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Ethics board moves to clear its practices

By Meir Rinde
Staff Writer

ATKINSON -- The Code of Ethics Committee is firing back at a critic and correcting allegedly inaccurate comments about its practices that arose after it cleared Selectman Philip V. Consentino of conflict-of-interest claims.

In a letter committee chairman Richard Smith read to selectmen this week, he said the board has not had any inappropriate consultations with legal counsel, and stands by its policy of sanctioning only town officials who clearly have an "immediate, definite" conflict of interest.

"Lately, the Code of Ethics Committee has been mentioned on Channel 20 and in the newspapers, and not always in a good light," Smith's statement began. The committee wants to let residents know what issues it considers most important, explain how findings are made, and "address some insincere statements made about the actions of the Committee."

The letter responds to claims Budget Committee member Mark Acciard made after Consentino was cleared. Acciard and former Selectman Barbara Stewart had asked the committee to investigate whether Consentino should not have voted to release money from the police donation account, since he is also the police chief.

Acciard has appealed the committee's June 15 decision to Rockingham County Superior Court. He also added another complaint, saying Consentino improperly awarded a contract to clean the police station to a family friend. Acciard's request for injunctive relief is pending in court.

Consentino has said he did nothing wrong, and only votes on police, town employee and elderly affairs issues -- he is also director of elderly affairs -- when his vote will affect the outcome. He also said he found the cleaning company in the phonebook, and only later discovered that he knew the father of the firm's owner.

Acciard said yesterday that he still believes Consentino needs to recuse himself from voting on police and other issues, and wants a judge to give a definite ruling on the matter. He is waiting for Consentino to file a response to his court filing, he said.

"I don't want anything from him. I don't want money, I don't want him to resign," Acciard said. "I just want the court to tell him that on police, elderly and town employee issues, he needs to step off the board."

The points in the letter from the Code of Ethics Committee say:

r The committee does not operate in secret;

r Members are not investigating the cleaning company contract;

r The group did not seek outside legal advice, as Acciard suggested, but would not need to ask permission to do so unless a fee were involved;

r The committee did not ignore the legal opinions of the New Hampshire Municipal Association, but met with NHMA attorney Susan Slack, who told them they were elected to "interpret" the town's Conflict of Interest ordinance;

r Their opinion is that a town official's "private interest in itself is not a conflict." A conflict may exist when an interest interferes in the official's duty, or the official has a direct personal or financial interest that can be demonstrated in the outcome of a decision he or she has made.

Smith also rejected Acciard's suggestion in interviews that much of the town is afraid of Consentino.

"We were not and are not intimidated or scared of Philip Consentino, no matter which hat he wears," Smith said.

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