

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

PORTSMOUTH CITY
COUNCIL

City of Portsmouth

v.

Hewitt

Removal Hearing

February 12, 2024

HEWITT'S REQUESTS FOR FINDINGS AND RULINGS/PROPOSED MOTION

1. The City of Portsmouth has charged James Hewitt, a member of the Planning Board, with removal under RSA 673:13, I, which reads: "After public hearing, appointed members and alternate members of an appointed local land use board may be removed by the appointing authority upon written findings of **inefficiency, neglect of duty, or malfeasance in office.**" *Id.* (emphasis added).
2. The Council has before a first Motion asking the Council to find that the City has met its burden of proving that Mr. Hewitt has committed malfeasance in office. The Council has voted in the negative and that motion did not pass.
3. The City's second Motion to remove Mr. Hewitt from the Planning Board, which was contingent on the Council passing the first Motion, is therefore moot.
4. Mr. Hewitt shall continue to serve out his term as member of the Portsmouth Planning Board.

Respectfully submitted,

JAMES HEWITT

By and through his attorneys,

ORR & RENO, P.A.

February 9, 2024

By: /s/ Jeremy D. Eggleton

Jeremy D. Eggleton, No. 18170

PO Box 3550
Concord, NH 03302-3550
603-223-9122
jeggleton@orr-reno.com

Certificate of Service

This Memorandum has been provided to the City of Portsmouth and the City Attorney's office on this the 9th day of February, 2024, for inclusion in the public agenda for the City Council's meeting on February 12, 2024.

/s/ Jeremy D. Eggleton