

**Ethics Committee  
Special Meeting January 30, 2019  
Town Offices 7:00 PM Meeting Room One**

**Ethics Committee (EC) Attendees: Lee Suskin, Chair, Tom Little, Vice-Chair, Mike Ashooh, Bill Deming, Pete Gadue, and Diana Vachon, Clerk**

**1. Call to order** at 7:06 PM

Pete Gadue will be a voting member in Gwen Webster's absence.

- 2. Review and Approve the Agenda for January 30, 2019:** On motion of Mr. Gadue, seconded by Mr. Ashooh, the agenda was unanimously approved.
- 3. Approve of Minutes:** On motion of Vice Chair Little, seconded by Mr. Ashooh, the Committee approved the Minutes from 12/07/18, 12/28/18, and January 9, 2019. Mr. Gadue abstained from voting on 12/7/18. He was not present.
- 4. Opportunity to Disclose Conflicts of Interest:** Hearing none moved on to next agenda item.
- 5. Public Participation and Comments:** Hearing none moved on to next agenda item.
- 6. Committee Discussion of the December 31, 2018 Draft Rules of Procedure:** Vice-Chair Little gave a report of his January 15, 2019 discussion with the Selectboard on the December 31, 2018 draft rules. He reported that the Selectboard would like:
  - a. more references to the Ordinance sections in the Rules;
  - b. the rules to make clear that the respondent should be provided with a copy of the complaint before the Committee interviews the respondent during a preliminary likelihood investigation; and
  - c. the rules to make clear that the parties may call witnesses at the hearing.

Committee members stated that the Rules should make clear when the members and alternates can participate in proceedings.

Chair Suskin led the Committee through a discussion of the draft rules and of revisions to the December 31, 2018 draft suggested by the Chair and Vice-Chair Little. After full committee discussion, the Committee decided to make the following revisions:

**A.2) Conduct of Meetings** – Add subsection 2) to read:

**a) Administrative Meetings:**

- 1) The Committee may hold administrative meetings to conduct business related to the Committee's organization and procedures and other non-quasi-judicial acts or actions.
- 2) Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the Committee, other than pending quasi-judicial proceedings, so long as order and mutual respect is maintained according to these rules.

**A.b)2) Quasi-Judicial Proceedings:** Add sub-section 2) to read:

- 2) The Complainant and the Respondent and witnesses called by them may testify under oath at the proceeding. Other members of the public may not express opinions nor ask questions at the hearing.

**Add Section A.4) to read:**

- 4) **Election of the Chair and Vice-Chair:** Pursuant to Article 11.A. of the Ordinance, the Committee shall hold an organizational meeting and elect a Chair and Vice-Chair in May of each year.

**Revise A.5) to renumber the subsection to A.6) and to read:**

- 6) **Participation by Members:** If a regular member of the Committee cannot participate in a particular matter, an alternate member designated by the Chair shall fill in as set forth in the Ordinance and, in the case of a quasi-judicial proceeding, shall continue to participate until the proceeding has concluded. A combination of three regular and/or alternate members shall constitute a quorum. If for any reason a quorum is impossible, the Chair shall request the Selectboard to appoint from residents of the Town persons to serve *pro tempore* on the Committee pursuant to Article 11(C)(6) of the Ordinance. If a quorum of the members of the Committee is not present at a meeting, the only action that may be considered by the Committee is a motion to recess or adjourn the meeting. Decisions of the Committee shall be by majority vote.

**Article B. Quasi-Judicial Hearings before the Ethics Committee**

- B. 1) Filing of a Complaint:** Revise b.1)b) to say: the filer of the complaint should use the complaint form ~~developed by the committee~~ attached to these Rules.

**B. 1. c) Preliminary Reasonable Likelihood Investigation:**

Add: If the Committee chooses to interview the respondent, the Committee shall provide the respondent with a copy of the complaint and affidavits sufficiently in advance of the interview to enable the respondent to prepare for the interview. See Ordinance Article 11(C)(3)(a).

- B. 4) Mediation:** Revise to read: the Committee ~~shall~~ may encourage mediation.

**B. 5) h) Sequence of the Hearing.** Revise h)2 and h)3 to read:

- 2) Ask the complainant and respondent to identify and any identified witnesses whom the complainant or respondent intends to call.

3) Ask the complainant and respondent and any identified witnesses to take the following oath:

Under the pains and penalties of perjury, do you solemnly swear or affirm that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth?

**B. 5) i) Deliberative Session.**

Pursuant to Article 11.C.5.a. of the Ordinance, at the conclusion of the hearing, the Committee members who participated in the hearing, including any alternates who were designated by the Chair to participate in the hearing, but no more than a total of five members and alternate members of the Committee, may meet in closed, deliberative sessions in person, telephonically, and/or electronically from time to time in order to consider all the evidence and render a written decision.

**References to the Ordinance:** The Committee decided to add additional references to the Ordinance to the Rules, as suggested by the Selectboard.

**7. Committee Adoption of Rules of Procedure.**

The Committee unanimously voted to adopt the Rules as revised (above) and asked Vice-Chair Little to circulate the revised rules. The January 30, 2019 Ethics Committee Rules of Procedure are attached to these minutes.

**8. Other Business.** The Committee briefly discussed the future of the committee and its members, including the possible appointment of another alternate in April. The Committee will meet again on Thursday, February 28, 2019.

**9. Adjournment:** On motion by Mr. Ashooh to adjourn, seconded by Chair Suskin, the Committee adjourned at 8:08 PM.

Respectfully submitted by Diana Vachon, Clerk of the Committee