

MINUTES
LEGISLATIVE ETHICS COMMITTEE
APRIL 4, 2022 MEETING
{Approved: May 20, 2022}

The Legislative Ethics Committee (RSA 14-B:2) met on Monday, April 4, 2022, at 1:00 P.M. in Room 104 of the Legislative Office Building.

The following members were present: Representative Edward M. Gordon, Chairman, the Honorable Donna Sytek, Vice Chairman, Senator Sharon M. Carson, Senator Cindy Rosenwald, Representative Janet G. Wall, and the Honorable David H. Hess. Attorney John S. Brandt participated in the meeting via a conference telephone. Also participating was Richard M. Lambert, Executive Administrator.

The Committee's meeting consisted of the following agenda items:

ITEM #1

Consideration of the draft *Minutes* from the Committee's meeting held on January 24, 2022.

Following review, Vice Chairman Sytek moved to adopt the *Minutes* as presented. Representative Wall seconded the motion and the Committee voted 5-0 to adopt the motion.

ITEM #2

Discussion with the Honorable Sherman A. Packard, Speaker of the House, and the Honorable Mary Jane Wallner, House Deputy Democratic Leader, about how complaints relating to certain types of legislator misconduct, including the posting of offensive material on social media, should be addressed.

Chairman Gordon welcomed Speaker Packard and Representative Wallner, thanked them for coming, and said that they were invited to address what falls under the jurisdiction of the Legislative Ethics Committee.

He said: "Just in terms of background, last year the Committee had more complaints than it's ever had in its history, and this year we've already started the year with a flurry of complaints ... Many of them involve speech, and in particular speech that might be used with regard to social media...but speech in general, and the use of speech by representatives which other people find offensive. And the issue that we've had is the jurisdiction of this Committee, and our jurisdiction is prescribed by statute and, in that, first of all, we can only address issues when legislators are acting in their capacity as legislators, so some issues arise when legislators aren't acting as legislators. They're doing it in their individual capacity.

"The second thing is the general scope of our jurisdiction (which) is generally to find somebody culpable of an ethics violation generally when there's a conflict of interest ... and usually that conflict of interest would involve some type of financial interest or remuneration. There is an exception to that and that is a policy that was adopted by not the whole legislature but by the Legislative Facilities Committee with regard to harassment and discrimination, and we are charged in ruling on that and we have jurisdiction over that. So, we have found generally is when it comes down to issues of speech, simply because someone finds it offensive, it probably doesn't give us jurisdiction unless the offense specifically addresses something that falls under the harassment and discrimination policy, (such as) if their speech is directed at an individual in terms of harassment, or it is directed at a protected category under the discrimination policy, like religion, or gender, or sexual orientation....

"We had a number of complaints this last year involving speech. We've dismissed quite a few of them. I've got to tell you that when we dismiss a complaint people aren't very happy with us

because they're still offended by the complaint. But we think we've done it either because we don't have jurisdiction or because it doesn't fall within that harassment and discrimination policy.... We're limited in our jurisdiction just to what the legislature has provided us with, but the leadership of the House has more responsibility with regard to decorum, which is a much broader category than just legislative jurisdiction. And so, we were looking to try to have a discussion today, if we could, to address how we could address some of these complaints better or in a more appropriate manner.”

Chairman Gordon asked if any of the Committee members had any remarks.

Mr. Hess said: “Back in January we had one of those kinds of complaints that the Chair mentioned that are really not within our jurisdiction, and I became frustrated, frankly, with us having to deal with issues of decorum and courtesy, which really fall below – in the Committee’s opinion – of the standards of ethics which we’re charged with. I would like to say that – and I have copies of what I submitted to the Committee back then – and I hope that it’s not taken personally because it’s not meant to be addressed to the current administration but to past administrations because of the increasing reliance on the Ethics Committee, rather than leaving it to Leadership, to address those kinds of issues... and I would just wonder and hope that if the legislature, the General Court, could devise a mechanism or inform their members about what is an appropriate part of our jurisdiction and what is beneath our jurisdiction. I think a good step was made – I think Speaker Shurtleff did it when he set forth the bipartisan committee – and we know that that has been functioning to a greater or lesser extent in the past. And I also am aware that the partisanship in the political process has gotten more intense than it was when I used to be among the members, and that may be an understatement. I would just like to urge the leadership on both sides to see if we can get together and work out something or provide some sort of standards and educate the members of the House and the Senate ... that some stuff is okay for us and other stuff really isn’t and should be the realm of the General Court ... and that seems to have been the status recognized in Congress in Washington where members who have deviated from decorum and courtesy are taken up by the bodies themselves and dealt with by the bodies themselves without an independent agency, and perhaps that’s the standard that might be followed. I hope that we can do something in the political process so members recognize what our jurisdiction is and what it’s not and, hopefully, leadership can come together on a bipartisan collaborative gathering and work together on that. And I realize that it’s bad when your member is the one being accused and the member of the other party is the complainant, but it goes both ways...”

Chairman Gordon said that the Committee has been very much aware that it doesn’t want complaints to be politically motivated and makes sure that when it reviews complaints they’re reviewed on the merits and not based upon political motives.

Mr. Hess then distributed the following statement to Speaker Packard, Rep. Wallner, the Committee members and others in attendance:

As we discussed rather extensively at our last meeting, the LEC is being increasingly used by members to address matters which can best be described as ones of legislative decorum and courtesy rather than “ethics.” Ethics is generally defined as a set of moral principles or a branch of knowledge that deals with moral principles. Simply stated, matters of decorum and courtesy do not rise to the level of ethics and we should not be forced into the role of determining and punishing violations of decorum and courtesy. That is not our charge; rather, that is the role, responsibility, and power of legislative leadership to monitor, govern and enforce. The House and Senate should adjudicate, not abdicate responsibility in these matters and take remedial, curative, and punitive actions

for violations. In being asked to and in attempting to address such issues, we are gradually but surely losing our institutional credibility, efficacy, reputation, and respect. Leadership of both political parties have failed in these duties over the years.

He then summarized by saying: “Basically, my concern is that if these issues come before the Committee and the Committee is compelled because of jurisdiction to either reject them or to find that they are outside of our jurisdiction, it begins to affect our credibility.”

Paul Smith, the Clerk of the House, addressed the Committee and said that James Cianci, the House Legal Counsel, and he were both involved with the previous administration under Speaker Steve Shurtleff, in the very early spring of 2020, with setting up the Speaker’s Advisory Group, a nonpartisan group consisting of 3 Republican House members and 3 Democratic members. He said the goal was to address instances where a member was alleged to have violated the basic decorum of their office. Such complaints were sent to the Speaker’s Office and the Speaker would refer the complaint to the group for a sort of informal process. He emphasized the word “informal” because, he said, they are not a mediative group or a public decision-making type of situation. He said the group met several times under Speaker Shurtleff and that Speaker Packard has continued the process and that group, like the Legislative Ethics Committee, has been very busy in the last 2 years.

He said that he “wholeheartedly agreed” with the Committee’s position and the comments espoused by former Rep. Hess in the document he distributed and said, “I do think that part of that, in general, has a lot to do with these things (holding up his cellphone) and the fact that these things 20 years ago weren’t a thing on the House floor, but they are and it’s unfortunate that in both bodies they’re utilized during session.... I would just note that I do think the work that is happening within the Speaker’s Advisory Group has helped a bit. ... unfortunately, I see this more as an epidemic that is sort of spreading and I’m not entirely sure, unless we do this by better training, specifically at Orientation. As you are well aware, at the beginning of this biennium, certainly for the House, we had 45 people attend our truncated Orientation session where we normally have 130 and I do think that that contributed to sort of a lack of understanding of the base.... I would also note that in terms of speech, obviously, what’s said in the chamber is protected by virtue of being a member. That being said, something that is said in the chamber is punishable by the full body, so certainly those things that you talked about, classes, religious classes, etc., there is a repercussion that can happen ... Those 3 things: reprimand, censure, expulsion are the only things the full body can do. But the Speaker’s letter of caution, and that letter of caution is a public document if people want to see them it is in my office, the file of them, and that is a sort of a way to reprimand unofficially those members who misbehave. But I do think there has been an effort and I certainly hope that with both leadership teams here that effort would continue...”

Representative Wall said that the problem is not just with new members but includes members who have been in the House for several terms. She stressed the importance of New Legislator Orientation but expressed concern that so much information is conveyed to them that they can’t absorb it all. She said there should be continuing education but said that we have found that the people who attend are not the people who should be learning. She said she doesn’t know how we’re going to reach the other representatives, “the ones who have been here for a while who take liberties.”

Speaker Packard addressed the Committee and said: “The clerk is right. It’s the social media that is causing probably 99% of the problems. When Speaker Shurtleff set up the advisory committee last year, he and I had a long discussion on it and I thought it was a great idea, and so I continued it this year and what we’ve normally done – and it could be expanded -- is whenever we’ve had a complaint from a citizen against a legislator that’s when we’ve brought the legislator in to get their side of the story. In most cases, they have realized they’ve made a mistake in their language, except for one case. (The Speaker’s Advisory Group) could be expanded, but it has no real authority other than my issuing a letter of caution and saying, ‘you shouldn’t do that again.’ And I’ve let it run completely on its own. I’ve never attended a meeting. I’ve left it up to my Deputy Chief of Staff to handle all of it so I can completely stay out of it, and she brings me the recommendations from the committee. And the committee does it on its own. That could be expanded. How to stop some of the representatives from both sides from saying what they’re saying? I wish there was an answer... I don’t know how to stop it. I have been called a murderer by some members of the other party numerous times. I’ve been called an unbelievable amount of names on social media. I don’t know how to stop it, Mr. Chairman. I wish I could. I wish almost that if you become a legislator you’re banned from social media, but obviously that’s not going to happen. I’m open to suggestions. If Representative Wallner and I could sit down and maybe we could come out with recommendations. I’m constantly telling our caucus ‘Stop it!’ ‘Don’t do it!’ ‘If somebody’s got a solution, let me know because it is getting out of hand, and I have a feeling that it’s going to get worse. And it’s a small group on both sides. It’s not a majority of the members. It’s a small group on both sides that just persist in putting out this total garbage...”

Chairman Gordon said the Committee likes the Speaker’s letters of caution and pointed out that the Legislative Ethics Committee doesn’t have the same authority to issue them except in cases where the person complained against has agreed to an informal resolution. He said the Committee doesn’t have the same ability to say “hey, your behavior was inappropriate, but it doesn’t constitute an ethical violation, but it’s inappropriate or inconsiderate.” He suggested that the Committee could refer those types of lesser complaints to the Speaker’s Advisory Group to address in that particular manner.

Speaker Packard responded to Chairman Gordon: “I guess we could try and work something out.... If we brought in every single complaint that we probably have on every statement that was inappropriate they’d be here twenty-four hours, five days a week, and so that wouldn’t work. So, I guess that we’d have to be cautious in that area, too, that we not overburden them, just like you seem to be getting overburdened. But I’m certainly willing to see if we can move forward maybe with some of the more egregious ones and see if we can come up with some system that might work.”

Vice Chairman Sytek asked “What if when the Ethics Committee receives a complaint that falls into this category ‘not within our jurisdiction,’ we could tell these complainants that they should refer their complaint to you or specifically the (Speaker’s Advisory Group) so we get it off of our plate, but we don’t leave them in a position where we’ve denied their complaint and they don’t have any recourse?”

Representative Wallner said: “I think it would be helpful for members to really understand what your jurisdiction is. You may think that everyone knows and that that information is out there, but I’m not so sure that it is, and I think if you had something that a member could either receive

when they file a complaint – and I don’t even know if you could put something in the Calendar which talked about what the Ethics Committee does. I think that might help a tiny bit. Maybe you’d have one or two less cases. I don’t know.”

Vice Chairman Sytek pointed out that a lot of the complaints are from members of the public who wouldn’t see the Calendar notices.

Representative Wallner said that if members at least see it there might be a heightened level of understanding of what the Committee’s jurisdiction is.

Chairman Gordon said: “That makes sense. Clearly, I don’t think there’s a clear understanding that in order to be found guilty of an ethics violation you have to have violated a law, or a rule, or a regulation of some type. Which is a pretty high bar in most cases.”

Representative Wallner said: “I think that would be helpful to people to really have an understanding that this isn’t where we come to talk about what is offensive to us.”

Senator Rosenwald said: “The complaints that I find particularly disturbing are the ones about interactions members are having with constituents. So, outside of the building, where you have to wonder if sometimes their interactions are so incredibly discourteous, but they’re with members of the public and many of the ethics complaints come from members of the public. So, it’s not only within the legislature, it’s the interactions with members of the public. So, I don’t see how we can really tell the public what the focus of the Ethics Committee is. But I think the idea of continuing education or better orientation on how to interact with constituents on social media, or by mail, would maybe be helpful because I’m guessing that members don’t see their responses as discourteous as the rest of us see them as. Maybe because they hear themselves speaking it and that lightens up what they’re writing. But if you don’t hear it and just read some of the stuff you’re like, ‘Oh my God, I cannot believe you would write to a constituent and say these things.’ That has really shocked me. Very little shocks me.”

Senator Carson said: “Thank you for being here this afternoon Mr. Speaker and Minority Leader. I appreciate you being here. I agree with everything that everyone has said. And I think part of the problem is we run smack up against First Amendment rights. When people sit here and talk about freedom of speech, ‘I have freedom of speech,’ but I think we all know that, with that freedom, comes responsibility and so it puts us, I think, in a very, very difficult place to try to make decisions. And one thing that I find keeps coming up: a lot of the representatives when they’re on social media they’ll use their title as a representative and I think that sometimes is what gets them into problems, especially with the public. And I think if they wanted to engage in social media on their own as an individual there is really nothing that we can do about it. The problems come in when they start identifying themselves as ‘representative so and so’ and that now reflects on all of us that are here, and I don’t know how to get to that. How do we tell them? Because we’ve struggled with this. We’ve really and truly struggled with this and we want to make sure that people who come here have a place where they can voice their opinion about some things especially if they feel aggrieved and we hear them, but it puts us in a very difficult place because we really don’t have a solution, and I just don’t know if you folks have thought about maybe telling them, ‘Look, we can’t stop you from engaging in social media, but if you’re going to do that, don’t do that as a representative, do that as an individual’.... because when they use the representative or senator title then it escalates it up to another level and I think it’s easily solveable if they’re just two people who

are going at each other, but when you have two representatives who are going at each other on social media it just elevates it to a different level, and maybe that might be something to talk to them about.”

Paul Smith suggested editing the Committee’s webpage, on the page “How to File an Ethics Complaint,” by adding information about the Committee’s jurisdiction. He suggested making it “a very clear line” and stating something like: “Here is what our jurisdiction is, does your complaint fall under this category?”

Representative Wall said: “Building up on what you just said, Senator Carson, regarding how with freedom comes responsibility, how do we reach the representatives who are the offenders? Going back to what I said earlier and what Senator Rosenwald has said also, in terms of continuing education.... Maybe what we ought to do, because we know that people who need continuing education are not coming to our continuing education programs, maybe somehow – and I don’t know how -- you can schedule it into a session day. Have something on a session day, even a 15-minute break where you’ve got a captive audience. Hopefully, they’ll stay in Reps Hall. Maybe have a handout ‘This is what you can do. This is what you can’t do.’ We need to catch them while they’re here and, when it comes to Orientation, we need to scale back and have more frequent continued education. Some members don’t know we have a research office. Some people don’t even know what OLS stands for. We need to keep people up to date on things.”

Senator Carson said: “I just would like you to know on the floor of the Senate we are not allowed to use our phones. They have to be put away. That is a rule that we have. We do have one person who tends to violate the rule quite a bit, but this person gets fined.... I don’t know how you folks would do that...”

Speaker Packard responded to Senator Carson’s comments and indicated that it would be difficult for the House to adopt or enforce a ban of cellphone use during sessions.

Vice Chairman Sytek said: “With regard to making the Ethics Committee’s website more informative, the Complaint Form asks them to specify which rule is being violated. A lot of them point to the very first page (of the *Ethics Booklet*), “Principles of Public Service,” and this is something new that was added in the past few years: ‘Principle of Conduct...Legislators shall treat each other, legislative employees, and the public with dignity and respect.’ And that’s what a lot of them hang their hat on. Now, former Representative Hess says that is so vague that the legislator doesn’t know what is acceptable and what is not. So, he has argued that we can’t find a violation of the *Ethics Guidelines* because a mere allegation of violation of the Principles of Public Service isn’t enough. So, legally we’re on shaky ground according to some. But we ask the public, ‘Okay, here’s the form. Tell us what you think they violated.’ (And they say) ‘Here’s the principle they violated; they were rude.’ So, if we get one of those can we tell the person it’s not within our jurisdiction, please complain to the Speaker’s Advisory Committee?”

Speaker Packard responded: “At any time if you want to send one our way, we’ll do the best we can with it.”

Vice Chairman Sytek continued: “Because it’s very unsatisfying for the people who complained who looked at this and say, ‘He didn’t treat me with dignity and respect,’ and then the Committee tells them no, we dismissed it. But if we tell them, it’s not within our jurisdiction but

we can send it over to this other committee that has the jurisdiction for inappropriate behavior, the Committee would have more credibility instead of just dismissing it and not telling them that something can be done.”

Chairman Gordon thanked Speaker Packard and Representative Wallner for attending and said: “I’m not sure we resolved anything today, but I think we’ll put our heads together and think about what we might be able to do to address this. One of the issues we have talked about here is that you do the letter of caution. We’re in a position, I think, in terms of the ethics violations, either we find an ethics violation, or we don’t find one. If we find a violation, then we have to recommend a punishment and it’s a recommendation that goes to the House with a reprimand, or a censure or removal. Many of the complaints that we get are the types of complaints that you wouldn’t think it would be necessary to go to the House for a reprimand, it’s just discourtesy, frankly, and clearly things that people might find offensive like a constituent that has an exchange with a legislator which isn’t very pleasant you might want to be able to admonish them without having to go through the whole (complaint) process and maybe... that’s something where the ethics committee could have some discretion similar to your committee where something similar to a letter of caution. We have issued two admonishments. But the only way we can issue an admonishment is if the person agrees to it – the person who’s been alleged to have violated the ethics rules agrees to it. But it would be nice to be able to have some middle ground.”

Speaker Packard said: “I can honestly say that with respect to the Speaker’s Advisory Committee, every single letter we have sent out has been unanimous.”

Paul Smith said: “Last thing I will leave you with, Mr. Chairman, and again my kudos to Speakers Packard and Shurtleff for continuing these committees. Terry’s here (Terence Pfaff, Chief Operating Officer of the General Court of NH) and he can attest when Speaker (Shawn) Jasper was Speaker, the (House) Legislative Administration Committee actually undertook – we retained a bill in the first year and sought to make some changes and recommend some rules changes on the floor in the second year of the session back in 2018. And one of those suggestions that I actually devised with then-minority leader Shurtleff was to set up a committee and to create another tier where a letter of admonishment was going to be a House penalty. We brought that to the (House) Rules Committee and, much like the dress code, I note that Senator Carson mentioned they have a rule against this in the Senate, well I can’t get a dress code passed in the House of Representatives. There’s no way we’re going to be able to get a rule saying you can’t use your cell phone on the House floor. So, we had tried formally to address it through rules and, unfortunately, that was not successful. But I think the informal mechanism through the Speaker’s Advisory Group has been successful.”

Following a brief discussion among Committee members, Mr. Lambert reported to the Committee that he had contacted NCSL after Senator Carson had asked him to try to find out how other state legislatures regulate legislator behavior on social media. He said that NCSL looked into it and responded that no state legislature has specific policies regulating legislators’ behavior on the legislators’ personal social media sites. The only regulation, NCSL said, was in those states where legislatures have social media sites that members may use. In those states, members may not use those sites for campaigning or fundraising. He said that no state regulates anything to do with the types of complaints the Committee has received, according to NCSL. Vice Chairman Sytek asked: “So even if they have their own ‘Representative Joe Blow’ site nobody regulates that even if it says ‘Representative’?” Mr. Lambert said that was what NCSL found.

ITEM #3

Initial Review of *Complaint 2022-1*.

Senator Carson moved to enter nonpublic session, pursuant to RSA 14-B:3, I(d), to conduct an Initial Review of *Complaint 2022-1*. Representative Wall seconded the motion and the Committee voted as follows:

Vice Chairman Sytek	Yea
Mr. Hess	Yea
Senator Carson	Yea
Attorney Brandte	Yea
Chairman Gordon	Yea
Representative Wall	Yea
Senator Rosenwald	Yea

{MOTION ADOPTED}

{NONPUBLIC SESSION}

Senator Carson moved to exit the nonpublic session. Representative Wall seconded the motion and the Committee voted as follows:

Vice Chairman Sytek	Yea
Mr. Hess	Yea
Senator Carson	Yea
Attorney Brandte	Yea
Chairman Gordon	Yea
Representative Wall	Yea
Senator Rosenwald	Yea

{MOTION ADOPTED}

Chairman Gordon stated: “We’ve just come out of nonpublic session, having conducted an Initial Review of *Complaint 2022-1*, and during the nonpublic session we voted to dismiss the complaint as the allegations are unfounded.”

ITEM #4

Initial Review of *Complaint 2022-2*

Senator Carson moved to enter nonpublic session, pursuant to RSA 14-B:3, I(d), to conduct an Initial Review of *Complaint 2022-2*. Representative Wall seconded the motion and the Committee voted as follows:

Vice Chairman Sytek	Yea
Mr. Hess	Yea
Senator Carson	Yea
Attorney Brandte	Yea
Chairman Gordon	Yea
Representative Wall	Yea
Senator Rosenwald	Yea

{MOTION ADOPTED}

{NONPUBLIC SESSION}

Senator Carson moved to exit the nonpublic session. Representative Wall seconded the motion and the Committee voted as follows:

Vice Chairman Sytek	Yea
Mr. Hess	Yea
Senator Carson	Yea
Attorney Brandte	Yea
Chairman Gordon	Yea
Representative Wall	Yea
Senator Rosenwald	Yea

{MOTION ADOPTED}

Chairman Gordon stated: “We have just come out of nonpublic session on *Complaint 2022-2* and, during that nonpublic session, agreed that we would continue our Initial Review until our further hearing.”

ITEM #5

Initial Review of *Complaint 2022-3*

Senator Carson moved to enter nonpublic session, pursuant to RSA 14-B:3, I(d), to conduct an Initial Review of *Complaint 2022-3*. Representative Wall seconded the motion and the Committee voted as follows:

Vice Chairman Sytek	Yea
Mr. Hess	Yea
Senator Carson	Yea
Attorney Brandte	Yea
Chairman Gordon	Yea
Representative Wall	Yea
Senator Rosenwald	Yea

{MOTION ADOPTED}

{NONPUBLIC SESSION}

Mr. Hess moved to exit nonpublic session. Senator Carson seconded the motion and the Committee voted as follows:

Vice Chairman Sytek	Yea
Mr. Hess	Yea
Senator Carson	Yea
Attorney Brandte	Yea
Chairman Gordon	Yea
Representative Wall	Yea
Senator Rosenwald	Yea

{MOTION ADOPTED}

Chairman Gordon stated: “We’ve come out of nonpublic session having conducted an Initial Review of *Complaint 2022-3* and having done so we voted in nonpublic session to find that there was a sufficient basis to go forward with the complaint and now enter a Preliminary Investigation, and we will call witnesses to testify at our next scheduled meeting.”

ITEM #6

Initial Review of *Complaint 2022-4*

Senator Carson moved to enter nonpublic session, pursuant to RSA 14-B:3, I(d), to conduct an Initial Review of *Complaint 2022-4*. Representative Wall seconded the motion and the Committee voted as follows:

Vice Chairman Sytek	Yea
Mr. Hess	Yea
Senator Carson	Yea
Attorney Brandte	Yea
Chairman Gordon	Yea
Representative Wall	Yea
Senator Rosenwald	Yea

{MOTION ADOPTED}

{NONPUBLIC SESSION}

Senator Carson moved to exit nonpublic session. Representative Wall seconded the motion and the Committee voted as follows:

Vice Chairman Sytek	Yea
Mr. Hess	Yea
Senator Carson	Yea
Attorney Brandte	Yea
Chairman Gordon	Yea
Representative Wall	Yea
Senator Rosenwald	Yea

{MOTION ADOPTED}

Chairman Gordon stated: “We just came out of nonpublic session having conducted an Initial Review of *Complaint 2022-4* and in our nonpublic session we voted to discharge the complaint on the basis that it does not properly state an actionable claim.”

ITEM #7

Discussion of a request for an Advisory Opinion from Rep. George Sykes and Ratification of the response approved by the Committee via email.

Chairman Gordon summarized the request, saying Rep. Sykes had asked if it would be permissible for him to set up a “Go-Fund-Me” webpage to solicit funds to cover the expenses for surgery on his dog.

Senator Carson asked if Rep. Sykes would be soliciting the funds as a legislator or as a private person.

Chairman Gordon responded that he would be doing it as a private person. He then read from his letter of response to Rep. Sykes dated February 24, 2022: “... you should certainly undertake the activity carefully and avoid any appearance of impropriety. You would not want to make any reference to or mention of your position as a legislator you should maintain a list of donors in the event that the activity should be questioned at some point by a third party. If you have any suspicion that a donor has given in order to influence your official activity...you should refuse to accept or return that person’s donation....”

Following further brief discussion, Vice Chairman Sytek moved to affirm the Committee's adoption of *Advisory Opinion 2022-2*. Senator Carson seconded the motion and the Committee voted as follows:

Vice Chairman Sytek	Yea
Mr. Hess	Yea
Senator Carson	Yea
Attorney Brandte	Yea
Chairman Gordon	Yea
Representative Wall	Yea
Senator Rosenwald	Yea
{MOTION ADOPTED}	

ITEM #8

Update on 2022 HB 1398, An Act relative to recusal by members of the general court for conflicts of interest.

Chairman Gordon informed the Committee that the bill he sponsored to require recusal when legislators have certain conflicts of interest was sent to Interim Study by the House. He said that although sometimes sending a bill to Interim Study is a way to kill it, he spoke with Representative Greg Hill, the Chair of the House Committee on Legislative Administration, and Representative Hill said he would be willing to sit down and try to hammer something out.

ITEM #9

New/Other business.

Mr. Lambert distributed 2 Declaration of Intent Forms filed by a house member for the Committee's review. He said that it looked to him that the forms were incorrectly filled out. He noted that the representative disclosed his membership in the NH Retirement System on the form, indicated that he had a "non-financial personal interest" and checked the box indicating he would participate in action on the bills. He said that it looked like the representative would have a "financial interest," not a "non-financial personal interest." Senator Carson asked if the representative had disclosed his membership in the NH Retirement System on the Financial Disclosure Form, he filed in January 2021. Mr. Lambert answered that he had, and the Committee members then agreed that it didn't seem that he needed to file the declarations at all. Senator Carson said: "I don't fault him for doing this because it's always better to err on the side of caution and not be seen as voting in your own self-interest." The Committee then asked Mr. Lambert to contact the representative and ask him to correct his forms.

ITEM #10

Scheduling of the next meeting.

The Committee tentatively scheduled a meeting to be held on May 20, 2022, at 1:00 P.M.

The Committee's meeting adjourned at approximately 3:05 P.M.

{Prepared by Richard M. Lambert, Executive Administrator}