

**Dunbarton Code of Ethics Committee**  
Town Hall  
1011 School Street  
Dunbarton, N.H. 034046

**Response to Request for Written Advisory Opinion**

Jeff Trexler  
38 Barnard Hill Road  
Dunbarton, N.H. 03046

RE: Your Request Dated February 17, 2002  
(Our File #2002-01)

Dear Jeff:

At a meeting held on Thursday, March 7, 2002, the Dunbarton Code of Ethics Committee ("the committee") considered your request for a written advisory opinion pursuant to Section IV.C of the Dunbarton Code of Ethics ("the code"). The committee responds as follows.

The issue raised in your request involves the following sections of the code: I.A, I.B, and I.C.

For the purposes of our response, the committee accepts the facts as set forth in your request; the committee does not make an independent determination of the accuracy of the facts under circumstances such as this when a town official, board member, or employee requests a written advisory opinion.

At the outset, the committee would like to commend you for bringing this potential issue to the attention of the other members of the Dunbarton Center Planning Committee. Such disclosure is mandatory (See: Code, Section I.C), and must be made "publicly and on the record." If you have not already done so, you should make sure that your disclosure has been incorporated into the minutes of the Dunbarton Center Planning Committee.

It is our understanding that your role on the Dunbarton Center Planning Committee does not meet the definition of a quasi-judicial proceeding as that term is defined in Section II of the code. Therefore the standard set forth in Section I.B of the code is not applicable.

Section I.A of the Code requires that a person in your position "shall not participate in any matter in which you, or a member of your family, have a personal interest which may directly or indirectly affect or influence the performance of your duties." The issue therefore is whether your prior relationships with the architectural

firms will affect or influence the performance of your duties on the Dunbarton Center Planning Committee.

Based upon the facts as you have set them out in your request for a written advisory opinion, we conclude there is no reason to believe that your past relationships with the architectural firms will influence you at this juncture. Specifically the committee notes the following:

1. Your past relationships have not been limited to only one of the architectural firms;
2. Your profession has its own code of ethics which prohibits the offering or acceptance of gifts to acquire or award work;
3. You are only one of ten members on the Dunbarton Center Planning Committee, and your committee will not be making the final decision – it will only be making a recommendation to the Selectmen; and,
4. The prosperity of your business does not depend upon getting work from any of the potential applicants.

In sum, the code requires that you make a full and public disclosure on the record, but it does not require your recusal under the circumstances as you have presented them.

Gayle Troy and Bruce Mathews join in this opinion. Judy Stone was not able to participate due to conflict in her schedule.

Sincerely,

Nicholas K. Holmes, Chairman  
Dunbarton Code of Ethics Committee