



CITY OF DOVER

14 JAN -2 AM 9:10

**CITY OF DOVER, NEW HAMPSHIRE
ETHICS COMPLAINT**

Please type or print legibly and attach additional pages, if necessary.

Date Filed: 14 JANUARY 2014

Your Name: Jeffrey T. Clay

Address: 53 Merrill dr. ALTON, NH 03809

Your Telephone Number 603-534-4906

Name of person about whom you are filing. CITY OF DOVER, NH ETHICS COMMISSION

Type of Allegation(s). Check the appropriate box(es) below indicating the type of allegation(s) stated in this complaint. *Violations of City Charter, code, ordinances.*

ARTICLE X OF THE DOVER CITY CHARTER

- ELIGIBILITY FOR ELECTIVE OFFICE (10-1)
- CONFLICTS OF INTEREST (C10-2)
- DISQUALIFICATION FROM DECISION MAKING PROCESS(C10-3)
- PRIVATE USE OF CITY PROPERTY (C10-4)
- ACCEPTANCE OF GIFTS AND GRATUITIES (C10-5)
- DISPOSITION OF FEES (C10-6)
- MISUSE OF INFORMATION (C10-7)
- FUTURE EMPLOYMENT (C10-10)

CHAPTER 22 OF THE CITY CODE

- CONFLICTS OF INTEREST (22-2)
- REPRESENTATION OF PRIVATE INTERESTS BEFORE CITY AGENCIES(22-3)
- REQUIRED DISCLOSURE BY COUNCIL MEMBERS; RECUSAL (22-4)
- REQUIRED DISCLOSURE BY OFFICERS AND EMPLOYEES; RECUSAL (22-5)
- GIFTS (22-6)
- DISCLOSURE OF CONFIDENTIAL INFORMATION (22-7)
- INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES (22-8)
- INCOMPATIBLE EMPLOYMENT(22-9)
- FUTURE EMPLOYMENT (22-10)

If your complaint alleges some form of misconduct that does not fall within the jurisdiction of the Ethics Commission, then your complaint will be forwarded to the City Manager, the Police Department or the City Council for processing.

Description of Facts.

Provide a specific description of the facts constituting the alleged violation(s), including dates or approximate dates.

Please see attached letter.

Violations of City Charter, code - and
- Responsibilities.

Witness Information.

Provide the name(s), business address(es) and telephone number(s) of person(s) you believe may have information that would assist the Commission in its evaluation of this

complaint. Also, describe the information that you believe each of the persons listed can provide to support the allegations stated in this complaint.

Please see attached letter
City manager - City Council - City Attorney,

Documentation.

Attach copies of any documents in your possession that relate to the allegations stated in this complaint. In addition, indicate below whether there are other records, not in your possession, that you

believe may assist the Commission in its evaluation of this complaint.

See attached letter City Charter - code - and -
Original complaint filed by me.
ETHICS commission decision of Dec 11, 2013.

Additional Information.

Provide any additional information that you believe may assist the Ethics Commission in its evaluation of this complaint.

See attached letter.

CERTIFICATIONS: (Please initial each certification)

- I CERTIFY THAT I AM A RESIDENT OF THE CITY OF DOVER, A PROPERTY OWNER IN DOVER OR I AM A VENDOR WHO HAS RESPONDED TO A BID SOLITICATION _____ (initials)
- THIS ETHICS COMPLAINT IS A PUBLIC DOCUMENT. I UNDERSTAND THAT I SHOULD HAVE NO EXPECTATION OF PRIVACY REGARDING THIS DOCUMENT OR THE PROCEEDINGS OF THE ETHICS COMMISSION. nc (initials)
- I UNDERSTAND THAT KNOWINGLY MAKING WRITTEN FALSE STATEMENTS WHICH I DO NOT BELIEVE TO BE TRUE MAY SUBJECT ME TO CRIMINAL SANCTIONS PURSUANT TO RSA 641:3. nc (initials)

DATE: 14 JAN 2013

Signature

NOW COMES Jeffrey T. Clay who after being duly sworn states that the above statements are true and accurate.

Kam Dante NP
exp 2/5/2015
Notary Public

-----OFFICIAL USE ONLY-----

Received by the City Clerk's office 1/14/15 C

Received by the Ethics Commission _____

Completed form should be returned to:

City of Dover Ethics Commission
c/o City Clerk
288 Central Avenue
Dover, NH 03820

City of Dover Ethics Commission:

Please accept this letter as my formal ethics violation complaint against the City of Dover, NH Ethics Commission.

It's my belief that the City of Dover Ethics Commission violated their responsibilities as well as provisions of the City of Dover's Charter, Code, and Ordinances through their decisions regarding an ethics violations complaint properly before them on December 11, 2013.

The willful violation of the City Charter, Code, and ordinances constitutes unethical and unlawful actions and is therefore proper for investigation.

Dover's Charter specifically states: "The (Ethics) Commission will investigate complaints filed against members of the City Council, School Board, and members of standing city boards and commissions. This they did not do.

Additionally, the complaint filed in this case identified ten witnesses who could have helped the Commission evaluate the complaint and nine documents in possession of the City of Dover which would have assisted the Commission in evaluating the complaint. Yet the Ethics Commission failed in their responsibility to properly evaluate the complaint by not reviewing the documents or contacting the witness identified.

The Ethics Commission dismissed the complaints for "Failure to state sufficient facts for establishing a reasonable basis to believe that an ethical violation may have occurred."

The complaint in fact contained more than sufficient facts for establishing a reasonable basis that an ethical violation may have occurred (please see original complaint).

Dover's Code states: "Acceptance of the ethics complaint shall occur upon the determination by the Ethics Commission that there is a reasonable basis to believe the facts in the complaint may constitute an ethics violation." This is a far cry from the clear and convincing evidence provision invoked by the Commission in dismissing the complaint.

In support of their decision to dismiss the complaint, the Commission invoked a burden of proof clause contained in the City Code which states: "The burden of proof rests with the Complainant, and the standard of proof for Ethics Commission shall be clear and convincing evidence.

In basing their decision to dismiss the complaint upon the burden of proof clause, the Commission was violating the City ordinance pertaining to the initial screening process for ethics violations.

According to Dover's Code, the initial screening of any ethics complaint does not require clear and convincing evidence for the Commission to hold a hearing on the allegations contained in the complaint; nor does it provide the opportunity for a complainant to put forth clear and convincing evidence in order to meet the burden of proof requirement during this initial screening process. These opportunities are only provided for during a hearing on the matter.

The original complaint contained allegations of violations of state law, and despite the directive contained in the administrative code for the Commission to notify the police, they failed to do so.

Finally, in each case where the Commission voted to dismiss the complaint, but allowed it to move forward, the Commission's decisions were in error and not supported by the facts.

For these and other reasons, I believe the Commission has committed numerous unethical and unlawful violations of the City of Dover's Charter, Code, and ordinances and I am requesting their actions be investigated.

Thank you for your assistance in this matter.

Sincerely,

Jeffrey T. Clay

A handwritten signature in black ink, appearing to read "Jeffrey T. Clay", written over a horizontal line.