

Hi Joe, Kristin, and John,

Please feel free to forward to Mr. Gamester - I don't have his email address. I am out of town attending my son's wedding this week, but wanted to put my voice forward in regard to the ethics complaint against Councilor Esther Kennedy. I have remained publicly silent about this situation due to my role on the Citizen's Response Task Force. I am serving as chair of the subcommittee that oversees the PopUp venue at the Bridge Street Lot.

I would like to put a few facts in front of the Ethics Board:

- Councilor Kennedy never once reached out to me about any concerns regarding the nonprofit status of PopUpPortsmouth (now PopUpNH), even though she knew I was chairing the Task Force subcommittee working with the nonprofit. I did have direct conversations about this specific project, in person or via the phone, with Mayor Beckstead, Councilor Lazenby, Councilor McEachran, and Councilor Huda, but never with Councilor Kennedy. She never raised any concern about the nonprofit status of Pop Up Portsmouth with the subcommittee, or to my knowledge with the Task Force.
- As a nonprofit professional, I knew for a fact that the fiscal agency agreement with Seacoast Rep allowed Pop Up Portsmouth to accept tax deductible donations 100% legally, and I was fully aware of where in the process the organization was in applying to become an independent nonprofit. I was available to speak to this, if Councilor Kennedy had inquired. I run a nonprofit that has served and currently serves as fiscal agent for other organizations and I fully understand the role of fiscal agency in fundraising.
- I did not learn of Councilor Kennedy's actions to secure the business name and website URL until the members of PopUpNH told me at a subcommittee meeting and frankly I was shocked. I knew immediately it was an improper action.
- The actions of Councilor Kennedy added time and stress to my involvement as a volunteer on the Citizen's Response Task Force. I believe it forced a reallocation of resources, primarily volunteer work hours, to find an alternative solution for what is now PopUpNH, and likely caused delays in the economic recovery effort of the Citizen's Response Task Force.
- After learning about the situation, I learned that the Councilor had a prior history of purchasing a URL out from under a city effort, Portsmouth400, and attempted to sell the URL for a large sum to Portsmouth400. This was done while the Councilor was a private citizen, but demonstrates a pattern of behavior.
- I was unimpressed with Councilor Kennedy's public effort, via Seacoast Media Group, to reframe her conduct as helping the process.
- As a nonprofit professional, I was offended by Councilor Kennedy's statements in the Portsmouth Herald regarding holding the business name hostage until she had a say in the written bylaws of the newly formed nonprofit. To quote the article "City Councilor Slammed in Dust-up Over Pop Up Portsmouth Name"

written by Elizabeth Dinan and published on July 21, 2020: "Kennedy said she 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." Frankly, it was already a directive of the Citizens Response Task Force that businesses accessing the city-supported Pop Up venue be exclusively Portsmouth based - but that fact has absolutely nothing to do with how the organization's bylaws should or needed to be set up. This statement from Councilor Kennedy is one of several egregious offenses, in my opinion.

I believe the actions of Councilor Kennedy in this case were wrong, unethical, and likely illegal. I ask that the Ethics Board take the Ethics Complaint before them very seriously.

I will now return to my volunteer efforts as a member of the Citizens Response Task Force, to help our community in the midst of this pandemic crisis, and I will not continue to speak publicly about this topic. It is the Task Force's charge to remain non-political and I ask that the views of this letter, no matter how informed by my role on the Task Force, be taken as the views of an independent citizen of Portsmouth who is incredibly disappointed in the actions of one City Councilor.

Respectfully,

Russ Grazier, Jr.
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