



CITY of PORTSMOUTH BOARD of ETHICS

Minutes of the September 10, 2020 Meeting

Location: Fire Station 2
3010 Lafayette Road
Portsmouth

Access: Via Teleconference and limited in person.

Present in person: Board of Ethics members Ann Walker, Richard Gamester and John Tabor; City Attorney Robert Sullivan (ex officio).

Present via teleconference: Board of Ethics member Joseph Onosko.

The meeting was called to order by City Attorney Robert Sullivan at 6:15 p.m. in the matter of the complaints filed by Nancy Pearson, vs. Esther Kennedy on August 3, 2020.

On motion of Board Member Onosko, seconded by Board Member Walker, John Tabor was nominated and voted to be Chair of the Board of Ethics. The motion passed by unanimous vote.

An introductory presentation was made by the City Attorney who outlined the role of the Board of Ethics in the matter before it, described the applicable law and the status of the case. The City Attorney concluded indicating that his role in the proceedings would be as counsel to the Board and not as a member. Therefore, the Board of Ethics for this matter will consist of four members.

Chair Tabor then presented his view of the role of the Board in the matter before it. He suggested there be several meetings of the Board to deal with the issues presented, with the first meeting being for the purpose of allowing Ms. Pearson to present her complaint and the second meeting allowing Ms. Kennedy to respond. This was followed by a general discussion among members of the Board which focused on the importance

of establishing a timeline of relevant events. The Board also discussed its desire to conduct as much of the proceedings as possible in public, including allowing public attendance by Zoom.

On the motion of Board Member Gamester, seconded by Board Member Walker the Board then voted:

- 1. To hold its subsequent meetings on Wednesday, September 16, Monday September 21, Wednesday, Sept 23 and Monday, Sept 28, with all meetings to be held at 6:00 p.m. at a location to be determined by City staff.**
- 2. That the meeting of September 16 shall be for the purpose of allowing Ms. Pearson to present her complaint, and the meeting of September 21 shall be for the purpose of allowing Ms. Kennedy to present her response.**
- 3. The Board will determine after the meeting of September 21 the actions which it will take at the subsequent meetings.**

Motion passed by unanimous vote.

After further general discussion, a second motion was made by Board Member Gamester, seconded by Chair Tabor that the following should apply to the proceedings:

- 1. The Board will make its determination based upon evidence presented during the hearings and not upon any information generated or provided prior to the hearings.**
- 2. All documents to be submitted by any party must be received by email addressed to each member of the Board no later than noontime on the date of the hearing at which the party desires the document to be considered.**
- 3. All proceedings to be held by Zoom with live attendance if possible.**
- 4. Ms. Pearson may be cross examined by Ms. Kennedy or her counsel and Ms. Kennedy may be cross examined by Ms. Pearson or her counsel. All other questioning of witnesses to be by the Board itself.**
- 5. All witnesses in the proceeding to be placed under oath.**
- 6. Cross examination of witnesses to be limited to 30 minutes per witness unless further time is authorized by the Board.**

Motion passed by unanimous vote.

On motion of Board Member Walker, seconded by Board Member Gamester, it was requested that the City Clerk provide the Board with minutes of all City Council actions regarding City spending related to POPUPNH.

Motion passed by unanimous vote.

The City Attorney indicated that due to time limitations draft minutes will be presented by email to Board members with a time and date by which amendments should be proposed by individual Board members. This is the manner utilized by the City's Parking & Traffic Safety Committee. Final approved minutes will be produced by this process for distribution purposes prior to the next board meeting.

On motion to adjourn by Board Member Gamester, seconded by Board Member Walker, the meeting was adjourned at 7:36 p.m. by unanimous vote.

Minutes prepared by Robert Sullivan, City Attorney