

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

Mark R. Acciard

v.

Philip V. Consentino as Selectman, Police Chief  
and Elder Affairs Director & the Town of Atkinson  
Docket No: 04-E-384

ORDER

The plaintiff, a citizen of the Town of Atkinson, New Hampshire, filed a petition seeking injunctive relief against the defendant, a selectman of the Town of Atkinson and its police chief. In essence the plaintiff alleges that the defendant in the past in his capacity as a selectman participated in and voted on certain matters that directly benefited both he and his family. The plaintiff filed his petition seeking to enjoin any future conflict of interest participation that the defendant may have in his role as a selectman for the Town of Atkinson.

A hearing was scheduled in this matter on May 10, 2005. After hearing offers of proof from counsel and reviewing all of the documents filed by the parties, the Court enters the following order:

Philip Consentino, in his capacity as selectman, while holding the position of chief of police of the Town of

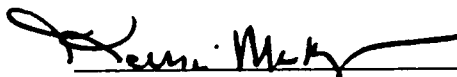
Atkinson, shall recuse himself from the Atkinson Board of Selectmen and shall not participate as a selectmen in discussions of and shall not deliberate or vote on any Police Department or Elderly Affairs Department matters. The said Philip Consentino shall only be allowed to discuss, deliberate and vote on any Town employee matters when such matters will not benefit himself, his wife or his son in any way.

In support of his petition for injunction, the plaintiff sets forth various matters in which the defendant participated as a selectman in the past which the plaintiff felt was inappropriate. The Court's Order as set forth above is prospective only. Therefore, the Court will not entertain any request to have any of those votes which the defendant participated in that were questioned by the plaintiff vacated.

Although the plaintiff had sought attorney fees in connection with his petition for injunction, he has elected to waive any such claim at this time. Therefore, no attorney fees are awarded to him.

So ordered.

May 10, 2005  
Date

  
KENNETH R. MCHUGH,  
Presiding Justice