

February 24, 2025

The Board of Ethics
City of Concord
37 Green Street
Concord, New Hampshire 03301

Gentlemen:

I am filing an Ethics complaint against the following members of the Golf Course Advisory Committee:

Mack Bean	Gary Darby	Roger Jobin	Robert Whatmough
Charles Randall	Jennifer Kretovic	Linda Mattlage	
James Tanner Jr.	Frances Hunt	Christopher Mulleavey	

- I. Members of the Golf Course Advisory Committee are listed on the City website, see Attachment #1. For purposes of clarity, I have grouped them by role, that is, General Public Representative, Council Representative, Seasonal User, and non-voting (ex-Officio and vacant), as follows:

- | | |
|---------------------------|-----------------------------------|
| 1. Mack A. Bean | General Public Representative |
| 2. Gary Darby | General Public Representative |
| 3. Roger Jobin | General Public Representative |
| 4. Linda Mattlage | General Public Representative |
| 5. Charles Randall | General Public Representative |
| 6. Robert Whatmough | General Public Representative |
| 7. Jennifer Kretovic | Council Representative |
| 8. Nathan Fennessy | Council Representative |
| 9. James C. Tanner, Jr. | Seasonal User, Senior Citizen Rep |
| 10. Frances Hunt | Seasonal User |
| 11. Christopher Mulleavey | Seasonal User |
| 12. Vacancy | Seasonal User |
| 13. Vacancy | Non-Seasonal User |
| • Recreation Director | Ex-Officio Member |
| • Golf Course Manager | Ex-Officio Member |
| • Golf Pro | Ex-Officio Member |

The make-up of the Golf Course Advisory Committee is set in the Administrative Code, 30-3-18, see Attachment #2. That Ordinance distinguishes between seasonal users, non-seasonal users and the General Public, categories implying the General Public are not golfers. It sets forth the number of seasonal users and representatives of the General Public, recognizing that those interests may not always align. Each is intended to be represented on the Committee.

For clarification, the terms "seasonal user" and "member" must be considered interchangeable in reference to Beaver Meadow Golf Course. This terminology originates in Beaver Meadow's own description of membership on its

website, where membership is considered purchase of a seasonal pass. (Attachment #3). Seasonal users refer to themselves as members. Seasonal users and members are one and the same thing for the purpose of this complaint.

II. Of the foregoing individuals, the first six appointed to the Golf Course Advisory Committee stated the following:

1. Mack A. Bean General Public Representative, Beaver Meadow member per letter, Attachment #4
2. Gary Darby General Public Representative, Beaver Meadow member per letter, Attachment #5
3. Roger Jobin General Public Representative, long-time user per 12/11/23 Council minutes, Attachment #6
4. Linda Mattlage General Public Representative, Beaver Meadow member, Concord Monitor, Attachment #7
5. Charles Randall General Public Representative, Beaver Meadow member per letter, Attachment #8
6. Robert Whatmough General Public Representative, Beaver Meadow member per letter, Attachment #9
7. Jennifer Kretovic Council Representative
8. Nathan Fennessy Council Representative
9. James C. Tanner, Jr. Seasonal User, Senior Citizen Rep
10. Frances Hunt Seasonal User
11. Christopher Mulleavey Seasonal User
- Vacancy Seasonal User
- Vacancy Non-Seasonal User
- Recreation Director Ex-Officio Member
- Golf Course Manager Ex-Officio Member
- Golf Pro Ex-Officio Member

The first six Committee members on this list – Mack Bean, Gary Darby, Roger Jobin, Linda Mattlage, Charles Randall and Robert Whatmough – all accepted appointment to represent the General Public. Yet, all six openly stated in their letters, in testimony before the City Council or in the print media that they are Beaver Meadow members. None of them have stated anywhere that they are not golfers, that is, members of the General Public. Thus, the first six Committee members on this list assumed their Committee assignments under false pretenses, claiming to represent the General Public – the more than 44,000 Concord residents who do not golf or hold seasonal passes at Beaver Meadow -- when in fact they are all among the 244 or so residents who are long-time Beaver Meadow members. See Attachment #10.

The Administrative Code differentiates between seasonal users and members of the General Public specifically to provide non-golfers with a substantial say in the recommendations made by the Golf Course Advisory Committee. Given their financial investment in golfing and time invested in playing there, Beaver Meadow members lack the perspective of the non-golfing community, just as those who do not golf lack the perspective of seasonal users. One cannot substitute for another. The Administrative Code recognizes this. However, in accepting Committee appointments to positions assigned to the General Public, these Beaver Member members eliminated the voice of the non-golfing population of Concord.

III. The City Charter stipulates the following regarding the conduct of appointed officials:

53. Official Interest in Contracts. No elective or appointive officer or employee of the City shall take part in a decision concerning the business of the City in which the officer or employee has a financial interest aside from salary as such, direct or indirect, greater than any other citizen or taxpayer.

and similarly, the Ordinance provides that:

30-3-1 (c) No member of any board, commission or committee shall introduce, speak or vote on any motion or issue in which he has a personal or pecuniary interest, direct or indirect.

While the Board of Ethics often addresses conflicts of interest, it is also empowered to decide on improper activities. Both the City Charter and the above Ordinance indicate that those making decisions on behalf of the taxpaying public should not benefit personally from the decisions they render to a greater degree than the general population, as does the Preamble to the Code of Ethics, 1-6-1. We see this principle applied in other areas of City administration. Officials overseeing City water don't get better water than anyone else. Those setting policy for Solid Waste don't get better trash pick-up than anyone else. It is within this broad understanding of the City Charter and Ordinance 30-3-1 that this complaint is brought forward.

Of the 11 members of the Golf Course Advisory Committee, ten of them, except Nathan Fennessey whose status as a Beaver Meadow member could not be ascertained, are members of Beaver Meadow Golf Course. By definition, they all have a financial interest in decisions they make for the golf course, as they all have invested a substantial amount of money in a seasonal pass. The number of those with seasonal passes, as provided by Brian LeBrun, Attachment #10, are far fewer and their financial interest in the golf course is far greater than that of the General Public.

Similarly, Ordinance 30-3-1 indicates no Committee member should introduce, speak or vote on any motion or issue in which he has a personal or pecuniary interest. And members of the Golf Advisory Committee – the ten previously cited – have both a personal and pecuniary interest in the golf course. The Golf Course Advisory Committee recommended multiple measures designed to enhance both their personal experience at Beaver Meadow and the value of what that seasonal pass can provide. And to that end, both Linda Mattlage and Jennifer Kretovic have spoken vigorously in the press advocating for a clubhouse to be paid for out of tax dollars.

One could argue that the Golf Course Advisory Committee is, by ordinance, set up to give Beaver Meadow members authority to act despite their personal and pecuniary interest in the golf course as seasonal users, and this is true. However, that authority was specifically balanced by ordinance to give non-golfers and occasional golfers a majority say in the decisions and Committee recommendations for the golf course. Indeed, the six members of the General Public and one non-seasonal user are to outnumber the four seasonal users, as stipulated by ordinance. The Golf Course Advisory Committee was never intended to be populated exclusively by Beaver Meadow members. Quite the opposite. It was intended to be conducted by a majority of members of the General Public, taking into account the concerns of Beaver Meadow members. Only when the non-golfing General Public is correctly represented on the Committee can we be assured that the natural self-interest of Beaver Meadow members does not prevail.

One could argue that it is the Mayor, who makes appointments to the Golf Course Advisory Committee rather than Committee members themselves, who violated the intent of Administrative Code 30-3-18, and that point has some merit. However, an appointment to a position does not involve force. No one is compelled to accept a Committee appointment. Especially, no one is compelled to accept an appointment for which one lacks the statutory qualifications. The Mayor could, for example, appoint someone to represent the business community on the Airport Advisory Committee. That individual is free to decline because he never engaged in business and lacks the qualifications for the position. This did not happen with the Golf Course Advisory Committee. The Mayor appointed Beaver Meadow members to positions reserved for the General Public. It is those Beaver Member members who accepted, without compulsion, positions assigned to the General Public, knowing themselves to be seasonal users, who are the subject of this complaint. The Mayor's paradigm for making appointments is beyond the scope of this complaint.

But most important to the General Public, nowhere represented on the Golf Course Advisory Committee once Beaver Meadow members took positions on the Committee reserved for the General Public, is the fact that the

Committee voted to recommend numerous measures benefiting themselves as seasonal users to be paid for at public expense, including a \$10.3 million clubhouse. The General Public, without any representation on the Committee making those recommendations, nor any ability to vote against the Golf Course Advisory Committee's decisions, was effectively disenfranchised. A review of Golf Course Advisory Committee minutes shows no evidence that any member of the Committee objected. To that extent, the cited 10 members of the Golf Course Advisory Committee all share some degree of culpability in the disenfranchisement of the General Public.

Thus, the City Council currently finds itself with a \$10.3 million clubhouse resolution as a result of the Golf Course Advisory Committee's abuse of Committee membership requirements as set in statute.

The Ordinance specifies a variety of recommendations the Board of Ethics can make in its findings, with considerable latitude. The highest good the Board of Ethics can achieve is restoring ethics to an area of government that may have gone astray. To this end, my request of the Board is two-fold.

First, the City needs to restore ethics to the Golf Course Advisory Committee, now staffed with Beaver Meadow seasonal users who eliminated input by the non-golfing majority of Concord. The Board's logical step, then, would be to recommend that Beaver Meadow members be removed from any Committee position assigned by the Ordinance to members of the General Public, to be replaced by non-golfing citizens. This measure would restore and preserve the fact that citizen representation and involvement prescribed by law cannot and should not be abrogated.

Second, Golf Course Advisory Committee recommendations voted on by Beaver Meadow members who supplanted the General Public on the Committee should, by rights, be nullified. However, doing so with the Committee's numerous recommended improvements to the golf course – more than \$2 million worth of them already bonded by the City – would create chaos. However, a recommendation by the Board of Ethics that the City Council rescind the \$10.3 million clubhouse resolution based on the Golf Course Advisory Committee's recommendation would achieve, in a single step, more than the nullification of multiple unethical votes by the Golf Course Advisory Committee. That clubhouse recommendation, later approved by subsequent Committees, might never have existed apart from the overwhelming number of Beaver Meadow members on the Golf Course Advisory Committee. A City Council hearing has already shown significant taxpayer opposition to the clubhouse. Recommending that the City Council rescind the \$10.3 million resolution does not mean Concord will never repair or replace the clubhouse. It means that any recommendation to do so by the Golf Course Advisory Committee will be made with full input of six (non-golfing) members of the General Public, for a cost and design the community at large can support.

Respectfully submitted,

Marcy Charette

Marcy Charette
75 South Main Street #7, PMB 111
Concord, New Hampshire 03301
marcyinnh@gmail.com
603 491-9528



Notary Public
Samantha Plugar
Samantha Plugar

GOLF COURSE ADVISORY COMMITTEE

VacMeetings

Please contact the staff person listed below for information regarding upcoming meeting dates for this committee. You can also go to our [calendar](#) to search for any scheduled meeting dates.

This committee meets monthly.

Agendas & Minutes

Agendas are available prior to the meetings.

[Most Recent Agenda](#) | [View All Agendas](#)

Minutes are available in draft form prior to approval.

[Most Recent Minutes](#) | [View All Minutes](#)

Members

- Mack A. Bean, General Public Representative
- Gary Darby, General Public Representative
- Nathan Fennessy, Council Representative
- Golf Course Manager, Ex-Officio Member
- Golf Pro, Ex-Officio Member
- Frances Hunt, Season User
- Roger Jobin, General Public Representative
- Jennifer Kretovic, Council Representative
- Linda Matflege, General Public Representative
- Christopher Mulleavey, Season User
- Charles Randall, General Public Representative
- Recreation Director, Ex-Officio Member
- James C. Tanner, Jr., Season User, Senior Citizen Representative
- Robert Whatmough, General Public Representative
- Vacancy, Non-Season User
- Vacancy, Season User

Attachment #1

Attachment #2

30-3-18 - Golf Course Advisory Committee.

(a) The Golf Course Advisory Committee shall consist of thirteen (13) members. The Golf Course Manager shall be the Clerk of the Committee. The members of the Committee shall be appointed as follows:

(1) Thirteen (13) members shall be nominated by the Mayor and be subject to approval by the City Council:

- a. Four (4) members representing season users of the golf course including at least one person who holds a senior citizen golf course season membership;
- b. One nonseason user of the golf course;
- c. Six (6) members representing the general public;
- d. Two (2) City Councilors to be appointed by the mayor.

(2) The Golf Course Manager, the Golf Pro, and the Recreation Director as ex officio, nonvoting members.

(3) The Committee shall elect its own Chairman and Vice-Chairman.

(b) The Committee shall:

- (1) Submit an annual report to the City Council on the state of the golf course;
- (2) Initiate and update a five-year needs and improvements plan for the golf course;
- (3) Recommend to the City Council proposed fees for the golf course;
- (4) Recommend to the City Manager changes that will result in improvements to all aspects of the operation, use and maintenance of the golf course.

(c) The City Council representatives shall serve two-year terms; other members shall be appointed for three (3) [three-year] terms or as approved by the City Council. The members shall be nominated by the Mayor and subject to approval by the City Council. In the first instance four (4) members shall be appointed to serve one year, four (4) members for two (2) years and four (4) members for three (3) years; thereafter all regular appointments shall be for three (3) years. All members shall serve without compensation.

(Ord. No. 1664, § 1, 3-10-86; Ord. No. 2168, §§ 1, 2, 6-12-95; Ord. No. 2706, § 1, 3-10-08; Ord. No. 2875, § 1, 4-9-12)

Attachment #3 Beaver Meadow website homepage <https://bmgc.golf>



Beaver Meadow website Membership page <https://bmgc.golf/golf-membership/>

The image is a screenshot of the Beaver Meadow website Membership page. The page is divided into two main sections. The left section is titled 'Over View Of Golf Memberships' and contains a list of membership options with bullet points. The right section is titled 'Membership Request' and contains a form for requesting membership. The form includes a 'Contact Head Professional Phil Davis, PGA' section, a 'Name' field, a 'Phone' field, an 'E-Mail' field, a 'Subject' field, and a 'Message' field. At the bottom of the form, there is a 'Submit' button.

Attachment #4

Mack A. Bean
37 Modena Drive
Penacook, New Hampshire 03303
Cell: (603) 369-1204
Email: beanm@franklin Pierce.edu

August 28, 2024

City of Concord
Attn: Janice Bonenfant
Concord, New Hampshire

To Whom It May Concern:

I am writing to communicate my interest in being a member of the Golf Course Advisory Committee. I believe that my long-term relationship with Beaver Meadow Country Club combined with my work experience makes me an attractive and strong candidate for serving. I have been a member of Beaver Meadow Country Club for over 20 years. Over this time, I have developed good relationships with many of the club members, staff, and local residents who frequent the course. These relationships have provided me with opportunities to listen to their concerns and hopes about the current state of the course and possible future course endeavors.

I also have more than 25 years of teaching experience at both the 2-year and 4-year college/university level. As my resume shows, although I am known as an economics professor, I have a wide range of business knowledge. This knowledge has provided me with a variety of opportunities from starting student-led businesses on campus, writing a textbook, and being invited as a guest on PBS NewsHour. As a result, I believe that the relationships that I have developed in the local golfing community along with my work experience could allow me to be a valuable asset to the Committee. Therefore, I am submitting my name as a candidate. Thank you for your time.

Sincerely,

Mack A. Bean

Mack A. Bean, Ed. D.

Attachment #5

Bonenfant, Janice

From: GARY DARBY <gdarby5555@comcast.net>
Sent: Saturday, March 7, 2020 11:16 AM
To: * City Clerk
Subject: BMGC Advisory Board

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hello, my name is Gary Darby and we talked last Wednesday about my becoming part of the BMGC Advisory Board. I have lived in Concord for almost 40 years and have been playing at Beaver Meadow since 1972. I have seen a lot of changes through the years and would like to have a part in helping to improve the golf and the many events that Beaver hosts in the future. Thank-you and the City Council for your consideration.
Gary Darby
491-4088

Jessica Wheeler Russell, a Ward Two resident, asked Council to suspend the proposal to allow City staff to explore other avenues for cost reduction and to hold more community listening sessions.

Doug Magee, a Ward Five resident, discussed the architectural plans and his preference to see funding improve athletic fields rather than build a clubhouse.

Jessica Livingston, a Concord resident, voiced her concerns about funding for the golf course and also discussed fundraising. She also expressed her opinion that the proposal is not fitting for a community center.

Roger Jobin, a Ward Four resident, is a long time user of Beaver Meadow Golf Course. He discussed the anticipated annual revenue and expressed his opinion that if the course is run like a business then the facility should be upgraded.

Lisa Bowdoin, a Ward Four resident, shared statistics about golf and discussed equity. Ms. Bowdoin also discussed the financial impact for homeowners of an increased tax rate. Ms. Bowdoin expressed her support to renovate but not at the proposed expense.

Charles Russell, a Concord resident, discussed the H.L. Turner proposal, the date of the proposal and the additionally provided information from H.L. Turner, and the release of the cost to the public. Mr. Russell questioned the creation of the ad-hoc committee, the timing of the release of the cost, and his opinion regarding the timing of the release of the cost of the proposal until after the municipal election.

CONCORD MONITOR

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Letter: Beaver Meadow Clubhouse

Published: 12-06-2023 7:04 AM

First, full disclosure: I am a Concord resident and taxpayer. I also am a season pass holder at Beaver Meadow and a member of both the golf advisory committee and the ad hoc building committee. There seem to be several misconceptions about the golf course. First, most of the revenue does not come from season pass holders, but from greens fees paid by golfers. Revenue also comes from golf carts, the driving range and the many outings that support local charities. Second, it is not exclusive. I would invite anyone to come on a summer day and see the wide diversity of golfers. Third, there are many non-golfing events that take place in the function room: bridal and baby showers, community meetings and voting.

In winter, the golf simulators are running until 11 p.m.; and of course, there is cross-country skiing and skating. Fourth, the figure of \$1 million for a renovation is an old number and would currently only cover the cost of repaving the parking lot. A few years ago, the city facilities committee recommended a new clubhouse instead of a renovation. The current building has significant structural and plumbing issues that have grown even worse since then. Trying to renovate it would be like putting a band-aid on a bleeding artery. A new clubhouse will bring more activity and revenue into the city and could serve as a community center for the growing north end of Concord. This is a community asset that should be supported.

Linda Matlage

Attachment #8

September 8, 2020

Bryon Champlin
Concord City Mayor
71 Warren Ave
Concord, NH 03301

Dear Mr. Mayor,

At this time I am very interested in joining the Beaver Meadow Golf Course Advisory Committee as General Public Representative

I have retired and now have the time where I can commit to attending and working closely with the Golf Committee members. I have attended Golf Advisory Committee meetings in the past and know the responsibilities of the committee members.

I live in the Concord City and very close to the Golf course. I own a house in the Governor's Woods housing development. I am very concerned with the Golf course from a personal perspective and how it affects the value of my property and home.

I have had a membership at the course since 1992. I have played golf for over 45 years, playing to a 9 handicap last year. I appreciate all the hard work and commitment that goes into providing a top notch professional facility.

I have an extensive background in management, dealing with

- Profit and Loss Issues
- Customer service issues on many levels
- Revenue generation, expense management, labor costs, large teams of people
- Communication – managing customer perception while balancing service expectations
- Multi-million dollar budgets, capital expense projects, all types of Contracts
- Project management and associates issues

I love the golf course, layout and commitment of the City and City workers to its maintenance and improvements. I recently presented a multi-point plan for enhancing the revenues, reputation and services of the Golf course.

I would love the opportunity to be part of the Committee working to provide continued input, discussion and thoughts on how to further improve the financial and service successes of the facility to the surrounding communities and City of Concord.

Sincerely,

Charles Randall

Attachment #9

To: Honorable Mayor and City Council
From: Robert Whatmough
Date: June 19, 2019
Re: Golf Course Advisory Committee

Dear Honorable Mayor and Members of City Council,

It has come to my attention that you are seeking members for the Golf Course Advisory Committee. I would be honored to serve on this committee.

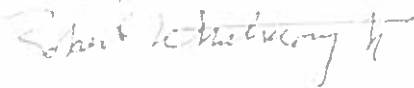
I have been a resident of Concord since 1998. My wife, Jackie Whatmough, and I joined Beaver Meadow shortly after we relocated to Concord from Deerfield. Our daughter graduated from Concord High School in 2001. We thoroughly enjoy living here and being involved in our community.

I am now retired and would be able to participate on the committee if accepted. I have golfed for many years and at many different courses throughout the years. Beaver Meadow is my home course and I have a great interest in the health and welfare of the course. I know and appreciate the staff and understand the opportunities and challenges our municipal course faces.

I feel as though I can contribute to this committee and appreciate your consideration of this request.

Thanks so much.

Sincerely,



Robert Whatmough

41 Rockingham St
Concord NH 03301

Attachment #10 – per correspondence from Brian LeBrun, 12/17/24, statistics on Beaver Meadow Season pass holders, Concord residents vs non-residents (residential circled by me)

2025 PASS HOLDERS AS OF 12-17-24		2024 PASS HOLDERS	
	Total/Res		Total/Res
• Adult Pass Holders-	23/19	ADULT PASS HOLDERS-	68/44
• Family Pass Holders-	9/7	FAMILY PASS HOLDERS	8/6
• Young Adult Pass Holders-	3/3	YG ADULT PASS HOLDERS-	49/31
• Senior Pass Holders-	69/52	SENIOR PASS HOLDERS-	96/68
• College Pass Holders-	1/1	COLLEGE PASS HOLDERS-	22/22
• Junior Pass Holders-	18/18	JUNIOR PASS HOLDERS-	64/60
Total Pass Holders-	123/100	7 DAY CART PASS-	14/10
		5-DAY CART PASS-	5/3
		TOTAL PASS HOLDERS-	326/244

Concord city, New Hampshire Population 2024
44,769

Per <https://worldpopulationreview.com/us-cities/new-hampshire/concord>