

***** PUBLIC SESSION *****

NEW HAMPSHIRE EXECUTIVE BRANCH ETHICS COMMITTEE

**SHEEHAN PHINNEY BASS + GREEN PA
MOOSILAUKE ROOM**

**September 9, 2015
8:00 AM**

Meeting called to order by Chairman Joseph DiBrigida, Jr.

Present: Alan Johnson, Dorothy Graham, Jim Normand, Dale Kuehne

Also present: Deputy Attorney General Ann Rice, Senator Dan Feltes, Representative Bill Hatch

- Draft Legislation presented which addresses some issues with the committee's efforts to complete its rule making task. Ann Rice discussed her prior meeting with Senator Feltes and Representative Hatch and their discussion of JLCAR's concerns with the committee's proposed rules. Firstly, definitions specifically the definition of Executive Branch Official. Dorothy Graham had a question about the definition of a "Classified" employee, which was given. Discussion was had about the difficulty in getting people nominated. It is not so much about the limits of party affiliation, but much more about the prohibition against political activity. The committee agreed that the prohibition against political activity for members was generally an issue and they questioned whether it was necessary, especially in regard to national elections. Deputy Rice agreed to speak with the Secretary of State and the Treasurer further about the issue.

The next change was in regard to the committee's duties, Deputy Rice made some structural changes so that advisory opinions and guidelines could be addressed. Complaints section was also looked at by JLCAR in regard to subpoena powers. She also talked about the matter of confidentiality in regard to Advisory Opinions.

There is a new section about Interpretive Rulings, because its not been used by the committee before, but could become very helpful. Notice could be posted that the committee is seeking public opinion and based upon testimony the committee could then issue a ruling. This would allow the committee to become more proactive.

Finally there is a section about disciplining committee members for breach of committee procedures as well as guidelines.

Alan Johnson brought up the issue of cumulative gifts and Deputy Rice acknowledged that JLCAR did have an issue with the committee's Advisory Opinion. Jim Normand felt it was more of a public policy issue. This relates to the Dunkin' Donuts free coffee issue.

Senator Feltes and Representative Hatch leave the meeting.

- Minutes, public session first, a small typo was brought up and motion to approve minutes by Jim Normand, it was seconded. Motion approved by unanimous vote. Non-public session minutes, there was a little discussion about a small typo, removing a section and the wording of a sentence. Alan Johnson moved to approve the minutes it was seconded and the non-public minutes were approved by unanimous vote.
- Chairman DiBrigida discussed issuing a guideline in regard to noting in the minutes if and when a recused member leaves the room during discussion. Additionally it should be made clear who voted, however Jim Normand felt that it was enough to simply have the minutes reflect who is recused. He also discussed whether the recused is required to leave the room, but felt that it is a better practice to leave the room. Ann Rice volunteered to draft something.
- The committee moved out of public session by unanimous vote to take up the issue of the Advisory Opinion 2015-001.
- The committee came back into public session and motion was made to seal the non-public minutes. The motion carried.
- It was moved to adjourn the meeting, a second was given and the motion carried.

Respectfully Submitted

Jennifer Cawelti
Recording Secretary