

MINUTES
LEGISLATIVE ETHICS COMMITTEE
JANUARY 27, 2014 MEETING
{Conditionally Accepted and Entered: February 3, 2015}

The Legislative Ethics Committee (RSA 14-B:2) met on Monday, January 27, 2014, at 10:00 A.M. in Room 104 of the Legislative Office Building. The following members were present: Martin L. Gross, Chairman, Representative Janet G. Wall, Vice Chairman, Representative Jordan G. Ulery, Senator Jim Rausch, Senator Martha Fuller Clark, Mr. David A. Welch, and Attorney Wilfred L. Sanders, Jr. Also present was the Committee's Executive Administrator, Richard M. Lambert. The Committee's meeting consisted of the following items:

ITEM #1

Consideration and Adoption of *Agenda*.

Vice Chairman Wall moved to adopt the proposed *Agenda*. Senator Rausch seconded the motion and the Committee voted 5 to 0 in favor of the motion.

ITEM #2

Consideration of the draft *Minutes* from the Committee's meeting held on October 28, 2013.

Chairman Gross noted a typographical error in Item #4, in the third sentence, where the reference to Section 4 of the Ethics Guidelines should have been to Section 5. After review, Senator Ruasch moved to adopt the *Minutes* as corrected. Attorney Sanders seconded the motion and the Committee voted 6 to 0 in favor of the motion.

ITEM #3

Review of 2014 Financial Disclosure Forms.

Chairman Gross noted that each Committee member was provided a copy of a memo by Mr. Lambert informing about the status of the financial disclosure filings, which he said were required from all members of the Senate and House by January 17. He asked Mr. Lambert to inform the Committee about the status of the filings.

Mr. Lambert read from the memorandum, which reported that:

- All 24 members of the Senate filed a form by the January 17, 2014 deadline.
- The House Clerk and the Senate Clerk filed their forms by the January 17, 2014 deadline, and the House Sergeant-at-Arms filed his form on January 21, 2014.
- 386 members of the House, out of the 395 members who were qualified to serve in the House, filed a form by the January 17, 2014 deadline.
- 2 additional House members filed a form after the January 17, 2014 deadline. The names of those House members and the date each filed are: Rep. Jane J. Hunt (1/21) and Rep. Barbara S. Helmstetter (1/23).
- 7 members of the House did not file a 2014 Financial Disclosure Form. Those members were: Rep. Larry S. Enman, Rep. George Katsiantonis, Rep. Tim O'Flaherty, Rep. Eric Palangas, Rep. Amy S. Perkins, Rep. Lawrence B. Perkins, and Rep. Dennis Reed.

After discussion, Senator Fuller Clark moved to take the approach the Committee took last year and send individual letters, copied to the Speaker of the House, to the members who had not filed, warning them that they had one final opportunity to file by a specified date or the Committee would consider further action. Attorney Sanders seconded the motion and the Committee voted 6 to 0 in favor of the motion.

Attorney Sanders then moved to accept the filed forms and to transmit them to the Secretary of State, pursuant to RSA 14-B: 9. Senator Fuller Clark seconded the motion and the Committee voted 6 to 0 in favor of the motion.

ITEM #4

Complaint 2013-5, Representative Rick Watrous v. Senator Peter Bragdon – Consideration of results of Preliminary Investigation.

{Representative Ulery arrived as the Committee took up Item #4.}

Chairman Gross presented a timeline of actions relating to the complaint, and summarized each of the five allegations against Senator Bragdon.

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

Representative Ulery	Yea
Senator Fuller Clark	Yea
Senator Rausch	Yea
Vice Chairman Wall	Yea
Chairman Gross	Yea
Attorney Sanders	Yea
Mr. Welch	Yea

{MOTION ADOPTED}

{NONPUBLIC SESSION}

Senator Rausch moved to exit nonpublic session. Senator Fuller Clark seconded the motion and the Committee voted as follows:

Representative Ulery	Yea
Senator Fuller Clark	Yea
Senator Rausch	Yea
Vice Chairman Wall	Yea
Chairman Gross	Yea
Attorney Sanders	Yea
Mr. Welch	Yea

{MOTION ADOPTED}

Chairman Gross thanked the individuals who were in attendance at the meeting for their patience while waiting during the Committee's deliberation. He then stated: "We are now back in public session and what the Committee has determined to do is to vote on each of the allegations that I described to you, so that those results can be included in a report of the preliminary investigation. So what I'm about to do is ask for motions on each of the allegations that I described to you before and we'll have a roll call vote on each."

Allegation #1: That Sen. Bragdon knew or believed LGC or HealthTrust's purpose in recruiting him was to influence official activity on his part, and his acceptance of employment therefore violated Ethics Guidelines Section 4, I. (a).

Senator Rauch moved to dismiss for lack of clear and convincing evidence. Mr. Welch seconded the motion and the Committee voted as follows:

Representative Ulery	Yea
Senator Fuller Clark	Yea
Senator Rausch	Yea
Vice Chairman Wall	Yea
Chairman Gross	Yea
Attorney Sanders	Yea
Mr. Welch	Yea

{MOTION ADOPTED}

Allegation #2: That Sen. Bragdon knew or believed that LGC or HealthTrust was or was likely to become subject to, or interested in, any matter or action pending before or contemplated by the legislator or the General Court, and therefore his acceptance of employment violated Ethics Guidelines Section 4, I(b).

Vice Chairman Wall moved that the matter be referred to Informal Resolution, based on the conclusion that, if there was a violation, the evidence indicates it was inadvertent. Attorney Sanders seconded the motion and the Committee voted as follows:

Representative Ulery	Yea
Senator Fuller Clark	Yea
Senator Rausch	Yea
Vice Chairman Wall	Yea
Chairman Gross	Yea
Attorney Sanders	Yea
Mr. Welch	Yea

{MOTION ADOPTED}

Allegation #3: That Sen. Bragdon used his official position to obtain employment with LGC/HealthTrust, and therefore violated Ethics Guidelines Section 4, III.

Senator Fuller Clark moved to dismiss for lack of clear and convincing evidence. Vice Chairman Wall seconded the motion and the Committee voted as follows:

Representative Ulery	Yea
Senator Fuller Clark	Yea
Senator Rausch	Yea
Vice Chairman Wall	Yea
Chairman Gross	Yea
Attorney Sanders	Yea
Mr. Welch	Yea

{MOTION ADOPTED}

Allegation #4: That Sen. Bragdon used his official position to enhance his prospects of employment by appointing Senator Jeannie Forrester to the HB 283 Committee to Study the Hearing Officer's Report with Regard to the New Hampshire Local Government Center, and therefore violated Ethics Guidelines Section 4, III.

Senator Fuller Clark moved to dismiss for lack of clear and convincing evidence. Sen. Rausch seconded the motion and the Committee voted as follows:

Representative Ulery	Yea
Senator Fuller Clark	Yea
Senator Rausch	Yea
Vice Chairman Wall	Yea
Chairman Gross	Yea
Attorney Sanders	Yea
Mr. Welch	Yea

{MOTION ADOPTED}

Allegation #5: That the salary Senator Bragdon received from LGC/HealthTrust was not "unrelated" to his position as a member of the Senate, and therefore constituted a prohibited gift, in violation of RSA 15-B: 2,V(a)(1) and RSA 15-B:3.

Vice Chairman Wall moved that, if there was a violation, it was inadvertent and should be resolved by Informal Resolution. Senator Fuller Clark seconded the motion and the Committee voted as follows:

Representative Ulery	Yea
Senator Fuller Clark	Yea
Senator Rausch	Yea
Vice Chairman Wall	Yea
Chairman Gross	Yea
Attorney Sanders	Yea
Mr. Welch	Yea

{MOTION ADOPTED}

Chairman Gross stated that the Committee would prepare a written Report of Preliminary Investigation, which would describe the reasons for the Committee's votes, and would issue a draft Letter of Caution to Senator Bragdon in relation to the two allegations sent to Informal Resolution. He said the Letter of Caution would require certain steps to be taken by Senator Bragdon, and that Senator Bragdon would be invited to consent to an Informal Resolution. He said that Senator Bragdon's consent would be necessary for those matters to be dealt with in Informal Resolution. He also said that if Senator Bragdon did not consent, the Committee would go back into session at some point to deal with those allegations through formal process.

The Committee's meeting adjourned at approximately 12:38 P.M. The Committee will meet next at the call of the chair.

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