

Richard Gamester

From: Duncan MacCallum [madbarrister@aol.com]
Sent: Monday, September 21, 2020 9:52 AM
To: rpsullivan@cityofportsmouth.com; votenancypearson@gmail.com
Cc: johnktabor@gmail.com; rgamester@comcast.net; amwjcw@comcast.net; commissionerhart@gmail.com; esthersmarina@gmail.com
Subject: Re: Submissions to ethics committee

Dear Bob:

I am afraid that I must respectfully disagree. Your suggestion is inconsistent with the arrangement that has been established, at least as I understand it.

Both Chairman Tabor and, I thought, you, had made it quite clear that if any exhibits or other evidence is to be considered at the time of the hearing, it should be submitted by at least 12:00 noon on the day of the hearing in which it is to be used.

Your request is yet another reason why the hearing should be conducted live and in person, rather than by Zoom. How are we to examine witnesses concerning exhibits in Zoom hearings, if the exhibits have not been submitted in advance? It's hard enough to refer to them even when they have been submitted in advance.

Duncan MacCallum

-----Original Message-----

From: Robert P. Sullivan <rpsullivan@cityofportsmouth.com>
To: Nancy Pearson <votenancypearson@gmail.com>; Duncan MacCallum <madbarrister@aol.com>
Cc: johnktabor@gmail.com <johnktabor@gmail.com>; rgamester@comcast.net <rgamester@comcast.net>; amwjcw@comcast.net <amwjcw@comcast.net>; commissionerhart@gmail.com <commissionerhart@gmail.com>; esthersmarina@gmail.com <estersmarina@gmail.com>
Sent: Mon, Sep 21, 2020 9:37 am
Subject: RE: Submissions to ethics committee

All,

I urge the Board against conducting this hearing by email. In its ground rules the Board determined to make its decision based on the evidence presented at the hearing. It would be chaotic to have argument or evidence submission by email outside the context of the hearing.

All persons wishing to present evidence or argument to the Board should be instructed to do so during hearing.

RPS

Robert P. Sullivan, City Attorney
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

(603) 610-7204 (Direct Dial)
(603) 427-1577 (Fax)

rpsullivan@cityofportsmouth.com

City Hall Hours: Monday, 8:00 a.m. - 5:00 p.m.; Tuesday - Thursday, 8:00 a.m. - 5:00 p.m.; Friday, 8:00 a.m. - 4:00 p.m. (NOTE: If a holiday falls on a Monday, City Hall will be open until 6:00 p.m. on Tuesday).

The information in this message may be legally privileged and confidential. It is intended only for the use of the named individual. If you receive this communication in error, please notify me and delete the communication without making any copy or distributing it.

From: Nancy Pearson [mailto:votenancypearson@gmail.com]
Sent: Friday, September 18, 2020 3:40 PM
To: Duncan MacCallum <madbarrister@aol.com>
Cc: johnktabor@gmail.com; rgamester@comcast.net; amwjcw@comcast.net; commissionerhart@gmail.com; Robert P. Sullivan <rpsullivan@cityofportsmouth.com>; esthersmarina@gmail.com
Subject: Re: Submissions to ethics committee

Mr. Chairman and members of the Ethics Board,

I respectfully request confirmation that the full Ethics Board will see and review this visual display and deem the content material **relevant and within the scope of the complaint** before the presentation Monday night.

Based on Attorney MacCallum's comments on my credibility, intelligence, and my ability to be truthful during Wednesday night's hearing, I suspect there might be an attempt to cherry pick my social media comments in order to slander, harass and attack my character, which is not at issue.

My personal opinions have nothing to do with whether or not Councilor Kennedy committed the act, whether or not she had some interest in committing the act, and whether this is in conflict with her duties as a city councilor.

Thank you.
Nancy Pearson

On Fri, Sep 18, 2020 at 2:02 PM Duncan MacCallum <madbarrister@aol.com> wrote:

Dear Mr. Tabor:

Esther Kennedy has requested that I obtain clearance from you and the other committee members to present a visual display in conjunction with her testimony on Monday evening.

More specifically, she would like to be able to "screenshare" at Monday night's meeting, meaning, she would like to display a Power Point presentation and/or other, similar graphic displays while she is verbally presenting her case. In some instances, she would also like to present blow-ups of some of the documentary evidence that we will have already submitted by 12:00 noon on that date. We will not, however, be presenting any new exhibits that have not already been submitted.

I have never done a screenshare, but she informs me that whoever is running the Zoom meeting has to give her a "permission" to show the Power Point or other graphic display on the screen, along with the image of herself in a separate window.

Please let me know.

On an entirely unrelated topic, I did not receive the e-mail message that you sent me this morning, even though it appears that you used my correct e-mail address and even though Esther Kennedy received it. I would not have been

aware of it, except that Esther mentioned it in a telephone conversation that I had with her a few minutes ago and she forwarded it to me after I indicated to her that I had not received it.

I have absolutely no explanation for this, as I am a member of the "Typewriter Generation," and I am anything but an expert in computer technology. I am not aware that there is anything wrong with my e-mail program. However, as a backstop, would you please continue to send Esther copies of whatever you send me, and she will make sure that I have received it. I would also appreciate a reply from you confirming your receipt of this e-mail message, so that I can be certain that you got it.

Thank you.

Duncan MacCallum

-----Original Message-----

From: Esther Kennedy <esthersmarina@gmail.com>

To: madbarrister@aol.com

Sent: Fri, Sep 18, 2020 12:37 pm

Subject: Fwd: Submissions to ethics committee

----- Forwarded message -----

From: **John Tabor** <johnktabor@gmail.com>

Date: Fri, Sep 18, 2020, 11:49 AM

Subject: Submissions to ethics committee

To: Duncan MacCallum <madbarrister@aol.com>, Esther Kennedy <esthersmarina@gmail.com>, Ann Walker (Ward 4) <amwjcw@comcast.net>, Tom Hart <CommissionerHart@gmail.com>, Nancy Pearson <nespearson@gmail.com>,

Robert P. Sullivan <rpsullivan@cityofportsmouth.com>, <rgamester@comcast.net>

Duncan,

As reported in the paper today, I questioned the relevance of the social media posts you brought up Wednesday night, but would allow their submission.

Let me clarify as board chair: we do not want to waste the board's time with salacious but irrelevant material.

Only submissions that prove or disprove that Esther Kennedy acted against the intent of the 9-0 vote of the council, in conflict with her duties, are relevant for our work. See Attorney Sullivan's letter of September 3 defining our task. I hope this gives you criteria to weigh exhibits submitted to the board.

--

John Tabor

603 557-6025 cell

Very best regards,

Nancy Pearson