

Durham Ethics Commission
DRAFT Meeting Minutes, March 23, 2009

I. Meeting was called to order by Bob Fulton, Chairman, at 7:10 p.m. and the roll was called. **Present:** Commission members: Bob Fulton, Ellen Piotrowski, Joe Pasquale. **Absent:** David Adams, Kathleen McTigue and alternates Sue Behling, Pat Kupcho and Bruce Chaplin.

II. Agenda accepted unanimously (as attached) on motion made by Ellen Piotrowski seconded by Joe Pasquale.

III. Minutes from January 28 were unanimously accepted, on a motion made by Ellen Piotrowski and seconded by Joe Pasquale (attached). Bob had one clarification related to item V; presentation of the Durham Ethics Commission budget was made before the Durham Board of Selectmen, not a town meeting. There was a unanimous vote to accept the minutes with this amendment.

Minutes from February 23 were unanimously accepted, on a motion made by Joe Pasquale and seconded by Ellen Piotrowski.

IV. Public comments – no members of the public were present.

V. Discussion of the Letters received from Attorney Duncan Forsythe/Sage & Halloran:

Two letters were received since last meeting in response to several questions the commission had sent to legal council. Letters dated 2/17 and revised draft dated 3/9 were reviewed by the commission members. Much of the review/discussion centered around the topic of Advisory Opinions. Bob asked that these letters be reviewed and comments forwarded to him at the members earliest convenience.

VI. Discussion of the Durham Code of Ethics:

As a result of the letters received from council and the discussion around advisory opinions, Bob has offered to redraft this section.

Bob presented draft copies of revisions made to Sections 5 (Receiving complaints of Violations) Section 6 (Determining Probable Cause) and Section 7 (Hearing Complaints) of the Code of Ethics for the commission to review. Several changes were discussed and Bob has offered to incorporate those changes discussed prior to the next meeting.

Ellen Piotrowski will draft the definition of family before the next scheduled meeting.

As a result of these discussions, several additional questions were documented to be forwarded to Attorney Forsythe for clarification. New Questions for Council are as follow:

1. Related to probable cause or hearing related to member of a union: is there any concern with union representation at these discussions? One or both?

2. A question about FOI related to Advisory Opinions: are they FOI mandatory? Or can they be kept private?
3. Which steps in the process are required to be confidential and which must be made public? In a probable cause hearing? In an Ethics, hearing once probable cause has been found.
4. Is there a standard for what constitutes probable cause? Is there wording that can be made available?
5. ???
6. What information should be considered in a probable cause hearing? Is it limited to material submitted?

After finishing review of the revised sections, Joe Pasquale suggested that a presentation by a town that has already been through the hearing process might be beneficial for the commission. Bob and Ellen agreed and Bob stated that he would look into it possibly through a woman on the State Ethics Commission. (name of contact not available).

VII. Old business: No old business.

VIII. New Business: No new business.

IX. Meeting was adjourned at 8:55 on a motion made by Joe Pasquale, seconded by Ellen Piotrowski and passed unanimously.

DURHAM ETHICS COMMISSION MEETING
7:00 P.M., WEDNESDAY, MARCH 23, 2009
ACTIVITY ROOM
DURHAM PUBLIC LIBRARY

AGENDA

1. Call to order and roll call
2. Approval of the agenda
3. Approval of Ethics Commission meeting minutes of February 23, 2009
4. Public comment
5. Discussion of the Durham Code of Ethics
6. Old Business
7. New Business
8. Adjourn