

**MINUTES OF THE
HOUSE ETHICS COMMITTEE**

Wednesday, October 22, 2008 – 8:30 a.m. – Room C445 State Capitol

Members Present:

Rep. Todd E. Kiser, Chair
Rep. LaWanna Lou Shurtliff, Cochair
Rep. Douglas C. Aagard
Rep. Stephen D. Clark
Rep. David Litvack
Rep. Karen W. Morgan
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Staff Present:

Mr. Michael E. Christensen, Director
Mr. John L. Fellows, General Counsel
Mr. Eric N. Weeks, Deputy General Counsel
Ms. Angela D. Oakes, Associate General Counsel
Mr. John Q. Cannon, Managing Policy Analyst
Ms. Phalin L. Flowers, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Rep. Kiser called the meeting to order at 8:54 am.

2. Consideration of Ethics Complaint Filed by Representatives Hughes, Garn, and Dee Against Representative Riesen

Rep. Kiser asked Democratic members to pledge to follow the "Ethics Committee Member Pledge." They did so.

Rep. Shurtliff asked Republican members to pledge to follow the "Ethics Committee Member Pledge." They did so.

Staff distributed and discussed "General Evidentiary Standards for a Preliminary Inquiry."

Rep. Clark asked for clarification on penalties to a committee member violating the agreement to withhold information from the public until the end of an ethics hearing. Mr. Fellows replied that there is no penalty.

MOTION: Rep. Aagard moved to approve the evidentiary standards. The motion passed unanimously.

Rep. Kiser addressed the Committee and stated that he believes there is enough evidence to move forward with the preliminary inquiry regarding Rep. Phil Riesen.

Rep. Shurtliff stated that she believes there is not enough evidence to move forward with the preliminary inquiry.

Rep. Litvack said that he is having difficulty finding a rule that was violated as the complaint states.

MOTION: Rep. Clark moved to recess. The motion passed unanimously.

The Committee recessed at 9:16 a.m.

The Committee reconvened at 10:28 a.m.

Rep. Clark requested that Rep. Shurtliff state why she does not believe there is enough evidence to move forward with the preliminary inquiry.

Rep. Shurtliff explained that she does not think any rules were violated according to the statements of the complaint.

Rep. Newbold said she believes the Committee would be remiss if the Committee does not hear the complaint and move forward with the preliminary inquiry.

Rep. Moss said that she feels that no ethics rules were violated as stated by the complaint.

Rep. Kiser explained the process to file ethics complaints.

Rep. Clark voiced concerns that individuals would not come forward with future ethics complaints if the current complaint is not heard.

Rep. Newbold asked if it would be appropriate for the respondent of the complaint to address the Committee.

MOTION: Rep. Clark moved to invite Rep. Riesen to address the Committee. The motion failed with Rep. Aagard, Rep. Clark, and Rep. Newbold voting in favor.

MOTION: Rep. Newbold moved to recess. The motion passed unanimously.

The Committee recessed at 10:52 a.m.

The Committee reconvened at 11:02 a.m.

Rep. Clark requested that staff present pro and con arguments for moving forward with the preliminary inquiry.

Mr. Fellows briefed the Committee on the pros and cons of moving forward with the preliminary inquiry.

MOTION: Rep. Newbold moved that the Committee move forward with a preliminary inquiry. The motion failed with Rep. Aagard, Rep. Clark, Rep. Kiser, and Rep. Newbold voting in favor.

MOTION: Rep. Clark moved to recess. The motion passed unanimously.

The Committee recessed at 11:16 a.m.

The Committee reconvened at 11:33 a.m.

MOTION: Rep. Aagard moved to release the witness testimony from the ethics hearing concerning Rep. Greg Hughes.

SUBSTITUTE MOTION: Rep. Litvack moved to release the witness testimony from the ethics hearing concerning Rep. Greg Hughes in digital format and to include that testimony on the Legislature's website. The substitute motion passed unanimously.

Rep. Kiser made closing statements and thanked the Committee, staff, and all witnesses for their work and participation.

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MOTION: Rep. Shurtliff moved to adjourn. The motion passed unanimously.

Rep. Kiser adjourned the meeting at 11:52 a.m.