

THE STATE OF NEW HAMPSHIRE

**HILLSBOROUGH, SS
NORTHERN DISTRICT**

SUPERIOR COURT

John M. Formella, Attorney General

v.

Frank Hobbs, Jr.

Docket No. 216-2025-CV-00054

ORDER ON THE MERITS

The plaintiff, John M. Formella, in his capacity as Attorney General (“the State”), instituted this civil action against the defendant, Frank Hobbs, Jr., for violation of RSA 354-B:1, the New Hampshire Civil Rights Act. (Compl. (Doc. 1).) The Court held a hearing on the merits of this action on July 25, 2025. Thereafter, the parties submitted post-trial briefs and requests for findings and rulings. (Docs. 28 – 32.) Upon consideration of the evidence, the parties’ arguments, and the applicable law, the Court finds and rules as follows.

Factual Background

In mid to late May 2024, P.B. placed a sign reading “Goffstown Pride” at the intersection of Route 114 and Route 114A in Goffstown. The sign appeared as follows:



(State Ex. 1.) P.B. founded and is part of a local community group promoting recognition, acceptance and support for the LGBTQ+ community. P.B. testified that she placed the sign as a show of support for the LGBTQ+ community and as a means of expressing that the LGBTQ+ community is welcome in Goffstown. The reference to Pride meant Pride for the lesbian, gay, bisexual, transgender, and queer communities (“LGBTQ+ communities”). Below that phrase, two hands formed a heart symbol. One hand of the heart was a rainbow and the other was striped pink, light blue, and white. The rainbow was chosen for its connection to Pride for the LGBTQ+ communities. Likewise, the pink, light blue, and white stripes were chosen for their connection to Pride for the transgender community. In the negative space that the heart created was the phrase, “Love is love,” which is a slogan commonly used to express and encourage support for LGBTQ+ people and their communities. At the bottom of the sign it read “Printed by bergink.com,” which is a local business in Goffstown. The sign appeared the same on the reverse side.

For the past several years, P.B. helped design signs as a fundraiser for the LGBTQ+ community. Typically, Pride month is held in June and the signs are placed in the community at that time. The first sign P.B. helped create was done in 2022. P.B. testified that the signs cost \$11.00 each. The community group paid \$222 for the signs.

A few days after P.B. placed the sign, she noticed it had been removed. Other signs in the same location were undisturbed. (See State Ex. 3.) On June 4, 2024, P.B. placed another “Goffstown Pride” sign at the same location along with two trail cams to monitor her sign. The next day, June 5th, P.B. drove past the intersection and saw her sign was missing. (See State Ex. 4.) The trail cams captured the following images:



(State Ex. 5.) P.B. recognized the individual removing the sign was the defendant. She was familiar with the defendant from his involvement with Town Boards. P.B. saw from the series of photos that the defendant removed the sign, placed it in his car, and drove

away. P.B. then contacted the Goffstown Police Department and spoke to the Chief of Police. She also filed a report with Detective Laroche of the Goffstown Police and gave him the sim card and photos. P.B. presented this footage and her receipts for the signs to Detective Seargent Kevin Laroche.

Sgt. Laroche reviewed the photos and he, too, identified the man in the photos taking the sign as the defendant. After P.B. made her report, Sgt. Laroche went to the defendant's house to speak with him. Upon his arrival, Sgt. Laroche told the defendant that he was there to speak to him about the theft of a road sign that was put up at the intersection of Route 114/114A and asked the defendant if he had any information to provide him on that. The defendant said "no." Sgt. Laroche then indicated to the defendant that there was video evidence of him taking the sign. Thereafter, the defendant said he was not going to make any statement regarding that. The defendant then engaged Sgt. Laroche in a hypothetical conversation about the legality of removing "roadside trash," to which Sgt. Laroche responded by explaining the difference between trash and a sign. The defendant then spoke about a previous sign the defendant had seen with what he believed to have "pedophile symbols." The defendant told Sgt. Laroche that he had called town officials and was informed that he could remove the signs he found offensive. Sgt. Laroche testified that during his conversation with the defendant he never admitting to taking the sign.

Jack Shepard, Goffstown's building inspector and code enforcement officer, testified that he had spoken to the defendant about removing signs along Route 114. Mr. Sheperd testified that he neither denied the defendant had permission, nor gave him permission to remove signs. Mr. Shepard previously removed signs over public concern

regarding pedophile symbols. It is unknown when the removal of the prior sign occurred, or what, if any, relationship the prior sign had to the sign the defendant removed. Mr. Shepard testified that the “Goffstown Pride” sign was placed in an area managed by the New Hampshire Department of Transportation (“DOT”); an area over which he has no authority to remove signs. P.B. testified that when the DOT removed her signs in the past, she could collect them from the DOT’s facility.

After Sgt. Laroche interviewed the defendant, he filed for and received an arrest warrant. The defendant was charged with theft by unauthorized taking, which resulted in a conditional nolle prosequi agreement. (Def. Ex. I.) The sign was never recovered. P.B. testified that she had intended the sign to remain up through the month of June, which is recognized as Pride month for the LGBTQ+ community. She stated that if she had gotten the sign back, she would have kept it.

At trial, the defendant admitted that he removed the sign, but disputes that he acted out of animus towards the LGBTQ+ community. The defendant testified that he took the sign because he thought it was a “pedophile sign.” He stated that he found the sign offensive because he believed the sign promoted pedophilia. Specifically, the defendant explained that he understood through online research that “Love is Love” was co-opted by pedophiles. The defendant asserted that he had done research at some point prior to removing the sign but did not elaborate on when he performed this research. The defendant testified that the “Love is Love” portion of the sign was what he took offense to and was the reason he removed the sign. The defendant testified that he knows “Goffstown Pride” is meant to express support for the LGBTQ+ community. He testified that his removal of the sign did not have anything to do with same sex couples. The

defendant asserted that the phrase “Love is Love” suggests “no age restrictions” and that he took offense to that. Defendant asserted that he has good friends and a goddaughter that are gay and has attended same-sex weddings. He testified that he has never been motivated by sexual orientation. He testified that he is “an individual rights guy.”

Joseph Alexander testified that he has known the defendant for 12 years, is openly gay, and socializes with the defendant sometimes. Mr. Alexander also testified that he and the defendant have attended political functions together and that the defendant has invited Mr. Alexander on his boat a number of times. Mr. Alexander has never gone out on the boat. He has never discussed issues with the defendant related to gay marriage or homosexual couples. Mr. Alexander testified that he does not feel the defendant is prejudiced against same-sex relationships.

Analysis

The Civil Rights Act protects “the right to engage in lawful activities and exercise and enjoy the rights secured by the United States and New Hampshire Constitutions and the laws of the United States and New Hampshire.” RSA 354-B:1, I. To that end, it prohibits “actual or threatened physical force or violence . . . [or] actual or threatened damage to or trespass on property when such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability.” Id.

The Civil Rights Act requires the State to prove the existence of a Civil Rights Act violation by “clear and convincing evidence.” RSA 354-B:2, IV. This standard is the “intermediate” standard and falls between the “preponderance of the evidence” and “proof beyond a reasonable doubt” standards. Addington v. Texas, 441 U.S. 418, 425 (1979);

see also Diaz-Alarcon v. Flandez-Marcel, 944 F.3d 303, 306 n.5 (1st Cir. 2019). The United States Supreme Court, and subsequently, state and federal courts across the country have construed “clear and convincing evidence” as requiring proof that “the truth of [the proponent’s] factual contentions are ‘highly probable’” or reasonably certain. Colorado v. New Mexico, 467 U.S. 310, 316 (1984); see also State v. Murphy, No. 2020-0365, 2020 WL 7232089 at *1 (N.H. Dec. 8, 2020) (non-precedential order) (defining “clear and convincing evidence” to mean “highly probable” or “reasonably certain”); Black’s Law Dictionary 698 (11th ed. 2019). Here, the State must prove by clear and convincing evidence that: (1) the defendant damaged property; (2) the property damage was motivated by sexual orientation and/or gender identity; and (3) the property damage interfered with P.B.’s right to engage in lawful activities. See RSA 354-B:1, I.

Upon review, the Court concludes that the State has met its burden of proving all three elements of a Civil Rights Act violation. To start, the Court finds that the defendant damaged the sign. The defendant admits that he removed the sign. The defendant was the last person with the sign in his possession and has not returned it to P.B. who helped design and pay for it. The sign was never recovered after the defendant removed it. (See State Ex. 5.) Therefore, the Court concludes that the defendant disposed of the sign, thereby causing “damage to . . . property.” RSA 354-B:1, I.

Moreover, the Court finds that the property damage the defendant caused interfered with P.B.’s right to engage in a lawful activity. At base, P.B. is entitled to express her support for the LGBTQ+ community by posting the “Goffstown Pride” sign. See N.H. CONST. pt. I, art. 22; U.S. CONST. amend I & XIV; see also, City of Ladue v. Gilleo, 512 U.S. 43, 48 (1994) (“[S]igns are a form of expression protected by the Free Speech

Clause[.]”); Carlson’s Chrysler v. City of Concord, 156 N.H. 399, 402 (2007) (quoting Ladue for the same principle). The defendant contends, however, that the State has failed to show by clear and convincing evidence that P.B. *lawfully* placed her sign at the Route 114/114A intersection. The Court disagrees. Contrary to the defendant’s assertion, the evidence presented supported that placement of signs in that area is lawful. Multiple witnesses testified that for years members of the public have placed signs at this intersection for a host of reasons including for advertising, event announcements, and politics. In fact, at the time P.B. placed her sign, there were several other signs already at that intersection. Sgt. Laroche explained that during his thirty years as a law enforcement officer, he observed the DOT clearing signs from the south side of the intersection but never the north side, where P.B. had placed her sign. According to Mr. Shepard, Goffstown does not have authority within the quadrant of land identified as containing the signs. Rather, the area where the sign was placed is maintained by the DOT, so if signs were to be removed in that area, it would be done by DOT. Even when the DOT removes signs, the signs are kept for collection by the owners. Indeed, the intersection is a hub where the people of Goffstown post a litany of signs. There was no evidence presented that the placement of signs in this area requires a permit. (See State Exs. 3–4.) As shown by the signs present along Route 114 after the “Goffstown Pride” sign was removed, it is clear to the Court that the DOT does not routinely remove signs or prevent the public from posting their signs at the intersection. Thus, based on the record, the Court finds that by placing her sign at the intersection, P.B. engaged in lawful activity. Accordingly, the defendant’s removal of the sign interfered with P.B.’s right to lawfully express support for the LGBTQ+ community at a public intersection. See RSA

354-B:1, I. Moreover, even if P.B. had not been permitted to place the sign precisely in the area it was placed, by taking P.B.'s sign and failing to return it, the defendant precluded P.B. from reusing the sign and posting it anywhere else, thus interfering with her right to engage in free expression. For all the foregoing reasons, the Court finds that the State has proven by clear and convincing evidence that the defendant interfered with P.B.'s rights to engage in lawful activities. RSA 354-B:1, II.

The Court now turns to the question of whether the defendant's conduct in removing the sign was motivated by sexual orientation and/or gender identity. RSA 354-B:1, I. The Court finds that it was.

First, the State has shown that the defendant singled out the "Goffstown Pride" sign for removal because all the other signs at the Route 114/114A intersection were undisturbed. (See State Exs. 3–4.) The significant difference between the sign at issue and the other signs at the intersection is that the "Goffstown Pride" sign clearly expressed support for the LGBTQ+ community. Second, the defendant testified that he knew the sign was associated with LGBTQ+ pride. Specifically, the defendant testified that he knew when he removed the sign that "Goffstown Pride" is associated with support for the LGBTQ+ community. Third, the evidence and testimony presented at the hearing undermine the defendant's assertion that when he removed the sign he did so because he believed it was associated with pedophilia. When Sgt. Laroche interviewed the defendant about the incident, the defendant did not acknowledge that he had removed the sign. The defendant's initial denial of any information regarding the theft of the sign puts into serious doubt his assertion that he removed the sign due to his purported belief at the time that it represented support for pedophilia. In fact, his initial denial of any

knowledge of the theft of the sign was later followed by statements related to removing roadside trash. Only after further discussion did the defendant make some statements generally regarding pedophile symbols on signs. Indeed, the defendant never stated to Sgt. Laroche that he believed that the Goffstown Pride sign containing the statement “Love is Love” was a statement “co-opted” by people who promote sexual relationships with minors. Although the defendant claims he thought the “Love is Love” phrase was associated with pedophilia, he did not explain how he came to this conclusion, other than stating generally that he had read some articles, seen some pictures, and performed some “cursory” internet research.

Further, the Court is not persuaded that the defendant could not have been motivated by sexual orientation and/or gender identity simply because the defendant is friendly with Mr. Alexander, a gay man, has attended gay wedding ceremonies, and has a goddaughter that is gay. It is certainly possible for an individual to be civil and friendly towards individuals who are within the LGBTQ+ community but nonetheless harbor negative feelings or ill will toward others within that community. It is noteworthy that despite the complaint against the defendant having clearly identified the conduct as being motivated by sexual orientation and/or gender identity, neither the defendant’s own testimony nor the testimony of Mr. Alexander addressed the defendant’s views or beliefs with regard to gender identity. The defendant acknowledged he stole the sign and that he knew that the pride sign meant support for the LGBTQ+ community, but put forth no evidence or argument to suggest that he did not take the sign because he was motivated by gender identity—an accusation that is core to the State’s complaint. To be clear, the defendant has a right to his own views and is free to express them regarding the LGBTQ+

community. What he cannot do, however, is interfere with other's rights to express theirs.

In sum, upon review of the record before the Court, the State has proven by clear and convincing evidence through the testimony of witnesses, presentation of exhibits, and the inferences drawn therefrom that the defendant was motivated to remove the sign because of sexual orientation and/or gender identity. See RSA 354-B:1, I. Therefore, the State has met its burden of proving the defendant violated the Civil Rights Act. See RSA 354-B:1, I & II.

Conclusion

Consistent with the foregoing, the Court concludes that the defendant violated the Civil Rights Act. Where the Court's order describes the findings of fact and rulings of law on which the decision is based, the Court declines to address the parties' requests for separate findings of fact and rulings of law. See Geiss v. Bourassa, 140 N.H. 629, 632–33 (1996). The Court will address the specific relief to be awarded to the State after a hearing. The Clerk's Office shall schedule a 30-minute hearing on the relief requested by the State.

SO ORDERED.

October 10, 2025
Date



Amy B. Messer
Presiding Justice

Clerk's Notice of Decision
Document Sent to Parties
on 10/10/2025