



Code of Ethics 225

Town of Raymond

4 Epping St

Raymond NH 03077

603-895-7063

raymondnhethicscommittee@yahoo.com

Adopted: March 2003

Revised: November 2015

Revised: April 2017

Revised: March 2018

Revised: March 2023

Voted by Raymond NH Voters

Raymond, NH - Code of Ethics

§ 225-1 Procurement of goods and services.

Goods and services shall be procured in a manner that maximizes free and open competition whenever possible in accordance with Town of Raymond Bidding Guidelines adopted on August 14, 1989.

Every effort will be made to actively recruit woman- and minority-owned business and to provide opportunities for local residents and businesses, consistent with Section 3 of the Housing and Urban Development Act of 1968.

All procurement actions shall be conducted in public whenever of substantial interest, and all records related thereto will be open to public review.

§ 225-2

For Town of Raymond's Public Servants

"Public Service is a Public Trust"

Statement of Intent: The proper operation of democratic government requires that public servants be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government members to perform their duties without conflicts between their private interests and those of the citizens they serve. In recognition of these goals, a Code of Ethics for all public servants is adopted in accordance with RSA 31:39A.

The purpose of this code is to establish guidelines for the ethical standards of conduct for public servants.

We expect our public servants and volunteers to act in the best interest of the town.

We expect public servants to disclose any personal, financial or other interests in matters affecting the town that come before them for action.

We expect public servants to remove themselves from decision making if they have a conflict of interest or even the appearance of one.

We expect public servants to be independent, impartial, and responsible to their fellow townspeople in their actions.

We expect that the public servant's decisions and policies be made through the proper channels of government.

We expect that a public servant position in our town not be used for personal gain.

It is important that the public have confidence in the integrity of its government and that public servants have an opportunity to protect their personal reputations.

This code establishes a process by which one may obtain guidance regarding potential ethical issues and it establishes a course of action for resolving disputes in a manner that is fair to all the parties involved.

The Code of Ethics Covers:

- Conflicts of Interest
- A Duty to Disclose and a Duty to Recuse
- Unfair Personal Use of Town Property
- Misuse of Confidential Information

Gifts and Favors
A Duty to Cooperate
Fair Dealing / Non-Discrimination

I. Definitions

As used in this ordinance, the following terms shall have the meanings indicated:

Board: Any board, committee, or commission, permanent or special, appointed or elected.

Complainant: A person who has submitted a petition to the Ethics Committee requesting inquiry or alleging a violation of the Code of Ethics.

Conflict of Interest: A situation, circumstance, or financial interest that has the potential to cause a private or personal interest to interfere with the proper exercise of a public duty.

Employee: A person who is paid by the Town of Raymond for his/her services, but who is not an independent contractor.

Ethics Committee: The committee established by Section IV of this ordinance.

Family: Any person who is related to the public servant in one of the following ways: spouse, domestic partner, parent, grandparent, child, grandchild, sibling, or similar relation to the individual's spouse. This includes all persons who are members of the same household as the public servant in question, regardless of whether they are related by blood or marriage.

Firm: A sole proprietorship, joint venture, partnership, corporation and any other form of enterprise, but shall not include a public benefit corporation, local or economic development corporation or other similar entity as defined by the Ethics Committee.

Interest:

Any legal, financial or equitable right, share, or claim, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including but without limitation, a right, share or claim to land.

Pecuniary: Any advantage in the form money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.

Principals: Those people who are the subject of the action or application that is before the board.

Public Servant: All officials, officers and employees of the Town, whether elected, appointed, paid or unpaid. A person is considered a public servant upon her or his election, appointment or other designation as such, although s/he may not yet officially occupy that position.

Quasi-judicial Action: A "quasi-judicial action" is any action where the board or committee members are acting like a judge or a jury. For example, when a board or committee has a duty to notify the potential parties, hear the parties, and can only decide on the matter after weighing and considering such evidence and arguments as the parties choose to lay before the board, the members are involved in a quasi-judicial action. The work of the Planning and Zoning boards is largely quasi-judicial.

Recuse: Removing or excusing oneself from participating in a specific action or discussion due to a conflict of interest. Recusal means to remove oneself completely from all further participation as a public servant in the matter in question.

Respondent: A public servant named in a petition submitted to the Ethics Committee as an inquiry or alleging a violation of the Code of Ethics.

Resident: A resident of the Town of Raymond.

Town: The Town of Raymond, including all its departments, boards, commissions, and committees.

II. Code Provisions

Individuals Covered: This Code of Ethics shall pertain to public servants.

A. Conflicts of Interest

1. Public servants shall avoid conflicts of interest or even the appearance of a conflict of interest.
2. Public servants shall not appear on behalf of a client, friend, and family member before any governmental body of which the public servant is a member or whose members have been appointed by the governmental body of which the public servant is a member.
3. Public servants shall not participate in any matter in which s/he, or a member of her or his family, have a personal interest that may directly or indirectly affect or influence the performance of her or his duties. In such instances, the public servant shall recuse herself or himself from discussion and decision-making.
4. No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.
5. No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.
6. No public servant shall give opinion evidence as a paid expert against the interests of the Town in any civil litigation brought by or against the Town.
7. No public servant shall:
 - a) Coerce or attempt to coerce, by intimidation, threats or otherwise, any public servant to engage in political activities,
 - b) Request any subordinate public servant to participate in a political campaign. For purposes of this subparagraph, participation in a political campaign shall include managing or aiding in the management of a campaign, soliciting votes or canvassing voters for a candidate or performing any similar acts which are unrelated to the public servant's duties or responsibilities. Nothing contained herein shall prohibit a public servant from requesting a subordinate public servant to speak on behalf of a candidate or provide information or perform other similar acts, if such acts are related to matters within the public servant's duties or responsibilities,
 - c) Misuse his or her official authority or influence for interfering with or affecting the result of an election;
 - d) Directly or indirectly coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes or,
 - e) Become a candidate for public office in a partisan election as proscribed under the Hatch Act.
8. No public servant shall receive compensation except from the Town for performing any official duty.
9. No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant.

B. A Duty to Disclose and A Duty to Recuse

1. Duty to Disclose. Public servants shall not participate in the conduct of business on behalf of the town or enter into discussion or deliberation of any matter without first, publicly and on the record, stating all:

Dealings

Interests

Relationships

Friendships

Employer/employee relationships and possible conflicts which may exist between you and your family, and the principals or the issue under consideration

Individuals in an employment relationship with a public servant may appear on behalf of clients, friends, or family before any governmental body whose members have been appointed by the body of which that public servant is a member if, and only if, such appointing public servant publicly discloses such affiliation in writing to that board in advance of the meeting.

2. Duty to Recuse. Public servants have a duty to recuse themselves from participating in specific action or discussion due to a conflict of interest.

Public servants who have been recused may remain in the hearing room for the public input portion of the hearing and shall seat themselves with the other members of the public who are present. When recused, the recused person shall not participate in further discussions, unless s/he clearly states for the record that s/he is doing so only as general member of the public. **(See update as of 3/13/18, page 9)**

Except as otherwise provided by state law, in the event a board member feels that a member has a conflict of interest, the board may take a non-binding vote to request recusal by that member. Such action may only be initiated by a member of the sitting board.

Not only does a public servant have a duty to recuse himself or herself as outlined in the section above, a public servant must recuse himself or herself in a quasi-judicial action if he or she would not be qualified to sit as a juror in that case.

For example, jurors are not qualified to sit in a case if they have advised or assisted either party in a matter being decided, are prejudiced to any degree regarding the pending matter, or believe they cannot for any reason be totally fair and impartial. As a representative of the Town of Raymond, you are expected to hold yourself to this same standard.

C. Unfair Personal Use of Town Property

No public servant shall use town property, services, or labor personally, or make the same available to others unless such use is available to other residents upon request on equal terms.

D. Misuse of Confidential Information

No public servant shall disclose any confidential information which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public or use any such information to advance any direct or indirect financial or other private interest of the public servant or of any other person or firm associated within the public servant; provided, however, that this shall not prohibit any public servant from exercising his or her rights under the applicable State or Federal Whistleblower's Protection Act or as otherwise required by law.

E. Gifts and Favors

No public servant shall accept or agree to accept any pecuniary gift from any person or firm unless it is a non-monetary gift of nominal value and only if said person or firm is not or is not likely to become subject to or interested in any matter or action

pending before or contemplated by himself or the Town. The Ethics Committee shall annually establish the upper limit on nominal value.

F. A Duty to Cooperate

All public servants shall cooperate fully with the Ethics Committee regarding any complaint or inquiry alleging violation of this Code of Ethics.

G. Fair Dealing / Non-Discrimination

Each public servant should endeavor to deal fairly with members of the public, suppliers and fellow public servants and may not be influenced by such person's work for or gifts made to the Town. None should take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts, or any other unfair-dealing practice.

Public servants shall during their public duties afford equal opportunity to everyone, regardless of age, sex, race, color, marital status, physical or mental disability, religious creed, national origin or sexual orientation.

III. Exclusions

- A. The prohibition against gifts or favors shall not apply to an award publicly presented in recognition of public service.
- B. The above shall not prohibit a public servant from obtaining a loan from any financial institution upon terms and conditions available to members of the public.
- C. The above shall not prohibit a public servant from participating in collective bargaining or from paying union or shop fees or dues.
- D. The prohibition against gifts and favors shall not apply to attendance at a host meal when it is provided in conjunction with a meeting directly related to the conduct of town business, or where official attendance by the public servant is sufficiently integral to the public servant's official duties.
- E. These provisions shall not bar any public servant who is a resident of the Town of Raymond from fully participating in any Town Meeting, Town Deliberative Session, or School Deliberative Session.
- F. Police Officers, Fire Fighters and other Emergency Personnel acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments shall not be bound by this Code of Ethics.
- G. It shall not be a violation of the Code of Ethics for supervisors of Town employees to follow personnel policies and procedures or to administer, by their terms, under a collective bargaining unit.
- H. The above shall not apply to acceptance of donations for the express purpose of financing a political campaign, provided that such contributions comply with Section II.E. and are reported in accordance with all local, state and federal laws pertaining to such donations.
- I. The above shall not prohibit a public servant from acting as attorney, agent, broker, employee, officer, director or consultant for any not-for-profit corporation, or association, or other such entity which operates on a not-for-profit basis, interested in business dealings with the Town, provided that:
 - a) such public servant takes no direct or indirect part in such business dealings;
 - b) such not-for-profit entity has no direct or indirect interest in any business dealings with the Town except where it is determined by Town that such activity is in furtherance of the purposes and interests of the Town;
 - c) all such activities by such public servant shall be performed at times during which the public servant is not required to perform services for the Town; and
 - d) such public servant receives no salary or other compensation in connection with such activities;

IV. Raymond Ethics Committee

The Town of Raymond shall establish an Ethics Committee to:

- Educate public servants and residents regarding the provisions of the ethics code,

- Provide advice and guidance to public servants and residents regarding ethical issues with which they are confronted.
- Hear and resolve ethics complaints that are filed against public servants.
- The Committee shall endeavor to provide the greatest public access to its actions, discussions, and records subject to applicable federal, state, local law and other legal obligations including but not limited to the NH Right to Know Law, RSA 91-A.

A. The Formation of the Ethics Committee

1. The Ethics Committee shall consist of five residents of the Town of Raymond. A quorum of three or more committee members shall be necessary to hear any complaint that is filed.
2. Upon passage of this Ordinance, the Board of Selectmen shall publicly interview candidates for the Ethics Committee and shall appoint five residents to serve on the Ethics Committee for a one-year term. Among the prospective candidates, the Board of Selectmen is encouraged to consider for appointment individuals who have served as members of the Raymond Code of Ethics Drafting Committee in order to carry forward some of the knowledge and experience gained during the process of developing this Code of Ethics.
3. Beginning in March 2004, the voters of the Town of Raymond shall elect residents to fill the positions on the Ethics Committee. These will be elected as follows:
 - a. Two members shall serve for a one-year term,
 - b. Two members shall serve for a two-year term, and
 - c. One member shall serve for a three-year term.
 All future elected members of the committee shall serve for three-year terms.
4. Immediately the Ethics Committee shall appoint two alternate members to their board with one for a one-year term and one for a two-year term, thereafter all alternates will be appointed for a two-year term.
5. Should a vacancy in the committee arise, the remaining members of the Ethics Committee shall elect a resident to serve as an Ethics Committee member until the next election, at which time the voters will elect a member to serve out the remainder, if any, of the term.
6. The members of the Ethics Committee shall elect a chairperson on an annual basis.

B. Education

1. That each new public servant takes the oath of office, he/she shall receive a copy of this code and a copy of RSA 91-A, The Right to Know Law, and acknowledge receipt in writing within 30 days.
2. The Ethics Committee shall establish a training policy for public servants, so they may familiarize themselves with the provisions of this code.
3. The training policy shall provide for training on this Code of Ethics on at least an annual basis for all public servants.
4. Public Servants shall have a duty to familiarize themselves with RSA 91-A

C. Inquiries

The Ethics Committee shall establish a mechanism by which public servants, residents of the Town of Raymond, and others may obtain advice and counsel from the committee regarding ethical issues that may arise from time to time.

Upon request, the Ethics Committee may issue a written advisory opinion in response to such an inquiry.

D. Complaints

1. The Ethics Committee shall:
 - a. Have the power to investigate all written complaints that are filed;
 - b. Establish forms by which public servants, residents of the Town of Raymond, and others may file complaints or request that an inquiry be made; and only review complaints based on alleged violations of Section II of this ordinance.
 All such requests or complaints must be in writing, shall specify the provision of the code which the complainant believes was violated, and must be signed by the

complainant.

When signing the complaint, the complainant shall acknowledge in writing that he or she has read the Code of Ethics and that he or she has a good faith basis for alleging a violation of the Code of Ethics and that he or she has exhausted all other administrative avenues of relief available to him or her within town government prior to filing a complaint with the Ethics Committee.

2. Any official, board member or employee against whom a written complaint is filed shall be given a copy of the complaint and shall be afforded an opportunity to be heard and to present evidence to the Ethics Committee.
3. The Ethics Committee shall have sole discretion for setting rules regarding the conduct of hearings. The committee shall seek to make sure that both the complainant and the respondent have an opportunity to be heard and to present evidence, but the committee may limit the testimony and evidence which is presented to it if in the opinion of the committee the testimony and evidence in question is irrelevant, unnecessary, redundant, or unreliable.
4. The Ethics Committee may require, with sufficient written notice, any official, board member or employee of town government to appear before it to provide testimony regarding pending complaints. The Ethics Committee, for this purpose, may administer oaths and require the production of evidence such as documents.
5. Within thirty (30) days of concluding an investigation into a written complaint, the Ethics Committee shall issue a written statement setting forth its findings. Unless prohibited by law, the Ethics Committee will provide copies to all parties. The Ethics Committee shall not have the power to impose any monetary or other penalty, only to issue a written statement as set forth above.
6. The public or the complainant has the responsibility to pursue further enforcement actions.

V. Enforceability

If any provision or provisions of this code shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

VI. Effective Date

This ordinance shall become effective sixty (60) days after its adoption by the voters of the Town of Raymond.

Ethics Code Revisions

March 11, 2003 – Raymond voted to adopt an Ethics Code Policy as follows:

Shall the town adopt a town Ethics Code as authorized by RSA 31:39-a, which would amend chapter 225 of the town code, amend chapter 5 of the Town Personnel Policy Manual and amend the Appendix of the Town Personnel Policy Manual by setting forth a code of ethics and deleting all conflicting provisions in the Town Personnel Policy Manual (the full text of this amendment is printed in the Town Meeting Warrant and is posted in it's amended version at the polling place). In the event this warrant article fails that the town votes to continue the work of the Ethics Committee to fine tune any objectionable provisions.

Yes 1154 / No 612

March 8, 2005 – Raymond voted to revise the town ethics code as follows:

Shall the Town approve two revisions to the code of ethics of the Town of Raymond.

1. Section IV.A.5. To delete the word 'alternate' so it will read: 'should a vacancy in the committee arise, the remaining members of the Ethics Committee shall elect a resident to serve as an (alternate) Ethics Committee member...' and

2. Section IV.D.2. To delete the words 'upon written request' so it will read: any official, board member or employee against whom a written complaint is filed (Respondent) shall be given a copy of the complaint, and (upon written request) shall be afforded an opportunity to be heard...'

This is a petition warrant article.

Yes 1262 / No 529

March 11, 2008 – Raymond voted to revise the town ethics code as follows:

Shall the Town of Raymond vote to amend the current Code of Ethics for the town, adopted March 11, 2003 to show that under section VI (A) a new line will be added to state:

"Immediately the Ethics Committee shall appoint two (2) alternate members to their board with one for a two year term and one for a three year term, thereafter all alternates will be appointed for a three year term."

Yes 1003 / No 280

March 10, 2009 – Raymond voted to review the town ethics code as follows:

Shall the Town of Raymond vote to amend the current code of ethics for the town, adopted March 11, 2003 to show that in section 1 (definitions) a word in the title of the definition will be added: "Interest: Any legal, financial, or equitable right, share, or claim, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including but not without limitation, a right, share or claim to land."

Yes 737 / No 214

March 13, 2018 – Raymond voted to review the town ethics code as follows:

Shall the Town of Raymond vote to revise the Raymond Code of Ethics so that Section II, B,2 Duty to Recuse reads as follows? Public Servants who have been recused may remain in the hearing room for the hearing and shall seat themselves with the other members of the public who are present. When recused, the recused person shall not participate in further discussions, unless s/he clearly states for the record that s/he is doing so only as a member of the general public.

Yes 611 / No 268

March 28, 2023 – Raymond voted to review the town ethics code as follows:

Shall the Town amend the Code of Ethics, previously adopted, to add the following:

1. Section IV. B,1 – Education, Page 7 of the Code of Ethics, to add the phrase "...and NH RSA 91-A, the Right-to-Know Law," so that the new language in its entirety under Item 1, would read, "That when each new public servant takes the oath of office, he/she shall

receive a copy of this code and NH RSA 91-A, the NH Right to Know Law, and acknowledge receipt in writing within 30 days.”

2. Section IV. B – Education, Page 7 of the Code of Ethics, to add an Item #4, which would read,
3. “4. Public Servants shall have a duty to familiarize themselves with RSA 91-A.”
3. Pre-Hearing Conference, page 14 of the Code of Ethics, to add to Item 1, A the phrase, “...at their own expense.” so that the new language in its entirety under Item 1, would read, “A. Parties may be represented by legal counsel at a pre-hearing or hearing at their own expense.”

Recommended by the Board of Selectmen

Yes 1,038 / No 240

The following pages of information were adopted/revised by the Ethics Committee as required by the Code of Ethics.

Ethics Booklet, Inquiry Form, and Complaint Form may be found at the Town Office Building.

Gifts and Favors: Part II Code Provisions—Section E.

The Ethics Committee, on July 8, 2003 set the upper limit of \$25.00 for the time period March 2003 to March 2004.

The Ethics Committee on April 13, 2004 voted to continue with the \$25.00 as the upper limit for the period March 2004 to March 2005.

The Ethics Committee on March 22, 2005 voted to continue with the \$25.00 as the upper limit for the period March 2005 to March 2006.

The Ethics Committee on March 28, 2006 voted to continue with the \$25.00 as the upper limit for the period March 2006 to March 2007.

The Ethics Committee on April 10, 2007 voted to set the upper limit of \$30.00 for the period April 2007 to March 2008.

The Ethics Committee on March 25, 2008 voted to set the upper limit of \$30.00 for the period March 2008 to March 2009.

The Ethics Committee on March 24, 2009 voted to set the upper limit of \$30.00 for the period March 2009 to March 2010.

The Ethics Committee on March 23, 2010 voted to set the upper limit of \$30.00 for the period March 2010 to March 2011.

The Ethics Committee on April 12, 2011 voted to set the upper limit of \$30.00 for the period March 2011 to March 2012.

The Ethics Committee on April 12, 2011 voted to set the upper limit of \$30.00 for the period March 2012 to March 2013.

The Ethics Committee on November 10, 2015 voted to set the upper limit of \$25.00 for the period November 2015 to March 2016.

The Ethics Committee on April 11, 2017 voted to set the upper limit of \$25.00 for the period April 12, 2017 to April 11, 2018.

Raymond Ethics Committee

4 Epping St., Raymond NH 03077

Phone (603) 895-7063

E-mail: raymondnhethicscommittee@yahoo.com

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INQUIRY FORM

Inquiries: An inquiry is a means for a person to obtain advice and counsel from the Ethics Committee regarding ethical issues. (Reference Ethics Code: Section IV C)

Inquiry Procedures:

1. All inquiries must be in writing or made in person at a regularly posted Ethics Committee meeting.
2. Inquiries must be as general as possible as to the nature of the inquiry, omitting any personal references.
3. All inquiries will be acknowledged within ten (10) working days.

Nature of Inquiry: _____

(Use back of paper if necessary)

Print Name: _____ Date: _____

Address: _____

Phone: _____ Email: _____

Signature: _____

Voted by the Ethics Committee

Adopted: August 26, 2003, Revised March 22, 2005

Raymond Ethics Committee
4 Epping St., Raymond NH 03077
Phone (603) 895-7063
E-mail: raymondnhethicscommittee@yahoo.com

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COMPLAINT FORM:

Complaint: A complaint is a process whereby a person can give specific information to the Ethics Committee for their review and finding. (Reference Ethics Code: Section IV)

Complaint Procedures:

1. All requests or complaints must be in writing, shall specify the provision of the code which the complainant believes was violated, and must be signed by the complainant.

2. When signing the complaint, the complainant shall acknowledge the following:
 - a. That he/she has read the Code of Ethics.
 - b. That he/she has a good faith basis for alleging a violation of the Code of Ethics.
 - c. That he/she has exhausted all other administrative avenues of relief available to

3. All complaints will be acknowledged within ten (10) working days.

Name of respondent: (person complaining against): _____

Section of Ethics Code thought to be violated: _____

Nature of Complaint:

(Use back of paper if necessary)

Complainant Name: _____ Date: _____

Address: _____

Phone: _____ Email: _____

Signature: _____

Voted by the Ethics Committee

Adopted: August 26, 2003, Revised March 22, 2005

Complaint Procedure

1. Committee reviews complaint and attachments for completeness and to determine that if information is correct then the respondent has violated one or more Codes of Ethics.

NO – Return to Complainant with explanation letter.

Yes – Notify all Parties Involved and put on Ethics Committee Agenda.

If complaint is against an employee:

Complainant (CM)

Respondent (CM)

Town Manager

If complaint is against a Board/Committee Member:

Complainant (CM)

Respondent (CM)

Board or Committee Chair

Town Manager

Pre-Hearing Conference

Hold Hearing

Deliberate

Render Decision

Notify all of decision in writing.

CM= Certified Mail

Voted by the Ethics Committee

Adopted May 25, 2004

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Pre-Hearing Conference:

1. Make sure Parties have received copies of Ethics Code and applicable rules.
 - A. Parties maybe represented by legal council at their own expense at pre-hearing or at hearing.
2. Review of purpose of pre-hearing conference:
 - B. Do not consider any evidence
 - C. Attempt to simplify issues / process
3. Review disclosures and discuss with Parties.
4. Expectations regarding conduct of Parties and public at hearings.
 - A. All discussion must be through the Committee Chairperson
 - (1). Proper/ improper ways of questioning
 - B. May only speak when it is their turn
 - C. No disorderly conduct
5. Discuss with Parties to attempt to clarify issue/s.
6. Ask if there will be a spokesperson.
 - A. Complainant
 - B. Respondent
7. Review order of presentation at hearing.
8. Review with Parties “Evidence” section of committee’s hearing rules.
 - A. Explain Complainant/s will have burden of proof
 - B. Explain Respondent/s has right to be heard and to present evidence
9. Obtain the following:
 - A. Estimate of time needed from Parties.
 - B. Number of witnesses from each party.
 - C. Names of witness from each party.
10. Reconsider disclosure or recusal for Board members
11. Confirmation of hearing
 - A. Date
 - B. Time
12. Other Business

Voted by Ethics Committee
Adopted July 6, 2004
Revised 9/28/2004

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Hearing Procedure

1. Review Conduct of Hearings
 - a) RSA 91-A: All hearings shall be held in compliance with NH’s “Right to Know” law. Accordingly, all hearings shall be posted and shall be open to the public, except under extraordinary circumstances when the committee considers matters during a non-public session.
 - b) Conduct of Parties
 - 1) All discussion shall be through the Committee Chairperson
 - 2) May only speak when it is their turn
 - 3) No disorderly conduct
 - c) Evidence/Burden of proof: “Clear and convincing evidence” is defined as that evidence which establishes a factual conclusion to be highly probable, rather than merely more probable than not. It requires that the party having the burden of proof place in the trier of fact an abiding conviction that the truth of his/her factual contentions are highly probable; otherwise he/she has failed to prove it and is not entitled to relief.
 - d) Overview of sequence of presentations
2. Review of Disclosures/Recusals of Ethics Board
3. Reading of Complaint
4. Complainant presents argument
 - a) Complainant calls witness
 - b) Ethics Committee questions witness for clarificationRepeat a) and b) as necessary
5. Respondent presents defense
 - a) Respondent calls witness
 - b) Ethics Committee questions witness for clarification
6. Offer rebuttal to Complainant
7. Offer rebuttal to Respondent
8. Ethics Committee deliberates with option to clarify anything with Complainant, Respondent or witnesses.
9. Vote
10. Within thirty (30) days of concluding an investigation into a written complaint, the Ethics Committee shall issue a written statement setting forth its findings. Unless prohibited by law, the Ethics Committee will provide copies to all parties.

Voted by Ethics Committee
Adopted October 2004