

MINUTES  
LEGISLATIVE ETHICS COMMITTEE  
MAY 17, 2010 MEETING  
{Approved: July 8, 2010}

The Legislative Ethics Committee (RSA 14-B:2) met on Monday, May 17, 2010, at 1:00 p.m. in Room 100 of the State House. The following members were present: Attorney Martin L. Gross, Chairman, Representative Janet G. Wall, Vice Chairman, Senator Sheila Roberge, Senator Amanda A. Merrill, Representative Stella Scamman, Attorney Kimon S. Zachos, and Attorney Richard L. Russman. Also present were: Attorney David Frydman, House Legal Counsel, Attorney Karen A. Levchuk, Senate Legal Counsel, and Richard M. Lambert, the Committee's Executive Administrator. The Committee's meeting consisted of the following items:

ITEM #1

Consideration of the proposed *Agenda*.

Attorney Zachos moved adoption of the proposed *Agenda*. Vice Chairman Wall seconded the motion and the Committee voted 7 to 0 to adopt the *Agenda*.

ITEM #2

Consideration of the draft *Minutes* from the Committee's meeting held on February 11, 2010.

Following review, Vice Chairman Wall suggested several corrections of typographical errors and Chairman Gross suggested one. Senator Roberge then moved to approve the *Minutes*, as corrected. Attorney Russman seconded the motion and the Committee voted 7 to 0 to adopt the *Minutes*.

ITEM #3

Consideration of a request for an Advisory Opinion from Representative John Hunt.

Chairman Gross made the following statement:

"The Committee had a request for an advisory opinion dated March 24, 2010. We docketed it and responded to it initially and we have written to Representative Hunt stating that the matter would be taken up by the Committee today. Associated with that request, which has to do with the appropriateness of acceptance of a raffle prize at a particular legislative event, is the wider issue of the appropriateness of raffles at legislative events in connection with the statute, RSA 15-B:3. And what I hope to do today is deal with the Hunt matter specifically and, as we're doing that, talk about the wider issue of raffles at legislative events.

"Let me set the stage by saying that I believe the question raised by the request is: May a legislator accept a raffle prize worth \$25 or more from a raffle conducted in connection with an event to which there was free admission for legislators and which the event itself -- which happens to be the St. Patrick's Day Roast of last March -- is an exempt event under RSA 15-B:2, V(b)(9)(C)? And when I say the event is exempt, tickets for admission to the event are exempt when offered free to legislators. It's an event open for attendance by any member published in the calendar. And the issue here is: Where the raffle ticket was purchased by a legislator at that event, may the legislator accept a prize worth \$25 or more from the raffle? In this particular case, Representative Hunt has informed us that the prize was a computer worth \$300 or thereabouts. The relevant elements that I think that we need to pay attention to are: first, the definition of gift, and our statute says a gift is anything of value worth \$25 or more. Now it's a very broad definition. I have to say that implied in there, if it's a gift, it's not something for which the recipient paid reasonable commercial value. Obviously, if you go into a store and you pay \$300 for a computer nobody is going to say that is a gift, but where you pay less than the reasonable commercial value, then I think that broad definition plugs in. The next statutory item that we have to consider is the prohibition of the acceptance of gifts, RSA 15-B:3, III prohibits legislators and others from knowingly accepting gifts. So, it seems to me that the question before us to answer Representative Hunt's question is: Is there any exception available under RSA 15-B:2, V(b)?

"By way of further background, the Committee previously addressed the issue of door prizes and other items at events such as this in our Interpretive Ruling 2007-1. I asked Rich (Lambert) to pass out to you our extract from that ruling consisting of 2 pages-to-back with the header at the top: 'Extract from Interpretive Ruling 2007-1 Re: Door Prizes.' And as you will see, we made that ruling in connection with the general subject matter 'complimentary admission to dinners or receptions at which food and beverages are provided.' And our first response under 'Issue B' was: 'appetizers, drinks and meals' and we recited the exemptions that were available and particularly the exemption... 'the reception is a political or ceremonial event which is published as an event that is open for attendance by any member of the General Court in the Calendar of the Senate or the House.' And I understand from material that Rich asked for from the sponsors of the St. Patrick's Day event, that this event answered to that exception and so the admission to that event itself would not be a gift regardless of the value of it. But if you turn the page over, you can see that in that same interpretive ruling under 'Issue C' we dealt with the matter of awards or ceremonial objects that are personally inscribed to the recipient. We said: 'may be offered to and accepted by legislators and legislative employees if the value is primarily personal to the legislator or legislative employee, for example, a personalized plaque, citation, or trophy, and has a monetary value of \$150 or less.' Then in the very last paragraph of the interpretive ruling: 'However, other items -- in other words, items other than awards or ceremonial objects that are personally inscribed -- may be offered or accepted only if their value is less than \$25.' And there is a citation to that.

"Now, the further background to that interpretive ruling is where its genesis was, and you also have before you an 'Extract: Door Prizes' from Senate and House legal counsel from a memorandum of February 12, 2007. And if you take a look at that with me there's a memorandum addressed to then-chair of this Committee, Russell Hilliard, from David Frydman, House Legal Counsel, who sits in the front row there, and Jeffrey A. Meyers, who has decamped for other places and no longer serves the Senate. His successor, Karen Levchuk, is sitting in the first row with David. They had initiated this request for an interpretive ruling, among other things, to deal with acceptance of food and beverages at a legislative reception. They proposed a ruling and, if you go to the bottom of the second page, there is the item that I put in bold face: 'See acceptance of door prizes: Door prizes may be accepted if their value is less than \$10.' Ten dollars was the number at that time; it's since been increased to \$25. Otherwise they would constitute an impermissible gift under RSA 15-B:3.

"So basically, what I think we have done, based on the request from the counsel to the House and the Senate, was previously rule that door prizes at legislative events such as this if their value exceeds the now \$25 level are impermissible gifts. How do we apply that to the present situation in which a legislator had free admission to an event at which our law says he could have free admission, he paid \$5 for a raffle ticket, and won the raffle. Is that different? Is that the same? The choices are: Does the purchase of a raffle ticket distinguish it from a door prize somehow? If not, if it's the same thing, shall we withdraw or modify our interpretive ruling in 2007-1? ... The way I phrased the question would apply not only to what happened at the St. Patrick's Day Roast, but also at the upcoming Legislative Golf Tournament, which in the past has had raffles, and we have had as you know correspondence with the sponsors of that tournament about this and we have had a letter from their counsel who says we should apply our previous ruling to that event..."

Chairman Gross then invited James Demers, of the Demers Group, to address the Committee. Mr. Demers made the following points:

- The St. Patrick's Day Roast, which he and his company sponsor each year, is a charitable event benefiting the Children's Hospital at Dartmouth and all of the money raised from the event, including from the sale of raffle tickets, goes to Children's Hospital.
- The St. Patrick's Day Roast is not attended solely by legislators; people from the general public, lobbyists, friends, and associates from Children's Hospital also attend. It is not strictly a legislative event.
- The raffle is not a free door prize where everybody attends gets a ticket; raffle tickets had to be purchased for \$5 a piece or four for \$20.
- The "purely personal and private" exception provided under RSA 15-B:2, V(b)(6) pertains to the raffle.
- There were 10 raffle prizes awarded from the raffle; 3 were won by legislators and 7 were won by non-legislators.

Chairman Gross asked Mr. Demers about his reference to the exception under RSA 15-B:2, V(b)(6), which allows receipt of objects or services of economic value where the donor's act of giving is purely personal or private in nature and would have been given even if the person were not an elected official. Chairman Gross said that in preparing for the session, he had looked very carefully at that and what stopped him from believing it would apply is that the provision requires the act of donation be purely personal and private and, in the case of the St. Patrick's Day event, legislators, unlike others who attended, had gotten in free. Chairman Gross said Representative Hunt attended the St. Patrick's Day Roast by virtue of an invitation addressed to him as a legislator in the calendar.

Mr. Demers responded that Representative Hunt was treated just like a non-legislator, that in order to make a contribution for the raffle prizes he gave a \$5 gift and participated no differently than anyone else who attended. He also emphasized that attending the event and participating in the raffle were 2 separate occurrences.

Chairman Gross said that Mr. Demers' last point "was the one that I was trying to get at and I don't think your interpretation is all that different from mine. I was just probing for the separation between the raffle and the admission to the event. ...Are you saying to us that we should treat those 2 separately as long as you have to pay for the raffle ticket separately from the admission to the event?"

Mr. Demers said that was correct.

Chairman Gross asked Mr. Demers if the Committee were to accept his theory, "would we then disregard that you had to be at the event to enter the raffle?" He said what was concerning him was that "to get into the event you either had to pay an admission or be a legislator."

Senator Merrill said her interpretation of the wording of the "purely private and personal" exception in RSA 15-B has been that "it says that I can still get a Christmas present from a friend and that's exempt... you're receiving something that you could have been receiving whether you are a legislator or not..."

Attorney Richard Lehmann addressed the Committee. He referenced the letter he submitted to the Committee regarding the upcoming Legislator's Golf Tournament and made the following points:

- The golf tournament, like the St. Patrick's Day Roast, will feature a raffle that will be a separate event from admission.
- As a simple matter of mathematics and statistics, the reasonable commercial value to be concerned about is not the item that is won, but the chance of winning it. When somebody buys a lottery ticket, the prize may be hundreds of millions of dollars, but the value of the ticket is substantially less than the \$1 paid for it, based on the likelihood of winning.
- A raffle prize doesn't fall under the definition of a gift because there is no telling who is going to be the recipient of it. The person who purchases the raffle ticket is buying a chance, not an item, not the prize, and the value of that chance depends on how many tickets are sold.

David Frydman, House Legal Counsel, addressed the Committee and made the following points:

- He wasn't sure that the winnings from a purchased lottery ticket, whether from a charitable event or the public lottery, are a gift as defined in the statute because what a person is purchasing is a probability. A person buying a lottery or raffle ticket is getting a probability at winning something. It is a transaction, not a gift.
- A raffle prize is distinguishable from the door prize discussed in the 2007 interpretive ruling because in that circumstance it was the attendance at the event which was free to legislators that made one eligible for the door prize, there was never a transfer or a purchase of a probability.

Also speaking to the Committee were the following:

Robert Blaisdell  
Representative Timothy Horrigan  
Representative Candace Bouchard

Chairman Gross then stated the following:

"The specific question is: Can Representative Hunt accept the prize that he won in the raffle that was separately charged for at the event that he was invited to as a legislator, which also happened to be open to the public? Whatever we do with Representative Hunt is going to bear on the golf tournament and any other event to which legislators are invited in which there are games of chance. We have the 2007 interpretive ruling, which has been identified by one of the people who proposed it to us, and that is that door prizes, that is chance drawings that are handed to you as you walk in the door, door prizes obtained by such means are impermissible gifts if the value is \$25 or more.

"I think our choices are this: we can say to Representative Hunt it's okay because, as some of the speakers have said to us, you separately bought this raffle ticket and you did that with others, with participants in the raffle, who were not legislators and thus this is not a door prize within the meaning of our 2007 interpretive ruling; or you could say: I don't see the difference between a raffle prize and a door prize, both are games of chance, both arose because of attendance at an event; and you could say: let's withdraw the 2007 ruling because it was wrong, or we don't like it anymore, or whatever reason. But those seem to me to be the choices and there may be others, and I don't mean to stifle anybody's suggestions...

Vice Chairman Wall said:

"The 2007 interpretive ruling deals with legislative events, which would be as with Delta Dental, because it was strictly for legislators to be invited to that. The Automobile Dealers Association, strictly for legislators. These 2 other events are not strictly for legislators. Did I misunderstand something here?"

Chairman Gross replied: "Yah, I think so."

Vice Chairman Wall said: "Because I keep reading 'legislative reception' over and over."

Chairman Gross said:

"The exception under which our 2007 interpretive ruling arose had to do with attendance at receptions which are exempt because the reception is a political or ceremonial event which is published as an event open for attendance by any member of the General Court in the Calendar of the Senate or the House, and in Representative Hunt's case, that is exactly the exception that the St. Patrick's Day Roast qualifies for. And so this interpretive ruling that we had was in {inaudible} with that kind of event."

Vice Chairman Wall responded:

"But you, with all respect, you said pretty much what I said, that that was a legislative reception. The Roast did have to deal with the Governor and Senate President, but I sat at a table with 8 or 9 other people, none of whom were legislators, and they were invited to attend the Roast just as well as we were. It wasn't exclusively a legislative event for this Roast."

Chairman Gross responded: "Oh, I understand what you're saying and I guess what I'm saying to you is I never looked at the exception under (B) as saying that was exclusively for legislators."

Senator Merrill said:

"To follow up on that, I don't think we know by just the term 'reception is a political or ceremonial event to which legislators are invited,' we don't know if that is limited to legislators, and I think often it is not. All legislators may be invited but there are probably other people at the event, it varies.

Representative Scamman said:

"I guess I look at it as: the event and a raffle being 2 distinctly separate things, as has been brought up today. I think that regardless of the definition of the event, whether it is for legislators or it incorporates anyone coming to this event, I think that we can use that as a totally separate definition and we should look at that as a raffle for what a raffle is and, if a person goes to an event regardless of what it is and purchases a raffle ticket, I like to look at it as the purchase of the probability that perhaps you will win, and I think that they should be eligible to accept whatever it is that they won provided they purchased the raffle ticket."

Attorney Russman said:

"Well, I guess my concern is more fundamental. People, non-legislators, go to these things very often because legislators are there and they want to influence the legislators, that's why they're there. Now, clearly the notion that legislators can go free to events and others have to pay, I don't think is a good thing...the fact that legislators are given a discount but other people can pay the going rate so they can hob-knob with the legislators or spend time with them. I think that's a given just the way our society is today in terms of legislatures, Congress....Now, I realize that if you purchase the ticket – I have not so much difficulty with the notion of purchasing a raffle ticket if you might be in the state lottery or megabucks or your local girl scouts' raffle, or if someone is having a raffle, be it open to everybody and everybody is treated equally. But there is some discolor to me in terms of when legislators are – and I think very highly of the Demers Group myself, that's a nice thing that they do that – but at the same time ... it does make business sense for them to do that. They wouldn't be doing what they're doing if they weren't doing this to help their clients in terms of legislation and things that come before is. So, I mean I cannot look at it outside of it so exclusively unless everybody is paying the same rate. I have less trouble with that portion than the legislators being given a break and I'm invited for free while other folks have to pay."

Senator Merrill said:

"To follow up on what Rick was saying about appearances, etc, this is anecdotal but, just to add to the discussion, I would describe some of the discussion at a table I was at at the Roast, which is a great event I agree, it's a wonderful cause and it's fun, but once the raffle started a few people around me were saying 'Oh boy, where's the Ethics Committee?,' in other words, there was some sense that this might be an issue and it was also the case that at least one legislator did not accept the prize, but donated it back, and I don't know if there were other cases or not, but there was one where there was a large prize involved, and personally, I had the sense that that was the right thing to do."

Attorney Russman said:

"To follow up on what Mandy just said, this brings me back to when I was first in the Senate and one day [Senator] Susan McLane had been given some kind of gift basket from somebody, and she had donated it to the food pantry on her way home, and it just said a lot to me in terms of her character. And maybe she didn't have to do that, but I was impressed by that gesture."

Chairman Gross said:

"Let me see if we can move this forward with this. I always look for – because I think we administer a law and guidelines, we aren't here being the great wisdom in the sky deciding what's acceptable and what isn't. We have a statute on gifts and we have some legislative guidelines and that's what we administer. The way I go about this is if somebody has a question about whether something is a gift or not, I look at the statute; I look at what the definition of gift is, then I look for an exemption, and if I can't find an exemption, and if what is going on is a gift, then it's a prohibited gift. It's not a very complicated analysis.

"In this particular case, I came into this session thinking that I could not find an exception that applied here. And I still don't think that the private exception applies because of the things that Rick said, that the whole occasion here was a political event at which legislators were invited and you can't rise above the occasion and think of that, that this is purely private. If it were purely private, then the whole world would have been invited and that would have been the way it was.

"But I have heard the point made that we need to separate the raffle prize, where there is a separate raffle ticket separately purchased and that somebody there is purchasing something for whatever chance value the raffle ticket has. And I say to myself 'when the legislature defined gift did it mean to include stuff that you receive as the proceeds of a raffle when you win for which you pay the ticket?' And so I'm not as sure now as I was when coming in here about what the outcome should be."

Attorney Zachos then moved to advise Representative Hunt that he may accept the prize because: the raffle was open to the public, not only to legislators; a separate substantial consideration was paid for a chance in the raffle; the price for the raffle was the same for legislators and non-legislators; and the raffle was legal under RSA 287-B. Representative Scamman seconded the motion and the Committee voted as follows:

Attorney Zachos	Yea	
Representative Scamman	Yea	
Senator Merrill		Nay
Chairman Gross	Yea	
Vice Chairman Wall	Yea	
Senator Roberge		(not present)
Attorney Russman		Nay
{MOTION ADOPTED}		

{Senator Roberge left the Committee's meeting during the discussion of Item #3 to attend another commitment and did not return.}

ITEM #4

Consideration of a request for an Advisory Opinion from Senator Sharon Carson.

Chairman Gross summarized the request as: May a legislator accept from a third party a complimentary ticket to attend the Lincoln-Reagan Dinner sponsored by the Manchester Republican Committee, the ticket being worth approximately \$50? He said that the relevant provisions of the law are: RSA 15-B:2, V(a), the definition of gift, and RSA 15-B:2, V(b)(9)(A), an exception that permits the acceptance of free tickets to a political event provided that the proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664.

Chairman Gross stated that in a supplemental response the Committee received from Senator Carson, she indicated that the Manchester Republican Committee, the sponsor of the dinner, would be reporting the proceeds to the Secretary of State's Office pursuant to RSA 664. He then stated "that being the case, it does appear, at least to me, that there is an exception."

Chairman Gross also pointed out that the statutory exception allowing free tickets to a political event does not address the source of the tickets, and he referred to Interpretive Ruling 2007-1, in which the Committee previously held that the charitable exception under RSA 15-B:2, V(b)(9)(B) requires that the ticket come directly from the charity sponsoring the event and not from a lobbyist or other third party. He said he wanted to bring to the Committee's attention that element of the previous ruling to see if anyone had any concerns that "clearing this particular situation where the ticket comes from a [third party] creates the same or similar situation."

Following further discussion, Attorney Zachos moved that Senator Carson be advised that the ticket is not an impermissible gift because it's subject to the exemption available under RSA 15-B:2, V(b)(9)(A). Senator Merrill seconded the motion and the Committee voted as follows:

Attorney Zachos	Yea	
Representative Scamman	Yea	
Senator Merrill	Yea	
Chairman Gross	Yea	
Vice Chairman Wall	Yea	
Senator Roberge		(not present)
Attorney Russman	Yea	
{MOTION ADOPTED}		

ITEM #5

Consideration of a request for an Advisory Opinion from Representative Frank Holden.

Chairman Gross summarized the request: "Here the question it seems to me to be: May a Representative accept an overnight stay and airplane tickets offered by a resort in Lincoln, won in a drawing conducted at the New Hampshire Motor Speedway, where he was a paid general admission patron and not a guest as a legislator?"

Chairman Gross said the relevant statutory provisions are: RSA 15-B:2, V(a), the definition of gift, and RSA 15-B:2, V(b)(6), involving an item of economic value and the donor's act of giving is purely private and personal in nature, and the item would have been given and received even if the person were not an elected official. He said that the request may involve a situation where the exemption under RSA 15-B:2, V(b)(6) may apply. He said: "and the reason why I think that [exemption] may have some applicability here is everybody, legislator or not, is entitled to pay in as a patron at the New Hampshire Motor Speedway and this is a situation where truly the legislator is not attending as a legislator but as a regular person and pays money, and I don't know whether it was a separate raffle ticket or was a door prize, but under the circumstances I think that the private exemption applies."

After further brief discussion, Attorney Zachos moved that Representative Holden be advised that he may accept the items because the exemption for purely private and personal and would have been received even if the person were not an elected official applies. Vice Chairman Wall seconded the motion and the Committee voted as follows:

Attorney Zachos	Yea	
Representative Scamman	Yea	
Senator Merrill	Yea	
Chairman Gross	Yea	
Vice Chairman Wall	Yea	
Senator Roberge		(not present)
Attorney Russman	Yea	

{MOTION ADOPTED}

ITEM #6

Initial Review of Complaint #2010-2 {Confidential}.

Vice Chairman Wall moved to enter nonpublic session [pursuant to RSA 14-B:3, I(d)] to conduct an initial review of Complaint #2010-2. Attorney Russman seconded the motion and the Committee voted as follows:

Attorney Zachos	Yea	
Representative Scamman	Yea	
Senator Merrill	Yea	
Chairman Gross	Yea	
Vice Chairman Wall	Yea	
Senator Roberge		(not present)
Attorney Russman	Yea	

{MOTION ADOPTED}

{NONPUBLIC SESSION}

Representative Scamman moved to exit nonpublic session. Attorney Russman seconded the motion and the Committee voted as follows:

Attorney Zachos	Yea	
Representative Scamman	Yea	
Senator Merrill	Yea	
Chairman Gross	Yea	
Vice Chairman Wall	Yea	
Senator Roberge		(not present)
Attorney Russman	Yea	

{MOTION ADOPTED}

Chairman Gross then made the following announcement: "Agenda Item Complaint #2010-2 and I announce that the Committee has voted to dismiss the complaint and, in accordance with the statute, the Complainant and Respondent will be notified of the reasons."

#### ITEM #7

Initial Review of Complaint #2010-3 {Confidential}.

Chairman Gross stated: "Our next item is initial review of Complaint #2010-3. This is also a confidential matter because it is a complaint at the initial review stage."

Vice Chairman Wall moved to enter nonpublic session [pursuant to RSA 14-B:3, I(d)] to conduct an initial review of Complaint #2010-3. Senator Merrill seconded the motion and the Committee voted as follows:

Attorney Zachos	Yea	
Representative Scamman	Yea	
Senator Merrill	Yea	
Chairman Gross	Yea	
Vice Chairman Wall	Yea	
Senator Roberge		(not present)
Attorney Russman	Yea	

{MOTION ADOPTED}

{NONPUBLIC SESSION}

Attorney Russman moved to exit nonpublic session. Vice Chairman Wall seconded the motion and the Committee voted as follows:

Attorney Zachos	Yea	
Representative Scamman	Yea	
Senator Merrill	Yea	
Chairman Gross	Yea	
Vice Chairman Wall	Yea	
Senator Roberge		(not present)
Attorney Russman	Yea	

{MOTION ADOPTED}

Chairman Gross then made the following announcement: "We're now back in public session and we have carefully considered the allegations in Complaint #2010-3 and the Committee has voted to dismiss the complaint and a letter of explanation will be forthcoming to the Complainant and the Respondent."

Attorney Zachos asked: "In the letters that you send, Mr. Chairman, is there a reminder that the action is confidential?"

Chairman Gross responded: "Yes. The existence of the complaint and everything involved in it remains confidential."



ITEM #8

New/Other Business

- a) Update on Status of additional website postings.

Chairman Gross said: "Rich has distributed the materials that he posted pursuant to the Committee's approval of his report, which we approved on-line. This [report] is provided for information, basically. If you want to vote to ratify what was done, we can do that. It's not necessary. The way we left this was this was this was circulated to members of the Committee by letter from me of April 27, with attachments. I asked that members get back to Rich by noon on Friday of May 7, and if discussion was needed, we'd put it on the agenda for our May 17 meeting. Nobody had any request to discuss it...Does anybody feel the need to formally vote to ratify the posting of these materials?" {No one did.}

- b) Update on status of B&M Lawsuit regarding Complaint #2009-1.

Chairman Gross said: "Complaint 2009-1, in which the Complainant was the Boston & Maine Railroad and the Respondent was Representative Leishman, and it was resolved in an informal basis through the issuance of a letter of caution to Representative Leishman and a written decision on the subject. The decision and the letter of caution were posted on our website and remain posted there. A more general note from the Committee is in the course of being published in the Calendars on the subject of separating private business from public business...Meanwhile, in April the Committee was served with some papers and a lawsuit brought by Boston & Maine Corporation against the Legislative Ethics Committee of the State of New Hampshire, brought in Merrimack County Superior Court, seeking a declaratory judgment essentially that the way we resolved that matter, that is through informal method through a letter of caution, was illegal and that we are not authorized to do that. I sent the pleadings over to the Attorney General with a request that the Department of Justice undertake to represent the Committee in the court on this matter. The Department of Justice got back to me and said 'yes' they would provide representation. An appeal has been entered on the Committee's behalf by Assistant Attorney General Laura Lombardi, and Rich and I are to meet with Attorney Lombardi tomorrow to help familiarize her with the materials in the case and to proceed from there."

- c) Update on status of Complaint #2010-1 {Confidential}.

Vice Chairman Wall moved to enter nonpublic session {pursuant to RSA 14-B:3, I(d)}. Senator Merrill seconded the motion and the Committee voted as follows:

Attorney Zachos	Yea	
Representative Scamman	Yea	
Senator Merrill	Yea	
Chairman Gross	Yea	
Vice Chairman Wall	Yea	
Senator Roberge		(not present)
Attorney Russman	Yea	
{MOTION ADOPTED}		

{NONPUBLIC SESSION}

Attorney Zachos moved to exit nonpublic session. Attorney Russman seconded the motion and the Committee voted as follows:

Attorney Zachos	Yea	
Representative Scamman	Yea	
Senator Merrill	Yea	
Chairman Gross	Yea	
Vice Chairman Wall	Yea	
Senator Roberge		(not present)
Attorney Russman	Yea	
{MOTION ADOPTED}		

ITEM #9

Scheduling of next meeting.

The Committee agreed to try to schedule a joint meeting with the Executive Branch Ethics Committee sometime in the early Fall.

The Committee's meeting adjourned at approximately 4:25 p.m. The Committee's next meeting will be at the call of the chair.

{Prepared by: Richard M. Lambert, Executive Administrator}