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## Resident files suit against chief

By Adam Leech

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**ATKINSON** - A lawsuit was filed in Rockingham Superior Court last week by an Atkinson resident seeking injunctive relief from Police Chief Philip Consentino, whom he alleges has violated town ethics laws during his tenure as a selectman, director of elderly affairs and police chief.

The town has debated the possible ethical dilemma regarding Consentino's multiple roles since he ran for the board in 2003. Consentino was voted in easily, garnering more votes than his two opponents combined. The town Code of Ethics Committee exonerated Consentino last month, finding no evidence supporting the five claims made by the appellant, Mark Acciard, and former Selectman Barbara Stewart.

Consentino said he has been cleared of possible ethical violations at every level and Acciard should listen to the more than 900 Atkinson residents who voted for him knowing of the positions he holds.

"I've been cleared by (the state, the New Hampshire Municipal Association and, most importantly,) the Atkinson Code of Ethics Committee," said Consentino. "But Mr. Acciard has a personal vendetta and he is starting to border on harassment. He ought to grow up and get a life."

Acciard, who is a member of the town Budget Committee, said he and Consentino grew up in Atkinson and worked together at Sears when they were 16. The two were friendly until, according to Acciard, he was arrested by Atkinson Police shortly after leaving a Budget Committee meeting in October 2002 for driving with a suspended license. Acciard said Consentino abused his power as police chief to gain leverage over Acciard during budget season, but also said the incident played no part in his decision to take the matter to court.

"I will freely admit I don't respect the chief and I trust him about as far as I can throw him," said Acciard. "But this is not a matter of vindictiveness. If (another board member) was doing the same thing, I would do the same with him."



The town's Code of Ethics Ordinance says the committee's ruling can be appealed to Superior Court if the complainant is not satisfied. Acciard said he is exercising his right to do so.

Acciard said the Code of Ethics Committee cited anonymous legal opinion and he wants a judge to formalize what has been an ongoing concern. He said Selectman Consentino participates in votes that affect the police department, which affects Chief Consentino.

Consentino said he and his family members who also work for the department signed affidavits to waive their ability to receive employee raises, which leaves him free to vote on issues that do not directly affect him or his family.

The committee's ruling states, "Our ordinance is open to interpretation ... It is the opinion of the Committee that a private interest in itself is not a conflict; but when a private interest interferes with 'the proper exercise of a public duty' or gives 'personal gain,' whether financial or otherwise, to an official or employee, there is a conflict of interest."

In March, the board received a letter from the New Hampshire Municipal Association (NHMA) that stated the ethics ordinance prohibits a selectman who is a town employee from voting on wages, benefits and policy matters in which they have an interest, and that Consentino should disqualify himself from deliberating and voting on those issues.

The opinion of the NHMA, however, does not come with enforcement power and the body that does, the Code of Ethics Committee, said Consentino was not in violation.

"The Code of Ethics Committee spent a lot of time researching it," said Consentino. "It wasn't quick, but it's a time-consuming process and the main thing was affidavits I signed that say I will not partake in issues that affect me or my family."

Acciard said Consentino was "adamant" that former Selectman Barbara Stewart remove herself, physically, from the board on any issues concerning the road agent, who is her brother-in-law.

"I don't see what has changed in a year and I think he should do the same," he said.

Acciard said he is not the only resident concerned.

"A lot of people are upset that the police department and the elderly affairs department is run by a member of the Board of Selectmen," said Acciard. "But a lot of people are afraid because they don't want the police department to harass them ... (Consentino) has made things difficult for people that oppose him."

Consentino said the fact that he is being questioned for signing vouchers while Selectman Fred Childs, who is the town's maintenance supervisor, is not, is evidence that Acciard's legal action is personal. He said he is not surprised Acciard would not let the process end at the town's ruling.

"I've got a job to do and I think I've done a good job for the last 16 months," he said. "If he's not happy with it, he should run when my term is up."

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