gift or honorarium and identify the value as an estimate.
- (d) A brief description of the service or event that gave rise to the honorarium or expense reimbursement. Reports of expense reimbursement or honorariums shall include a

copy of the agenda or an equivalent document which addresses the subjects addressed and the time schedule of all activities at the event. To the extent practicable, the recipient shall report the names of the sponsors of activities in cases where they are not indicated on the agenda or equivalent document..

(e) The date on which the honorarium or expense reimbursement was received.

(f) The following statement followed by a line for the person filing the form to sign and date the form: "I have read RSA 14-C and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

II. The secretary of state may also require information such as home phone numbers, home addresses, and other information helpful to the administration and enforcement of laws relating to honorariums or expense reimbursements. This information shall be non-public and shall not be subject to the provisions of RSA 91-A.

The Committee advises as follows: The Committee understands that the Leadership Greater Nashua Program consists of a series of seminars and informational sessions designed to familiarize participants with local institutions and issues faced by them. Accordingly, participation in the program would appear to qualify as "participation in a discussion group or similar activities" within the meaning of RSA 14-C:2, V. Under these circumstances, the proceeds of the scholarship would qualify as an honorarium, which may be accepted, provided that the reporting provisions of RSA 14-C:5 are fully complied with.

This is consistent with advice previously supplied by the Committee in the case of legislative employees. *See* Letter to David Frydman, Esq. re his participation in Carsey Institute, dated November 15, 2007.

Martin L. Gross, Chairman
For the Committee