

**From:** London, Sarah <[Sarah.London@vermont.gov](mailto:Sarah.London@vermont.gov)>  
**Sent:** Tuesday, April 11, 2017 7:07 PM  
**To:** Maida Townsend  
**Subject:** Re: S.8 follow-up

Dear Madame Chair,

I write in response to your questions sent to Deputy Attorney General Josh Diamond below. The Attorney General supports the independent commission as described in the Senate-passed version of S.8. Regarding House Rule 75 and the appropriate standard for the recusal of House members, we are mindful of the separation of our respective branches of government and the fact that Vermont has a “citizen legislature” made up of non-state employees. In response to your request for feedback, and as a matter of consistency and ease of administration, we respectfully suggest that the Legislature may wish to consider using the same standard for conflicts of interest that will apply to state employees following the adoption of a Code of Ethics required by S.8.

We recognize that the definition of a conflict of interest for purposes of a State of Vermont Code of Ethics will be developed following the effective date of the law. By way of context, a long-standing definition of a conflict of interest appears in the Executive Code of Ethics (Governor’s Executive Order), quoted below. This definition requires Administration officials to avoid actual and potential conflicts of interest. The benefit of this approach is that it seeks to maximize accountability of, and faith in, public officials by avoiding both actual and reasonably perceived conflicts of interest.

“Appearance of a conflict of interest” ... means the impression that a reasonable person might have, after full disclosure of the facts, that an appointee’s judgment might be significantly influenced by outside interests, even though there is no actual conflict of interest.

“Conflict of interest” means a significant interest, of an appointee or such an interest, known to the appointee, of a member of his or her immediate family or household or of a business associate, in the outcome of any particular matter pending before the appointee or his or her public body. “Conflict of interest” does not include any interest that (i) is no greater than that of other persons generally

affected by the outcome of the matter, or (ii) has been disclosed and found not to be significant.

....

“An appointee shall not take any action in any particular matter in which he or she has either a conflict of interest or the appearance of a conflict of interest, until such time as the conflict is resolved.”

We hope the above answers are helpful to you and the Committee. If you have additional questions of the AGO, please let us know. Thank you,

Sarah London