



Vermont State Ethics Commission
Meeting Minutes
February 8, 2024
Remote Attendance*

1. Call to Order: The regular meeting, held remotely via Zoom, was called to order by Chair Paul Erlbaum at 10:38a.m. Also in attendance were Commission members Christopher Davis, Sarah Butson, Michele Eid, Jack Kennelly, Executive Director Christina Sivret, and Administrative Assistant Tina Wolk.

2. Public Comment: Chair Paul Erlbaum welcomed a member of the public, Patricia Shane, who introduced herself as an attorney interested in the Ethics Commission's mission.

3. Approval of Minutes: On the motion of Christopher Davis, seconded by Michele Eid, the minutes of the November 1, 2023, meeting were approved. On the motion of Christopher Davis, seconded by Sarah Butson, the minutes of the December 6, 2023, meeting were approved. On the motion of Jack Kennelly, seconded by Michele Eid, the minutes of the January 3, 2024, meeting were approved.

4. Executive Director's Report:

Legislative Update:

Appropriations: Executive Director Sivret reported that she testified before the House Committee on Appropriations earlier that morning regarding the Ethics Commission's FY25 budget request, which currently stands at \$210,353. The current request does not include additional money for increased staffing, which will be needed if the two ethics bills now being considered by the legislature go through. The additional money for those positions is included as a decision item in the misc. ethics bill. Executive Director Sivret also told the Commission that if the municipal ethics bill passes, the Commission's current source of funding, the Internal Service Fund, will likely need to change as the Commission's scope of work will expand beyond State Government. Executive Director Sivret will follow-up with Rep. Kari Dolan from Appropriations and Rep. Mike McCarthy from the House Committee on Government Operations.

House Government Operations: The House Committee on Government Operations is now hearing testimony on the draft municipal ethics bill and the draft misc. ethics bill. Executive Director Sivret shared that recent conversations have been focused on the misc. ethics bill and

proposed changes to candidate and executive officer financial disclosures. Committee members seem to be most concerned about the sections of the bill that require the disclosure of client names, the definition of a “commercially reasonable” loan, and the disclosure of individual stocks valued above \$10,000. Executive Director Sivret also reported that under the draft bill candidates for county office will also be required to file financial disclosures, including candidates for side/assistant judge and probate judge. Those categories of candidates had previously been excluded from the requirement, and the Ethics Commission had raised objections to their exclusion.

Executive Director Sivret further reported that the draft misc. ethics bill proposes expanded powers for the Ethics Commission, including the power to investigate complaints, hold hearings, make recommendations, and issue reprimands or warnings. Executive Director Sivret acknowledged that even if the bill passes, given the Commission’s limited resources, it is likely that most complaints will continue to be referred to other agencies for investigation, at least in the near term. She suggested the Commission propose language for the draft bill requiring referral agencies to consult with the Ethics Commission on the application of the Code of Ethics to complaints referred to the agency by the Commission. This would apply only to the parts of the complaint that fall under the State Code of Ethics and not to any other laws, rules, or policies referenced in the complaint. The intent of this proposed change is to increase transparency, promote consistency in the application of the law, and promote collaboration between the Commission and government agencies. The Commission agreed this would be a good idea.

The Executive Director also suggested that the Commission recommend to the Committee that language be added to the draft bill specifying that the Ethics Commission can offer mediation or reconciliation services at any stage during the complaint process, not just as a recommendation after findings have been made. She also highlighted that the current draft requires the Executive Director and the Chair of the Ethics Commission to agree before a complaint is accepted for investigation by the Commission. She recommended that this power lie solely with the Executive Director, or that the full Commission vote on the matter. The Commissioners agreed that the full Commission should vote on whether a complaint is to be accepted for investigation. Executive Director Sivret also relayed that the current draft calls for it to take effect "immediately upon passage." She thinks the Commission needs more time to prepare for new responsibilities and would prefer that the bill take effect as of January 1, 2025. She will raise these issues with the Committee at the next opportunity.

The draft municipal ethics bill has not been discussed as much as the misc. ethics bill. However, the Executive Director’s main concern is that the draft extends whistleblower protections only to municipal employees and not to members of the public. She has raised this concern with the Committee and will continue to do so.

5. Executive Session: On the motion of Michele Eid, seconded by Christopher Davis, the Commission went into Executive Session at 11:18 a.m. to discuss complaints and guidance requests received since the last meeting.

6. Other Business: Due to time constraints, rather than present on the December COGEL Conference during the meeting, Commissioner Michele Eid said she would circulate a written report to the Commission. Commissioner Eid shared that the conference mostly focused on election and campaign finance issues given that we are entering an election year. However, she discussed ethics enforcement with ethics officials from other states and emphasized the importance of ethics training as a component of ethics enforcement. She also noted the importance of other agencies designating their own ethics liaisons or ethics enforcement officers, who can then serve as points of contact for the Ethics Commission. Commissioner Eid said she would provide copies of the 600+ page blue book, a compilation of legal updates in the field of campaign finance, lobbying, and ethics, handed out at the conference, to the rest of the Commission.

7. Adjournment: Michele Eid moved to adjourn, seconded by Sarah Butson. The meeting adjourned at 11:51 a.m.