

STATE OF NEW HAMPSHIRE
EXECUTIVE BRANCH ETHICS COMMITTEE

COMPLAINT FORM

*** Please note that step-by-step instructions are included on this form ***



The Committee CAN ONLY consider complaints against State employees who work for the executive branch and who are not classified personnel. (Most State employees are classified).

The following are examples of employees who are not classified:

- The commissioner or deputy commissioner of an agency
- A member of a professional licensing board, such as the Board of Pharmacy or the Board of Cosmetology
- A member of the executive council;
- A member of a state commission, such as the Lottery Commission
- Any person holding a position listed in RSA 94:1-a, (b)

The Committee CANNOT consider a complaint against:

- A person who works for a local government (towns, cities, school districts, counties, etc.)
- A person who works for the judicial branch of State government (judges, marital masters, clerks, judicial support personnel, etc.)
- A person who works for the legislative branch of State government (state representatives, state senators, legislative staff, etc.)
- Federal employees
- Private individuals who are not associated with government
- A state office, state agency, or state commission (because the Committee can only consider complaints against particular, identified individuals)
- A person holding a classified position listed in on the Department of Personnel Class Specification Index

Raymond Buckley _____, Complainant

Print your name

Your Title/Position/Agency (if applicable): Chair, New Hampshire Democratic Party _____

Address: 105 North State Street _____

Concord, NH 03301 _____

Phone numbers: 603-225-6899 _____ (day) _____ (cell)

Email: akennedy _____ @nhdp.org _____

The Committee will contact you at these phone numbers and email address. If you do not want the Committee to contact you at an employer's phone number or email address, please provide alternatives. Please keep the Committee apprised of any changes in your contact information.

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Governor Chris Sununu _____, Respondent 1

Print the name of the person about whom you are complaining. The Committee cannot consider a complaint against a department, division, bureau, agency, board, commission, etc. It can only consider complaints against individuals who work, or in some cases volunteer for the State in the Executive Branch.

Office and Position (at the time of the alleged violation) for Respondent 1: Governor of New Hampshire

Contact information for Respondent 1:

Address 107 North Main Street, Concord NH 03301

Phone: 603-271-2121 Email: governor @ nh.gov

If the person you are complaining about is no longer in the same position in the State executive branch, what is his or her current position (and if the individual no longer works for the State of New Hampshire in the executive branch please provide the name of his or her new employer along with the employer's address if known):

N/A

Don't worry if you do not know all of the information requested.

If you are filing a complaint against more than one person, please complete the next section, fill out multiple complaint forms or include the information on a separate sheet of paper.

_____, Respondent 2

Office and Position (at the time of the alleged violation) for Respondent 2:

Contact information for Respondent 2:

Address _____

Phone: _____ Email: _____ @ _____

If the person you are complaining about is no longer in the same position in the State executive branch, what is his or her current position (and if the individual no longer works for the State of New Hampshire in the executive branch please provide the name of his or her new employer along with the employer's address if known):


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1. Is the person you are complaining about a classified employee? (If the answer is yes, the Committee will not be able to consider your complaint).

Respondent 1 Yes (he or she is classified employee) No (not a classified employee) Don't know

Respondent 2 Yes (he or she is classified employee) No (not a classified employee) Don't know

	<p><i>The Committee can only consider complaints alleging a violation of three specific laws:</i></p> <ul style="list-style-type: none">➤ <i>RSA 21-G:21 – 27, relating to conflicts of interest, misuse of position and nepotism</i>➤ <i>RSA 15-A, relating to financial disclosure statements</i>➤ <i>RSA 15-B, relating to gifts</i>
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2. Which of the following types of statutory violations are you complaining about? (Please check all that apply.)

- That an executive branch official participated in a matter in which he or she (or a spouse or dependent) had a personal interest that might have directly or indirectly influenced the performance of his or her duties. (RSA 21-G:22)
- That an executive branch official disclosed or used confidential or privileged information acquired in the course of his or her official duties for personal benefit or gain. (RSA 21-G:23, I)
- That an executive branch official used his or her position with the State to secure privileges or advantages for himself or herself that are not generally available for State employees. (RSA 21-G:23, II)
- That an executive branch official used his or her position with the State to secure privileges or advantages for other persons who were not entitled to them. (RSA 21-G:23, II)
- That an executive branch official who is (or was) a candidate for a political office that is not subject to the reporting requirements of RSA 664, accepted a contribution from a person or entity that is or is likely to become subject to that executive branch official's duties, and the contribution was not disclosed to the secretary of state within five days. (RSA 21-G:24)
- That an executive branch official violated the provisions of RSA 21-G:25, which specifies and prohibits certain types of specified *per se* conflicts of interest. (You may read RSA 21-G:25 at <http://www.gencourt.state.nh.us/rsa/html/l/21-G/21-G-25.htm>)
- That an executive branch official directly hired, evaluated, supervised, set compensation for or terminated any full-time or part-time employee or member of any state board or commission who was a spouse, a parent (by birth or adoption), a child (by birth or adoption), a step-child, a sibling or half-sibling by birth or adoption, or an in-law. (RSA 21-G:26)
- That an executive branch official violated a supplemental ethics code adopted by an agency. RSA 21-G:27

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- That an executive branch official failed to make complete and timely financial disclosures as required by RSA 15-A. (You may read RSA 15-A in its entirety at <http://www.gencourt.state.nh.us/rsa/html/l/15-A/15-A-mrg.htm>)
- That an executive branch official received a gift valued at more than that is prohibited by RSA 15-B. (You may read RSA 15-B in its entirety at <http://www.gencourt.state.nh.us/rsa/html/l/15-B/15-B-mrg.htm>)
- Other (Please explain why you believe that this conduct violates RSA 21-G:21-27, RSA 15-A, RSA 15-B or is otherwise within the jurisdiction of the Committee)

3. Please provide a concise statement of the conduct about which you are complaining. Please make sure to include the date or time frame in which the conduct took place. You may attach additional pages if necessary.

Please see attached.


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4. Has the conduct that you are complaining about been the subject of any lawsuit, administrative adjudicatory proceeding, complaint to any regulatory body, or criminal proceeding?


Yes No

If your answer to Question 4 is yes, please identify such proceedings to the best of your ability. If such a proceeding has concluded please attach any final orders that may be in your possession. You do not need to go looking for this information, but if you have it in your ready possession, the Committee would appreciate receiving it. In addition, please provide the names and contact information for any witnesses to the conduct you are describing.

	<ul style="list-style-type: none">➤ <i>The Committee does not have the authority to award you monetary compensation.</i>➤ <i>The Committee cannot reverse any executive branch decision or order any executive branch official to do anything.</i>➤ <i>The Committee cannot impose any sanctions or punishment.</i>➤ <i>If the Committee concludes that a respondent has violated one the statutes within the Committee's purview it may: (a) recommend to the appropriate body that the respondent be disciplined or removed from office; or (b) refer the matter to the Attorney General's Office for possible criminal prosecution.</i> <p><i>The Committee may also decline to recommend discipline for violations that are of a less serious nature.</i></p>
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	<p>The Committee can only consider sworn complaints. Your signature must be witnessed by a Notary Public or Justice of the Peace.</p> <p>Please print the completed form, sign it, have it witnessed, and mail the form to:</p> <p style="text-align: center;">Executive Branch Ethics Committee 33 Capitol Street Concord, New Hampshire 03301</p>
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By signing and filing this complaint, you are stating under penalty of law that the information you are providing is true and correct to the best of your knowledge.

Signature Raymond Buckley Date 3/22/17

THE STATE OF NEW HAMPSHIRE

Merrimack, ss

On the 22 day of March, 2017 before me, Eugene P. Martin Jr.
(name of Notary Public/Justice of the Peace), the undersigned officer, appeared Raymond Buckley
_____, (name of person whose signature is being notarized) known to me or

satisfactorily proven (circle one) to be the person whose name appears above, and s/he subscribed his/her name to the foregoing complaint and swore that the facts contained in this Affidavit are true to the best of his/her knowledge and belief.

Eugene P. Martin Jr.
Notary Public/Justice of the Peace

My Commission expires EUGENE P. MARTIN, Jr., Justice of the Peace (seal)
My Commission Expires May 9, 2017

Please note: If additional pages are used, both the complainant and the Notary Public/Justice of the Peace must sign and date each page.

**New Hampshire Democratic Party
Executive Branch Ethics Complaint
March 22, 2017**

STATEMENT OF FACTS:

I. PROOF OF USING 'POSITION WITHIN THE STATE'

On Saturday, March 18th 2017 at 12:59pm, New Hampshire Governor Chris Sununu sent out a tweet from his official Governor Twitter account (@GovChrisSununu). We know it is official for these reasons:

1. The account was created in January of 2017, when Governor Sununu first took office;
2. The account, different from Sununu's personal account (@ChrisSununu), includes his title in the handle (@GovChrisSununu); and
3. The account's Twitter biography calls it the "Official Twitter account of the Office of New Hampshire Governor Chris Sununu."

II. PROOF THAT USE OF POSITION WAS INAPPROPRIATE AND SECURED PRIVILEGES FOR HIMSELF & OTHERS

The Tweet reads: "Best ski day! Great to be back at @waterville enjoying the best snow NH has to offer. Everyone should be in the white mountains this weekend".

The Tweet not only uses his official platform as governor to promote a business, it deems the resort the "best snow New Hampshire has to offer," ranking it above other New Hampshire resorts.

The ski industry is a major economic driver in New Hampshire, with a billion dollar impact on the state. It is a highly competitive industry, as evidenced by the highly visible marketing campaigns conducted by Waterville Valley and other New Hampshire resorts. According to OnTheSnow.com, there are 19 downhill ski areas in New Hampshire. Several are in direct competition with Waterville Valley in terms of location, amenities, size, and/or non-skiing activities.

The use of Governor Sununu's official position to promote Waterville Valley by name, to the exclusion of all other ski areas, provided Waterville Valley with a marketing platform that excluded every other competitor. This platform provided Waterville Valley with an unfair competitive advantage, the very type of inappropriate use of office that the statute is designed to prevent. Moreover, the promotion of Waterville Valley by the Governor of the State of New Hampshire may encourage those doing business here to choose Waterville Valley for corporate outings, competitions, events, bulk purchase of passes and the like, in the belief that patronizing Waterville Valley will benefit their own interests. Mistaken or not, the possible perception of benefit from patronizing Governor Sununu's ski area is bad for New Hampshire.

NHDP Executive Branch Ethics Complaint

May 22, 2017

Ray E. Buckley 3/22/17
Gregory J. Mat 3/22/17

III. PROOF OF FINANCIAL INTEREST

Governor Sununu filed a Financial Interests RSA 15-A (S) form that was signed on January 18th, 2017 and received by the New Hampshire Department of State's office on January 20th, 17 days after he had been sworn in as governor. This form confirms that he has a financial interest in the success of Waterville Valley Ski Resort, and thus is subject to laws that forbid an executive from using his official position to promote his personal financial interest.

IV. VIOLATION OF STATE EXECUTIVE BRANCH ETHICS CODE

Title I, Section 21-G:23 of the RSA mandates that "No executive branch official or classified employee shall: Use his or her position with the state to secure privileges or advantages for himself or herself, which are not generally available to governmental employees, or to secure governmental privileges or advantages for others to which they are not otherwise entitled."

Through the use of his twitter account, Governor Sununu used his position with the state – “to secure advantages for himself” and “advantages for others” by promoting a business he and his family members have a financial interest in.

Having served three terms as an Executive Councilor, Governor Sununu should be familiar with the State’s ethics code. Indeed, his awareness of the ethics code is demonstrated by the fact he filed a Financial Interests RSA 15-A (S) form.

V. REQUEST FOR RELIEF

Governor Chris Sununu's use of the Office of Governor to promote a business that he has a personal financial interest in is precisely what the ethics code is designed to prevent against and for which he should be held accountable. I respectfully request that the Executive Branch Ethics Committee begin an immediate investigation and, following such investigation, recommend all warranted penalties.

NHDP Executive Branch Ethics Complaint

May 22, 2017

Rayal Buckley 3/22/17
Angene P. Mant Jr. 3/22/17



Chris Sununu ✓
@GovChrisSununu

+ Follow

Best ski day! Great to be back at @waterville enjoying the best snow NH has to offer. Everyone should be in the white mountains this weekend



RETWEETS 8 LIKES 30

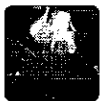


12:59 PM - 18 Mar 2017

↩ 5 ↻ 8 30



Reply to @GovChrisSununu @waterville



Matt D @mdeloge · Mar 21

@GovChrisSununu @waterville this is like Trump promoting his hotels while holding public office. Tastes rotten.

↩ ↻ 2

*Ray L Buckley 3/22/17
anym p.9 mark 3/22/17*



TWEETS 293 FOLLOWING 66 FOLLOWERS 2,215 LIKES 8

Follow

Chris Sununu

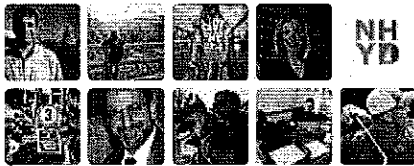
@GovChrisSununu

Official Twitter account of the Office of New Hampshire Governor Chris Sununu.

New Hampshire, USA
governor.nh.gov
Joined January 2017

Tweet to Chris Sununu

68 Followers you know



135 Photos and videos



Tweets Tweets & replies Media



Chris Sununu @GovChrisSununu · 2h

Marguerite Wurtz is a New Hampshire treasure & American hero. Proud to honor her service to our country and recognize her 98 years on earth!



3 7



Chris Sununu @GovChrisSununu · 3h

Following the passing of Sen. McGilvray and in honor of his commitment to public service, I've directed state flags to fly at half-staff:

Concord, NH - Following the passing of State Senator Scott McGilvray and in honor of his commitment to public service, Governor Chris Sununu today directed state flags be flown at half-staff until the interment:

"Valerie and I join the people of New Hampshire, as we reflect upon the passing of Senator McGilvray. A lifelong public servant, Senator McGilvray embodied the spirit of New Hampshire, where serving our communities is a way of life and is a duty we know he held close to his heart. To honor him and to express our gratitude for his service, I have directed state flags to fly at half-staff."

6 5

Ray Buckley 3-23-17
Susan P. Marshall 3/22/17

RECEIVED

JAN 20 2017

NEW HAMPSHIRE
DEPARTMENT OF STATE

2017 NEW HAMPSHIRE STATEMENT OF FINANCIAL INTERESTS - RSA 15-A

Type or Print Clearly

Full Name CHRISTOPHER SUNUND Work Address 107 NORTH MAIN ST., ROOM 208

Primary Occupation GOVERNOR e-mail *optional _____ Work Phone 271-2121

The office, position, appointment, or employment with state government held by you. GOVERNOR
NO ACRONYMS

A. List below the name, address, and type of any profession, business, or other organization in which you or a family member was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year. Sources of retirement benefits other than federal retirement and/or disability benefits shall be included. (Use additional sheets as necessary.)

- WATERVILLE VALLEY RESORT
-

If you have no qualifying income indicate by writing your initials next to the following statement. My income does not qualify _____

B. Indicate below whether you or a family member has a special interest in any of the following businesses, professions, occupations, groups, or matters. A person has a reportable special interest in an item on this list if a change in law, a change in administrative rule, a decision whether or not to award a contract, grant a license or permit, discipline a licensee or permittee, or other decision by government affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on you or a family member than it would on the general public:

1. Any profession, occupation, or business licensed or certified by the State of New Hampshire. List each such profession, occupation, or category of business: RESORTS, RESTAURANTS, LODGING

<input type="checkbox"/> 2. Health Care	<input type="checkbox"/> 3. Insurance	<input type="checkbox"/> 4. Real Estate, including brokers, agent, developers, and landlords	<input checked="" type="checkbox"/> 5. Banking or financial services	<input checked="" type="checkbox"/> 6. State of New Hampshire, county, or municipal employment
<input type="checkbox"/> 7. N.H. Retirement System	<input type="checkbox"/> 8. Current use land assessment program	<input checked="" type="checkbox"/> 9. Restaurants/ lodging	<input checked="" type="checkbox"/> 10. Sale and distribution of alcoholic beverages	<input type="checkbox"/> 11. Practice of law
<input type="checkbox"/> 12. Any business regulated by the Public Utilities Commission	<input type="checkbox"/> 13. Horse or dog racing, or other legal forms of gambling	<input type="checkbox"/> 14. Education	<input checked="" type="checkbox"/> 15. Water Resources	
<input type="checkbox"/> 16. Agriculture	17. N.H. taxes: <input checked="" type="checkbox"/> Business Profits Tax <input checked="" type="checkbox"/> Business Enterprise Tax <input checked="" type="checkbox"/> Interest and Dividends Tax	<input type="checkbox"/> 18. Optional: Specify any other area in which you have a special interest —		

I have read RSA 15-A and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief. RSA 15-A:9 Penalty. Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false statement shall be guilty of a misdemeanor.

Date JAN 18, 2017

Clith T. Sunund
Signature of Reporting Individual

Return to: Office of Secretary of State, 107 North Main Street, State House Room 204, Concord, NH 03301

Christopher Sunund

Ray & Breckley 3/22/17
Eugene R. Math 3/22/17

TITLE I

THE STATE AND ITS GOVERNMENT

CHAPTER 21-G

ORGANIZATION OF EXECUTIVE BRANCH

Code of Ethics

Section 21-G:23

21-G:23 Misuse of Position. – No executive branch official or classified employee shall:

I. Disclose or use confidential or privileged information acquired in the performance of his or her duties for the state for personal benefit or for financial gain.

II. Use his or her position with the state to secure privileges or advantages for himself or herself, which are not generally available to governmental employees, or to secure governmental privileges or advantages for others to which they are not otherwise entitled.

Source. 2004, 214:1. 2006, 21:2. 2009, 239:2, eff. July 16, 2009. 2016, 57:3, eff. July 4, 2016.

Ray L. Brubly 3/22/17
George P. Mont 3/22/17