



CITY OF DOVER

## ETHICS COMMISSION – MINUTES

Meeting Type: Non-public Session  
Meeting Location: City Clerk's Conference Room  
Meeting Date: **Thursday, August 21, 2008**  
Meeting Time: **6:00 pm**

### Non-Public Session

Moved by Lariviere, seconded by Forbes, that the Commission go into non-public session, pursuant to RSA 91:A, for the purpose of discussing the complaint.

Roll Call recorded to enter non-public session:

Forbes - Yes  
Sterndale – Yes  
Lariviere – Yes  
Reynolds - Yes  
Motion carried 4-0.

Alternate Commissioner Lauren Jacoby arrived immediately following the roll call and joined the non-public session as a seated member. Commission moved to the City Clerk's conference room.

Allegations were reviewed individually, in the order listed on the complaint. The following charter clauses and ordinance sections were read in their entirety:

Article X of the Dover City Charter:

C10-2, Conflicts of Interest

C10-3, Disqualification from Decision Making Process

C10-7, Misuse of Information

Chapter 22 of the City Code:

22-2, Conflicts of Interest

22-3, Representation of Private Interests Before City Agencies

22-5, Required Disclosure by Officers and Employees; Recusal

22-7, Disclosure of Confidential Information

22-9, Incompatible Employment

Evidence submitted in writing, and testimony from the 8/19/08 hearing, were reviewed for each item. Few facts in the case were in dispute, and most discussion focused upon:

- the exact language of the Charter and Code
- whether or not the evidence presented met the standard of proof of clear and convincing evidence
- whether or not actions by Mr. Colbath, in part or in whole, constituted a violation

Upon completion of the discussion of the eight allegations, the process of reporting to the City Council was reviewed. It was agreed that the Vice-Chairman and the Clerk would draft a report based upon the discussion, which would be reviewed at a future meeting of the Commission, tentatively scheduled for Sept. 11, 2008.



CITY OF DOVER

## ETHICS COMMISSION – MINUTES

Meeting Type: Non-public Session  
Meeting Location: City Clerk's Conference Room  
Meeting Date: **Thursday, August 21, 2008**  
Meeting Time: **6:00 pm**

Moved by Forbes, seconded by Lariviere, that the minutes of this meeting be sealed. Roll call:  
Forbes - Yes  
Sterndale – Yes  
Lariviere – Yes  
Jacoby - Yes  
Reynolds - Yes  
Motion carried 5-0.

Moved by Lariviere, Seconded by Forbes, that the non-public session be closed and the Commission move into public session. Motion carried unanimously. The Commission returned the auditorium at 7:55pm. Messrs. Colbath and Shulte were present.

Respectfully Submitted,  
Chris Sterndale, Clerk