

My name is Paul Erlbaum. I live in East Montpelier. I am a retired attorney, having worked in the Office of the Vermont Attorney General and Vermont's Human Rights Commission as well as in private practice. I have served as a Commissioner of the Vermont State Ethics Commission since 2019, and as the Commission's Chair since 2021.

Many thanks to the Committee for inviting me to tell you the current status of Vermont's Ethics Commission. In brief, the continued existence of the Ethics Commission is precarious. With only two half-time staff (an Executive Director and an Administrative Assistant) the Commission is unable to carry out duties assigned to it.

Since its inception in 2018, the Commission's small staff has struggled to keep up with its core duties. With Act 171 of 2024, the Legislature created a Municipal Code of Ethics and assigned the Ethics Commission the task of providing municipalities advice on the new Code. A flood of municipal requests for advice flowed into our office. Our staff tried to respond adequately and, unfortunately, were unable to keep up with the demand. Since May 2025, the top of the Commission's website home page has read, "With regret, due to lack of staffing, the State Ethics Commission can no longer provide advisory and complaint services to municipalities."

Also in Act 171, the Legislature granted the Commission authority to conduct investigations and hold hearings. Due to our lack of adequate staff, last year the Legislature pushed the commencement of that authority to September 1, 2027. As with our municipality responsibilities, this investigative authority will be in name only unless we have staff to implement it.

Ethics commissions in other states have significant authority and sufficient staff. One example: While Rhode Island has a population not quite double that of Vermont, its Ethics Commission has twelve staff members and significant authority.

The Ethics Commission's budget has been relatively small for years. Our current budget is \$250,540. Our request is modest—appropriations for two full time positions: one general counsel to provide State government services, and one staff attorney to provide ethics advice and training to municipal officials. The cost: \$302,382 for salaries and benefits for two new positions (\$139,131 for staff attorney; \$163,251 for general counsel) plus \$49,000 for additional operating costs due to additional staff and duties (e.g., additional office space, office equipment, computers, mileage expenses, etc.) Total Ethics Commission proposed budget: \$601,922.

Commission staff is currently "treading water" and at risk of "going down." The incoming workload flood could drown the Commission into ineffectiveness or nonexistence.

We know the state budget is especially tight. We also believe having substantial ethics protocols should be a legislative priority. We urge this Committee to recommend to the Appropriations Committee that it find a way to fund two attorney positions for the Ethics Commission.

While we have a few other legislative recommendations in mind, securing adequate staffing is our preeminent concern.

Respectfully submitted,

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