

Re: Assistance Complaint of Ethics Violation

From Sivret, Christina <Christina.Sivret@vermont.gov>

Date Thu 2/6/2025 11:33 AM

To Josh Arneson <jarneson@richmondvt.gov>

Good morning Josh,

I'm not able to advise on municipal-specific policies as that is outside of our jurisdiction.

However, I can tell you that under the [statewide Municipal Code of Ethics](#), the question of recusal doesn't center on the definition of an "official act." The question is whether the official has "a direct or indirect interest...in the outcome of a particular matter pending before the officer or the officer's public body." If so, then recusal must be complete. Complete means that the official has no further involvement in the issue, which would include even informal conversations about the issue with the remaining decision-makers.

The only exception to this is the following: "After recusal, an officer may still take action on the matter if the officer is a party, as defined by section 1201 of this title, in a contested hearing or litigation and acts only in the officer's capacity as a member of the public. The officer shall make a public statement explaining the officer's recusal."

I hope this helps.

Best,

Chris

Christina Sivret
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Vermont State Ethics Commission
(802) 828-7187
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From: Josh Arneson <jarneson@richmondvt.gov>
Sent: Thursday, February 6, 2025 8:23 AM
To: Sivret, Christina <Christina.Sivret@vermont.gov>
Subject: Assistance Complaint of Ethics Violation

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Christina,

As you know the Town or Richmond recently received a complaint of ethics violation. You were copied on the original email and the complaint is attached again 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 under the Statewide Municipal Code? Would you also be willing to provide an opinion on if this is a violation under the Town's previous code of ethics?

Thank you for any guidance you can provide.

Josh Arneson (he/him)

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