

September 16, 2020
Materials for the Ethics Board
Submitted by Nancy Pearson

This document serves as the timeline that led to my ethics complaint filed against Councilor Esther Kennedy on July 23.

As Attorney Sullivan explained last week, the scope of this hearing is very narrow. It pertains to one claim in the complaint: *By registering the trade name, Kennedy engaged in a "transaction" with a "direct interest" in the outcome of Pop Up Portsmouth which is "in conflict with the proper discharge of her official duties.*

This boils down to just two things. Did Councilor Kennedy engage in this transaction? And does that act meet the threshold of being in conflict with the proper discharge of her duties as a City Councilor?

I will address only those things, the events that led to my filing the complaint, and the immediate aftermath when she was discovered.

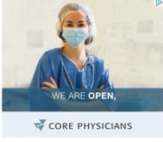
On March 26, Governor Sununu shut down all non-essential business.

For the next five weeks we stood still as a community. Meanwhile, businesses were closing their doors for good.

On May 9, Chef Evan Mallet wrote an op-ed asking the City to take steps to address the economic crisis and create a recovery plan. He suggested a task force. (Image source: Seacoastonline.com)

Opinion


Guest View: How will Portsmouth save its restaurants?



MOST POPULAR

- 1 Enter woman votes topless after anti-Trump shirt disallowed
Sep 9 at 1:00 PM
- 2 WWII-era grenade? Blast rattles Rochester and beyond
Sep 10 at 6:29 PM
- 3 Man who jumped from I-95 bridge recovered by Navy, Coast Guard, FFD
Sep 14 at 8:29 AM
- 4 Should I go to class? UNH students say virus test results are too slow
Sep 13 at 8:47 AM

Never Miss A Story




▲ HIDE CAPTION

Chef Evan Mallett

By Evan Mallett
Posted May 9, 2020 at 8:01 AM
Updated May 10, 2020 at 12:05 PM

Dear Portsmouth,

I have cooked for you for over 20 years. I feel boundlessly fortunate to have created, with my wife Denise, Black Trumpet, a restaurant that has served your needs and desires for 13 years. My children grew up in our restaurant, and some of our staff have been with us since the beginning. I can unequivocally and



On May 18, in an effort to address the economic crisis brought on by the shutdown, the City created a Citizens Response Task Force to advise the City management and City Council on decisions related to COVID-19 that affect the business community and organizations in addressing the needs of re-opening, within the confines of health care advisories. (Image source: City website)

CITIZEN'S RESPONSE TASK FORCE – BACKGROUND & TIMELINE

In their [Portsmouth Herald guest editorial](#) outlining the idea, they suggested the Task Force would help in three ways:

1. "Expand the informationMay 15: Assistant Mayor Splaine and Councilor McEachern op-ed suggesting a task force to address the urgent need from downtown restaurants, retail and arts businesses who might otherwise go out of business, leaving the downtown with empty storefronts.
2. Improve the adoption and adherence of proposed policies, and
3. De-politicize what should be a factual-based discussion."

The Councilors approved the motion unanimously and the Mayor asked for volunteers to serve via an online application process with a deadline of May 26.

Timeline of Activity

May 18: City Council unanimously approves the idea. Mayor Becksted sets a deadline for citizens to apply to serve on the Citizen Response Task Force (CRTF).

June 1: City Council meeting, where the City Manager presents guidelines for Public Realm Use from City staff engaged in the Public Realm Work Group (DPW, Fire, Police, Building Inspector, Planning, Health and Legal) that includes permit procedures for restaurants to expand their operations into the public realm.

June 9: First meeting of the CRTF. Discussion of multiple resident small group ideas.

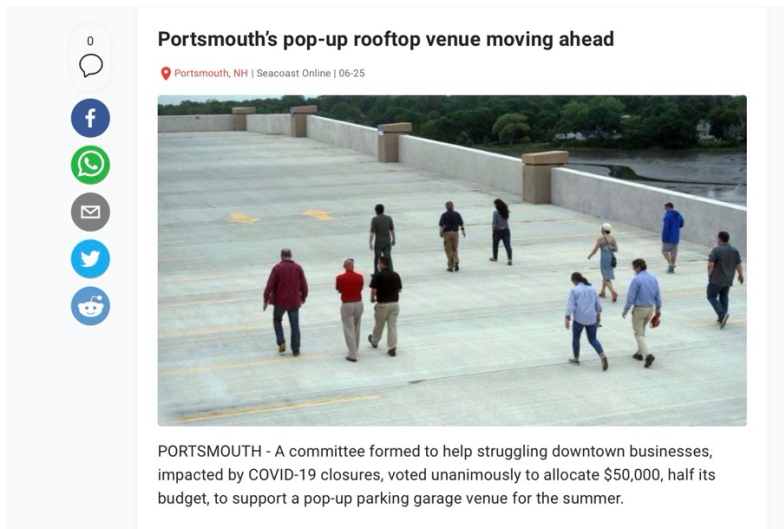
June 10: CRTF meetings hears public safety and access guidelines and assessment of parking inventory/demand. "We understand the dire straits our businesses are in - we need something bold to respond." The group asks restaurants what they want and need. The idea of the Foundry Place Garage rooftop pop-up is brought forward, with DPW starting to explore logistics. A decision is made to form two subcommittees: Downtown Street Use and Foundry Place exploration of a nonprofit arts & culture performance space with restaurant participation.

June 11: City Emergency Management ~~Team discussion of~~ logistical issues. Foundry subcommittee holds on-site meeting.

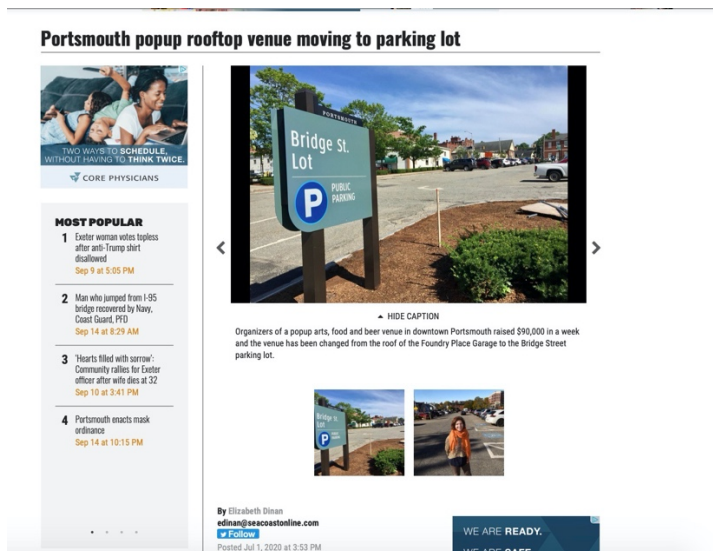
June 12: Downtown Street Use subcommittee meeting and full CRTF meeting - plan for Foundry rooftop still in development, many questions to be answered. CRTF co-chairs prepare report to present to the City Council on June 15.

June 14: Downtown Street Use subcommittee meeting, garnering input from restaurants and retail establishments.

After the formation of the Task Force, members of the business and nonprofit community went immediately into action. Small working groups sprung up to work on a variety of recovery efforts. One of these projects was a “Pop Up” venue to feature performance, food, drink, and retail, in a safe outdoor setting, on the rooftop of the Foundry Garage. (Image source: Seacoastonline.com)



There were some structural challenges with the Foundry Garage rooftop, so the venue was relocated to the Bridge Street Parking Lot. (Image source: Seacoastonline.com)



On June 10, the Task Force met to discuss recovery proposals and how the City might support these efforts.

Russ Grazier, CEO of the Portsmouth Music and Arts Center and a member of the Task Force, was named Chair of the Task Force subcommittee for the Pop Up proposal.

The Task Force discussed allocating City funds toward the recovery projects and supporting them with resources and infrastructure. This support would include costs incurred by the city **and not monies given directly to the volunteer groups**. A stipulation for allocating funds was to require the Pop Up project to match the funds. Fundraising would be needed to realize the Pop Up project because support from the City would not cover all the costs. In the interest of time, the Pop Up project planned to raise funds through private donations using a mechanism called fiscal sponsorship.

Fiscal sponsorship is a well-established method for short term or one-time fundraising by a group or entity that does not have legal status as a nonprofit. Seacoast Repertory Theatre agreed to act as fiscal sponsor for the Pop Up project fundraising efforts. The Pop Up project raised just under \$120,000 in private donations toward the project. (Image source: councilfornonprofits.org)

The screenshot shows a webpage with a navigation bar at the top containing: AMERICA'S NONPROFITS, TRENDS & POLICY ISSUES, TOOLS & RESOURCES, OUR FOCUS & IMPACT, and EVERYDAY ADVOCACY. On the left is a sidebar titled 'Resource Categories' with a list of items: Advocacy, Boards and Governance, Diversity, Equity, and Inclusion, Employment, Ethics & Accountability, Financial Management, Fundraising, and Leadership. Below this is a 'POPULAR TAGS' section with links for Fundraising, Governance, and Financial Management. The main content area is titled 'Fiscal Sponsorship for Nonprofits' and includes a 'Printer-friendly version' link. The text explains that a fiscal sponsorship arrangement allows a cause to attract donors even if it's not yet tax-exempt under Internal Revenue Code Section 501(c)(3). It states that the fiscal sponsor acts as the administrative 'home' of the cause, receiving charitable contributions and then granting them to the cause. A quote from the Trust for Conservation Innovation reads: 'A fiscal sponsor is a nonprofit organization that provides fiduciary oversight, financial management, and other administrative services to help build the capacity of charitable projects.'

On July 2nd, the volunteer working group for the Pop Up project formed a nonprofit organization under the name **Popup Portsmouth** using the full-service online platform, Legal Zoom.

Of Note: A nonprofit's articles of incorporation officially mark the creation of the organization. **Pop Up Portsmouth recruited their Directors and filed their paperwork to incorporate as a nonprofit on July 2nd, which marks the official creation of the nonprofit.** The week to ten day waiting period to be approved by the Secretary of State would be RETROACTIVE to July 2. (Images source: Brian Kelly & City website)



RECEIPT

Order Confirmation Number: 63639119
 Date of Purchase: 07-02-2020
 Grand Total: [REDACTED]

Order Summary	Amount
Express Platinum Nonprofit Corporation - Pop Up Portsmouth	
Filed Articles of Incorporation	[REDACTED]
Corporate Kit	[REDACTED]
Priority Rush Service	[REDACTED]
State Filing Fee - NH	[REDACTED]
Overnight Delivery (Next Business Day)	[REDACTED]
14-Day Trial of Business Advisory Plan	\$
Unlimited Digital Storage	[REDACTED]
Attorney Consultations	[REDACTED]
CreditAlert™ Plus	[REDACTED]
Tax Consultations	[REDACTED]
Access to Forms Library	[REDACTED]
EIN Obtainment	
Standard Shipping	[REDACTED]
Compliance Calendar	
501(c)3 Application Preparation	
IRS Form 1023	[REDACTED]
Conflict of Interest Policy	[REDACTED]
Standard Shipping	[REDACTED]
Essential Compliance + Tax Preparation Package	\$
Business Tax Preparation	[REDACTED]
Compliance Calendar	[REDACTED]
CreditAlert™ Plus	[REDACTED]
Business Advantage Member Center Access	[REDACTED]
Company Minutes Manager	[REDACTED]
Annual Reports	[REDACTED]
State Tax ID	[REDACTED]
Access to Forms Library	[REDACTED]
Total Charges:	[REDACTED]

Contact Info	Shipping Info
Brian Kelly (603) 785-2782 brianbkelly67@gmail.com 32 Broad Street Rochester, NH 03867	Brian Kelly (603) 785-2782 brianbkelly67@gmail.com 32 Broad Street Rochester, NH 03867

Payments & Credits				
Date	Transaction	Payment Method	Payment Status	Amount
7/2/20	Initial Payment	Charge To Master Card [REDACTED]	Approved	[REDACTED]
Total Payment/Credits:				[REDACTED]
Customer Balance Due:				\$0.00

IV. Pop-up venue Sub-committee update

- **Russ Grazier:** The permit application for the overall venue will be submitted by Friday, July 10. A dry run will be held Wednesday evening, July 22. The target opening is for the next day, Thursday.
- **Russ Grazier:** For fiduciary oversight, the independent community workgroup that developed the Popup project has applied to become a non-profit organization with the name "Popup Portsmouth." Seacoast Rep will act as fiscal agent for Popup Portsmouth until the organization reaches its own nonprofit status. The new non-profit has the following officers and board members:
 - 1) Josh Denton, President
 - 2) Joanna Kelly, Treasurer

Citizen Response Taskforce
Meeting Minutes of July 8, 2020
Page 2 of 5

To confirm, the volunteer working group for the Pop Up project took all legal and necessary steps to incorporate on July 2nd, which marks the date that Popup Portsmouth was created as an official nonprofit. I have included supporting documents from the NH Center for Nonprofits that confirm this. (Images source: nhnonprofits.org)

How to Start a Nonprofit in New Hampshire

Welcome to our New Hampshire Nonprofit Startup Guide! If you're passionate about helping others and have an idea to serve your community, starting a nonprofit is a great way to turn your vision into a reality. There are many different types of nonprofits - religious, educational, human service oriented, animal welfare, and more. What all nonprofits have in common is a focus on helping others and benefiting their community. You are genuinely committed to these goals so you are already well on your way!

According to the National Center for Charitable Statistics, there were over 7,000 nonprofit organizations in New Hampshire in 2012. Before you start a new nonprofit, make sure you have identified an unmet need in your community and know that there are not any existing organizations serving your cause. If another organization exists, consider working together, as that may be a better way to make an impact in your community and use existing resources.

When you are ready to start your nonprofit, plan to incorporate and apply for 501(c)(3) status, as these are important steps to fully achieve your goals. As a 501(c)(3) nonprofit, you will be able to apply for grants and accept donations, be exempt from federal corporate income tax, and limit the liability of your organization's officers and directors. Most importantly, you will gain credibility and legitimacy for your cause, instilling the public with confidence in your organization.


This guide will walk you through the basic steps to start your nonprofit in New Hampshire. Let's get started!



Harbor Compliance® proudly partners with the NH Center for Nonprofits to provide insightful resources and compliance solutions to nonprofits in New Hampshire.

Welcome to Our Community

We're committed to publishing free informational resources such as this how-to guide. Our resources have been shared by important industry organizations including:

 LIBRARY OF CONGRESS

 FOUNDATION CENTER

 CHARITY NAVIGATOR

1 Name Your Organization

Your organization's name establishes its brand and is also important for incorporating with the state. The legal name of your nonprofit corporation may not conflict with any other organization registered in the state. Make sure the name is available and meets state requirements.

Name Search:	New Hampshire Secretary of State - Corporations Division
	Name search
Suffix:	Not required.
	292-3 New Hampshire RSA

FREE EMAIL SERIES

Learn the basics of starting a 501(c)(3) nonprofit with our

10-DAY NONPROFIT STARTUP BOOTCAMP

Sign Up Now

2 Recruit Incorporators and Initial Directors

The incorporator is the person who signs the Articles of Incorporation for your nonprofit. You will need at least one, but can have more than one. Directors make up the governing body of your nonprofit corporation and are stakeholders in your organization's purpose and success. You'll want to identify three, unrelated individuals to meet IRS requirements. You will also want to be aware of any age or residency requirements.

	<ul style="list-style-type: none"> Number: minimum 5 voting members Qualifications: At least 5 voting members who are not of the same
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FREE RECORDED WEBINAR

The ABC's of FORMING YOUR 501(C)(3)

Access Now

3 Appoint a Registered Agent

A registered agent is responsible for receiving legal notices on behalf of your organization. The appointed registered agent must be physically located in the state and maintain an office that is open during regular business hours. As a nationwide registered agent, our service is designed to receive your legal documents and provide secure access to those documents through your online account. Our local New Hampshire registered agent office is located in Nashua, NH. We offer registered agent service independently or as part of our nonprofit formation packages.

4 Prepare and File Articles of Incorporation

Your nonprofit's articles of incorporation officially mark the creation of your organization. They document where and when the organization was formed and capture other information necessary to verify its existence. While requirements for language vary from state-to-state, there are some basic provisions that the IRS will look for when you apply for 501(c)(3) exemption. It is important to customize the articles for your organization and make sure you meet the state and IRS requirements. Meeting these requirements from the start will help avoid having to make amendments later or risk getting your 501(c)(3) application rejected. Some states will also require you to publish your articles of incorporation, so be mindful of any deadlines and publishing instructions.

Agency:	New Hampshire Secretary of State - Corporations Division
Form:	Form NP-1 NH Nonprofit Application

Below is an overview of the paperwork, cost, and time to start a New Hampshire nonprofit.

Paperwork

- Form NP-1: Articles of Agreement of a New Hampshire Nonprofit Corporation
- Bylaws
- IRS Form SS-4: Apply for EIN
- IRS Form 1023: Application for 501(c)(3) Exemption
- IRS Determination Letter
- URS Charitable Registration, if applicable
- Form NHCT-1: Application for Registration

Cost

- Incorporation: \$30
- 501(c): \$275 or \$600 IRS fee
- New Hampshire charitable registration: \$25

Time

- Incorporation: ~10-14 business days
- 501(c): 2 weeks to 3 months

On July 13, there was a regular City Council meeting. All Council members were present. Task Force Chairs James Petersen and Mark Stebbins, along with State Senator Martha Fuller Clark, also a member of the Task Force, presented the economic recovery projects related to the re-open and recovery plans for the small business, arts and nonprofit community. Among the points they made to City Council were that the goal of the efforts was to **“save businesses, provide jobs, and provide safe options for the public.”** They stressed that the City needed to **“move fast, not try to be perfect out of the start, and adjust on the fly as needed.”** Senator Martha Fuller Clark stated these efforts were a **“plea for arts and culture”** and that the city should be prepared to **“modify and move forward”** as needed.

The intention of the Task Force recovery efforts was clearly communicated: move fast, try not to be perfect out of the start, adjust on the fly, modify and move forward as needed.

The co-chairs recommended a \$50 thousand-dollar allocation of funds from the City to support the Pop Up project. The co-chairs explained to the Council that the funds **would not be passed on to the Pop Up volunteer group**, but would be directed toward

infrastructure costs incurred by the City for the project. This point was reiterated in writing by Task Force subcommittee chair Russ Grazier in meeting minutes dated June 15. (Image source: City website)

Clarification on why Pop Up Portsmouth is partnering with the task force on this project:

- There needs to be a fiscal entity that accepts donations and operates the project. My understanding is that this is not the type of project the city would run with city staff and 100% city funds and that it made more sense for an independent entity to run this effort.

- Fiduciary oversight of donor funds.
- Again, all city funds are being expended directly by the city. No city funds are going to an outside organization. The city funds are being used to set up the use of public space for economic recovery from the pandemic.
- An independent entity can acquire insurance and provided the needed staffing for the effort.

Notes prepared and submitted by Russ Grazier, 7/15/2020

At the 1:52:25 mark in the video of that July 13th meeting, co-chair of the Task Force James Petersen stated to the Council that the volunteer group for the Pop Up event was “going through the process of **‘incorporating as a nonprofit’** under the name, **POP UP PORTSMOUTH.**”

This was now the second time that information was stated publicly in an official City meeting by a City official.

After this update, in a unanimous roll call 9-0, the Council voted “**to authorize the Portsmouth Citizen Response Task Force** to create a plan and begin implementation for full or partial street closures, and use of street parking areas and other city-owned parking locations for restaurant, retail, and non-profit organization use through October 18th of this year, with the approval of our Police, Fire, Health, Planning, Public Works, and Inspection Departments with funding for a budget up to \$100,000.00 from the CARES Act.”

This unanimous vote on July 13, made the Citizens Response Task Force recovery efforts **official City policy**.

Just two days later, on July 15, according to the New Hampshire Secretary of State's Office, Councilor Kennedy reserved the business name POP UP PORTSMOUTH, preventing the newly formed nonprofit organization from using the name. (Image source: sos.nh.gov)

NEW HAMPSHIRE DEPARTMENT OF STATE		SECRETARY OF STATE WILLIAM M. GARDNER	
Back to Home			
Business Information			
Business Details			
Business Name: POP UP PORTSMOUTH		Business ID: 846526	
Business Type: Trade Name		Business Status: Active	
Expiration Date: 7/15/2025		Last Renewal Date: Not Available	
Business Creation Date: 07/15/2020		Name in State of Formation: Not Available	
Date of Formation in Jurisdiction: 07/15/2020		Mailing Address: 41 PICKERING AVE, Portsmouth, NH, 03801, USA	
Principal Office Address: 41 PICKERING AVE, Portsmouth, NH, 03801, USA		Phone #: 603-828-3209	
Business Email: popupportsmouthnh@gmail.com		Fiscal Year End Date: NONE	
Notification Email: esthermarina@gmail.com			
Principal Purpose			
S.No	NAICS Code	NAICS Subcode	
1	Information	Internet Publishing and Broadcasting and Web Search Portals	
Page 1 of 1, records 1 to 1 of 1			
Trade Name Information			
No Trade Name(s) associated to this business.			
Trade Name Owned By			
Name	Title	Address	
esther kennedy	Applicant	41 PICKERING AVE, Portsmouth, NH, 03801, USA	
Trademark Information			
Trademark Number	Trademark Name	Business Address	Mailing Address
No records to view.			
Filing History Address History View All Other Addresses Businesses Linked to Registered Agent Return to Search Blank			
NH Department of State, 107 North Main St. Room 204, Concord, NH 03301 -- Contact Us Version 2.1 © 2014 PCC Technology Group, LLC. All Rights Reserved.			

By registering the business name POP UP PORTSMOUTH, Councilor Kennedy delayed and jeopardized the project. The discussion related to her action is reflected in the Task Force subcommittee meeting minutes from July 20. (Image source: City website)

Financial issues /EIN and Name of project

Josh informed the group that a significant issue came up with the application for the Business name "Pop Up Portsmouth". He was informed that the name cannot be used as a city councilor had purchased the name last week and secured it through the Secretary of State.

Questions then become: Cannot open a Bank Account. Need to apply for a new name to incorporate under. This could negatively impact Pop Up Portsmouth's ability to secure Insurance in a timely manner. There will be come discussions in the next days about escrow of funds for the project.

Critical issue: Without the business name approved by the Secretary of State NH the Rep cannot open bank account. Without bank account they cannot purchase insurance for the building of the lot. Question arose if the City could carry insurance until the Rep and new Pop Up Portsmouth ID completed and allow rep to secure bank account and insurance.

Peter Rice suggested he would discuss the issues of insurance with the City Atty. Possibly the City could do a "set up" or "pre operation" insurance to keep the project moving forward.

Construction of Stage: Kathleen noted the same contractor building sheds will build stage. It will be 20' X 20'. Very simple design. Currently working on testing options for the space. The committee member

It has been confirmed to me by the working group for the Pop Up project, the members of the Board of Directors of Pop Up Portsmouth, and Russ Grazier, that Councilor Kennedy never attempted to contacted any of them to ask questions, seek clarification, or try to understand the nuances of nonprofit incorporation and fundraising. At no point during the July 13, City Council meeting did Councilor Kennedy state her intention to register the business name Pop Up Portsmouth.

By circumventing the nonprofit application process via Legal Zoom and registering the business name herself, **Councilor Kennedy inserted herself into the process, obstructing the City's own public policy.**

Councilor Kennedy's action were now public knowledge and newsworthy. The Portsmouth Herald reported on July 21, that "Kennedy spoke with an advisory board member Monday night and made it clear she will **give the registered name, as well as the domain name she bought, to the group if it forms as a legal nonprofit.** She said that includes written bylaws she would like to include limiting vendors to Portsmouth businesses."

First, the volunteers had already gone through the legal and necessary steps to form a nonprofit.

Second, with the July 13, unanimous vote, the Council created policy that gave the *Task Force* authority and oversight over the Pop Up project, not Councilor Kennedy. By registering the business name herself and then circumventing the City's own Task Force to make demands on the group above and beyond the Task Force, Kennedy overstepped her authority in an attempt to control the outcome of Pop Up Portsmouth.

Last, if Councilor Kennedy had intended to give the business name to the group, she should have registered the name as a nonprofit in the first place. But she did not. She registered it as a trade name. A trade name is a different legal entity and cannot be “given” to a nonprofit entity. Councilor Kennedy knows how to register business names because she is an experienced and knowledgeable business woman and has registered many types of different business names in New Hampshire: (Images source: sos.nh.gov)

NEW HAMPSHIRE DEPARTMENT OF STATE | SECRETARY OF STATE WILLIAM M. GARDNER

Business Information

Business Details

Business Name: ESTHER'S MARINA, LLC Business Type: Domestic Limited Liability Company Management Style: Manager Managed Business Creation Date: 06/21/2002 Date of Formation in Jurisdiction: 06/21/2002 Principal Office Address: 41 PICKERING Ave., PORTSMOUTH, NH, 03801, USA Citizenship / State of Formation: Domestic/New Hampshire Duration: Perpetual Business Email: NONE Notification Email: NONE	Business ID: 409977 Business Status: Good Standing Name in State of Formation: Not Available Mailing Address: 41 Pickering Ave., Portsmouth, NH, 03801, USA Last Annual Report Year: 2020 Next Report Year: 2021 Phone #: NONE Fiscal Year End Date: NONE
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Principal Purpose

S.No	NAICS Code	NAICS Subcode
1	OTHER / OPERATION OF A MARINA AND RENTAL OF REAL ESTATE	

Page 1 of 1, records 1 to 1 of 1

Principals Information

Name/Title	Business Address
Esther Kennedy / Manager	41 Pickering Ave., Portsmouth, NH, 03801, USA

Page 1 of 1, records 1 to 1 of 1

Registered Agent Information

Name: Kennedy, Esther
 Registered Office Address: 41 PICKERING AVE, PORTSMOUTH, NH, 03801, USA
 Registered Mailing Address: 41 PICKERING AVE, PORTSMOUTH, NH, 03801, USA

Trade Name Information

No Trade Name(s) associated to this business.

Trade Name Owned By

NEW HAMPSHIRE DEPARTMENT OF STATE | SECRETARY OF STATE WILLIAM M. GARDNER

Business Information

Business Details

Business Name: PORTSMOUTH 400TH LLC Business Type: Domestic Limited Liability Company Management Style: Manager Managed Business Creation Date: 09/29/2014 Date of Formation in Jurisdiction: 09/29/2014 Principal Office Address: 41 Pickering Ave., Portsmouth, NH, 03801, USA Citizenship / State of Formation: Domestic/New Hampshire Duration: Perpetual Business Email: NONE Notification Email: NONE	Business ID: 715297 Business Status: Good Standing Name in State of Formation: Not Available Mailing Address: NONE Last Annual Report Year: 2020 Next Report Year: 2021 Phone #: 603-431-2944 Fiscal Year End Date: NONE
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Principal Purpose

S.No	NAICS Code	NAICS Subcode
1	OTHER / to sell maps, the shirts, books, jewelry and more	

Page 1 of 1, records 1 to 1 of 1

Principals Information

Name/Title	Business Address
Esther Kennedy / Manager	41 Pickering Ave., Portsmouth, NH, 03801, USA

Page 1 of 1, records 1 to 1 of 1

Registered Agent Information

Name: Kennedy, Esther
 Registered Office Address: 41 PICKERING AVENUE, PORTSMOUTH, NH, 03801, USA
 Registered Mailing Address: 41 PICKERING AVENUE, PORTSMOUTH, NH, 03801, USA

Trade Name Information

No Trade Name(s) associated to this business.

Trade Name Owned By

NEW HAMPSHIRE DEPARTMENT OF STATE SECRETARY OF STATE WILLIAM M. GARDNER

Business Information [Back to Home](#)

Business Details

Business Name: TRENDING PORTSMOUTH
 Business Type: Trade Name
 Expiration Date: 12/14/2025
 Business Creation Date: 12/14/2015
 Date of Formation in Jurisdiction: 12/14/2015
 Principal Office Address: 41 Pickering Ave, Portsmouth, NH, 03801, USA
 Business Email: NONE
 Notification Email: NONE

Business ID: 736520
 Business Status: Active
 Last Renewal Date: Not Available
 Name in State of Formation: Not Available
 Mailing Address: NONE
 Phone #: NONE
 Fiscal Year End Date: NONE

Principal Purpose

S.No	NAICS Code	NAICS Subcode
1	OTHER / Distribution of Information	

Page 1 of 1, records 1 to 1 of 1

Trade Name Information

No Trade Name(s) associated to this business.

Trade Name Owned By

Name	Title	Address
Esther Kennedy	Applicant	41 Pickering Ave, Portsmouth, NH, 03801, USA

Trademark Information

Trademark Number	Trademark Name	Business Address	Mailing Address
No records to view.			

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Business Information

Business Details

Business Name: PORTSMOUTH 1623
 Business Type: Trade Name
 Expiration Date: 9/29/2024
 Business Creation Date: 09/29/2014
 Date of Formation in Jurisdiction: 09/29/2014
 Principal Office Address: 41 Pickering Ave, Portsmouth, NH, 03801, USA
 Business Email: NONE
 Notification Email: NONE

Business ID: 715298
 Business Status: Active
 Last Renewal Date: 6/27/2019
 Name in State of Formation: Not Available
 Mailing Address: NONE
 Phone #: NONE
 Fiscal Year End Date: NONE

Principal Purpose

S.No	NAICS Code	NAICS Subcode
1	OTHER / tee shirts, maps, books	

Page 1 of 1, records 1 to 1 of 1

Trade Name Information

No Trade Name(s) associated to this business.

Trade Name Owned By

Name	Title	Address
Esther Kennedy	Applicant	41 Pickering Ave, Portsmouth, NH, 03801, USA

NEW HAMPSHIRE DEPARTMENT OF STATE SECRETARY OF STATE WILLIAM M. GARDNER

Business Information

Business Details

Business Name: ONE PORTSMOUTH
 Business Type: Trade Name
 Registration Date: 6/2/2015
 Business Creation Date: 06/08/2015
 Date of Formation in Jurisdiction: 06/08/2015
 Principal Office Address: 41 Pickering Ave, Portsmouth, NH, 03801, USA
 Business Email: NONE
 Notification Email: NONE

Business ID: 727325
 Business Status: Active
 Last Renewal Date: 3/4/2020
 Name in State of Formation: Not Available
 Mailing Address: 41 Pickering Ave, Portsmouth, NH, 03801, USA
 Phone #: NONE
 Fiscal Year End Date: NONE

Principal Purpose

S.No	NAICS Code	NAICS Subcode
1	Other Services (except Public Administration)	Political Organizations

Page 1 of 1, records 1 to 1 of 1

Trade Name Information

No Trade Name(s) associated to this business.

Trade Name Owned By

Name	Title	Address
Esther Kennedy	Applicant	41 Pickering Ave, Portsmouth, NH, 03801, USA

Trademark Information

Trademark Number	Trademark Name	Business Address	Mailing Address
No records to view.			

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For reference, a nonprofit business name registration looks like this: (Image source: sos.nh.gov)

NEW HAMPSHIRE DEPARTMENT OF STATE SECRETARY OF STATE WILLIAM M. GARDNER

Business Information

Business Details

Business Name: POPUPNH
 Business Type: Domestic Nonprofit Corporation
 Business Creation Date: 07/20/2020
 Date of Formation in Jurisdiction: N/A
 Principal Office Address: 40 Chauncy street, Portsmouth, NH, 03801, USA
 Citizenship / State of Incorporation: Domestic/New Hampshire

Business ID: 846884
 Business Status: Good Standing
 Name in State of Incorporation: Not Available
 Mailing Address: 40 Chauncy street, Portsmouth, NH, 03801, USA
 Last Nonprofit Report Year: N/A
 Next Report Year: 2025
 Phone #: 603-583-8015
 Fiscal Year End Date: NONE

Duration: Not Stated
 Business Email: popupnh@gmail.com
 Notification Email: abagley21@gmail.com

Principal Purpose

S.No	NAICS Code	NAICS Subcode
1	Arts, Entertainment, and Recreation	Other Performing Arts Companies

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Principals Information

Name/Title	Business Address
JoAnna Kelley / Treasurer	103 Raleigh way, Portsmouth, NH, 03801, USA
Joshua Denton / President	110 Brewery Lane #312, Portsmouth, NH, 03801, USA
Andrew Bagley / Secretary	40 Chauncy Street, Portsmouth, NH, 03801, USA
Kimberly Davis / Director	PO Box 136, W Nottingham, NH, 03291, USA
North Sturtevant / Director	250 Highland Street, Portsmouth, NH, 03801, USA

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Registered Agent Information

Name: Not Available
 Registered Office Address: Not Available
 Registered Mailing Address: Not Available

I have provided screen shots and the source of meeting minutes, articles, legal documents, and NH Secretary of State public records to show that Councilor Kennedy registered a business name already claimed by a nonprofit organization, just two days after voting to support their project in her official capacity as City Councilor.

By she inserted herself into the process, and obstructed official Council policy. She circumvented the City's own Citizens Response Task Force and by her own admission, made demands of the volunteer group above and beyond the Task Force. She overstepped her authority in an effort to control and affect the outcome of Pop Up Portsmouth and the City's recovery efforts.

This Ethics Board is left to decide, did Councilor Kennedy engage in this transaction? And does it meet the threshold of being in conflict with the proper discharge of her duties as a City Councilor?