

Synthia Ravell

From: Tom Hart <commissionerhart@gmail.com>
Sent: Tuesday, September 29, 2020 2:14 PM
To: Synthia Ravell
Subject: FW: Ethics Complaint against Esther Kennedy

Sent from [Mail](#) for Windows 10

From: [Duncan MacCallum](#)
Sent: Thursday, September 24, 2020 2:32 PM
To: rpsullivan@cityofportsmouth.com
Cc: johnktabor@gmail.com; johntaborportsmouth@gmail.com; rgamester@comcast.net; amwjcw@comcast.net; commissionerhart@gmail.com; esthersmarina@gmail.com; votencypearson@gmail.com; edinan@seacoastonline.com
Subject: Re: Ethics Complaint against Esther Kennedy

Dear Bob:

Don't worry about it. It was quite apparent to me that the committee members had read my letter, and though I have no way of knowing what was discussed in the nonpublic session I will grant you that, to their credit, they did indeed fully articulate their various rationale for their decision, for all to hear, during the public portion of the proceedings. I have innumerable complaints concerning the manner in which the hearing was conducted, but that is not one of them. Fairly early in the proceedings, it became fairly clear to me that this ethics hearing was going to turn out to be just an annoying but necessary intermediate procedural step between the filing of Ms. Pearson's complaint and my taking my case to the court of public opinion—as you will soon see, starting when you read Beth Dinan's article in tomorrow's Portsmouth Herald

On a personal note, though we may have been in disagreement on a couple of points, I thought that overall you did an excellent job of managing and guiding the proceedings and doing what you're supposed to do, under extraordinarily unusual and trying conditions. (However, just so that it's clear: this compliment does not extend to the committee members themselves.) I am well aware that you have been getting a huge ration of grief from all sides, including from Esther herself, in connection with this hearing and with ancillary matters related to it. However, I have made a point of telling everyone who would listen that you're just doing your job and that it was not your role to make the committee's decision for it. There are many, many people who simply don't seem to understand what an attorney's role is, and there are many who simply don't believe this, but I've been doing my best to educate them. As I've said many times, you've got the hardest job in the world: trying to please everyone at the same time. And it can't be done.

Onward to the next phase of the battle. In the meantime, best personal regards

Duncan MacCallum

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

From: Robert P. Sullivan <rpsullivan@cityofportsmouth.com>
To: Duncan MacCallum <madbarrister@aol.com>
Cc: johnktabor@gmail.com <johnktabor@gmail.com>; johntaborportsmouth@gmail.com <johntaborportsmouth@gmail.com>; rgamester@comcast.net <rgamester@comcast.net>; amwjcw@comcast.net <amwjcw@comcast.net>; commissionerhart@gmail.com <commissionerhart@gmail.com>; esthersmarina@gmail.com <esthersmarina@gmail.com>; votencypearson@gmail.com <votencypearson@gmail.com>; edinan@seacoastonline.com <edinan@seacoastonline.com>

Sent: Thu, Sep 24, 2020 11:46 am
Subject: RE: Ethics Complaint against Esther Kennedy

Duncan,

I did not see your letter described below until the morning after the Board had completed its proceedings in the matter. However, I note that the Board did appear to have seen your letter in a timely fashion and allowed summations from the parties, conducted its deliberations in public session and fully articulated its rationale for all to hear.

RPS

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From: Duncan MacCallum [mailto:madbarrister@aol.com]
Sent: Wednesday, September 23, 2020 4:42 PM
To: Robert P. Sullivan <rpsullivan@cityofportsmouth.com>
Cc: johnktabor@gmail.com; johntaborportsmouth@gmail.com; rgamester@comcast.net; amwjcw@comcast.net; commissionerhart@gmail.com; esthersmarina@gmail.com; votenancypearson@gmail.com; edinan@seacoastonline.com
Subject: Ethics Complaint against Esther Kennedy

Dear Bob:

Attached hereto are the following:

- (1) Esther Kennedy's Requests for Findings and Rulings; and
- (2) letter from myself, addressing various issues

If you have any questions, feel free to call me.

Duncan MacCallum