

MINUTES
LEGISLATIVE ETHICS COMMITTEE
FEBRUARY 15, 2011 MEETING
{Approved: March 18, 2011}

The Legislative Ethics Committee (RSA 14-B:2) met on Tuesday, February 15, 2011, at 2:00 P.M. in Room 103 of the State House.

The following members were appointed for the 2011-2012 biennium:

Attorney Martin L. Gross, Public Member, designated as Chairman
Attorney Brian M. Quirk, Public Member, designated as Vice Chairman
Senator Amanda A. Merrill
Senator Fenton Groen
Representative Janet G. Wall
Representative Jordan G. Ulery
Mr. John F. Quinlan, Public Member

The following members were present: Attorney Brian M. Quirk, Vice Chairman, Senator Amanda A. Merrill, Senator Fenton Groen, Representative Janet G. Wall, Representative Jordan G. Ulery, and Mr. John F. Quinlan. Attorney Martin L. Gross, Chairman, was unable to attend. In Chairman Gross' absence, Vice Chairman Quirk chaired the meeting. Also in attendance was the Committee's Executive Administrator, Richard M. Lambert. The Committee's meeting consisted of the following items:

ITEM #1

Review of 2011 Financial Disclosure Forms.

Vice Chairman Quirk stated: "By statute, the Legislative Ethics Committee must review the Financial Disclosure Forms submitted by the legislators and then file them with the Secretary of State on or before February 15. We have a report that's been submitted by Richard Lambert, the Executive Administrator of the Legislative Ethics Committee, and it's just been handed to members of the Committee. As you can see, all 24 members of the Senate filed a completed form by the January 21 deadline, all Senate and House Officers filed a completed form by the January 21 deadline, 383 members of the House out of 399 filed a completed form by the January 21 deadline. In addition, 15 House members completed the form subsequent to the deadline, and those names are listed in the report. There's only been one member of the House that has not yet filed the 2011 Financial Disclosure Form, that's Representative Michael McCarthy. We have made attempts to reach Mr. McCarthy, but have not heard from him as of yet.

"The forms are all here and at this time would anybody like to review the Financial Disclosure Forms? (No one did.) Having no one take that offer at this time, I move to approve the report that's been issued by Executive Administrator Richard Lambert."

Representative Wall seconded the motion and the Committee voted 6-0 in favor of the motion.

Vice Chairman Quirk stated: "Finally, with respect to the one representative who has not yet filed, I move for me to draft a letter to the Speaker of the House informing the Speaker that Representative McCarthy has not yet filed and to copy that letter to Mr. McCarthy."

Representative Wall asked if anyone knew if Representative McCarthy has been ill and recounted how there had been instances in prior years when members had not been able to file due to illness.

Representative Ulery asked Mr. Lambert what McCarthy's status would be following receipt of the letter to the Speaker.

Mr. Lambert said: "He would have been warned that he was supposed to file his form."

Representative Ulery asked: "Is it just a warning?"

Mr. Lambert replied: "There is a penalty in the law – it's a misdemeanor for not complying with the requirement to file a form."

Representative Ulery suggested that that information should be relayed to Representative McCarthy. He asked Mr. Lambert again about Representative McCarthy's status.

Mr. Lambert said: "I think the only action that would be taken against him would be as a result of the process of a complaint. The Committee is authorized to initiate on its own motion a complaint against anyone who has not complied with the provisions of RSA 15-A, which is the statute"

Representative Ulery suggested that that information be relayed to Representative McCarthy, as well.

Vice Chairman Quirk said: "Just so I understand, you'd like the information relayed? You're not suggesting to make a formal complaint, simply to notify those 2 bits of information: 1) that it's a misdemeanor not to file, and 2) that a complaint could be initiated."

Representative Ulery answered "yes."

Senator Merrill said she wondered if, before the letter was sent, there were a way the Committee could find out if there had been some serious reason why Representative McCarthy had not filed, such as if he hadn't been around or had been sick.

After further brief discussion, Mr. Lambert said that he wanted the Committee to know that, as the process of filing the forms has gone on from the beginning of the filing period, he regularly sent updates regarding who had filed and who had not to leadership of both bodies and of both parties. He said that there was a very strong chance that Representative McCarthy had been contacted by the House Majority Office, as he knew that Jim Rivers of that office had been contacting the members who had not filed.

Vice Chairman Quirk asked if this was Representative McCarthy's first term.

Both Representative Ulery and Mr. Lambert said they thought it was his second.

Vice Chairman Quirk said: "So I have 2 suggestions: one is to file notice of the 2 steps and one is – I'll call it a softer approach – of trying to find out if there's any factor which has prevented him from complying with the statutory requirement."

Following further brief discussion, Vice Chairman Quirk suggested that he send a letter to the Speaker notifying him that Representative McCarthy was not in compliance, copy Representative McCarthy, and then send another letter in a week if Representative McCarthy had not filed by then.

Representatives Ulery and Wall agreed with this approach.

Vice Chairman Quirk then moved his previous motion. Senator Merrill seconded the motion, and the Committee voted 6-0 in favor of the motion.

The Committee's meeting adjourned at approximately 2:10 P.M. The Committee will meet next at the call of the Chair.