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**CITY OF MANCHESTER**  
*Office of the City Solicitor*

August 8, 2017

Board of Mayor and Aldermen  
c/o Matthew Normand, Clerk  
One City Hall Plaza  
Manchester, NH 03101

**Re: James Gaudet Allegation of a Violation of the City Charter**

Ladies and Gentlemen:

On June 16, 2017 James Gaudet sent an e-mail to the Mayor alleging that Aldermen Ron Ludwig and Norman Gamache violated "City Charter provisions concerning Conflicts of Interest ... by debating, discussing and voting on the Fact Finding's Report involving the Manchester Fire Department where both Aldermen have immediate family members employed." On June 19, 2017 the Mayor forwarded James Gaudet's e-mail to then City Solicitor Thomas Clark requesting that he review the e-mail. Charter Section 8.15(c) requires that the chief legal officer of the City report findings on the allegation to the Mayor and Board of Aldermen within ninety days.

The substance of Mr. Gaudet's allegation is that Alderman Ludwig and Alderman Gamache violated the Charter's Standards of Conduct when they voted on adopting the Fact Finder's Report and Recommendations with regard to the Manchester Professional Fire Fighters Association and the Manchester Association of Fire Supervisors.

The pertinent facts involved are well known. As set forth in the attached minutes of the June 13, 2017 Alderman Ludwig and Alderman Gamache both voted to accept the Fact Finder's Report which recommended certain increases in firefighter's and fire supervisor's compensation.

Alderman Ludwig has two sons who are employed as firefighters with the Manchester Fire Department, Karl Ludwig and Kurt Ludwig. Alderman Gamache has a son, Michael Gamache who is employed as a District Chief.

Section 9.03(c) of the Manchester City Charter in pertinent part, provides:

Conflict of Interest. No City official shall participate in the decision making process of any matter in which the official or a member of the official's immediate family has a direct personal or financial interest. Any official who believes such an interest exists shall disclose such interest and shall not participate in the matter further ....

Manchester City Charter Section 9.02(b) defines City official to include Aldermen. Section 9.02(d) of the Charter, in pertinent part, provides "Financial interest. A monetary or pecuniary interest in a ... matter, whether direct or indirect, not shared by the public at large. A City official shall have a financial interest in the affairs of immediate family members ...."

Alderman Ludwig's sons, being employed as firefighters with the Manchester Fire Department, had a monetary or pecuniary interest in the adoption of the Fact Finder's Report involving the Manchester Professional Fire Fighters Association that is not shared by the public at large. Alderman Gamache's son, being employed as a District Chief with the Manchester Fire Department, has a monetary or pecuniary in the adoption of the Fact Finder's Report and Recommendations involving the Manchester Association of Fire Supervisors that is not shared by the public at large. A son is an immediate family member as defined by Charter Section 9.02(c). As a result Alderman Ludwig and Alderman Gamache had immediate family members with a direct pecuniary interest in the adoption of the Fact Finder's Report and Recommendations.

Respectfully,



Thomas I. Arnold, III  
Deputy City Solicitor