

Mr. Myles Matteson
Deputy General Counsel at the Attorney General's Office
33 Capitol Street
Concord, NH 03301

CC: Secretary of State William Gardner and Deputy Secretary of State David Scanlan

I'm writing to you today to bring to your attention and file a formal complaint against the candidate committee for "Neil Wetherbee" filed for the Derry Special Election and the Political Committee "Derry Conservative Taxpayers".

Context:

- Derry, NH (Rockingham District 6) is in the process of conducting a special election to fill a vacated State Representative seat. The Republican primary will be held October 19th at West Running Brook Middle School from 7:00 am to 8:00 pm. The general election is scheduled for December 7th.
- There are three Republican candidates listed – Neil Wetherbee, Thomas Cardon, and Jodi Nelson.
- Neil Wetherbee's candidate committee has a fiscal agent listed as Paul M. Freitas of 5 Eastgate Road in Derry, NH. The filing is attached.
- The Chairman of the Derry Conservative Taxpayers Committee is filed as James Morgan of 5 Eastgate Road, Derry, NH. The filing is attached.
- The Derry Conservative Taxpayers is registered with the Secretary of State's office to promote candidates Neil Wetherbee and Thomas Cardon and to oppose candidate Jodi Nelson.
- Paul Freitas and James Morgan are married.
- No Financial Report was posted by the "Derry Conservative Taxpayers" committee due on September 29th.

Reasons for the complaint:

- In Wetherbee's candidate report received by the Secretary of State on September 30th (1 day late) an "in-kind" donation of \$1000 is listed from Jim Morgan of 5 Eastgate Road, Derry, NH. Wetherbee's committee has 1 expenditure listed as a processing fee to
- An "In-Kind" donation would mean the candidate committee for Wetherbee and Jim Morgan have knowledge of what the donation would be used for.
- Signage has been purchased by the Wetherbee committee and a candidate advertisement was sent in the mail. Both were paid for by the Wetherbee committee.
- Jim Morgan on his political Facebook page, www.Facebook.com/Derry2022, shows a post indicating Morgan is actively putting up signage and recruiting signage locations on behalf of Mr. Wetherbee. The signs are paid for by Wetherbee's candidate committee. (A screenshot is attached).

- New Hampshire Statutes listed in RSA 664 (noted below) clearly state a candidate committee or its agent and a political committee or its agent shall not coordinate their efforts or have knowledge of their independent activities. They shall remain separate.
- RSA 664 is in place to protect election integrity and ensure campaign finance laws are not being circumvented or ignored.

Conclusion:

I believe the candidate committee for "Neil Wetherbee" and the political committee "Derry Conservative Taxpayers" are violating our state's election statutes and reporting requirements. I request a formal investigation into the matter. I also request in the interim that the committee "Derry Conservative Taxpayers" independent expenditures or future activity be halted while this investigation is ongoing and until a resolution is determined.

Election integrity is critically important to the public's trust in our electoral process and the voters of the Derry deserve an election that is clean and free of any possible violations of state law.

Sincerely,

State Representative Peter Torosian (Rockingham District 14)
Member of the House Election Law Committee

XI. "Independent expenditures" means expenditures that pay for the development and distribution of a communication that expressly advocates the election or defeat of a clearly identified candidate or candidates or the success or defeat of a measure or measures, which are made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

664:4 Prohibited Political Contributions. –

No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or political party, or in behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate or political party at any state primary or general election:

I. [Repealed.]

II. By any partnership as such or by any partner acting in behalf of such partnership.

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization.

IV. [Repealed.]

V. By any person (1) if in excess of \$5,000 in value, except for contributions made by a candidate in behalf of his own candidacy, or if in excess of \$1,000 in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or his fiscal agent, a political committee or its treasurer, or not to any one of the same.

Source. 1979, 436:1. 1983, 415:1. 1991, 387:13, 14. 2011, 150:7, V, eff. Aug. 7, 2011.

664:5 Prohibited Political Expenditures. –

No expenditure or use of a contribution, tangible or intangible, shall be made for the purpose of promoting the success or defeat of any political party, measure or candidate:

I. By a political committee, except the political committee of a political party, unless the political committee meets the requirements of RSA 664:3, I.

II. By a political committee which is organized to support a candidate in any election, or to such candidate or the candidate's fiscal agent unless the committee secures and files the written consent of the candidate or the candidate's fiscal agent with the secretary of state in accordance with RSA 664:3, III.

III. By any person, candidate or political committee, for political advertising in a newspaper, periodical, or on a radio or television broadcast, or on a billboard, if at a rate more or less than the applicable rates to be filed with the secretary of state.

IV, V. [Repealed.]

VI. By any foreign national, as defined in 52 U.S.C. section 30121(b) and 11 C.F.R. section 110.20(a)(3), for any purpose, including for the use of telephones, facsimile machines, vehicles, and computers, for electioneering. For the purposes of this paragraph, "electioneering" means to act in any way specifically designed to influence the vote of a voter on any question or office. **Source.** 1979, 436:1. 1982, 27:4. 1991, 387:15. 1997, 351:60, 63, eff. Aug. 24, 1997. 2018, 111:1, eff. May 25, 2018.

VOTE
REPUBLICAN
OCTOBER 19

Neil Wetherbee: A Problem Solver with a Record of Results

*My heart, my home and
my family are in Derry...*

*I vow that with EVERY vote I make in Concord, I will put Derry first,
conscience second and Party third! As your Town Councilor I have
focused on fiscal responsibility, jobs, and economic development. With
your vote, I will continue to fight that fight as your State Representative.*

Neil
WETHERBEE
State Representative



About Neil Wetherbee

- Derry Town Councilor, 10 years
- Small Business Owner
- School District's Fiscal Advisory Committee Member
- avid Outdoorsman & Conservationist
- 20+ year Resident of Derry
- Married to Wendy (an amazing wife & business partner) and proud parents of two Pinkerton graduates

- Support Local Control & Decision-Making
- No Income Tax, No Sales Tax, Reduce Property Taxes
- Make Concord More Small-Business Friendly
- Protect Our 2nd Amendment Rights

FIND OUT MORE AT DERRYFIRST.COM



SPECIAL ELECTION OCTOBER 19TH

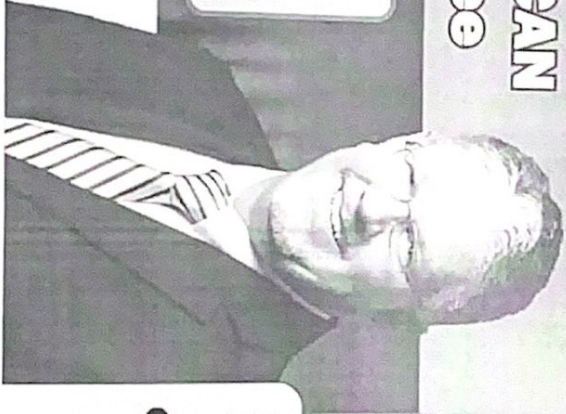
VOTE REPUBLICAN
Neil Wetherbee

I am the **ONLY** candidate in this Special Election for State Representative who has a proven track record of getting things done for Derry! I've fought for our Town for 15 years and I'll **ALWAYS** do the same in Concord!

- Neil

★ VOTE ★
DERRY FIRST

Paid for and authorized by Neil Wetherbee, Paul Trezza, Fiscal Agent



WETHERBEE
State Representative

✉ DerryNHFirst@gmail.com 📞 DerryNHFirst
visit **DERRYFIRST.COM**

Neil Wetherbee
PO Box 1863
Derry, NH 03033



Jim Morgan

253 Followers

Page · Politician

jimmorgan11@comcast.net

Photos

See All Photos



unknown and stability for the tax rate was the exact course the Council took last meeting. I'm very pleased to see the district take a step in a more forward thinking direction. Looking at forecasted budgeting and saving today... [See More](#)

3

Like

Comment

Share



Write a comment...



Jim Morgan

September 27 at 12:20 PM

Howdy Folks we put up a bunch of Wetherbee for State Rep signs this weekend. Anyone on my page would like one please let me know.

RECEIVED

SEP 30 2021

NEW HAMPSHIRE
DEPARTMENT OF STATE

STATE OF NEW HAMPSHIRE
**Statement of Receipts and Expenditures
for CANDIDATES**
October 19, 2021 - Special Primary Election
State Representative - Rockingham District 6

Name of Candidate: Neil F. Wetherbee
(print name)

Address: 18 Northky RD Derry NH 03038
(street) (town/city/state/zip)

Party: R Office: State Representative - Rockingham District 6

Name of Fiscal Agent: Paul M. Freitas
RECEIVED
SEP 30 2021
NEW HAMPSHIRE
DEPARTMENT OF STATE

REPORT OF RECEIPTS AND EXPENDITURE FOR SPECIAL PRIMARY ELECTION

Date of Report: 9/30/21 September 29 ☒ October 13 ☐ October 27 ☐

SUMMARY OF RECEIPTS AND EXPENDITURES	THIS PERIOD	TO DATE
RECEIPTS		
A. Total amount of receipts over \$25	\$ 250	\$ 250
B. Total amount of receipts unitemized (\$25 or less)	\$ 0	\$ 0
C. Number of Contributors	4	4
D. Number of receipts unitemized (\$25 or less)	0	0
E. Subtotal of non-monetary (in-kind) receipts	\$ 1922.50	\$ 1922.50
F. Subtotal of monetary receipts (A + B - E)	\$ 250.00	\$ 250.00
G. Total Surplus/Deficit from previous campaign	\$ 0	\$ 0
TOTAL RECEIPTS (E + F + G)	\$ 2172.50	\$ 2172.50

EXPENDITURES		
H. Total amount of expenditures (excluding Ind. Exp. \$500 or more)	\$ 7.25	\$ 7.25
I. Total amount of Independent Expenditures \$500 or more <u>In Kind</u>	\$ 1922.50	\$ 1922.50
J. Number of Independent Expenditures \$500 or more		
TOTAL EXPENDITURES (H + I)	\$ 1929.75	\$ 1929.75
PENDING EXPENDITURES - Promise of Payment	\$	\$ 0
BALANCE (Total Receipts minus Total Expenditures)		\$ 250.00
If your balance is \$0.00 - Is this your final report? Yes No ☒		

Signature of Candidate

Signature of Fiscal Agent

Secretary of State's Office, 107 North Main Street, State House, Room 204, Concord, NH 03301
Phone: 603-271-3242 — Fax: 603-271-6316 — <http://sos.nh.gov>

Candidate or Committee Name: Neil F. Wetherbee

ITEMIZED RECEIPTS

Reporting period ending Sept. 29 2021

Full Name of Contributor (Alphabetical Order)	Post Office Address	Amount of Contribution	Date Received	Aggregate* Contributions to Date	If contribution or aggregate contribution is over \$100 list: Occupation and Place of Business
Anderson, Derrick	50 Stark Rd, Derry	\$200	9/22/21	\$200	Pharmacist WINGATE'S NASHUA, NH
Freitas, Paul	5 Eastgate Rd, Derry	\$922.50	9/16/21	\$922.50	MARKETING ASPECT VIRTUAL LONDON DERRY
Morgan, James	5 Eastgate Rd, Derry	\$1000.00	9/27/21	\$1000	CEO SEMI GEN INC LONDON DERRY

Total of receipts unitemized (\$25 or under) in this report \$

ITEMIZED EXPENDITURES

***Indicate to which election expenditure applies

Paid to Whom	Post Office Address	Amount of Expense	Date Expended	***Primary/General	Nature of Expenditure
Paypal	12312 Port Grace Blvd La Vista, NE 68128	\$7.25	9/22/21	X	Credit Card Processing

*List occupation and place of business if total exceeds \$100 for primary or general election. RSA 664:6, I.



STATE OF NEW HAMPSHIRE
Political Committee Registration
RSA 664

COMMITTEE INFORMATION

DATE: September 10, 2021

Name of the Committee:	Derry Conservative Taxpayers	
Address (Number and Street):	5 Eastgate Road	
City, State, and Zip:	Derry, NH 03038	
Election Cycle:	Rockingham Dist. 6 (Derry)	
Email: jimmorgan11@comcast.net	Phone: (603) 818-8778	Website:
Purpose Of Committee:	To support fiscal conservative candidates	
Committee Type:	Political Committee	

CHAIRPERSON INFORMATION

Name of the Chairperson:	James Morgan
Address:	5 Eastgate Road
City, State, and Zip:	Derry, NH 03038
Occupation, Place Of Business:	CEO, NEW HAMPSHIRE (NH)
Email:	jimmorgan11@comcast.net
Phone:	(603) 560-7383

TREASURER INFORMATION (Must be a N.H. Resident)

Name of the Treasurer:	James Morgan
Address:	5 Eastgate Road
City, State, and Zip:	Derry, NH 03038
Occupation, Place Of Business:	CEO, NEW HAMPSHIRE (NH)
Email:	jimmorgan11@comcast.net
Phone:	(603) 560-7383

STATEMENT OF INDEPENDENT EXPENDITURES

☒ Independent Expenditures will be made with respect to the following candidates.		
Name of Candidate	Support	Oppose
Neil Weatherbee	Yes	No
Tom Cardon	Yes	No
Jodi Nelson	No	Yes

☒ I hereby certify, under the pains and penalties of perjury, that the information provided is true and accurate to the best of my knowledge, information and belief. By checking this box, you agree to the terms and conditions under RSA 664 of New Hampshire law.

Sign the form and submit to the Secretary of State along with your payment of \$50.00 payable to the State of New Hampshire

Mail To:

Office of the Secretary of State
State House Room 204
107 North Main Street
Concord, NH 03301

September 10, 2021

Date

James Morgan

Chairperson Name

James Morgan

Committee Treasurer Name



STATE OF NEW HAMPSHIRE
Candidate Registration
RSA 664

CANDIDATE INFORMATION

DATE: September 16, 2021

Name of the Candidate:	Neil Wetherbee	
CF ID:	01005934	
Address (Number and Street):	P.O. Box 1863	
City, State, and Zip:	Derry, NH 03038	
Election Cycle: Rockingham Dist. 6 (Derry)	Party/Political Organization: Republican	Office Sought: State Representative, Rockingham District: 6
Email: Neil@WetherbeeCreative.com	Phone: (603) 548-3935	Website:

FISCAL AGENT INFORMATION

Name of the Fiscal Agent:	Paul Freitas
Address:	5 Eastgate Rd.
City, State, and Zip:	Derry, NH 03038
Email:	paulm@aspectvirtual.com
Phone:	(603) 560-7384

☒ I hereby certify, under the pains and penalties of perjury, that the information provided is true and accurate to the best of my knowledge, information and belief. By checking this box, no signature is needed and you agree to the terms and conditions under RSA 664 of New Hampshire law.

September 16, 2021

Date

Neil Wetherbee

Candidate Name

Paul Freitas

Fiscal Agent Name