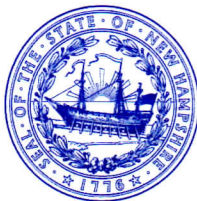


**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 GRANITE PLACE SOUTH
CONCORD, NEW HAMPSHIRE 03301

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

August 21, 2024

Jon Swan
25 Cashman Road
Dalton, NH 03598

Re: Casella Waste Management, Alleged Illegal Campaign Activity

Dear Mr. Swan:

The purpose of this letter is to respond to your reports of potential misconduct by Casella Waste Management ("Casella"). Specifically, you reported that Casella had donated to a senior center and offered fuel assistance to Dalton residents, which you believed may be an improper attempt to influence Dalton voters. See RSA 659:40, I (prohibiting a person from bribing a person to vote for or against any candidate or question submitted to voters).

As described below, there is no evidence that Casella made any donation or offer to a Dalton resident for the purpose of influencing that resident to vote for a particular candidate or ballot measure. In the absence of evidence that Casella made these donations and offers with an illegal purpose, RSA 659:40, I, does not prohibit Casella from making donations to Dalton or its residents. Accordingly, this matter is closed.

I. Background

On multiple occasions in 2023 and 2024, you e-mailed this Office to report numerous concerns regarding Casella. You stated that Casella desired to establish a new landfill in the Town of Dalton, and you were concerned that Casella may be engaging in unlawful activities related to Dalton elections and Dalton Town Meeting warrant articles proposing changes to Dalton's land use boards and regulations.

As it relates to potential election law violations, you reported the following concerns:

- (1) On November 29, 2022, Casella donated \$20,000 to the Gilman Senior Center. The Gilman Senior Center is located in Gilman, Vermont, which abuts Dalton.

- (2) In January of 2023, Casella reportedly offered to donate \$50,000 to Dalton. The Board of Selectmen reportedly turned down this offer.
- (3) On March 11, 2023, Casella posted on social media that “neighbors in the North County” could seek fuel assistance through the Gilman Senior Center.
- (4) On or about March 16, 2023, Casella donated \$10,000 to the Gilman Senior Center specifically to help Dalton seniors with meals and fuel.
- (5) Sometime in late 2023, Casella reportedly offered fuel assistance for certain Dalton residents.

You were concerned that Casella’s donations to the Gilman Senior Center and offers of fuel assistance were improper attempts to convince Dalton voters to vote in a manner that would be favorable to Casella. The 2023 Dalton Town Meeting included Warrant Article 2, which proposed to abolish the Dalton Planning Board, and Warrant Article 14, which proposed to abolish the Dalton Conservation Commission.

This Office spent a substantial amount of time carefully reviewing your complaint, all your follow-up communications, the numerous documents you attached to those communications, and numerous other related communications and documents. Based on that review, Casella’s donations to the Gilman Senior Center and offers of fuel assistance were not conditioned on any recipient voting in a Dalton Town Election or Town Meeting. Nor were Casella’s donations or offers conditioned on any recipient voting for a particular candidate or warrant article that Casella supported. Nor was there any indication that Casella even mentioned a Town Election or Town Meeting issue when making these donations to the Gilman Senior Center and offers of fuel assistance.

II. Analysis

RSA 659:40, I, provides that “[n]o person shall directly or indirectly bribe any person ... to vote for or against any questions submitted to voters or to vote for or against any ticket or candidate for office at any election.” RSA 640:2, I, defines bribery, as relevant here, as “promis[ing], offer[ing], or giv[ing] any pecuniary benefit to another with the purpose of influencing the other’s action, decision, opinion, recommendation, vote, nomination, or other exercise of discretion as a public servant, party official, or voter.”

As relevant here, RSA 659:40, I, does not prohibit Casella from making a gift to Dalton residents unless Casella does so with the purpose of influencing the other’s decision to vote.

Here, Casella did not condition its donations to the Gilman Senior Center and offers of fuel assistance to Dalton residents on recipients voting at a Dalton Town Election or Town Meeting. Nor did Casella take any action to connect its donations and offers to a Dalton Town Election, Dalton Town Meeting, or any candidate or warrant article being voted on in such an election or meeting. In the absence of evidence that Casella made these donations and offers with an illegal purpose, RSA 659:40, I, does not prohibit Casella from making donations to Dalton or its residents.

In sum, there is no evidence that Casella's donations to the Gilman Senior Center and offers of fuel assistance to Dalton residents constituted bribery under RSA 659:40. Accordingly, this matter is closed.

Sincerely,

/s/ Brendan O'Donnell

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BAO/bao
CC: Pamela Kathan;
Casella Waste Management