

Explanatory Remarks of Roger Koopman

MPSC Work Session, May 5, 2020

Commissioner Pinocci Censure Motion

The job before us today is not to judge the merits of each allegation in my censure resolution. Consistent with the advice of our legal division, the commission must first determine if the charges are relevant and serious enough to justify an examination of the evidence. A full discussion of that evidence will then occur at next Tuesday's business meeting. Today's only necessary action is the official approval to bring that information forward for our consideration. Thus, my comments will be confined to the meaning, purpose, and necessity of a censure process – and the positive good that can come from it. I will make only very general mention of the charges themselves, relative to their seriousness and potential impact on the Public Service Commission as a whole.

And so, we should start by asking the question, what exactly is the purpose of a censure in the context of a governmental agency like the PSC?

Is it a tool for punishment, retaliation or revenge of someone you are upset with? Absolutely not! That is never the purpose of a censure. I repeat. That is never the proper purpose of a censure.

Is the purpose of censure to fundamentally change or reform an individual? No. It is not. That is not our job or our role here. Arguably, that is God's job, and we are not God! Outside of his power, none of us are very likely to change much anyway.

I'm reminded of the words of the late Leonard Read, who wisely observed, "I am the only one on the face of the earth who I am commissioned to reform, and that is a lifelong endeavor." We are not here to judge our fellow commissioners, in terms their politics, their values, their personalities or anything else we might note on a personal level. That is not what a censure -- and indeed what this censure -- is all about.

Rather, the purpose of censure centers around a public agency like the PSC having both a right and a duty to set certain standards of conduct for its own protection and defense. It is incumbent upon us to establish boundaries for what is and isn't acceptable and appropriate commissioner behavior as it relates to our work, our reputation and the reputation of this agency. That is why we have a Bluebook, with specific Ethical Standards written therein – standards that fix the boundaries and limits of what we regard as professional and honorable conduct.

When a commissioner steps far outside of these reasonable limits and violates these boundaries, we ignore those violations to our peril. We are saying, in effect, that no boundaries and standards exist, that we really don't apply any ethical discipline to ourselves – that we

essentially do not have any standards of professional conduct that the public can rely on. That we are unwilling to regulate ourselves.

Censure is an internal warning to a fellow member of an elected body, that they have breached important standards and protocols, and behaved in an improper way. It notifies them that if they continue to behave contrary to the established ethical and professional standards of that body, there could eventually be serious and formal consequences. Censure does not remove a person from office, nor does it restrict them in the performance of their duties. Censure also does not set policy.

The commissioners have now had the specific allegations before you for over a month, so we are fully aware of the seriousness of the charges, which if proven true, represent gross violations of this agency's – and indeed all state agencies' – ethical code of conduct. They also represent probable violations of state, federal and constitutional law involving libel, slander, breach of state data security, retaliation, intimidation, violation of privacy rights and so forth. But it is not our job here to be making determinations on the violation of the state civil and criminal code. That is an entirely different venue for a different time and place.

Our job is to review the evidence, and to judge whether our internal standards of ethical conduct have, in a significant manner and to a significant degree, been violated. As indicated earlier, I will not go through those allegations at this time. This vote today is strictly for allowing the evidence to be brought forward next week, with Commissioner Pinocci and me testifying at that time, and the commission taking whatever action on the resolution (motion) is then deemed appropriate.

Today's vote is uncomplicated. A "yes" vote is approval to examine the evidence. A "no" vote stops the process and says – whether proven or not – that the alleged offenses are not serious enough to justify the commission's concern and attention.

That's all I planned to say. I thank you for your time.