

**Vermont State Ethics Commission**

**Minutes of September 4, 2019 Meeting**

**1. Call to Order:** The meeting, held at the Ethics Commission office at 6 Baldwin St. Montpelier, was called to order by Commission Chair Julie Hulburd at 10:08 a.m. Also present for the meeting were Commission members Christopher Davis, Michele Eid, and Executive Director Larry Novins.

**2. Approval of Minutes:** On the motion of Michele Eid, second by Chris Davis, the minutes of the August 7, 2019 meeting were approved.

**3. Public Comment**: None

**4. Executive Director’s Report**: Larry Novins reviewed plans for those attending the COGEL (Council on Government Ethics Laws) meeting in Chicago in December. He shared an inquiry regarding the types of documents that may be shared with complainants. Responses from those to whom ethics complaints are referred are “confidential” as defined by 3 V.S.A. § 1223(c).

Novins reviewed with the Commission the administrative challenges that during August consumed much of his time. Among them were multiple attempts to find a way to get the Ethics Training Video posted on the website. It turns out that the Commission has permission to use the video only so long as viewers are limited to state employees on a state network. At this time there is no secure way to make the video available to that limited audience.

**5. General Principles:** Novins reviewed his work updating the Commission’s Code of Ethics setting forth general principles of governmental ethical conduct. The revision seeks to eliminate unnecessary language, use terms consistently, and make the document more easily understood. Novins will take suggestions made by Commission members and incorporate them into the next draft which may be ready for the Commission’s October meeting. He will also consult with the Department of Human Resources as required by statute for any suggestions they may have.

**6. Legislative Recommendations:** Novins also shared with the Commission his review of Chapter 31 of Title 3, the statutes creating the Ethics Commission. He has begun the process of drafting proposed amendments to the statutes to make two corrections, and to add provisions requiring that those signing Commission forms certify that the information provided is correct. Another possible change is to make the filing of financial disclosure statements annual, as is the case other states. Another suggestion in this draft is a provision that the Commission be charged with submitting to the legislature a proposed Ethics Code to be adopted by statute. Novins will try to have a working draft of 2020 proposed amendments to the Ethics Statutes for the Commission’s review at its next meeting.

**7: Advisory Opinions:** Because Chris Davis had to leave the meeting at 11:45, discussion of this topic was moved up in the agenda so he could participate. The Commission reviewed the rationale for withdrawing Advisory Opinion AO 18-01. On the Motion of Michele Eid, with a second by Chris Davis, it voted to accept Novins’ suggestion to withdraw the opinion and remove it from the Commission’s web site. In its place will be a short statement explaining that the Advisory Opinion was withdrawn because its issuance resulted from use of an incorrect process. The process was remedied by adoption of a new policy for Advisory Opinions adopted in May.

Chris Davis left the meeting at 11:45, after this discussion and vote.

**Website:** Discussed as part of the Executive Director’s report.

**Financial and Spending Policies.** The Commission briefly reviewed a draft policy prepared by Michele Eid. It decided to defer action on the proposal until next month when all Commission members are expected to be able to participate.

**Executive Session to Discuss Complaints and Guidance Requests:** On the motion of Michele Eid, second by Paul Erlbaum, 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 motion of Ms. Eid and Mr. Erlbaum, the Commission voted to return to open session.

**Other Business:** None

**Adjournment:** Michele Eid moved to adjourn, second by Paul Erlbaum. The meeting adjourned at 12:20 p.m.

**Next Meeting:** October 2, 2019at 10:00 a.m. at Room 315, 6 Baldwin St., Montpelier.