

To: The Senate Committee on Government Operations Concerning  
S 8, an act relating to establishing the State Ethics Commission and  
standards of governmental conduct

From: Madeline M. Motta, M.S., J.D., J.S.D.  
CEO *Integritas Consulting*  
Corporate/Government Ethics Compliance

Date: January 26, 2017

Re: Proposed Changes to S8

In 2016, I testified several times to the Senate Government Operations Committee on Senate Bill 184 and submitted for the Committee's consideration the "Essential Elements of an Ethics Compliance Program" (see attached). As an ethics compliance professional, I advise agencies, universities and community organizations on how to establish an independent and comprehensive ethics compliance program.

In order to be independent, an ethics commission must have the authority to draft the State Ethics Code, which includes directives or mission of the ethics program and policies and procedures to enforce the code. While collaboration with other agencies is encouraged, the ethics commission is the responsible, and actual independent agency to provide ethics investigation, monitoring, enforcement and education.

For an effective, long-term ethics program to succeed, there needs to be a financial commitment to staffing and operating expenses. A legislature that is reluctant to obligate the necessary resources sends the message throughout government to not take the ethics commission seriously.

Below are proposed changes to specific sections of S8 that would strengthen the mandate of the Ethics Commission and the State of Vermont's commitment to ethical conduct in Government.

## §1202 STATE CODE OF ETHICS

### Amend to

(a) The State Ethics Commission shall create and maintain the State Code of Ethics in collaboration with the Attorney General's Office, Secretary of State's Office, and Agency of Human Resources.

(b) In consultation with the State Ethics Commission, each State officer may supplement the State Code of Ethics for the specific needs of his or her office.

## §1223 PROCEDURES FOR HANDLING COMPLAINTS

(b) Preliminary Review by Executive Director

### Amend to

(b) Initial Investigative Review by Executive Director.

The Executive Director shall conduct an ethics investigative review of complaints made to the Commission using a proper investigative process of identification, preparation, collection, analysis and presentation in order to take action as set forth in this subsection.

(1) State Code of Ethics

### Amend to

(1) State Code of Ethics

(A) If the complaint alleges a violation of the State Code of Ethics, the Executive Director after a proper investigative process and consulting with the Ethics Commission shall refer the complaint to the appropriate State Agency for additional fact-finding assistance.

§ 1223 (3)(B) Campaign finance

### Amend to

The State's Attorney or Attorney General shall report back to the Executive Director regarding his or her decision to as to whether to bring an enforcement action as a result of a complaint referred to them from the Ethics Commission within 10 business days.

§ 1226 Commission Reports

Amend to

(1) Complaint Reports should include the length of time a State Agency takes to report back to the Ethics Commission. Length of time to commence from date of referral, investigation, disposition or enforcement for each complaint referred from the Ethics Commission.

§ 11. CREATION OF STAFF POSITION FOR STATE ETHICS COMMISSION

Amend to

One full-time Executive Director position is created in the State Ethics Commission by using an existing position in the position pool.

One full-time Investigator position is created in the State Ethics Commission by using an existing position in the position pool.

Alternatively, assign to the Ethics Commission and under the supervision of the Executive Director a full-time investigator from the State Auditors Office or Attorney General's Office to the Ethics Commission.

