

#### 4/4/25. Vermont State Ethics Commission Comments on H.1

§ 1221. STATE ETHICS COMMISSION (a) Creation. There is created within the Executive Branch an independent commission named the State Ethics Commission to accept, review, make referrals regarding, and track complaints of alleged violations of governmental conduct regulated by law, of the Department of Human Resources Code of Ethics Personnel Policy and Procedure Manual, and of the State's campaign finance law set forth in 17 V.S.A. chapter 61; to provide ethics training; and to issue guidance and advisory opinions regarding ethical conduct.

**Comment:** § 1221. STATE ETHICS COMMISSION (a) Creation. There is created within the Executive Branch, **but not of the Executive Branch**, an independent commission named the State Ethics Commission to accept, review, make referrals regarding, and track complaints of alleged violations of governmental conduct regulated by law, of the Department of Human Resources Code of Ethics Personnel Policy and Procedure Manual, and of the State's campaign finance law set forth in 17 V.S.A. chapter 61; to provide ethics training; and to issue guidance and advisory opinions regarding ethical conduct.

OR

**Comment:** § 1221. STATE ETHICS COMMISSION (a) Creation. There is created within the Executive Branch, **for administrative purposes only**, an independent commission named the State Ethics Commission to accept, review, make referrals regarding, and track complaints of alleged violations of governmental conduct regulated by law, of the Department of Human Resources Code of Ethics Personnel Policy and Procedure Manual, and of the State's campaign finance law set forth in 17 V.S.A. chapter 61; to provide ethics training; and to issue guidance and advisory opinions regarding ethical conduct.

§ 1223. Procedure for accepting and referring complaints

**Comment:** § 1223. Procedure for **handling** complaints

§ 1233 (c) Consultation on unethical conduct. If the Executive Director refers a complaint under subsection (b) of this section, the Executive Director shall signify any likely unethical conduct described in the complaint. Any entity receiving a referred complaint, except those in subdivision (b)(5) of this section, shall consult with the Commission regarding the application of the State Code of Ethics to facts presented in the complaint. The consultation shall be in writing and occur within 60 days after an entity receives a referred complaint and prior to the entity making a determination on the complaint, meaning either closing a complaint without further investigation or issuing findings following an investigation.

**Comment:** (c) Consultation on unethical conduct. If the Executive Director refers a complaint under subsection (b) of this section, the Executive Director shall signify any likely unethical conduct described in the complaint. Any entity receiving a referred complaint, except those in subdivision (b)(5) of this section, shall consult with the Commission regarding the application of the State Code of Ethics to facts presented in the complaint. The consultation shall be in writing and occur ~~within 60 days after an entity receives a referred complaint and~~

prior to the entity making a determination on the complaint, meaning either closing a complaint without further investigation or issuing findings following an investigation. Any advice provided by the Commission during the consultation process is confidential and non-binding on the referral entity. The entities in subdivisions (b)(4)(A)-(B) shall only consult with the Executive Director regarding allegations that do not involve core legislative functions.

If the complaint is in regard to an attorney employed by the State, and the complaint alleges a violation of the Vermont Rules of Professional Conduct, the Executive Director shall refer the complaint to the Professional Responsibility Board and shall request a report back from the Board regarding the final disposition of the complaint.

§ 1233 (b) (4) (D) If the complaint is in regard to an attorney employed by the State, and the complaint involves a violation of the Vermont Rules of Professional Conduct, the Executive Director shall refer the complaint to the Professional Responsibility Board and shall request a report back from the Board regarding the final disposition of the complaint. If the complaint is in regard to an attorney employed by the State, and the complaint involves a violation of the State Code of Ethics, the Executive Director shall refer the complaint to the relevant investigating entity in the branch of government in which the attorney is employed and shall request a report back regarding the final disposition of the complaint.

§ 1233 (b) (4) (C) If the complaint is in regard to conduct committed by a judicial officer, the Executive Director shall refer the complaint to the Judicial conduct and shall request a report back from the Board regarding the final disposition of the complaint

**Comment:** The JCB has indicated that they do not consider violations of the State Code of Ethics when reviewing complaints against judicial officers. We recommend the legislature resolve the question of where complaints against judicial officers that allege a violation of the State Code of Ethics should be referred.

§ 1229 (a) Power to issue warnings, reprimands, and recommended actions. The Commission may issue warnings, reprimands, and recommended actions, not inconsistent with the Vermont Constitution and laws of the State, including facilitated mediation, additional training and education, referrals to counseling and wellness support, or other remedial actions.

§ 1233 (b) Power to issue warnings, reprimands, and recommended actions, the Commission does not have enforcement powers, but it may issue warnings, reprimands, and recommended actions....