

NEW HAMPSHIRE GENERAL COURT LEGISLATIVE ETHICS COMMITTEE COMPLAINT FORM

I, David “Skip” Murphy, hold that to the best of my personal knowledge, Harry Bean, who holds the position of NH State Representative (R-Gilford, Gilmanton, and Laconia Ward 2), did commit violations of New Hampshire Law or General Court guideline, rule, or regulation. In support of my complaint, I offer the following statement of facts.

Here are the background data points supporting this Ethics Complaint:

- Harry Bean (“Bean”) was re-elected as a NH Stated Representative from Belknap County in November of 2022 from District 6 (Gilford, Laconia Ward 2, Gilmanton).
- Previously, he was a member of the Gilford Budget Committee which highly regulated itself and its meetings according to RSA 91-A.
- On December 7, 2022, Bean signed and submitted his oath of office, a copy of which is attached. Included within his oath of office is the following relevant portion of the oath (emphasis mine):

Being before His Excellency, the Governor, and the Honorable Council,

I, Harry Bean of Gilford do solemnly swear, that I will bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof. So help me God

“I, Harry Bean, do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all duties incumbent on me as STATE REPRESENTATIVE according to the best of my abilities, agreeably to **the rules and regulations of this constitution and laws of the state of New Hampshire**. So help me God.

- Subsequent to his re-election in November, 2022 NH State Representative Harry Bean was elected to be the Belknap County Delegation (“Convention”) Chair and became its Chief Executive Officer of the Delegation, generally **responsible for conducting and overseeing its functions according to all New Hampshire Laws**.
- Two notable New Hampshire Laws tightly proscribe how the Delegation is to act:
 - New Hampshire **RSA 91-A** Access to Public Offices and Meetings (<https://www.gencourt.state.nh.us/rsa/html/VI/91-A/91-A-mrg.htm>) which controls how Meetings are to be publicly noticed and what governmental information shall be released by government officials and employees
 - New Hampshire **RSA 24** County Conventions (<https://www.gencourt.state.nh.us/rsa/html/II/24/24-mrg.htm>) which tightly enumerates how a Delegation is to conduct the Public's business.

I assert the following violations where State Representative Harry Bean has aggrieved NH Law:

- During the “Gunstock Incident”, State Representative Harry Bean, a mere member of the Delegation, deliberately, willfully, and illegally called for a Delegation meeting that he was not entitled to do to be held on August 1, 2022 **with only two days public notice** and violated the plain language of both RSA 91:A and RSA24:9-d by combining verbiage from both to get a desired political result:

1. RSA91-A:2, II Meetings Open to Public

...Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town **at least 24 hours**, excluding Sundays and legal holidays, prior to such meetings.

An emergency shall mean a situation where immediate undelayed action is deemed to be imperative **by the chairman or presiding officer** of the public body, who shall post a notice of the time and place of such meeting as soon as practicable, and shall employ whatever further means are reasonably available to inform the public that a meeting is to be held.

2. **24:9-c Further Meetings.**

The chairperson of the convention **or a majority of the members of the convention may**, and the chairperson of the convention upon the written request of the county commissioners shall, **call a further meeting or meetings of the county convention.**

3. RSA 24:9-D Notice

The clerk of the convention, or his or her designee, shall mail to each member of the convention a notice stating the time, place and purpose of further meetings at least **7 days before the day of the meeting** and shall cause to be published a like notice at least 7 days before the day of the meeting in a newspaper of general circulation in the county. Mailing such notice is not required during any session of the general court, if the notice is printed for 2 legislative days in the journal of the house of representatives.

To the above three points:

- **Harry Bean knowingly usurped the position of the sitting Delegation Chair**, then NH State Representative Mike Sylvia, who had NOT called a meeting as there was no emergency (https://granitegrok.com/mg_lakesregion/2022/08/gunstock-somebody-gave-nh-state-rep-harry-bean-real-bad-advice-about-a-delegation-emergency-meeting)
- He, a mere member of the Delegation called for a Delegation meeting for Monday, August 1 2002 on the previous Friday; **he was not Chair at the time – 24 hour notice.**

- While State Representative Harry Bean did gather a majority of the Delegation to agree to a meeting, **he willfully ignored that RSA 24:9-d demands a seven day notice.**
- I warned him personally, being a frequent user of the power of RSA 91-A to hold my government accountable, that grafting the two RSAs together was illegal in order to hold that August 1 meeting.

Further:

- State Representative Harry Bean, in his role as Delegation Chair, oversaw a flawed public noticing process by which **none of the three Budget Subcommittee meetings** were noticed at all, continuing to show a complete disregard for the Right To Know Law.
- Proof of this can be supplied as I:
 - **Submitted a Right to Know to the County Administrator** for all of the Delegation meetings from December forward for the transaction history of the General Ledger Accounts used for publishing such Public Notices to the local paper-of-note (the "Laconia Daily Sun") as required RSA 91-A as well as the associated "paper audit trail" those transactions.
 - Asked the Laconia Daily Sun publisher, and received, any and all copies of the ads placed on behalf of the Delegation in his publication as well as their paper audit trail.
- It showed that none of the Subcommittee meetings were noticed.

Thus, the general Public was cut out of the process conducted during those illegal meetings.

Further:

- He oversaw the process by which all of the State Representatives that met during those illegally called Budget Subcommittee put in and received "meeting payments", including himself.
- This was discovered by submitting **yet another Right To Know demand for the transaction histories of the General Ledger accounts dedicated for such payment as well as the remittances for payment.**

Further:

- The more experienced of the Delegation's NH State Representatives counseled him on multiple occasions on the proper RSA 91-A procedures and strictures of noticing and running the Subcommittee meetings.
- While those meetings were held, **none of the requirements of minutes and motions were followed** even as he was part and present for those Subcommittee meetings.

Further:

- During a meeting of the Delegation, he boasted that his actions during the Belknap County budget process were "legitimized" by his "private lawyer" **who he refused to identify.** Thus, there is no process by which the Public can know if proper instructions were given – if any were given at all.

Further:

- At many times during the “main” Delegation meetings, he openly disparaged and belittled NH State Representatives that he felt were “against him” (on video).
- There were also a number of times that he belittled members of the Public attending to Delegation meetings who only wished to speak their minds but were of “the other side politically”.
- There was also a time, during one of the illegal Budget Subcommittee meetings when a recess was called (not motioned, not seconded, and not voted upon) and the Subcommittee members went out to the hallway and started to discuss the meeting – now, an illegal non-public meeting that Chair Bean condoned by his presence in the hallway. When NH State Representative Barbara Comtois, seated in the audience, followed him out and told him that this was illegal, his response, in a voice loud enough to be heard back in the room, was “SUE ME!”. This runs counter to the Speaker's admonition in the House Record (vol. 45, No. 17; emphasis mine):

...I'd like to remind you all that generations of legislators before us were able to act in a **dignified and professional manner even in times of great controversy**. We, as they did, have the great honor and opportunity to use our platform and lead by example. **Modeling civility and decency is more important than ever. Our Ethics Guidelines, Principles of Public Service (paragraph IV)**, appropriately require us to “**..treat each other, legislative employees, and the public with dignity and respect.**” Please, colleagues, at all times, regardless of our differences, be respectful of each other, and be respectful of our hard-working and dedicated staff.

He has deliberately ignored Ethics Guidelines document.

Conclusion:

This Complaint's desired remedy is that NH State Representative Bean should be found to have willingly violated State Law contra his oath of office (promising to follow the above Laws as well as Article 8 of the NH Constitution):

All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and **at all times accountable to them**. Government, therefore, **should be open, accessible, accountable and responsive**. To that end, **the public's right of access to governmental proceedings and records shall not be unreasonably restricted**. The public also has a right to an orderly, **lawful**, and accountable government.

...and he should be removed from office, or otherwise sanctioned, for such violations.

I understand that the filing of this complaint is **confidential** and that the initial review and preliminary investigation of this complaint shall be conducted in nonpublic session unless otherwise requested by the individual(s) complained against. I further understand that unauthorized disclosure of confidential matters or materials contrary to RSA 14-B:4, is punishable in accordance with RSA 14-B:4-a.

Signed,

Printed name: David "Skip" Murphy

Address: 9 Gilford Glen Road,
Gilford, NH 03249

On this the _____ day of _____, 2023, before me,
_____, the undersigned officer, the above-named signatory/signatories personally
appeared and took oath that the foregoing document by him/her/them subscribed is true.

Title of Officer