

**Durham Ethics Commission
Special Meeting Minutes
December 15, 2025**

1. **Call to Order** – Chairman James Talbert-Slagle called the meeting to order at 7:35 p.m. on Thursday, November 13. Present: James Talbert-Slagle, Kurt Peterson, Brian Dreyfus, and Lynne Allen. Nicole Maletta arrived shortly after the meeting began.
2. **Seating of Alternates** – Chairman Talbert-Slagle seated Lynne Allen (D) as an alternate.
3. **Approval of Agenda** – Kurt Peterson made a motion to approve the agenda for the meeting. Brian Dreyfus seconded the motion. The commission adopted the agenda unanimously.
4. **Old Business** – No old business was addressed.
5. **New Business** – Kurt Peterson made a motion to enter executive session to discuss pending litigation via attorney communications related to the resolution of the complaint under consideration by the Commission. That motion was seconded by Brian Dreyfus. In response to a question from Craig Fishbein, attorney for complainant Anthony DeFilio, related to the reason for the executive session, Chairman Talbert-Slagle explained that the Commission was entering executive session to get advice from counsel on what it needed to address to resolve this complaint. The Commission was not going to discuss the substance of the complaint or its resolution in executive session. The Commission then voted unanimously to enter executive session, which it did at 7:39 p.m. The Commission returned from executive session at 8:07 p.m.

Discussion of Final Decision in File No. 2025-01

Nikki Maletta made a motion to sustain the complainant's allegations that Lindsay Dahlheimer was in violation of the Durham Code of Ethics. Brian Dreyfus seconded the motion.

Talbert-Slagle stated that Ms. Dahlheimer was subject to the code of ethics as an elected official, elected by the voters of Durham to serve on the Regional School District 13 Board of Education as a representative of the Town of Durham. Talbert-Slagle added that

there was evidence in the record that while Ms. Dahlheimer was a member of the Board of Education the board took up the question of whether Ms. Dahlheimer should be indemnified related to her defense of a civil lawsuit brought against her by Anthony DeFilio. Talbert-Slagle said this vote on indemnification was in Ms. Dahlheimer's personal interest.

Peterson questioned whether she had a duty to participate in the meeting at which this issue was discussed. The commission then discussed other ways that Dahlheimer could have removed herself from the consideration of this matter, including recusing herself from the discussion and vote on the matter and allowing the Vice-Chairman to run the meeting in her absence.

Peterson also talked about the Board's policy regarding an abstention becoming a vote with the majority. Talbert-Slagle said the issue was not just whether she voted but whether she participated in the meeting and consideration of a personal matter. Allen agreed that participation is the key factor. Allen said Dahlheimer didn't do the things she needed to do in order to make clear she was not participating at all.

Maletta said recusal is different from abstention. Recusal would have been proper in this instance.

Maletta also said that the goal of the Code of Ethics is to give people confidence in the government and it is evident that a lot of people don't have confidence in this decision. Peterson agreed with Maletta saying that sitting at the table, attending a meeting, saying nothing, can be participating.

Dreyfus discussed the nature of participating. He also noted that the Board of Education rules did not specify recusal as an option.

The commissioners then discussed the nature of participation.

Maletta laid out the allegations, piecemeal. Dahlheimer did have a personal interest in the matter coming before the board. That personal interest was not made clear to the board and a part of their minutes or permanent record. Finally, Dahlheimer participated in the consideration of the matter.

Talbert-Slagle took a roll call vote of the members of the Commission as to the motion to sustain the allegations in the complaint and find a violation:

Lynne Allen – Aye

Brian Dreyfus – Aye

Kurt Peterson – Aye

Nikki Maletta – Aye

Jamie Talbert-Slagle – Aye

Per the regulations, at least four members of the Commission must vote to find a violation of the ethics code. The vote of the Durham Ethics Commission being unanimous, with five members voting, the Commission found that Dahlheimer violated the code of ethics.

The Commission next turned to the potential recommendations that they would make to the Board of Selectmen.

The Commission has 45 days to draft a decision in this matter . The Commission must have the decision to the Board of Selectmen by January 29, 2026.

The Commission decided that it would make three recommendations to the Board of Selectmen, namely:

- Educating all elected officials serving Durham, especially those serving on external boards like the RSD 13 Board of Education, regarding Durham’s standards of ethical conduct, which apply to all public officials in Durham;
- Reviewing “participation” and “recusal” requirements when a matter personally related to an individual subject to the Durham Code of Ethics comes before a body on which they serve;
- Request the RSD 13 Board of Education to reconsider the vote to indemnify Lindsay Dahlheimer given that the initial vote was tainted by her participation in the matter as chair of the body, which violated the Durham Code of Ethics.

Lynne Allen made a motion that he Chairman be empowered to draft a recommendation based on the discussion that occurred at the meeting. Kurt Peterson seconded that motion, which was then adopted unanimously by the Commission.

- 6. Adjournment** –Nikki Maletta made a motion to adjourn the meeting, which was seconded by Kurt Peterson. The motion was adopted unanimously. The Commission adjourned at 9:03 p.m.