Vermont State Ethics Commission

CREATED BY GENERAL ASSEMBLY ACT 79, 2017, EFF. JAN. 1, 2018

TITLE 3 V.S.A. CHAPTER 31

What is Ethics?

"ETHICS IS KNOWING THE DIFFERENCE BETWEEN WHAT YOU HAVE A RIGHT TO DO AND WHAT IS RIGHT TO DO."

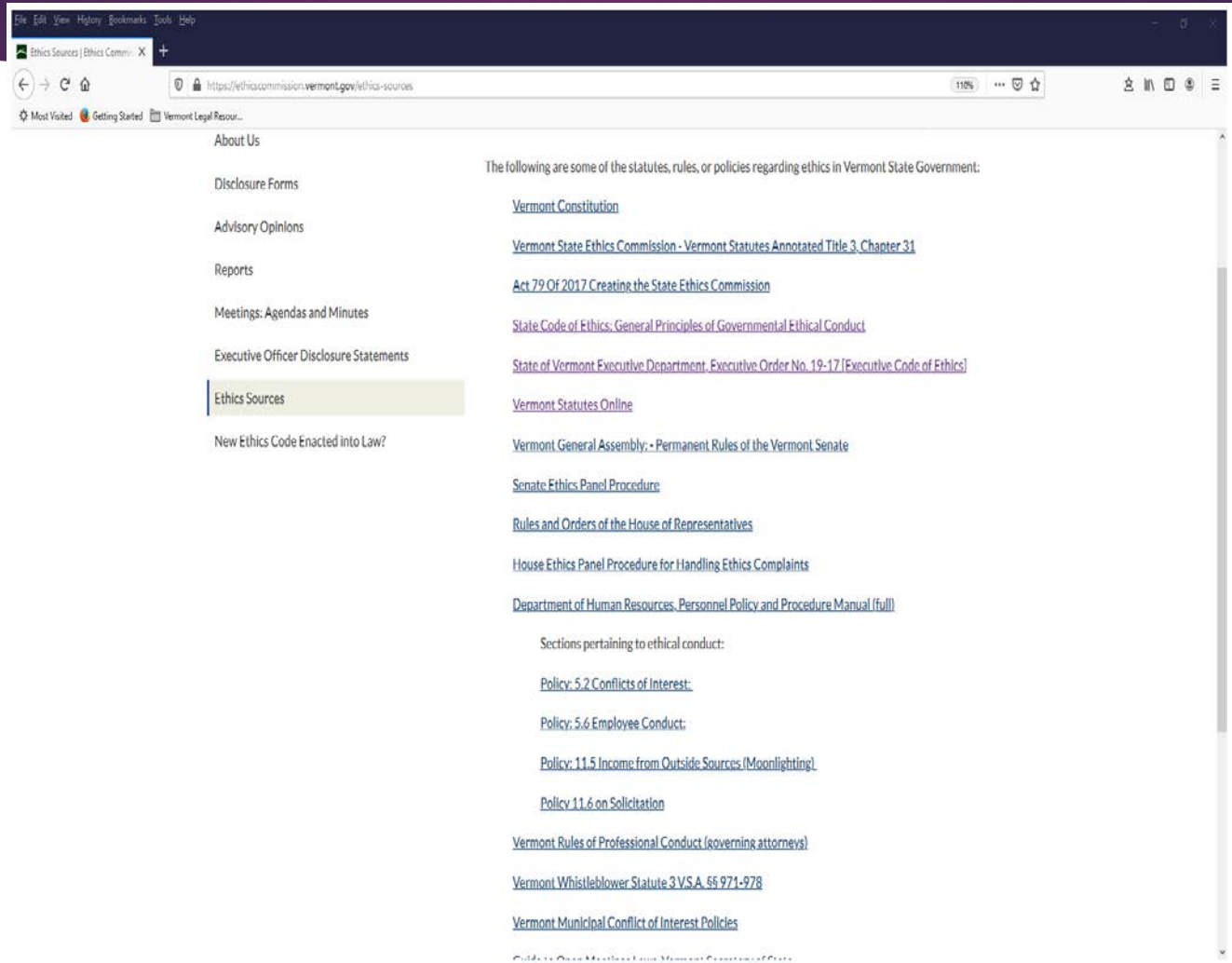
Justice Potter Stewart

Attributed to Mark Twain

- “It ain’t what you know that gets you into trouble. It’s what you know for sure that just ain’t so.”

- Ask questions!

Ethics Sources: https://ethicscommission.vermont.gov/ethics-sources



- About Us
- Disclosure Forms
- Advisory Opinions
- Reports
- Meetings: Agendas and Minutes
- Executive Officer Disclosure Statements
- Ethics Sources
- New Ethics Code Enacted into Law?

The following are some of the statutes, rules, or policies regarding ethics in Vermont State Government:

- Vermont Constitution
- Vermont State Ethics Commission - Vermont Statutes Annotated Title 3, Chapter 31
- Act 79 Of 2017 Creating the State Ethics Commission
- State Code of Ethics: General Principles of Governmental Ethical Conduct
- State of Vermont Executive Department, Executive Order No. 19-17 [Executive Code of Ethics]
- Vermont Statutes Online
- Vermont General Assembly: - Permanent Rules of the Vermont Senate
- Senate Ethics Panel Procedure
- Rules and Orders of the House of Representatives
- House Ethics Panel Procedure for Handling Ethics Complaints
- Department of Human Resources, Personnel Policy and Procedure Manual (full)
  - Sections pertaining to ethical conduct:
  - Policy: 5.2 Conflicts of Interest;
  - Policy: 5.6 Employee Conduct;
  - Policy: 11.5 Income from Outside Sources (Moonlighting)
  - Policy 11.6 on Solicitation
- Vermont Rules of Professional Conduct (governing attorneys)
- Vermont Whistleblower Statute 3 V.S.A. §§ 971-978
- Vermont Municipal Conflict of Interest Policies

Ethics rules in Vermont - most clearly applicable

- Governor's Executive Order 19-17.
- Ethics Commission Code of Ethics, revised 2019.
- Ethics Commission proposed ethics statutes to be considered in 2021. Submitted November 11, 2020.
- For reference: DHR personnel policies.

Conflict of Interest / No Delegation

- Duty to State of Vermont vs. Private or personal interests, financial interests
- Options: Disclose, ask for guidance (privately), recuse.

No Delegation /Appearance of Conflicts of Interest or other Ethical or Law Violations

- You cannot direct someone else to take action prohibited to you.
- Transparency

Preferential Treatment

- Not permitted.
- Limited exception: Preferential treatment authorized by law or policy.

Personal Gain / Confidential Information / Gov't Property

- **Use of Position for Personal Gain**
- **Use of Confidential or Non-Public Information**
- **Use of Government Resources**

Gifts

- Language is complicated: Exec. order, current code, and draft statutory code.
- Easiest rule: No gifts, ever. Realistic?
- Current rule: Some are permitted, some are not.
- Chocolate truffles
- Snow plow driver's coffee

Statements Obligating the State of Vermont / Outside Employment, Post-gov't employment

- Statements: Obvious?
- Outside employment: Primarily aimed at state employees.
- Post-Government Employment: Prevent revolving door activities

Compliance with Law / Other Ethics Rules or Policies / Whistleblowers

- **Compliance:** Laws are the state interest.
- **Other Ethics Rules:** E.g. Executive Order, DHR personnel policies. We may be subject to more than one.
- **Whistleblower Protections:** Lessen the conflict between loyalty to State and personal interest, fear of reprisal.

Summary

- **E**valuate
- **T**alk
- **I**nquire
- **C**onsult: Rules, regs. Policies, legal counsel, Ethics Commission website and *Ethics Commission* for confidential guidance……
- **S**leep well

Thank you!

- Vermont State Ethics Commission
- 6 Baldwin St.
- Montpelier, VT 05633-7950
- 802-828-7187
- Larry Novins, Executive Director
- https://ethicscommission.vermont.gov/
- Larry.Novins@vermont.gov
- Let us assist you.