

MINUTES
LEGISLATIVE ETHICS COMMITTEE
November 16, 2010 MEETING
{Approved: March 18, 2011}

The Legislative Ethics Committee (RSA 14-B:2) met on Tuesday, November 16, 2010, at 1:00 p.m. in Room 100 of the State House. 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 Russman moved to adopt the proposed *Agenda*. Vice Chairman Wall 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 July 8, 2010.

Following review, Senator Merrill pointed out a typographical error in the heading of Item #7 where the word "meeting" was misspelled. Vice Chairman Wall then moved to adopt the *Minutes* as corrected. Senator Merrill seconded the motion and the Committee voted 7-0 to adopt the *Minutes*.

ITEM #3

Ratification of the adoption of Advisory Opinion 2010-5.

Chairman Gross summarized the request from Representative Alida Millham and the Committee's response. He recounted how the Committee had adopted the advisory opinion via e-mail due to the immediacy of the Representative Millham's need for advice. Following discussion, Senator Merrill moved to ratify the Committee's adoption of Advisory Opinion 2010-5. Representative Scamman seconded the motion and the Committee voted 7 to 0 in favor of the motion.

ITEM #4

Consideration of a request for an Advisory Opinion from Representative Peter R. Leishman.

Chairman Gross stated that Representative Leishman had informed the Committee by letter of August 17, 2010, about what was going on regarding his relationship with Pan Am Railroads, including his involvement in litigation with the railroad and contract discussions with state agencies. He said Representative Leishman asked the Committee whether certain meetings and contacts would be acceptable in light of the Committee's decision in Complaint #2009-1, in which the Committee issued a "Letter of Caution" to him advising him to be very careful in separating his legislative business from his personal business as a contractor with the state.

Chairman Gross said that when he became aware that Representative Leishman had lost reelection, he asked the Committee's Executive Administrator to contact him to ask if he still wanted to pursue his request. Chairman Gross said that Representative Leishman informed the Committee that he did not want to pursue the request.

Following discussion, the Committee agreed to note for the record that Representative Leishman's request for an advisory opinion had been withdrawn.

ITEMS #5, #6 and #7

Initial Review of Complaint #2010-1, Initial Review of Complaint #2010-6, and Initial Review of Complaint #2010-7.

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

| | |
|------------------------|-----|
| Attorney Zachos | Yea |
| Representative Scamman | Yea |
| Senator Merrill | Yea |
| Chairman Gross | Yea |
| Vice Chairman Wall | Yea |
| Senator Roberge | Yea |
| Attorney Russman | Yea |

{MOTION ADOPTED}

{NONPUBLIC SESSION}

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

| | |
|------------------------|-----|
| Attorney Zachos | Yea |
| Representative Scamman | Yea |
| Senator Merrill | Yea |
| Chairman Gross | Yea |
| Vice Chairman Wall | Yea |
| Senator Roberge | Yea |
| Attorney Russman | Yea |

{MOTION ADOPTED}

Following the Committee's nonpublic session, Chairman Gross made the following announcement:

"Complaint #2010-1: the Committee will issue a written decision indicating its conclusion that a preliminary investigation should be proceeded with, except that the Committee's jurisdiction over the respondent will end on December 1, and so the Committee will not take any further action on that complaint at this time. Complaint #2010-6 has been dismissed and Complaint #2010-7 has been dismissed in initial review. And there will be, in the case of Complaint #2010-1, a written decision which will be public and we will circulate it as soon as it is ready."

ITEM #8

New/Other Business
{There was none.}

ITEM #9

Scheduling of next meeting.

The Committee's meeting adjourned at approximately 2:15 p.m. The Committee will meet next at the call of the Chair.

{Prepared by: Richard M. Lambert, Executive Administrator}