

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

September 8, 2011

Jean E. Allan  
883 Weirs Blvd. Unit 44  
Laconia, NH 03246

Dear: Ms. Allan,

I write in response to your September 6, 2011, letter that you sent to Attorney General Michael A. Delaney, which you request, "the State to affirmatively act to reopen, or open, an investigation into the entire High Birches Springs matter". Please be advised that I have reviewed your letter to determine if this office could be of some assistance to you. I appreciate the amount of time and effort that you took to document your concerns.

Unfortunately, we cannot open an investigation into your concerns at this time. The Attorney General's Office receives many demands that it begin investigations. It therefore must exercise discretion when to conduct a criminal investigation. The Attorney General's Office can begin a criminal investigation when facts are reported to it which create a reasonable suspicion of actual illegal conduct which, in turn, would suggest that further investigation would likely discover the existence of probable cause to believe that a crime had been committed. The facts stated in your letter do not establish a reasonable suspicion that a crime has occurred and therefore I am unable to open a criminal investigation into the matter.

In regard to your request that the Office of the Attorney General refer you, "to the Rule that allows a Clerk of Court such discretion" to deny you access to the courts. Based on the information that you provided us, it appears that your concern does not fall within the authority of the Attorney General's Office. You may wish to discuss your concerns with an attorney in private practice. The New Hampshire Bar Association has a lawyer referral service that you may contact by calling (603)-229-0002.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Delaney", written over a horizontal line.

Richard C. Tracy  
Investigator  
Criminal Bureau  
(603) 271-3671  
Fax: (603) 223-6201

Enclosure

660624

Copied to:

Attorney General Michael A. Delaney  
Belknap Clerk of Court, James I. Peale