
RE: Assistance Complaint of Ethics Violation

From David W. Rugh <drugh@firmspf.com>

Date Tue 2/11/2025 11:40 AM

To Josh Arneson <jarneson@richmondvt.gov>

Hi Josh,

This is a close call, but understanding the nature of the type of development review at issue and using the correct terminology is important in this instance. What you're calling "site plan review" is actually known as "sketch plan review," and the two processes are substantially different with one – site plan review – being a quasi-judicial proceeding and an "official act," while the other – sketch plan review – is an informal, pre-application review of a proposed project that is not an official act.

Assuming that the application being heard was a sketch plan application per Tyler's memorandum, then it was not an "official act" under the Town's Code of Ethics because there's no formal public hearing and no binding decision issued following the public hearing. Also, it's not clear whether Mr. Parisi even has a "conflict of interest" if what Tyler has described is accurate. I seem to recall that he might be a neighbor or abutter to the project site at 81-97 Main Street, and in that case, he probably should recuse himself from future development reviews for this property. However, if all that's being alleged is that he had a discussion with the landowner at some point in time about a boundary line adjustment for a development project that never moved forward or that never came to fruition, then it's tough to see how he has an interest in the outcome of the proceeding.

Either way, because sketch plan review is not a formal proceeding and not a true "quasi-judicial proceeding" with a binding decision that is appealable at the end, it doesn't quite meet the definition of an "official act" under the Code.

If there are further questions on this matter, please let me know.

Thanks,
Dave

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From: Josh Arneson <jarneson@richmondvt.gov>
Sent: Thursday, February 6, 2025 3:08 PM
To: David W. Rugh <drugh@firmspf.com>
Subject: Assistance Complaint of Ethics Violation

Dave,

The Town of Richmond recently received a complaint of ethics violation. The complaint is attached here.

The Selectboard discussed this at their meeting this past Monday. There was a lot of discussion regarding if a Site Plan Review is an official act. There was an argument that it was not an official act and therefore there was no need for recusal. There was a counter argument that if there is any perception of a conflict of interest, that person should recuse themselves from the Site Plan Review even if it is not an Official Act as defined by the ethics policy in an effort to avoid even the perception of a conflict of interest. I have attached a memo from our Zoning Administrative Officer which states that his opinion is that a Site Plan Review is not an official act.

This complaint is regarding a meeting from December, so the Town code of ethics was in place at that time, this is also attached.

Can you take a look at this and let me know your opinion on if this is a violation of the code of ethics that was in place at the time?

Thank you for any guidance you can provide.

Josh Arneson (he/him)

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