

Legislative Ethics Committee

COMPLAINT #2018-5

Christopher L. Dornin v. Rep. John Sytek

Decision Dismissing Complaint following Initial Review

The Committee's initial review of this matter was conducted on August 2, 2018, in accordance with RSA 14-B:4, I(b) and Committee Procedural Rule 4. Material reviewed by the Committee included the Complaint received June 13, 2018, and a written response from the Respondent received June 16, 2018¹. As the result of its initial review, the Committee has voted to dismiss the Complaint for the reasons stated below.

The Complaint is based on the assertion that the Respondent acted in violation of applicable provisions of the Ethics Guidelines by participating in official activities in relation to 2018 Senate Bill 373, "An Act, requiring rulemaking by the department of corrections," without disclosing that he had a conflict of interest. The Complaint alleges that the Respondent had a conflict of interest because his wife, Donna Sytek, is chairman of the Adult Parole Board and the Respondent was required to make disclosure of that fact before authoring a committee report relating to SB 373.² The Complaint also alleges that the Respondent "has committed half a dozen similar acts over the last two years in House committee and subcommittee by opposing SB 373 and an earlier version of the same bill, HB 192."

Under the Ethics Guidelines, a "conflict of interest," as defined for legislators, is 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. A "special interest" is defined as "any financial or non-financial personal interest in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large." There are two types of "special interest": 1) A "financial interest" which exists when a legislator or household member could stand to gain or lose anything of material value as a result of the official activity; and 2) A "non-financial personal interest" which exists when a legislator or household member has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

The Committee's review of 2018 Senate Bill 373 and 2017 House Bill 192 ("An Act, relative to rulemaking of the department of corrections") found that both bills would have revised certain rulemaking requirements for the New Hampshire Department of Corrections. The Committee determined that the changes in law that would have resulted from passage of the bills

¹ The respondent waived his right to confidentiality, pursuant to Procedural Rule 3, II. Accordingly, all proceedings related to the Committee's initial review of the complaint, other than its deliberations, were conducted in public session and all records related to the Complaint, other than its work product and internal memoranda, were made available for public inspection.

² Donna Sytek also serves as chairman of the Legislative Ethics Committee and has recused from participation in all proceedings related to this complaint.

would have had no effect upon the financial interest or non-financial personal interest, as defined in the Ethics Guidelines, of the Respondent. Thus the Respondent had no real conflict of interest and was not required to make any disclosure prior to his participation in official activities relating to the bills. However, while there was no real conflict of interest, the Committee believes it would have been prudent to declare a conflict of interest in the best interest of transparency and the public.


Accordingly, the Committee concluded by recorded vote that the complaint is without merit and voted to dismiss it as the Committee determined that there was no improper conduct by the Respondent in this matter.

The Complaint is therefore dismissed following Initial Review, pursuant to RSA 14-B:4, V and Committee Procedural Rule Section 4, paragraph V.

August 2, 2018

Honorable Donna Sytek, Chairman {Recused and did not participate}
Senator Sharon M. Carson, Vice Chairman
Representative Janet G. Wall
Senator Martha Fuller Clark
Representative David A. Welch
David H. Bradley, Esq.
Honorable David W. Hess {Recused and did not participate}

For the Committee,



Senator Sharon M. Carson
Vice Chairman

[Vote 5-0]