

**Vermont State Ethics Commission**

**Minutes of May 6, 2020 Meeting (approved)**

**1. Call to Order:** The meeting, held via Zoom, was called to order by Commission Chair Julie Hulburd at 10:06 a.m. Also present for the meeting were Commission members Christopher Davis, Sarah Biolsi Vangel, Michele Eid, and Executive Director Larry Novins. One member of the public, Will Barrett attended as well.

**2. Approval of Minutes:** On the motion of Michele Eid, second by Paul Erlbaum, the minutes of the April 1, 2020 meeting were approved.

**3. Public Comment**: None

**4. COVID-19 Accommodations:** The Commission discussed how notice for meetings is provided in compliance with current emergency provisions. At this time and for the immediate future no one is at the Commission office at the time of the monthly meeting. The Commission discussed whether its meetings on Zoom should be recorded and posted on Youtube. Technological challenges the Commission has do not make this an immediate viable option. Larry Novins will check to see how recording and posting on YouTube or some other place might work.

**4. Executive Director’s Report**:

Larry Novins up dated the Commission on the status of its funding mechanism which is scheduled to expire on June 30. An extension was in S.198 and H.634 neither of which may be passed in the foreseeable future. An extension provision is in the Governor’s budget request. Novins has written to the budget personnel to stay apprised.

Novins updated the Commission on Phase II, the proposed Code of Ethics draft. He has prepared a press release which can be used most likely in late summer after the Commission’s funding mechanism is clear. The Commission will at that time seek comment on the draft Code of Ethics.

Novins has done significant research into how compliance with a Code of Ethics can be achieved. Two major ways are 1) education and improved potential conflict of interest disclosure and 2) formal enforcement. Both will require significant discussion. Novins believes that formal enforcement, because of its complexity, should be discussed only after a code has been adopted by the statute. He shared with the Commission some of the questions that must be answered before enforcement provisions can be adopted.

Novins briefed the Commission on recent public records act requests and the type of correspondence he has received regarding them. Note: complaints are “confidential” per the ethics statutes and not discoverable. 3 V.S.A. §§ 121(d), 1223(c).

Seven Days contacted the Commission last month to ask how it verifies the identities of those who file complaints with it. The Commission has no policy on this. The statute requires that complaints contain the identity of the complainant, no more.

**5. Executive Session to Discuss Complaints and Guidance Requests:** On the motion of Paul Erlbaum, second by Chris Davis, the Commission went into executive session to discuss complaints and guidance requests. These matters are confidential per 3 V.S.A. §§ 1221(d), 1223(c), and 1225(a)(3). On the motion of Sarah Vangel, second by Michele Eid the Commission voted to conclude the Executive Session and return to open session.

**Other Business:** None

**Adjournment:** Michele Eid moved to adjourn, second by Paul Erlbaum. The meeting adjourned at 11:32 a.m.

**Next Meeting:**  June 3, 2020 at 10:00 a.m.