

**Ethics Panel Meeting
April 26, 2022
Agenda
Auburn Hall - Council Chambers**

5:30 P.M.

A. Advisory opinion on determining if a potential conflict of interest exists with an appointed official

From: Ryan Smith <rychsmith@gmail.com>
Sent: Wednesday, April 13, 2022 2:53 PM
To: Phil Crowell <pcrowell@auburnmaine.gov>
Cc: Ryan Smith <rychsmith@gmail.com>
Subject: Ethics Panel Referral

Good afternoon,

My name is Ryan Smith and I'm a registered voter and property owner in Auburn. I have a concern of conflict of interest pertaining to the 555 Court Street development and a member of the planning board, Brian Dubois. Section 2-115 in the ordinance of Ethics and Conflicts of Interest states, "a referral to the ethics panel shall be in writing and shall describe with particularity the factual basis of the referral." This is my notice in writing, with facts:

- The developers of 555 Court Street put their project in front of the planning board on April 12, 2022 for approval with special exception.
- As a concerned citizen who lives in this neighborhood, I spoke to the board about the development and ended my public comment with a question (paraphrased): "Is it considered a conflict of interest if a member of the planning board was involved with the developer in the transaction to purchase this property?" I did not mention Brian Dubois' name in my comment.
- After public comment, the board addressed this and Brian Dubois admitted to working with this developer as a buyer agent to purchase this property, while also being a member of the planning board. Brian never disclosed his involvement and relationship to the developer and this transaction before this.
- The board then voted to still allow Brian Dubois to vote on the matter at hand.
- Brian Dubois made the motion to pass this development plan for his real estate client.
- This motion passed 4-3, with Brian Dubois tipping the scales in the favor of his real estate client and neighbor, Jessica Klimek of American Development Group.

There was an audible gasp from the community when the planning board still allowed Brian Dubois to vote on this matter, and many members of the community walked out of the planning board meeting at that very moment after witnessing such blatant disregard for conflict of interest. This is clearly a conflict and should be addressed by the Ethics Panel. As a developer and a Maine real estate sales agent, I am appalled by the lack of ethics and transparency displayed by Brian Dubois. I can say with 100% certainty that as an ethical real estate agent, if I were in this same situation, I would have disclosed and refrained from voting. Brian Dubois should have voluntarily disclosed his relationship with this transaction and recused himself from voting, leaving this at a 3-3 vote and allowing an associate member of the planning board to vote in his place.

I am also inquiring with the Maine Real Estate Commission on whether this is a violation in their eyes. I will refrain from filing a complaint or disclosing Brian Dubois' name to the real estate commission until I receive better guidance on how this applies to the ethics and the Maine Real Estate Commission's rules. However, this requires immediate attention from the City of Auburn's ethics panel. Nobody should be involved so much with a development of this size (and the developer) and not only refrain from disclosing their involvement, but also finding it appropriate to vote on the matter at hand. Brian Dubois clearly has an interest in making sure this development plan, which is so controversial, is approved for his real estate client.

Thank you, and please let me know if more information is needed. Also, please confirm the receipt of this referral and the next action steps of this referral.

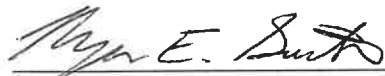
- Ryan Smith of 11 Harris St in Auburn

**CITY OF AUBURN
REGISTERED VOTER'S REQUEST FOR ETHICS PANEL ADVISORY OPINION**

The City of Auburn Code of Ordinances, Section 2-112, permits a registered voter within the City to request an advisory opinion from the City ethics panel as to whether an elected or appointed public official who serves on a municipal board has an actual, potential, or reasonably perceived conflict of interest. Such a request must be made on forms provided by the City Clerk and must be endorsed by the signatures of 25 registered voters within the City.

Name of Voter Requesting Ethics Opinion	Ryan Smith
Address of Voter Requesting Ethics Opinion	11 Harris St.
Name of Elected or Appointed Official(s) Subject to Request	Brian Dubois
Board(s) on Which Official Serves	Planning Board
Question(s) Presented to Ethics Panel	<ul style="list-style-type: none"> - Is it appropriate for Brian to vote on a development in which he was a buyer agent for? - Should Brian had disclosed this and refrained from voting? - Does a pre-existing relationship with the developer show a clear conflict?

Date: 4-14-22


 Signature of Voter Requesting Opinion

ENDORSEMENT BY REGISTERED VOTERS

We, the undersigned, affirm that we are registered voters of the City of Auburn, residing respectively at the addresses placed opposite our names, and we hereby endorse the above request for an advisory opinion from the City of Auburn's ethics panel.

	Signature	Printed Name	Residence (Street Address)	Date
✓	<i>Marilyn Dunn</i>	Marilyn Dunn	536 Court St	4/14/2022
✓	<i>Ryan Smith</i>	Ryan Smith	11 Harris St.	4/14/22
✓	<i>John P. Daly</i>	John P. Daly	501 Court St. Auburn, ME	4/14/22
✓	<i>Jane Daly</i>	Jane Daly	501 Court St Auburn ME	4-14-22
✓	<i>Chris Cormier</i>	Chris Cormier	31 Weaver St.	4-14-22
✓	<i>Steven Ouellette</i>	Steven Ouellette	9 Weaver Street	4/14/22
✓	<i>Abigail Smith</i>	Abigail Smith	11 Harris St.	4/14/22
✓	<i>Daniel King</i>	DANIEL KING	526 COURT ST	4/14/22
✓	<i>Gail King</i>	Gail King	526 Court Street	4/14/22
✓	<i>Maxine Downie</i>	Maxine Downie	536 Court St.	4/14/22
✓	<i>Elizabeth Clark</i>	Elizabeth Clark	23 Pinnacle Dr	4/14/22
✓	<i>James Sorcek</i>	James Sorcek	31 Pinnacle Dr.	4/14/22
✓	<i>L.S. Eytel</i>	L.S. Eytel	52 Pinnacle Dr.	4/14/22
✓	<i>Connie Sorcek</i>	Connie Sorcek	31 Pinnacle Dr.	4/14/22
✓	<i>Katherine Giasson</i>	Katherine GIASSON	47 Allen Ave	4/14/22
✓	<i>Casey Knight</i>	Casey Knight	67 Allen Ave	4/14/22
✓	<i>Bilch Knight</i>	Bilch Knight	67 Allen Ave	4/14/22
✓	<i>Benita Flynn</i>	Benita Flynn	59 Allen Ave.	4/14/22
✓	<i>Judy Metriell</i>	Judy Metriell	31 Allen Ave	4/14/21
NR	<i>Lillian Intrieri</i>	Lillian Intrieri	20 Allen Avenue	4/14/22
NR	<i>Ernest C. Marsh</i>	Ernest C. Marsh	20 Allen Avenue	4/14/22
✓	<i>Brandon C Allen</i>	Brandon C Allen	609 Court St	4/14/22
✓	<i>WILLIAM EVANS</i>	WILLIAM EVANS	609 COURT ST	4/14/22
✓	<i>Michelle Evans</i>	Michelle Evans	609 Court St.	4-14-22
✓	<i>Paucela Larouche</i>	Paucela Larouche	140 Highland Ave,	4-14-22

