

Secretary of State William M. Gardner, clerk

New Hampshire Ballot Law Commission

State House, Concord, New Hampshire

November 23, 1998 HAND DELIVERED Reference AG#98-8

Dear Bill:

Please consider the following to be formal complaints and a request for the BLC to exercise it's authority under RSA 665:7.

1. Failure of the Attorney Generals office to act on complaints in a timely manner to protect the integrity of the election as required by statute.
2. Refusal of the attorney Generals office to enforce the provisions of RSA 664:18.
3. Refusal of the Attorney Generals office to answer questions contained in my correspondence of September 22, 1998 in their reply on October 12, 1998.
4. My original complaint under RSA 664:18 as faxed to the Attorney Generals office on September 3, 1998.

In addition to all of the correspondence on this matter I have included the Milford Police report for your consideration. Mr. Coughlin's statements regarding signs at the end of his driveway as well as his statement "not familiar with Stawasz" are a good indication of his veracity. Having been present with my opponent and his fiscal agent on numerous campaign occasions over the summer months, particularly Lamar's lobster bake, I was amazed at his assertion. In addition, my familiarity with the location of his driveway (which was signless), was based on my having provided the Coughlins with real estate advice on the property a number of years ago as well as advice on his Nashua Law office property in my capacity as a real estate broker.

I also have in my possession a photograph of my sign stakes stacked neatly by the Coughlin's garage. Those stakes as well as one recovered some 50 feet from route 101, where it was thrown, I believe will show only two sets of fingerprints, mine and his.

Thank you for your attention to this complaint, I may be reached at 465-7907.

Very truly yours,



Thomas P. Stawasz

Box 452, Hollis N.H.

**RECEIVED**  
NOV 23 1998  
NEW HAMPSHIRE  
SECRETARY OF STATE

Assistant Attorney General Martin Honigberg  
Department of Justice  
33 Capital Street  
Concord New Hampshire

BY FAX September 3, 1998

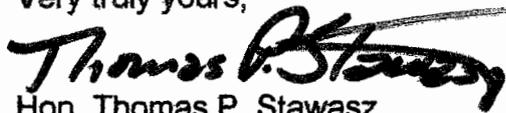
Dear Martin:

I submit the following as a formal complaint under RSA 664:18 against Attorney John Coughlin of Tater Road, Mont Vernon, New Hampshire for the willful and malicious removal and apparent destruction of my political signs in Milford and Mont Vernon over the last several days.

Upon noticing that all of my signs had been removed from groups of signs of all the other candidates, while at the same time "Streeter" and "Pam Coughlin" signs had been newly erected, I notified officer Dowd of the Milford Police as to the situation and advised him of my suspicions. After replacing a number of signs I went to the Coughlin residence to discuss my concerns directly. When I arrived at the home I noticed a number of my sign stakes stacked by the garage door. I photographed them and rang the bell. After a brief discussion to deny that he knew anything, I retrieved what limited materials I found in the open and left. I informed officer Dowd of what I had found and upon review of the statute submit this complaint to your office for immediate attention to the flagrant violation of RSA 664:17.

I may be reached at 465-7907 or by digital pager at 599-1162. I appreciate your attention to this matter and hope for an investigation, cease and desist order and prosecution as the statute provides for.

Very truly yours,

  
Hon. Thomas P. Stawasz

cc:

Sec. Of State  
Media in Council Dist. five

**ATTORNEY GENERAL  
STATE OF NEW HAMPSHIRE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

PHILIP T. McLAUGHLIN  
ATTORNEY GENERAL

STEVEN M. HOURAN  
DEPUTY ATTORNEY GENERAL



September 8, 1998

Thomas P. Stawasz  
P.O. Box 452  
Hollis, New Hampshire 03049

**Re: Complaint concerning political advertising**  
AG Ref. No. 98-8

Dear Mr. Stawasz:

This will acknowledge receipt of your complaint concerning removal of political advertising under RSA 664:17. We are notifying the individual of the existence of the complaint, the prohibitions contained in RSA 664:17, and our authority under RSA 664:18. We expect those steps will deter future violations by that individual. If it does not, we will need the evidence described in your letter. If that becomes necessary, an investigator will be in touch with you.

We are instituting a new method for tracking elections complaints this year. If you direct additional correspondence to us concerning this complaint, please use the reference number listed above. Thank you for your cooperation.

Very truly yours,

  
Martin P. Honigberg  
Senior Assistant Attorney General  
Civil Bureau

92703\_1.DOC

Assistant Attorney General Martin Honigberg  
Department of Justice  
33 Capital Street  
Concord New Hampshire

BY FAX September 17, 1998

REFERENCE AG # 98-8

Dear Martin:

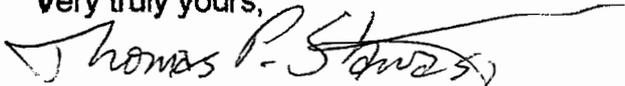
When I submitted the formal complaint under RSA 664:18, by fax on September third, against Attorney Coughlin for the willful and malicious removal and apparent destruction of my political signs, I expected that your office, given the level of proof offered in my complaint would take action. Given that only five days remained until the election in my primary race for Council, I certainly thought that something more than a return correspondence, written on election day, postmarked two days latter, saying in effect that you will do nothing is sufficient. As someone who worked on these laws as a State Senator, I thought that the cease and desist portion of the statute was understood to have a time is of the essence nature. Given the fragility of the electoral process and the importance of your duty to protect it, I am appalled at your response.

As both a fellow attorney and long time campaigner Mr. Coughlin is well aware of the statute and was informed that I was filing the complaint. Your letter seems to indicate a refusal to act upon the complaint other than to issue a warning to hopefully prevent some future action by Attorney Coughlin. That is clearly not an option present in the statute. If your office is unwilling to carry out it's responsibility under RSA 664:18, then please advise me in writing, so that I may pursue the matter under RSA 665:7.

In addition, I will also be filing a formal complaint against Attorney Coughlin with the Professional Conduct Committee of the New Hampshire Supreme Court, after a review of those rules.

I may be reached at 465-7907 or by digital pager at 599-1162. I appreciate your attention to this matter.

Very truly yours,



Hon. Thomas P. Stawasz

cc:

Sec. Of State - Media - Granite State Clean Elections Campaign

**ATTORNEY GENERAL  
STATE OF NEW HAMPSHIRE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

PHILIP T. MCLAUGHLIN  
ATTORNEY GENERAL

STEVEN M. HOURAN  
DEPUTY ATTORNEY GENERAL



September 18, 1998

Thomas P. Stawasz  
P.O. Box 452  
Hollis, New Hampshire 03049

Re: **Complaint concerning political advertising**  
AG Ref. No. 98-8

Dear Mr. Stawasz:

We have received your follow-up letter dated September 17, 1998. Please be advised that we are fulfilling our obligations under RSA 664:18. The point of the statute is that violations of the election laws be stopped. We often find that a notice of rights and obligations is sufficient to gain compliance. In this case we have no evidence of further violations; in the event we learn of such evidence, we will take further appropriate action.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Martin P. Honigberg".

Martin P. Honigberg  
Senior Assistant Attorney General  
Civil Bureau

92703\_1.DOC

Assistant Attorney General Martin Honigberg  
Department of Justice  
33 Capital Street  
Concord, New Hampshire

BY FAX September 22, 1998      REFERENCE AG # 98-8

Dear Martin:

This will acknowledge receipt of your reply to my fax of the seventeenth. Thank you for the prompt response. I remain puzzled by your interpretation of the statute. You state that "The point of the statute is that violations of the election laws be stopped." I would point out that there is **NO STATEMENT OF PURPOSE** in this section of the RSA's, leaving me at a loss to see where your office is coming from. I know as a former eighth grade teacher that only consistent enforcement will deter future problems.

You go on to say that with "no evidence of further violations", this seems to imply that there will be no other action than that contained in your letter of the eighth. This is unacceptable both to myself, as well as, the constitution. Part I Article 11<sup>th</sup> states in part "No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or **ANY WILLFUL VIOLATION OF THE ELECTION LAWS OF THIS STATE**" (emphasis added). This would seem to be a different level of concern by the founding fathers in comparison to your interpretation of the "point" of the statute.

I would ask for YES or NO answers to the following questions about my complaint.

1. Did you feel that the complaint presented "sufficient evidence of a violation"?
2. Did you conduct any "investigations to determine whether a violation of this chapter has occurred"?
3. Did your correspondence to Attorney Coughlin request a reply?
4. Is this file available under the right to know statute?
5. Has your department ever issued a "cease and desist" order in connection with a complaint under this provision of the statute?

I would also call your attention to sections III & IV of RSA 664:18 and point out that having asked Councilor Streeter, to call for the Attorney General to resign (After his admission to former Representative Root that he knew of the potential violation of Part II Article 78 but chose not to act) and since I received no reply to my other questions to your office during my own campaign against Councilor Streeter and his reports under RSA 664:6 part I until it was mailed "return receipt" there may well be, in my view, a business and or political connection involved. At this point I'm not asking for what would amount to an independent council, but for you to "vigorously proceed against the respondent complained against for such violation" and not in effect to deny me justice.

As always, I may be reached at 465-7907 or by digital pager at 599-1162 thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas P. Stawasz". The signature is written in black ink and is positioned above the printed name.

Thomas P. Stawasz

cc: Sec of State  
Media  
GSCEC

ATTORNEY GENERAL  
STATE OF NEW HAMPSHIRE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

PHILIP T. MCLAUGHLIN  
ATTORNEY GENERAL



STEVEN M. HOURAN  
DEPUTY ATTORNEY GENERAL

October 12, 1998

Thomas P. Stawasz  
P.O. Box 452  
Hollis, New Hampshire 03049

Re: **Complaint concerning political advertising**  
AG Ref. No. 98-8

Dear Mr. Stawasz:

This is in response to your letter of September 22, 1998. You are, of course, free to disagree with our decisions and our view of the predominant purposes of the "cease and desist" provisions in our election laws. You are not, however, entitled to answers to some of the questions you have asked; in particular, questions 1 and 2. Answers to your questions 3 and 4—asking whether we requested a reply and whether the file is available under RSA 91-A—are answered in the enclosed copies of the relevant correspondence. No one in the Attorney General's office knows the answer to question 5, which asked whether we have issued a "cease and desist" order for violating the sign removal section of the statutes.

The remainder of your letter requires no response.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. P. Honigberg".

Martin P. Honigberg  
Senior Assistant Attorney General  
Civil Bureau

Enclosures  
92703\_1.DOC

ATTORNEY GENERAL  
STATE OF NEW HAMPSHIRE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

PHILIP T. MCLAUGHLIN  
ATTORNEY GENERAL



STEVEN M. HOURAN  
DEPUTY ATTORNEY GENERAL

September 9, 1998

John Coughlin, Esquire  
Tater Road  
Mont Vernon, NH 03057

Re: **Complaint concerning removal of political advertising**  
AG Ref. No. 98-8

Dear Mr. Coughlin:

We have received a complaint alleging that you have removed political advertising in violation of New Hampshire law. Without further investigation, we do not know whether the allegations are true, but we are providing you with this notice so that you know (a) what you should do if you believe political advertising has been placed where it does not belong and (b) what can happen if a person improperly removes political signs.

RSA 664:17, Placement and Removal of Political Advertising, states as follows:

No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. The earliest date on which political advertising may be placed or affixed shall be the last Friday in July prior to a state primary. All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. No person shall remove, deface or knowingly destroy any political advertising which is placed on or affixed to any private property except the owner of the property or a law enforcement officer removing improper advertising; provided, however, that, before a law enforcement officer removes any advertisement, he shall notify the candidate that it is improper, and allow the candidate 24 hours to remove the advertisement himself.

RSA 664:18, Complaints, states in relevant part as follows:

Any candidate or voter may make complaint in writing to the attorney general of any violation of any of the provisions of this chapter.

I. Upon receipt of such complaint, the attorney general or his designee shall review the complaint, and where sufficient evidence of a violation is presented, conduct investigations to determine whether a violation of this chapter has occurred.

II. Following investigation, the attorney general is empowered, if he determines that a provision of this chapter has been violated, to:

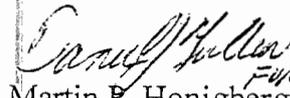
(a) Issue an order requiring the violator to cease and desist from his violation. If the attorney general's order is not obeyed and no petition for review has been filed with the ballot law commission pursuant to RSA 665:7 within 3 days, the attorney general or his designee may petition the superior court of the county in which the violation occurred for an order of enforcement.

(b) Prosecute to final judgment through his designee if sufficient cause for such prosecution is found.

In the future, if you believe there are signs that need to be removed, you should notify the Police Department. The Police can then determine how to proceed, including contacting the State Department of Transportation, if necessary.

We are instituting a new method for tracking elections complaints this year. If you wish to contact us concerning this matter, please use the reference number listed above. Thank you for your cooperation.

Very truly yours,



Martin P. Honigberg  
Senior Assistant Attorney General  
Civil Bureau

cc: Milford Police Department

JOHN J. COUGHLIN  
66 TATER STREET  
MONT VERNON, NEW HAMPSHIRE 03057

September 17, 1998

Martin P. Honigberg  
Senior Assistant Attorney General  
Civil Bureau  
33 Capitol Street  
Concord, N.H. 03301-6397

RE: Removal of political advertising  
AG Ref. No. 98-8

Dear Mr. Honigberg:

I am in receipt of your correspondence dated September 9, 1998. I appreciate and understand your responsibility to respond to any alleged complaint. ~~It is my understanding that except for the allegation(s) of the complaint your office did not investigate this matter.~~ I have neither received a copy of the complaint nor any information relating to specific allegations; therefore, I am requesting a copy of the complaint. Further, it is my understanding that your intent was to provide me with information regarding NH RSA 664:17 and RSA 664:18. Thank you for providing me with that information.

I shall state unequivocally that I have never removed political advertising in violation of New Hampshire law. It is unfortunate that the valuable and limited resources of the Attorney General's office is being used by a person(s) with such nonsensical and spurious allegation(s) to promote their own politically motivated agenda.

NOTE



*Signed statement  
I know to be false*