



Vermont State Ethics Commission

6 Baldwin St. Montpelier, VT 05633-7950

Advisory Opinion FAQs

Who may request an Advisory Opinion?

State of Vermont public servants may request an Advisory Opinion regarding any issue related to governmental ethics and their own ongoing or prospective conduct.

The Ethics Commission will also consider requests for an Advisory Opinion from an authorized representative (i.e., General Counsel, Executive Officer, Board/Commission Chair) of a State entity (i.e. agency, board, commission) regarding an ongoing or prospective ethics issue under consideration by the entity. Requests of this nature should not include the personally identifying information (PII) of any public servant other than the person making the request unless confidentiality has been waived in writing. Where confidentiality has been waived, PII will still be redacted from the final published Advisory Opinion.

At this time, the Ethics Commission cannot consider requests from anyone who is not a State of Vermont public servant. This includes members of the public, municipal employees, and local elected officials.

Does the Ethics Commission accept every request for an Advisory Opinion?

The Vermont Ethics Commission will review every request for an Advisory Opinion. However, the Commission may decline to issue an opinion for the following reasons:

- The subject matter of the request does not relate to the State Code of Ethics, codified in 3 V.S.A. Chapter 31, §§ 1201-1205; presents a question that falls outside the jurisdiction of the Commission; or would necessitate the interpretation of a statute outside of the Commission's jurisdiction;
- Involves past conduct that is not ongoing;
- Fails to provide sufficient factual background for the Commission to provide meaningful advice;
- Provides facts that appear inaccurate, questionable, or in dispute;

- Involves factual scenarios that are vague, highly unlikely, or overly speculative;
- Concerns rights or conduct that are the subject of pending litigation involving the requester;
- Involves an issue that is already answered by the plain language of the statute;
- The Ethics Commission determines that the advice sought would be inappropriate or not in the best interest of the public;
- The timeline specified in the request is too short to draft an opinion;
- For any other reason at the discretion of the Commission.

How will my request be processed?

A request for an Advisory Opinion will be acknowledged within 5 business days of receipt of the request. The Executive Director will then review the request and notify the requester whether it has been accepted, denied, or if more information is needed to make a decision.

If the request is accepted, the Commission will endeavor to finalize the Advisory Opinion request by the 30th day after the Commission has received all relevant facts and other necessary materials.

Who will be notified of the request?

If the request is granted, the Executive Director will draft an Advisory Opinion and provide a copy to the full Ethics Commission before its next regular meeting. The draft may also be shared with third parties the Executive Director deems to have information, facts, and/or knowledge relevant to the formulation of the Advisory Opinion.

Are Advisory Opinions made public?

Yes. The Vermont Ethics Commission is required by statute to publish final Advisory Opinions on the Commission website. However, personally identifying information, including the name of the requester, will be redacted prior to publication.

What is the Effect of an Advisory Opinion?

Advisory Opinions are intended to provide meaningful advice based upon analysis of State ethics laws and policies for the requester and those who may engage in materially similar activities. It does not provide legal protection for those who act in accordance with the opinion.

Further information can be found at <https://ethicscommission.vermont.gov/advisory-opinions>.