

## Advisory Opinion 2009-1

**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.**

March 24, 2009

Honorable Michael B. O'Brien, Sr.  
4 Woodfield Street  
Nashua, NH 03062

Dear Representative O'Brien,

At its meeting on November 18, 2008, the Legislative Ethics Committee reviewed your request for an advisory opinion. The questions you presented are: 1) is it acceptable for you as a member of the New Hampshire House of Representatives to write a letter of recommendation on behalf of a constituent seeking college enrollment?; and 2) can the letter of recommendation be on General Court letterhead, or any other letterhead that indicates your membership in the General Court?

This will formally advise that at its November 18 meeting, the Committee voted to issue the following opinion:

The Ethics Guidelines prohibit legislators from using "their public position or office to obtain anything of value for the private benefit of the legislator, a member of the legislator's immediate family, or a household member." Ethics Guidelines Section 3, Paragraph III (e).

Provided that writing the letter of recommendation results in no private benefit to you, ~~or~~ your immediate family, or a household member, this provision does not prohibit writing the letter of recommendation. The use of letterhead which identifies your public office for the letter of recommendation would not violate this provision unless the individual potentially benefiting from the letter were you, a member of your immediate family, or a household member.

We appreciate your request for the Committee's guidance, and hope our response will be helpful. We regret that a hiatus in the Committee's activities prior to the start of the 2009 Session has delayed formalizing our response. Please contact me if I can answer any further questions about this matter.

Very truly yours,  
Martin L. Gross  
Chairman

cc: Members of the Legislative Ethics Committee