

N.H. Issues Warning To Sullivan Official

BY JOHN P. GREGG

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NEWPORT, N.H. — The New Hampshire Attorney General's Office this week warned Sullivan County Manager Ed Gil de Rubio that he could be prosecuted if he again files a document with a falsified signature page, as he did last summer with a budget form sent to the state, prompting complaints from county lawmakers.

The Attorney General's Office "hereby orders that you Cease and Desist from filing any document on behalf of Sullivan County which requires a signature or signatures from the appropriate Sullivan County officials without first obtaining the necessary signatures to verify the authenticity of such document," reads the Aug. 8 letter to Gil de Rubio from James W. Kennedy III, an attorney in the civil bureau of the Attorney General's Office.

"Failure to comply with such law may result in criminal prosecution."

The letter, which said the investigation into the matter is now closed, comes after Gil de Rubio last year apologized to lawmakers in the Sullivan County delegation, who must approve the county budget, for filing a revised

See SULLIVAN—A5

Sullivan County Manager

CONTINUED FROM PAGE A1

county budget summary with the state Department of Revenue Administration without first consulting the legislators.

And Gil de Rubio admitted to a state investigator in July that he had filed the revised budget form "with a falsified signature page attached," according to Kennedy's letter.

Gil de Rubio yesterday said the letter "reiterates" his acknowledgment that he had made a mistake and had also taken responsibility for his actions.

"I did make a mistake and apologized," Gil de Rubio said.

Although the letter cites state law that says it can be a misdemeanor to make a "false statement under oath or affirmation" if the falsification is intended to mislead a public servant, Kennedy said in a phone interview yesterday that the "letter doesn't state per se that he violated that statute."

"Under our reading of the criminal law, it was not appropriate to prosecute here, and a cease and desist order was a sufficient means of addressing the issue at hand," Kennedy said.

Sullivan County lawmakers in December accepted a report from a delegation subcommittee about the dispute which concluded that Gil de Rubio had not misled officials, but that budget information had been "less than accurate" and that he had exceeded his authority in filing the corrected state form.

But state Rep. Peter Franklin, D-Newport, asked the Attorney General's Office to investigate the matter as well.

Franklin on Thursday said the letter reinforces the need for "honest, open and transparent" behavior, an issue that he said has been "a problem at the county level" in his requests for budget-related information.

"It's just truly disappointing that our officials have to be more than reprimanded. It's certainly something which is not acceptable behavior," Franklin said. "The tone for any organization is set at the top."

The chairman of the county delegation, state Rep. John Cloutier, D-Claremont, noted that Gil de Rubio had apologized last year.

"Representative Franklin felt strongly that it was a violation of the law. I was hoping to put it behind us last year, but the letter just reminds us that Mr. Gil de Rubio has to be careful. He has to follow the law, just as all of us, whether we are a county elected official or a county employee," are required, Cloutier said.

Sullivan County Commissioner Ethel Jarvis, a Unity Democrat, said the letter from the Attorney General's Office should be taken to heart.

"I didn't like what I read," she said. "That definitely is not going to happen again."

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