Vermont State Ethics Commission

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

“\text{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

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

- Vermont Constitution
- Vermont State Ethics Commission: Vermont State Ethics Commission Act 2005, Title 3, Chapter 11
- Acts of 2005, Chapter 11: Creating the State Ethics Commission
- State Code of Ethics: General Principles of Governmental Ethics of Conduct
- State of Vermont Executive Department: Executive Order No. 15-17 (Conflicts of Interest)
- Vermont State Ethics
- Vermont 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 (All)

Sections pertaining to ethical conduct:
- Policy 5.2 Conflicts of Interest
- Policy 5.4 Employee Conduct
- Policy 11:6 Income from Outside Sources (Misleading)
- Policy 11:6 Donations
- Vermont Rules of Professional Conduct (former attorneys)
- Vermont Rules of Professional Conduct (current attorneys)
- Vermont Municipal Conflict of Interest Policies

Additional resources and links to related information are available on the Vermont Ethics Commission website.
Ethics rules in Vermont - most clearly applicable

- Governor’s Executive Order 19-17.
- 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: 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.
Evaluate

Talk

Inquire

Consult: Rules, regs. Policies, legal counsel, Ethics Commission website and Ethics Commission for confidential guidance……

Sleep well
Thank you!

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- Let us assist you.