

MINUTES
LEGISLATIVE ETHICS COMMITTEE
JUNE 3, 2016 MEETING
{Approved: September 15, 2016}

The Legislative Ethics Committee (RSA 14-B:2) met on Friday, June 3, 2016, at 1:00 P.M. in Room 104 of the Legislative Office Building.

The following members were present: the Honorable Donna Sytek, Chairman, Senator Sharon M. Carson, Vice Chairman, Senator Martha Fuller Clark, Representative Janet G. Wall, Representative David A. Welch, and the Honorable John A. Graham. Attorney David H. Bradley was unable to attend. Also present: Richard M. Lambert, Executive Administrator.

The Committee's meeting consisted of the following items:

ITEM #1

Consideration of the draft *Minutes* from the Committee's meeting held on April 25, 2016.

Following review, Mr. Graham moved to approve the *Minutes*. Representative Welch seconded the motion and the Committee voted 4 to 0 to approve the *Minutes*.

ITEM #2

Further discussion of an inquiry from Representative Susan W. Almy regarding *Interpretive Ruling 2016-2* and whether income from stocks needs to be disclosed.

Representative Almy asked questions about 2015 HB 458, "An Act revising the legislative ethics laws and the guidelines of the legislative ethics committee." Specifically, she asked about the new provisions in the bill requiring disclosure of a personal interests. She said that she serves on boards of organizations, including the ACLU and conservation commission, and suggested that under the new law her personal interests in the organizations would require her to file Declaration of Intent forms for hundreds of bills. She said she was concerned that she would have to read all bills introduced next session, and then follow each for amendments, to make sure she complied with the new law, and she expressed concerned that most legislators would have to do so as well.

Chairman Sytek, who served on the study commission that recommended the legislation, said she didn't think that was the intent of the bill.

Mr. Graham pointed out that the bill hadn't been signed by the governor yet.

Chairman Sytek then said that, unless any other member wanted to respond, Representative Almy's questions would have to be addressed by the Legislative Ethics Committee that will be appointed for the 2017-2018 biennium, when the bill would be in effect. She also noted that the Committee will have to educate both new and returning legislators about the new ethics law. She then asked Representative Almy if she had any further questions about *Interpretive Ruling 2016-2*. Representative Almy said she did not.

ITEM #3

Ratification of *Advisory Opinion 2016-1*, issued on March 30, 2016.

Chairman Sytek explained that the Committee adopted the opinion through exchange of email messages and that, under the Committee's rules, it needed to ratify the opinion at a meeting. {Procedural Rule 2, III}.

Senator Fuller Clark moved to ratify *Advisory Opinion 2016-1*. Mr. Graham seconded the motion and the Committee voted 6 to 0 in favor of the motion.

ITEM #4

Consideration of a request for an Advisory Opinion from Representative Katherine D. Rogers.

Representative Rogers asked whether she may accept payment to perform legal services for a business and an individual who are involved in some lobbying activities before the General Court.

Representative Rogers joined the Committee for a discussion. She stated that she had been asked to perform legal services on a fee-for-services basis on behalf of the Spradling Group, a media consulting group, and the business's owner, Scott Spradling. She said the legal services for the business would include assistance in creating and submitting a business agreement and drawing up contracts. The legal services for the owner would include creating a will and possibly providing legal guidance regarding transferring property from sole ownership into a trust. She said that although the business is involved in lobbying, it is primarily involved with media relations. She said she would create a "fire wall" between the lobbying arm of the business and the legal work she would perform.

Chairman Sytek asked if the work was a one-time thing to help set up the business and do the will.

Representative Rogers responded that she would like to do other things for the business, such as help with contracts, but she emphasized that she would not become involved with anything related to the lobbying side of the business. She suggested that she should file a Declaration of Intent if any bill affecting the financial interests of any of the business's clients were before the General Court.

Senator Carson said it's always better to be on the safe side and that she always advises any legislator, whenever there is any doubt about whether a member should disclose, that they should disclose.

Representative Rogers said she would obtain a list of all of the clients of the Spradling Group and would file a Declaration of Intent anytime any bill affecting a client was before the General Court.

Senator Fuller Clark agreed with that approach. She addressed Representative Rogers and said: "if anything you know that (the Spradling Group) is lobbying for (comes before the General Court) you would need to file a Declaration of Intent. ...Inform yourself of the various clients that he has and then if you are confronted with a bill that's going to have an impact on one of his clients, then I would just fill out a Declaration of Intent."

The Committee reviewed the Committee's decision in *Complaint 2013-5, Watrous v. Bragdon*. Senator Carson then referenced the "Letter of Caution" from the informal resolution of the complaint and said the determinations reached had some relevance to Representative Rogers' inquiry.

Mr. Graham agreed.

Chairman Sytek noted that the informal resolution in *Complaint 2013-5* required Senator Bragdon to recuse from any official activity related to his employer, while the Committee was recommending disclosure in Representative Rogers' inquiry.

After further discussion, Senator Fuller Clark moved to advise Representative Rogers that she may enter into the business arrangement she described, with the recommendation that she file a Declaration of Intent whenever there is an issue with which the Spradling Group is involved in lobbying. Senator Carson seconded the motion and the Committee voted 6 to 0 in favor of the motion.

ITEM #5

Discussion of policy regarding publication of the Committee's opinions, rulings, and other matters.

Chairman Sytek informed the Committee that its notice concerning the letters of admonishment in *Complaints 2016-2, 2016-3, and 2016-4* was published only once in the House Calendar. She noted that it has been the past practice to post the Committee's notices in three successive calendars and referred the Committee to a memorandum to the House Clerk, dated November 21, 2000, in which the Committee reaffirmed its "strong preference" to have advisory opinions published in three successive calendars.

Senator Fuller Clark said that she agreed that all of the Committee's notices should be published three times.

Senator Carson said that she strongly agreed.

After further discussion, Chairman Sytek asked the Committee if they would like her to write a letter to the Speaker stating the Committee's preference that all of its notices, including advisory opinions, interpretive rulings, letters of caution, letters of acknowledgment, and notices regarding the deadline for filing financial disclosure forms should be published in three successive calendars. Senator Carson seconded the motion and the Committee voted 6 to 0 in favor of the motion.

ITEM#6

Update on the Status of 2015 House Bill 458, "An Act revising the legislative ethics laws and the guidelines of the legislative ethics committee."

Senator Fuller Clark informed the Committee that the bill went to a committee of conference, on which she served, and said the only thing the committee of conference did was to do what the Committee had requested, which was to move the bill's effective date from January 1, 2017 to December 7, 2016, in order to comport with the date the new legislators are sworn in. She added that there was no controversy, discussions, or objections as the bill, which passed both the House and Senate on voice votes.

Chairman Sytek reminded the members that it will need to produce a new *Ethics Booklet*, review all prior advisory opinions and interpretive rulings to determine which ones are no longer effective or require revision, and educate legislators and staff about the new law.

ITEM #7

New/Other Business.

There was no new/other business.

ITEM #8

Scheduling of next meeting.

The Committee tentatively scheduled a meeting on September 15, 2016, at 10:00 A.M.

The Committee's meeting adjourned at 1:40 P.M.

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