

March 23, 2009

Dear Attorney General Kelly A. Ayotte,

I am writing you again as a concerned citizen of New Hampshire, who would like to ask for your assistance. Last week I sent you a letter with concerns I had about a vendor that the City of Portsmouth is using, and conduct of the City representatives. Now, I would like to ask that you extend that investigation.

I received a copy of a letter that City Attorney Robert Sullivan sent you on March 20, 2009. It was his response to my concerns voiced to the City Council members, and yourself, last week. Sullivan called my claims “groundless” and said that you should not investigate the City of Portsmouth. He claims to have done an investigation, which led him to come to the conclusion that my comments and request for investigation were “groundless.”

I take issue with how Sullivan could have done a thorough investigation in such a short timeline. My original letter was dated Tuesday, March 17, 2009, but was put into the mailboxes at the USPS mail distribution in Portsmouth at 7:00 PM on Tuesday night – 45 minutes *after* their listed pickup time. My letter was sent to all Portsmouth City Council members, except for Ken Smith. Assuming a 1-day mail delivery, they should have received their letters on Thursday. Councilor Eric Spear delivered a copy to Sullivan. On Friday, Sullivan wrote his letter to you that dismissed my claims. In his letter, Sullivan claims to have conducted an investigation. Given the very short timeframe, Sullivan would have approximately 24 hours or less to do his investigation. With all due respect to Attorney Sullivan, I find it difficult to fathom that he could do a thorough investigation in less than 24 hours. In fact, had a thorough investigation been completed, Attorney Sullivan would have discovered that the City of Portsmouth, by means of Parking Manager John Frederick, had told the Portsmouth Herald on February 27, 2009, that the City of Portsmouth has plans to use the wifi with the new parking meters (attached Exhibit A). In fact, as early as November 14, 2007, in another Portsmouth Herald story (attached Exhibit B), the City talks about using the wifi with parking meters, among other things. In an editorial to the Portsmouth Herald dated February 22, 2009 (attached Exhibit C), Councilor Ken Smith advocates the new parking meters. He goes into great detail about the meters, and acknowledges that he is the chairman of the Parking Committee – in short, Smith presents himself as the local expert on the new meters. So I ask, how is it that Councilor Ken Smith did not know that the City had plans to use the wifi with the new meters? I find it difficult to believe that Councilor Ken Smith did not know that the City of Portsmouth had plans to use the wifi with the new meters. At the City Council meeting on Monday, March 16, 2009, Councilor Smith said that the city did not plan to connect the pay-and-display meters, and that the City has never talked about that (attached Exhibit D and from the recorded meeting on the City’s website at <http://12.30.15.88:8080/ramgen/cc031609.rv>). As I mentioned before, he called my concerns (about the wifi) to be “misinformation”. His comments are intended to discredit my concerns, but more importantly, he either doesn’t know what’s happening with the meters or he lied to the other Council members, the residents and all others in attendance of the meeting when he made his comment.

Portsmouth City Attorney Sullivan avoided that subject in his reply to you and the other City Council members. While I did ask the NH Attorney General's Office to investigate Smith, I also asked the other Portsmouth City Councilors to censure Councilor Ken Smith for his comments calling my wifi concerns to be "misinformation".

The actions of Portsmouth City Attorney Robert Sullivan to quickly silence and discredit my concerns are of grave concern to me, and to other residents of Portsmouth. His omission of the facts, his apparent lack of due diligence, and the secrecy behind the handling of the new meters raises some very serious concerns with residents of Portsmouth. Unfortunately, the City itself needs to be investigated by the State Attorney General, because even the City of Portsmouth Attorney seems to be acting in a very self-serving and suspicious fashion. Please keep in mind that not once did Attorney Sullivan contact me for any questions or concerns over this matter.

I, along with other residents of Portsmouth, hereby request that the New Hampshire Attorney General's Office conduct an investigation into all employees and elected officials of Portsmouth, New Hampshire, to see if anyone, their relatives, friends or family, stand to profit from the implementation of the new meters. I also ask that you specifically investigate City Councilor Ken Smith and his comments about the wifi usage for the new meters, and determine if he violated any State laws if he knowingly lied or spoke with mistruths when he contradicted my claims of the wifi being considered for use with the new meters.

Regards,

Erik Crago