

Dunbarton Ethics Committee
Town Offices
1011 School Street
Dunbarton, NH 03046

In Re: Lori Davis, File No. #2003-01

On May 22, 2003, the Dunbarton Ethics Committee held a hearing on four complaints that had been brought against the Respondent, Lori Davis.¹ The complaints charged Ms. Davis with violation of Section I.E of the Dunbarton Code of Ethics.

Section I.E prohibits the misuse of confidential information. It provides, in pertinent part, that:

[N]o official, board member or employee of the Town of Dunbarton shall violate the privacy of others by publicizing, gossiping, or discussing information confidentially acquired in the course of official duties without a legitimate reason to do so.

At the hearing, the Ethics Committee heard the testimony of the four Complainants – Deborah Auger, Donna Dunn, Paula Mangini, and Judy Petersen – and Chief Jeff Nelson of the Dunbarton Police Department.

Chief Nelson testified that during the Spring of 2002 the Dunbarton Police Department conducted an inquiry into alleged misconduct by a town employee. Chief Nelson testified that this inquiry was treated as a confidential matter, and that purposely only a few select people (Ms. Davis, one selectman, the Chief and one of his officers) were aware that it was being conducted.

¹ The four complaints were consolidated for a single hearing.

Ms. Auger, Ms. Dunn, Ms. Mangini, and Ms. Petersen testified that on Wednesday, April 3, 2002, following a meeting of the Town Common Project Committee, Lori Davis told them details about the inquiry and the allegations against the town employee.

Ms. Auger, Ms. Dunn, Ms. Mangini, and Ms. Petersen testified that Ms. Davis's statements were not comments made in passing, nor were they a casual "slip of the tongue." The statements were described as "bombshells," made deliberately and for effect.

Two of the Complainants further testified that Ms. Davis spoke to them about the confidential inquiry on other occasions – as late as June 2002.

Chief Nelson testified that at the end of his investigation, in May 2002, he concluded the police did not have probable cause to believe that the town employee had committed the misconduct alleged.

The Complainants testified that they had attempted to resolve the matter themselves, first by bringing the inappropriateness of it directly to the attention of Ms. Davis in June of 2002 and in December of 2002.

Then, in early April of 2003, three of the Complainants brought the issue to the attention of the Dunbarton Selectmen, who referred the Complainants to the Ethics Committee.

Ms. Dunn testified that she was concerned that Ms. Davis was being considered to serve on another town committee and in another capacity for a town department and that due to the way in which Ms. Davis had handled the confidential information that she had

revealed to the Complainants, Ms. Davis was not an appropriate candidate for these volunteer positions.

Ms. Dunn testified that after speaking with Ms. Davis, Ms. Dunn and several of the other complainants believed that Ms. Davis intended to cease her involvement as a town board member, but when this did not happen, they brought the situation to the attention of the Dunbarton Board of Selectmen.

Ms. Davis did not appear at the hearing even though both she and her attorney had been given notice.² Additionally, the Ethics Committee wrote to Ms. Davis and requested that she attend the hearing. The Committee's letter advised Ms. Davis that the Dunbarton Code of Ethics requires officials, board members and employees of the Town of Dunbarton to cooperate with the Ethics Committee regarding any complaint or inquiry alleging violation of this Code of Ethics.³

Because Ms. Davis chose not to participate in the hearing, the Complainants' evidence was uncontroverted.

The Ethics Committee concludes the Complainants established the following by clear and convincing evidence:

- Ms. Davis acquired confidential information in the course of her duties as a member of a Dunbarton committee;
- On April 3, 2002 and other dates Ms. Davis gossiped or discussed this confidential information with Ms. Auger, Ms. Dunn, Ms. Mangini and Ms. Petersen;
- Ms. Davis's conduct violated the privacy of another person; and,

² Ms. Davis retained counsel to represent her on this matter. Ms. Davis's counsel was given notice, both orally and in writing, of the hearing. Ms. Davis's counsel was also informed that the Ethics Committee had specifically asked Ms. Davis to attend the hearing.


³ The Ethics Committee notes -- but does not decide -- that Ms. Davis's apparent refusal to cooperate with the Ethics Committee may constitute a separate violation of the Ethics Code.

- Ms. Davis did not have a legitimate reason to discuss this confidential information with Ms. Auger, Ms. Dunn, Ms. Mangini or Ms. Petersen.

The Ethics Committee unanimously rules that Lori Davis violated Section I.E the Dunbarton Code of Ethics by misusing confidential information.

Respectfully Submitted,

Dated: 5/28/03


Nicholas K. Holmes

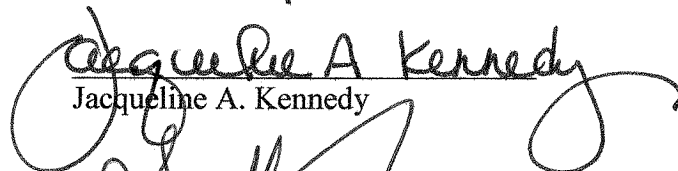
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Brett St. Clair

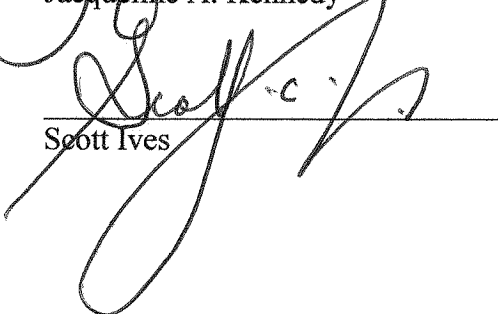
Dated: 28 May 2003


Gayle Troy

Dated: 27 May 03


Jacqueline A. Kennedy

Dated: 29 May 03


Scott Ives