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# Consentino: Judge's order won't change a thing

**By Margo Sullivan**  
*Staff writer*

**ATKINSON** — Selectmen Chairman Philip V. Consentino attended his first meeting last night since a Rockingham County Superior Court judge ordered him to stay out of discussions and votes on police and elderly affairs business.

The only police business the selectmen considered last night was a public hearing to withdraw money from the police donation account. Consentino kept quiet while Selectman Fred Childs handled the matter as the selectmen's vice

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**Kathy DeLorenzo**  
*Participating Agent*

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THE CHAIRMAN HANDED THE MATTER AS THE SELECTMEN'S VICE chairman.

Consentino, who serves as the town's police chief and director of elderly affairs, said yesterday the judge's action would not cause any changes in the way the selectmen conduct official business.

"Everything will continue as in the past," he said.

Judge Kenneth McHugh on Thursday put Consentino under a court order to recuse himself from the Board of Selectmen and not discuss, deliberate or vote on any police or elderly affairs matters while he is police chief.

The judge also said Consentino will have to recuse himself when the selectmen deal with town employee business unless he, his wife or his son cannot benefit "in any way." Consentino's wife, JoAnne, is a part-time police officer and dispatcher. His son, David L. Consentino, is also a part-time police officer.

Consentino has been under fire for almost a year, repeatedly accused of ethics violations by Mark Acciard, the chairman of the Budget Committee.

Acciard originally complained to the local Code of Ethics Committee, arguing Consentino had a conflict of interest because he voted to allow a withdrawal from a Police Department donation account.

The Code of Ethics Committee last summer cleared Consentino, saying he did not have a conflict of interest because he had not profited personally from the vote. But Acciard insisted Consentino, as a selectman, should not be voting on a matter under the administrative control of Consentino, the police chief.

Acciard said he took the case to Superior Court to ask a judge to tell Consentino to step out of the discussions when he has a stake in the outcome.

The court order only applies to Consentino's actions going forward from May 10, 2005, and does not require any previous decisions the selectmen made to be changed, the judge wrote.

Acciard said he is happy with the judge's decision. The only regrettable part, he said, was that it cost him so much time and money to get the point across.

Acciard said he spent about \$8,000 on lawyers and court costs to win the case. He waived his right to be reimbursed for his legal expenses, however.

Thursday's court order, in which the judge found in Acciard's favor, was the first time Consentino was not upheld.

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