



# State of New Hampshire

GENERAL COURT

LEGISLATIVE ETHICS COMMITTEE

State House - Room 112  
Concord, NH 03301-4951

February 19, 2010

Honorable Peter R. Leishman  
39 Birch Road  
Peterborough, NH 03458-1900

**Re: Complaint #2009-1, *Pan Am Railways v. Representative Peter R. Leishman*  
Disposition of Complaint**

Dear Representative Leishman:

As you know, at its meeting on February 11, 2010, the Legislative Ethics Committee voted to adopt the Report of Preliminary Investigation in this matter and, with your consent, to resolve the matter by informal methods. The informal method specified in the Report is to issue a Letter of Caution to you regarding the circumstances described in the Report. Accordingly, the Committee cautions you as follows.

You are reminded that the first "Principle of Public Service" set forth in the Ethics Guidelines adopted by the General Court, requires you to treat your office a public trust, using the powers and resources of your public office only to "advance public interests and not to attain personal benefits...."

While it is the obligation of every legislator to act in accordance with this principle, it is particularly important for you to do so, because of your contractual relationship with the State as operator of the Milford-Bennington rail line, combined with your prominent position as chairman of a Division of the House Finance Committee, and your longstanding unfriendly commercial relationship with Pan Am Railways. This requires that you be continually mindful of, and make special efforts to avoid, any conduct that could be perceived as use of your official position to advance your personal interests in violation of the Ethics Guidelines.

You are also reminded that Section 5 of the Ethics Guidelines requires legislators to prepare and submit a Declaration of Intent to the Clerk of their chamber, when an official activity involves a potential conflict of interest not adequately disclosed in the legislator's Financial Disclosure Form. In light of your legislative position and your private business

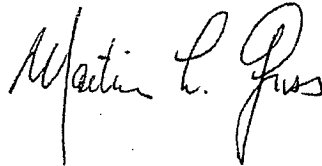
interests, in your situation the better practice would be to avoid concerns by filing a Declaration of Intent whenever a bill involves your railroad interests.

Finally, the Committee notes that best ethical practices should indicate to you that because of your position as an influential legislator, you should conduct your private business relationship with New Hampshire Department of Transportation with utmost probity and circumspection, in precise compliance with the Department's rules and the terms of your Operating Agreement. This would avoid provoking concerns about use of your official position to gain preferred treatment in the relationship.

The Committee expects that going forward, you will closely observe and comply with these cautions in your conduct as a member of the House. If in the future you are in doubt about the applicability of a provision of the ethics statutes or Guidelines to your specific factual situation, you are, of course, entitled to submit to the Committee a request for an Advisory Opinion, in accordance with RSA 14-B:3, I (c).

This letter is a public document. Copies will be provided to the presiding officers of the House and Senate and will be submitted for inclusion in legislative calendars.

For the Committee,

A handwritten signature in cursive script that reads "Martin L. Gross". The signature is written in dark ink and is positioned above the printed name and title.

Martin L. Gross  
Chairman

Cc: Parties and Counsel  
Speaker of the House  
President of the Senate  
Members of the Committee