

MINUTES  
LEGISLATIVE ETHICS COMMITTEE  
JULY 8, 2010 MEETING  
{Approved: November 16, 2010}

The Legislative Ethics Committee (RSA 14-B:2) met on Thursday, July 8, 2010, at 10:00 a.m. in Room 201 of the Legislative Office Building. The following members were present: Attorney Martin L. Gross, Chairman, Representative Janet G. Wall, Vice Chairman, Senator Sheila Roberge, Senator Amanda A. Merrill, Representative Stella Scamman, Attorney Kimon S. Zachos, and Attorney Richard L. Russman. Also present was the Committee's Executive Administrator, Richard M. Lambert. The Committee's meeting consisted of the following items:

ITEM #1

Consideration of the proposed *Agenda*.

Attorney Zachos moved to adopt the proposed *Agenda*. Attorney Russman seconded the motion and the Committee voted 7 to 0 to adopt the *Agenda*.

ITEM #2

Consideration of the draft *Minutes* from the Committee's meeting held on May 17, 2010.

Following review, Attorney Zachos moved to adopt the *Minutes*. Senator Merrill seconded the motion. Mr. Lambert pointed out 3 typographical errors. Vice Chairman Wall moved to adopt the corrections and Representative Scamman seconded the motion. The Committee then voted 7 to 0 to adopt the *Minutes* as corrected.

ITEMS #3, 4 and 5

Initial Review of Complaint #2010-4, Initial Review of Complaint #2010-5, and Status Review of Complaint #2010-1.

Vice Chairman Wall moved to enter nonpublic session {pursuant to RSA 14-B:3, I(d)}. Senator Roberge seconded the motion and the Committee voted as follows:

Senator Roberge	Yea
Attorney Zachos	Yea
Senator Merrill	Yea
Chairman Gross	Yea
Vice Chairman Wall	Yea
Representative Scamman	Yea
Attorney Russman	Yea
{MOTION ADOPTED}	

{NONPUBLIC SESSION}

Attorney Zachos moved to exit nonpublic session. Attorney Russman seconded the motion and the Committee voted as follows:

Senator Roberge	Yea
Attorney Zachos	Yea
Senator Merrill	Yea
Chairman Gross	Yea
Vice Chairman Wall	Yea
Representative Scamman	Yea
Attorney Russman	Yea
{MOTION ADOPTED}	

Following the Committee's nonpublic session, Chairman Gross made the following announcement: "We have been in nonpublic session to consider confidential matters. In the matter of Complaint #2010-4, the complaint has been dismissed, a similar result with respect to Complaint #2010-5. And with respect to Complaint #2010-1, the Committee is deferring further action at this time."

#### ITEM #6

New/Other Business

a) Status update on Advisory Opinion and Interpretive Ruling "blurbs" for the Committee's website.

The Committee reviewed draft blurbs that were distributed to them. Chairman Gross recounted how most of the Committee's opinions and rulings dating back to 2006 have been posted in their entirety and that, at the Committee's previous meeting, it was decided that he and Mr. Lambert should produce some blurbs so that people visiting the website could see concise versions of the Committee's decisions. He further stated that: "The objective of the exercise is to try to be concise but accurate so that all of a sudden you don't create a text that confuses or misleads, and that is always the challenge when you try to shorten something up. I think the only substantive question...was with Interpretive Ruling 2007-1, the one in which counsel for the House and Senate had come to us asking us to adopt some interpretive rulings with regard to the then-new statutes and we did so, but ... this is the one that is still a work in progress...this is a real challenge to summarize because there are so many points, you kind of wonder whether we should even try to summarize it."

Attorney Russman suggested that, instead of summarizing the ruling, the blurb could say something like: "Due to the complicated nature, it is suggested that the text be reviewed in its entirety." Committee members agreed with this suggestion.

After further discussion, the Committee agreed that the blurbs should be posted to the Committee's website as promptly as possible.

b) Update on the Boston & Maine Railway lawsuit against the Committee.

Attorney Zachos requested a brief update and Chairman Gross stated that the Petitioner had requested a delay of the deadline to respond to the Committee's motion to dismiss.

#### ITEM #7

Scheduling of next meeting.

a) Scheduling a joint meeting with the Executive Branch Ethics Committee (EBEC).

Chairman Gross reminded the Committee that the EBEC has contacted him several times about holding a joint meeting. Following discussion, the Committee agreed that they were not aware of any matters of concern that would require the 2 committees to meet in the very near future.

Attorney Russman suggested that the Committee should send a letter to the EBEC responding to their requests to meet saying that, at this point given the fact that there appears to be nothing pending between the committees, it is unnecessary to meet, but the Committee remains open to meeting promptly in the future should the need arise.

Chairman Gross said he agreed with Attorney Russman's suggestion and agreed to draft such a letter. He also said that the Committee should transmit to the EBEC copies of the advisory opinions and interpretive rulings it has issued since the 2 committees last met, its new "blurbs" compilation, and copies of the *Ethics Booklet*. The Committee agreed.

The Committee's meeting adjourned at approximately 11:10 a.m. The Committee will meet next at the call of the Chair.