

Raymond Ethics Committee
February 24, 2004

- I. Co-chairman Pat Larney called to order a meeting of the Raymond Ethics committee on Tuesday, February 24, 2004 at 6:30pm at the Raymond Town Hall. Also, present were:

Sandy Ellis, Co-Chairman
Gretchen Gott
Emery Landis
Marilyn Semple

One member of the public was present. The meeting was televised by RCTV. The cameraman was Ron Edgar.

The minutes of February 10th were reviewed. A motion to accept the minutes as written was made by Marilyn Semple and seconded by Emery Landis. The vote was unanimous in the affirmative.

- II. Old Business:

A. Review of Case Study/Complaint Process: Sandy drafted a flow chart of the complaint process for consideration by the committee. Gretchen stated that there is an unresolved issue and that is, at what point does the Ethics Committee make the names of the parties and the issues public. Pat distributed copies of correspondence between himself and Rick Bates regarding RSA 91:A. Rick agreed to set up a meeting with Susan Slack, legal counsel for NHMA to discuss for all members. The April 13th date tentatively chosen is not a good date for all members. Pat will try to set up a meeting for March 30th or April 6th, 20th or 27th. Ms. Slack is very involved in ethics issues and specializes in RSA 91:A. Sandy stated that she would also like to have a better understanding of the Hatch Act. The Town Manager has stated that he would like to attend the training session and stated that he would request that Town counsel also attend. The committee discussed the fact that Town Counsel would be in attendance and felt that the charge for counsel should not be paid out of the Ethics Committee budget. Pat will follow up with Rick Bates on this point. Sandy requested that all members of the committee have copies of RSA 91:A at this meeting. Pat distributed an excerpt from "know the Territory" relating to the "Right to Know" law.

Gretchen asked "If the complaint is found not to be complete, are the names and circumstances made public?" Marilyn suggested that the committee designate a screener, analogous to the roles of the Town Planner and the Planning Board, to review a complaint for completeness before it comes before the whole committee for review. The committee discussed the question of when does a complaint form become a public document and if a complaint is deemed to be incomplete, does it ever become public? Rejection for an incomplete complaint would be only for information not provided (i.e. specific section of the code not cited, all avenues of redress not sought, etc.) not for the contents of the information. Marilyn

distributed drafts of letters 1) acknowledging receipt of a complaint and 2) notifying the respondent to a complaint that a complaint has been made against them.

The discussion continued with the question, could the names and specifics of a complaint be redacted until the committee verified the completeness of the complaint? The complainant must bring up the issues and the names through the chain of command as part of the process prior to making the formal complaint to the Ethics Committee, so the information is already public. It was suggested that a statement be added to the bottom of the form, stating that incomplete forms will be returned. There should be a line for the respondent's name added to the complaint form. There was discussion about the term respondent and consideration of perhaps a different more easily understood term for respondent.

There was general discussion about the fact that the committee cannot accept confidential complaints. The question was asked about if a person hands in a complaint at a public meeting, does it become public at that instant? The committee felt if a complaint were received at a public meeting, the same procedures would be followed as if it were received via "snail mail."

The process of making a complaint was discussed. Assuming the complaint form is complete, within 10 days of receiving the complaint, the complainant will be sent an acknowledgement. The respondent will be notified and the complaint placed on the Ethics Committee agenda. All parties will be invited to the next Ethics Committee meeting to establish the hearing procedure. There was more discussion on how the committee deals with timing issues. Who is notified of the complaint besides the complainant and the respondent? Should an employee's supervisor or chair of a board be notified regarding a complaint? Should this be done routinely, at a minimum as a courtesy? Or, should it wait until the committee determines whether these people would be required to give evidence depending on the specifics of the case?

The pre-hearing conference was discussed. All parties should be present to set the hearing date, to establish witness lists, and to discuss the process, not the content of the hearing, etc. Does the complainant submit evidence at this point? Should the respondent have an opportunity to review this evidence and prepare a rebuttal?

Does the committee accept and review evidence prior to the hearing or is all of the evidence presented only at the hearing? Dunbarton screens out evidence that is irrelevant, redundant or unreliable? How does this fit into the process if evidence is not submitted in advance?

III. New Business:

- A. Next meeting: Sandy will post for 3/16 and 3/23. Other times may be added if the NHMA person is available to meet with the committee. Sandy will not be available

to meet on 3/16, but will prepare revisions to the complaint flow chart as discussed at this meeting.

- B. Yahoo site maintenance: Since Emery is not running for re-election, a member must take over this task. The password will need to be changed. Emery is willing to assist with the site, even if not on the committee.
- C. Employee training: Rick Bates will propose 3 dates. The committee will chose two.
- D. Candidates' Night is March 5th in the High School Cafeteria. Gretchen is not available, but will send a statement.
- E. Training: New public servants will need training. Marilyn will sure that Doris Gagnon, Town Clerk, will have sufficient Code of Ethics booklets to hand out to newly sworn in public servants.

IV. The meeting was adjourned at 9:03pm.

Respectfully submitted,
Gretchen Gott