

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS

SUPERIOR COURT

No. 219-2011-CV-000349

DAVID K. TAYLOR

v.

THE OYSTER RIVER COOPERATIVE SCHOOL BOARD

and

HENRY BRACKETT, Chairman

DAVID K. TAYLOR'S REQUEST FOR FINDINGS OF FACT AND RULINGS OF LAW

NOW COMES David K. Taylor, ("Taylor"), Petitioner in the above captioned matter, and submits the within Request for Findings of Fact and Rulings of Law.

FINDINGS OF FACT

1. David K. Taylor is an individual with a resident address of 16 Surrey Lane, Durham, County of Strafford, and State of New Hampshire.
2. The Oyster River Cooperative School Board (the "Board") is a political body organized under the laws of the State of New Hampshire with a principal address of 36 Coe Drive, Durham, County of Strafford, and State of New Hampshire.
3. Henry Brackett ("Brackett") is the Chairman of the Oyster River Cooperative School Board, with a principal address of 36 Coe Drive, Durham, County of Strafford, and State of New Hampshire.

4. Brackett was elected March 10, 2009.
5. Ann Wright (“Wright”) is the Vice Chairman of the Oyster River Cooperative School Board, with a principal address of 36 Coe Drive, Durham, County of Strafford, and State of New Hampshire.
6. Wright was elected March 9, 2010.
7. Ann Lane (“Lane”) is a member of the Oyster River Cooperative School Board, with a principal address of 36 Coe Drive, Durham, County of Strafford, and State of New Hampshire.
8. Lane was elected March 8, 2011.
9. Megan Turnbull (“Turnbull”) is a member of the Oyster River Cooperative School Board, with a principal address of 36 Coe Drive, Durham, County of Strafford, and State of New Hampshire.
10. Turnbull was elected March 8, 2011.
11. Jim Kach (“Kach”) is a member of the Oyster River Cooperative School Board, with a principal address of 36 Coe Drive, Durham, County of Strafford, and State of New Hampshire.
12. Kach was elected March 8, 2011.
13. Jocelyn O’Quinn (“O’Quinn”) is a member of the Oyster River Cooperative School Board, with a principal address of 36 Coe Drive, Durham, County of Strafford, and State of New Hampshire.
14. O’Quinn was elected March 10, 2009.

15. Krista Butts (“Butts”) is a member of the Oyster River Cooperative School Board, with a principal address of 36 Coe Drive, Durham, County of Strafford, and State of New Hampshire.

16. Butts was elected March 9, 2010.

Board Policies

17. On May 5, 1999 the Board revised Policy BBB - Legal Status. [026-BB - Legal Status.code rev. 11 18 09.pdf]

18. On November 18, 2009 the Board recoded Policy BBB - Legal Status to Policy BB - Legal Status. [026-BB - Legal Status.code rev. 11 18 09.pdf]

19. Policy BB - Legal Status has not been revised since November 18, 2009. [026-BB - Legal Status.code rev. 11 18 09.pdf]

20. On May 5, 1999 the Board revised Policy BBAA - Individual Members. [027-BBAA - Individual Members.05.09.pdf]

21. Policy BBAA - Individual Members has not been revised since May 5, 1999. [027-BBAA - Individual Members.05.09.pdf]

22. On May 5, 1999 the Board revised Policy BCB - School Board Officers. [028-BDB - School Board Officers.code rev. 11 18 09.pdf]

23. On November 18, 2009 the Board recoded Policy BCB - School Board Officers to Policy BDB - School Board Officers. [028-BDB - School Board Officers.code rev. 11 18 09.pdf]

24. Policy BDB - School Board Officers has not been revised since November 18, 2009. [028-BDB - School Board Officers.code rev. 11 18 09.pdf]

25. On May 5, 1999 the Board revised Policy BCG - Attorney. [029-BDG - Attorney.code rev. 11 18 09.pdf]
26. On November 18, 2009 the Board recoded Policy BCG - Attorney to Policy BDG - Attorney. [029-BDG - Attorney.code rev. 11 18 09.pdf]
27. Policy BDG - Attorney has not been revised since November 18, 2009. [029-BDG - Attorney.code rev. 11 18 09.pdf]
28. On October 17, 2007 the Board revised Policy BE - School Board Meetings. [030-BE - School Board Meetings 10 17 07.pdf]
29. Policy BE - School Board Meetings has not been revised since October 17, 2007. [030-BE - School Board Meetings 10 17 07.pdf]
30. On September 22, 2010 the Board revised Policy BEDB - Agenda Preparation and Format. [031-BEDB-Agenda Preparation and Format SB 9 22 10.pdf]
31. On September 7, 2011 the Board revised Policy BEDB - Agenda Preparation and Format. [032-BEDB - Agenda Preparation and Format SB 9.7.11.pdf]
32. Policy BEDB - Agenda Preparation and Format was not revised between September 22, 2010 and September 7, 2011. [032-BEDB - Agenda Preparation and Format SB 9.7.11.pdf]
33. On May 5, 1999 the Board revised Policy BDDD - Parliamentary Procedure and Quorum. [033-BEDD - Parliamentary Procedure and Quorum.code rev. 11 18 09.pdf]
34. On November 18, 2009 the Board recoded BDDD - Parliamentary Procedure and Quorum to BEDD - Parliamentary Procedure and Quorum. [033-BEDD - Parliamentary Procedure and Quorum.code rev. 11 18 09.pdf]

35. Policy BEDD - Parliamentary Procedure and Quorum has not been revised since November 18, 2009. [033-BEDD - Parliamentary Procedure and Quorum.code rev. 11 18 09.pdf]
36. On October 17, 2007 the Board revised Policy BEDG - Board Meeting Minutes. [034-BEDG - Board Mtg Minutes 10 17 07.pdf]
37. Policy BEDG - Board Meeting Minutes has not been revised since October 17, 2007. [034-BEDG - Board Mtg Minutes 10 17 07.pdf]

June 20, 2011 Right-to-Know Request

38. On June 15, 2011 at the regular Board meeting, Taylor was motivated in part to seek documents about non-meetings when he heard Director of Instruction Meredith Nadeau allege that 3 Board members had met at the Durham Police Station on June 10, 2011 to interview interim superintendent candidates prior to getting authority from the Board to do so.
39. Since there was no notice or minutes for the alleged June 10, 2011 meeting, Taylor assumed it as a non-meeting in some way.
40. On June 20, 2011, Taylor filed a Right-to-Know request pursuant to RSA 91-A for "all records of communications (emails, etc.) from 1 Jan. 2011 involving school board members, other government officials such as selectmen or state officials, or administrators of the school district or towns of Durham, Lee or Madbury concerning any arrangements for non-meetings as defined in the [New Hampshire] Right to Know law. This includes but is not limited to communications concerning when and where meetings might take place, who might attend, and what the subject might be. Please also send any such records of communications involving the search for or selection of an attorney involved in any such non-meetings." [011-email2011-06-20.pdf]

Time to Respond to June 20, 2011 Right-to-Know Request

41. On June 4, 2011 Brackett sent an email saying he had “checked all my emails three times” in response to a Right-to-Know request. [197-email2011-08-10-17-01.pdf]
42. On June 4, 2011 Wright sent an email in response to Brackett, et al. about how to respond to a Right-to-Know request. [166-email2011-06-25-F.pdf]
43. Around June 20, 2011 Brackett had about 3,500 emails.
44. Around June 20, 2011 Wright had about 2,500 to 2,800 emails.
45. It took Wright about 4 hours to find the documents to respond to the request.
46. Around June 20, 2011 Turnbull had thousands of emails.
47. It took Turnbull about 5 minutes to find the documents to respond to the request since she used searches.
48. On August 17, 2011 Brackett was served a notice of deposition requesting documents including emails.[Notice of Deposition - Brackett.pdf]
49. Brackett had about the same or a smaller number of emails on June 20, 2011 compared to those on August 17, 2011.
50. On August 19, 2011 and August 22, 2011 Brackett released documents in response to a notice of deposition. [104-Brackett_8.pdf, 106-Brackett_12.pdf, 107-Brackett_13.pdf, 108-Brackett_14.pdf]

Knowledge of Right-to-Know Requests

51. On May 20, 2011 Brackett sent an email to Superintendent Howard Colter, et al. concerning a legal opinion about Right-to-Know requests from attorney Diane Gorrow. [162-email2011-06-24-16-55-B.pdf]
52. In this email Brackett expresses anger by using a very large font. [162-email2011-06-24-16-55-B.pdf]
53. On June 20, 2011 Turnbull sent an email to Brackett about how to respond to Right-to-Know requests. [240-email2011-08-21-19-04.pdf]
54. On June 20, 2011 O'Quinn started an email discussion about how to respond to Right-to-Know requests. [188-188-email2011-08-10-11-01-A.pdf]
55. On June 21, 2011, a Board staff member, Wendy L. DiFruscio, acknowledged receipt of the Right-to-Know request and stated "Please note that some of the information will not be available until June 30th 2011." [012-email2011-06-21.pdf]
56. On June 23, 2011 Superintendent Howard Colter sent an email to Brackett, et al. with attached legal advice on how to respond to Right-to-Know requests. [186-email2011-08-10-10-57-A.pdf]
57. On June 24, 2011, Wright and Brackett exchanged emails discussing how to respond to Right-to-Know requests. [185-email2011-08-10-10-56-A.pdf]
58. On June 27, 2011 Superintendent Howard Colter sent an email to Brackett, et al. with attached legal advice on how to respond to Right-to-Know requests. [184-email2011-08-10-10-55-A.pdf]
59. On June 28, 2011 O'Quinn sent an email to Brackett and attorney Kim Memmesheimer about how Right-to-Know responses are being reviewed. [242-email2011-08-21-19-28.pdf]

60. On June 30, 2011 Wendy L. DiFruscio notified Taylor that "I want to let you know that the information requested is still being compiled for review. We tentatively plan on releasing any information that can be released by the end of next week, or the beginning of the following week at the latest." [013-email2011-06-30.pdf]
61. On July 6, 2011 the Board including Brackett received legal advice pertaining to how to respond to Right-to-Know requests from attorney Diane Gorrow. [185-email2011-08-10-10-56-A.pdf]
62. On July 7, 2011 Wendy L. DiFruscio notified Taylor that "In speaking with the SD attorney, please be advised that the information requested in your first set of RTK's is expected to be available mid week of July 15th." [014-email2011-07-07.pdf]
63. On July 7, 2011 Taylor notified Wendy L. DiFruscio, Interim Superintendent Meredith S. Nadeau, Brackett and Wright that "I find this further delay unreasonable. I asked on 20 June. By law I should have had the documents by 25 June. You responded a few days later the documents would not be released until 30 June. It is now 7 July and you are saying they won't be available until 15 July (if then!)." Taylor further asked "I assume by now at least some of the documents I requested have been collected and reviewed. Please forward all those reviewed documents to me immediately. Further, please detail what documents you are waiting on, specifically what the reason is for the delay, and what can be done to expedite their release." [015-email2011-07-07.pdf]
64. On July 7, 2011 Wendy L. DiFruscio forwarded Taylor's email to Brackett, et. at. [179-email2011-08-10-10-35-A.pdf]

First Partial Response to June 20, 2011 Right-to-Know Request

65. On July 7, 2011 Wendy L. DiFruscio sent by electronic mail an attached file in electronic Portable Document Format (PDF) containing 49 pages of copies of electronic mails between members of the Board. [097-taylor.pdf]
66. She also included an attached PDF file of 2 pages including a cover letter and invoice for requested copies. [096-RTK D.Taylor 07 07 11.pdf, 018-invoice2011-07-07.pdf]
67. In the cover letter, Wendy L. DiFruscio noted "Some of the governmental records that respond to your request are available for your review and copying at the SAU office. We are still waiting for the School Board Chairman's e-mails. Those e-mails will then be reviewed by School District counsel. The expected date for completion of that review is the middle of next week. At that time, additional governmental records that respond to your request and that are not exempt from disclosure will be available for you to review and copy at the SAU office." [096-RTK D.Taylor 07 07 11.pdf]
68. The July 7, 2011 invoice was for \$3.04 for 38 copies, namely 47 pages less the first 9 that are provided for free. [096-RTK D.Taylor 07 07 11.pdf, 018-invoice2011-07-07.pdf]
69. The July 7, 2011 released documents contained 49 pages. [097-taylor.pdf]
70. Of the 49 pages, only 4 were unique documents pertaining to non-meetings including the April 21, 2011, April 29, 2011, and June 13, 2011 Board meetings with legal counsel and the June 10, 2011 meeting of the Search Committee. [097-taylor.pdf]
 - 70.1. p. 9-12: 156-email2011-06-23-12-34-A.pdf, p. 1-3: 154-email2011-06-23-12-33-A.pdf, p. 4-5: 155-email2011-06-23-12-33-B.pdf, p. 27-28: 151-email2011-06-22-05-43.pdf, p. 29-31: 150-email2011-06-22-05-42.pdf, p. 32-35: 150-email2011-06-22-05-41.pdf, p. 38-39: 171-email2011-06-28-11-27.pdf, p. 40-41: 169-email2011-06-28-11-08.pdf, p.

42-44: 163-email2011-06-24-16-57-A.pdf, p. 46-47: 157-email2011-06-24-08-34-A.pdf, p.

48-49: 158-email2011-06-24-08-34-B.pdf

70.1.1. June 10, 2011 Search Committee

70.1.2. June 13, 2011 Board

70.2. p. 8: 161-email2011-06-24-16-55-A.pdf, p. 6-7: 177-email2011-07-06-11-32.pdf

70.2.1. April 29, 2011 Board

70.3. p. 13: 153-email2011-06-23-12-31.pdf, p. 17: 134-email2011-04-19-23-18-A.pdf, p. 21:

135-email2011-04-19-23-18-B.pdf, p. 25: 165-email2011-06-25-C.pdf, p. 26: 152-

email2011-06-22-05-46.pdf, p. 37: 176-email2011-06-28-11-41.pdf, p. 45: 160-

email2011-06-24-16-53-A.pdf

70.3.1. April 21, 2011 Board

70.4. p. 14: 141-email2011-06-14-16-47-A.pdf, p. 15-16: 143-email2011-06-15-10-01-A.pdf, p.

19: 144-email2011-06-15-10-01-B.pdf, p. 20: 142-email2011-06-14-16-47-B.pdf, p. 36:

148-email2011-06-22-05-38.pdf

70.4.1. June 13, 2011 Board

70.5. Not related to non-meeting arrangements or attorney search: p. 18:

email2011-06-17-11-00.pdf, p. 22-23: email2011-06-25-A.pdf, p. 24: email2011-06-25-

B.pdf

71. These documents were not released within 5 days after the June 20, 2011 Right-to-Know request.

Redaction in Response to June 20, 2011 Right-to-Know Request

72. On July 7, 2011 Taylor asked "However, I noticed that any identifying information about interim superintendent candidates was redacted. I would like to ask again under RSA 91-A for all the information about these candidates that you can provide. I refer you to NH Supreme Court case Lambert v. Belknap County Convention (attached) that argues there is a public interest in disclosure of such identifying information as the list of names and cover letters for candidates. I think the office of Superintendent is clearly of equal or greater interest to a community as sheriff as described in Lambert." [019-email2011-07-07.pdf]
73. On July 11, 2011 Wendy L. DiFruscio acknowledged the request from Taylor for the redacted information. [020-email2011-07-11.pdf]
74. On July 11, 2011 Wendy L. DiFruscio forwarded Taylor's email to Brackett, et. at.[178-email2011-08-10-10-32.pdf]
75. On July 11, 2011 Wendy L. DiFruscio responded that the redacted information would not be disclosed. [021-email2011-07-11.pdf]

Further Delay of June 20, 2011 Right-to-Know Request

76. On July 13, 2011 Taylor paid \$3.04 by check to the Oyster River Cooperative School District to pay the July 7, 2011 invoice.
77. On July 13, 2011, Taylor asked about the status of his Right-to-Know request. [022-email2011-07-13.pdf]
78. On July 13, 2011 Wendy L. DiFruscio responded that she "received this inquiry and ... forwarded [it] to the school board." [023-email2011-07-13.pdf]
79. On July 21, 2011, Taylor asked about the status of the right to know request and noted "given it has been over a full month, the failure to satisfy this request in full is a clear and knowing

violation of RSA 91-A by the board, and as you indicated in your letter of 7 July, specifically by Chairman Henry Brackett. Please let me know whether you have still not received any documents for review from Mr. Brackett. Also, as I noticed at last night's board meeting, please confirm that Mr. Brackett is out of town on vacation while this request is still pending his action." [024-email2011-07-21.pdf]

80. On July 21, 2011 Wendy L. DiFruscio responded "Please be advised that at this point we have still not received any information from the board chair. Also, I only know what I was told and that being the Mr. Brackett would be out of town on vacation this week." [025-email2011-07-21.pdf]

81. On July 21, 2011 Wendy L. DiFruscio forwarded Taylor's email to Brackett, et. at.[194-email2011-08-10-14-43-B.pdf]

Superintendent Levesque Advises Lawsuit

82. On July 27, 2011 Taylor met with Interim Superintendent Leon Levesque at his office.

83. During that meeting, they discussed the June 20, 2011 and other Right-to-Know requests that had not been answered by Brackett.

84. Superintendent Levesque showed Taylor and pointed to a highlighted copy of RSA 91-A on remedies indicating that filing a lawsuit was the only way to compel Brackett to respond.

Plaintiff initiates Action - Brackett's Partial Response to June 20, 2011 Request

85. On August 4, 2011 the Plaintiff initiated this action by filing a Petition for Injunctive Relief pursuant to RSA 91-A:7.

86. 8 days after this action was initiated, on August 12, 2011 Brackett released some documents in response to the June 20, 2011 Right-to-Know request. [102-Brackett_9.pdf]
87. The documents released on August 12, 2011 contained 178 pages. [102-Brackett_9.pdf]
88. Of the 178 pages, there are 68 documents and only 5 were unique documents pertaining to non-meetings including the April 21, 2011 and June 13, 2011 Board meetings with attorneys, the May 6, 2011 meeting of the Grievance Committee, and the June 6, 2011 and June 10, 2011 meeting of the Search Committee. [102-Brackett_9.pdf]
89. 3 of these 5 documents were copies of those released on July 7, 2011. [102-Brackett_9.pdf]
- 89.1. p. 4: 201-email2011-08-10-18-41.pdf
- 89.1.1. Duplicate of July 7, 2011 document [152-email2011-06-22-05-46.pdf]
- 89.1.2. April 21, 2011 Board
- 89.2. p. 95-96: 193-email2011-08-10-11-17.pdf
- 89.2.1. May 6, 2011 Grievance Committee
- 89.2.2. Also related to Right-to-Know knowledge.
- 89.3. p. 118: 198-email2011-08-10-17-54-A.pdf, p. 119: 199-email2011-08-10-17-54-B.pdf, p. 120: 200-email2011-08-10-17-54-C.pdf
- 89.3.1. June 6, 2011 Search Committee
- 89.4. p. 169-171: 190-email2011-08-10-11-04-A.pdf
- 89.4.1. Duplicate of July 7, 2011 document [151-email2011-06-22-05-43.pdf]
- 89.4.2. June 10, 2011 Search Committee

89.4.3. June 13, 2011 Board

89.5. p. 172-173: 191-email2011-08-10-11-04-B.pdf

89.5.1. Duplicate of July 7, 2011 document [158-email2011-06-24-08-34-B.pdf]

89.5.2. June 13, 2011 Board

89.6. Related to use of attorney Kim Memmesheimer by Brackett before March 24, 2011:

195-email2011-08-10-16-25-A.pdf, 196-email2011-08-10-16-25-B.pdf

89.7. Related to Right-to-Know knowledge of the Board: email2011-08-10-10-30.pdf,

email2011-08-10-10-22.pdf, email2011-08-10-10-33.pdf, 178-email2011-08-10-10-32.pdf,

179-email2011-08-10-10-35-A.pdf, email2011-08-10-10-35-B.pdf,

email2011-08-10-14-44.pdf, email2011-08-10-14-43-A.pdf, 194-email2011-08-10-14-43-

B.pdf, 185-email2011-08-10-10-56-A.pdf, email2011-08-10-11-00.pdf, 184-

email2011-08-10-10-55-A.pdf, email2011-08-10-14-37.pdf, email2011-08-10-11-06.pdf,

186-email2011-08-10-10-57-A.pdf, email2011-08-10-10-59-C.pdf, 188-188-

email2011-08-10-11-01-A.pdf, 197-email2011-08-10-17-01.pdf,

email2011-08-10-17-00.pdf

89.8. Not related to non-meeting arrangements or attorney search: email2011-08-10-18-53-

A.pdf, email2011-08-10-18-53-B.pdf, 202-email2011-08-10-18-44.pdf,

email2011-08-10-12-45.pdf, email2011-08-10-10-34.pdf, 180-email2011-08-10-10-37-

A.pdf, 187-email2011-08-10-10-59-A.pdf, email2011-08-10-10-59-B.pdf,

email2011-08-10-18-35.pdf, email2011-08-10-18-36.pdf, email2011-08-10-17-49.pdf,

email2011-08-10-17-58.pdf, email2011-08-10-18-00.pdf, email2011-08-10-18-05.pdf,

email2011-08-10-18-13.pdf, email2011-08-10-10-35-C.pdf, email2011-08-10-10-36-B.pdf,

email2011-08-10-10-38-A.pdf, email2011-08-10-10-37-B.pdf, email2011-08-10-10-40.pdf,

181-email2011-08-10-10-39-A.pdf, email2011-08-10-10-39-B.pdf,
email2011-08-10-10-38-B.pdf, email2011-08-10-10-41.pdf, email2011-08-10-10-53-A.pdf,
email2011-08-10-10-53-B.pdf, 182-email2011-08-10-10-44-A.pdf, 183-
email2011-08-10-10-44-B.pdf, email2011-08-10-10-55-B.pdf, email2011-08-10-10-56-
B.pdf, email2011-08-10-10-57-B.pdf, email2011-08-10-11-01-B.pdf, 189-
email2011-08-10-11-03.pdf, email2011-08-10-11-12.pdf, email2011-08-10-11-14.pdf,
email2011-08-10-10-42-A.pdf, email2011-08-10-10-42-B.pdf

Documents in Response to Brackett Deposition

90. On August 19, 2011 Brackett released some documents in response to a Notice of Deposition in this case. [104-Brackett_8.pdf]

91. The documents released on August 19, 2011 contained 62 pages. [104-Brackett_8.pdf]

92. Of the 62 pages, there were 42 documents, of which 12 were new unique documents pertaining to 7 non-meetings including the May 23, 2011 and June 13, 2011 Board meetings with attorneys, the June 10, 2011, June 13, 2011 and June 14, 2011 meetings of the Search Committee, the May 23, 2011 meeting of the PR Committee, and the June 21, 2011 joint meeting of the Press Committee and PR Committee. [104-Brackett_8.pdf]

92.1. p. 3-5: email2011-08-19-10-10-A.pdf, p. 6-7: email2011-08-19-10-11.pdf, p. 8:
email2011-08-19-10-10-B.pdf, p. 9-11: 203-email2011-08-19-10-12.pdf, p 53:
email2011-06-22-05-45.pdf

92.1.1. May 23, 2011 PR Committee

92.1.2. May 23, 2011 Board

92.2. p. 64: 133-card2011-05-23.pdf

92.2.1. May 23, 2011 PR Committee

92.3. p. 25: 167-email2011-06-25-L.pdf

92.3.1. June 10, 2011 Search Committee

92.4. p. 26: email2011-06-25-M.pdf,

92.4.1. June 10, 2011 Search Committee

92.5. p. 27: 168-email2011-06-25-N.pdf,

92.5.1. June 10, 2011 Search Committee

92.6. p. 43: 170-email2011-06-28-11-10.pdf

92.6.1. June 13, 2011 Board

92.7. p. 44: 164-email2011-06-24-17-00.pdf, p. 45: email2011-06-24-16-59.pdf

92.7.1. June 13, 2011 Board

92.8. p. 24: email2011-06-25-K.pdf

92.8.1. June 14, 2011 Search Committee

92.9. p. 34: 175-email2011-06-28-11-38.pdf

92.9.1. June 21, 2011 PR/Press Committee

92.10. p. 35: 173-email2011-06-28-11-37-A.pdf

92.10.1. June 21, 2011 PR/Press Committee

92.11. p. 36: 174-email2011-06-28-11-37-B.pdf

92.11.1. June 21, 2011 PR/Press Committee

92.12. p. 37-38: 172-email2011-06-28-11-33.pdf

92.12.1. June 21, 2011 PR/Press Committee

92.13. Not related to non-meeting arrangements or attorney search: p. 29:

email2011-06-22-05-36-A.pdf, p. 30-31: email2011-06-22-05-36-B.pdf, p. 32-33:

email2011-06-22-05-36-C.pdf, p. 39-40: email2011-06-28-11-32.pdf, p. 41-42:

email2011-06-28-11-20.pdf, p. 46: 159-email2011-06-24-08-51-A.pdf, p. 47:

email2011-06-24-08-51-B.pdf, p. 48-51: email2011-06-24-08-50.pdf, p. 52:

email2011-06-24-08-33.pdf, p. 54-55: email2011-06-23-12-36.pdf, p. 56:

email2011-06-23-12-35-B.pdf, p. 57-63: email2011-06-07-16-53.pdf

93. Of the 62 pages, 12 were new copies of Brackett's calendar with annotations of meetings.

[104-Brackett_8.pdf, 129-calendarBrackett2011-06-20-06-26.pdf, 127-

calendarBrackett2011-06-13-06-19.pdf, 125-calendarBrackett2011-06-06-06-12.pdf, 124-

calendarBrackett2011-05-30-06-05.pdf, calendarBrackett2011-06.pdf, 123-

calendarBrackett2011-05-23-05-29.pdf, 122-calendarBrackett2011-05-16-05-22.pdf, 121-

calendarBrackett2011-05-09-05-15.pdf, 120-calendarBrackett2011-05-02-05-08.pdf,

calendarBrackett2011-05.pdf, 119-calendarBrackett2011-04-25-05-01.pdf, 118-

calendarBrackett2011-04-18-04-24.pdf]

94. On August 22, 2011 Brackett released more documents in response to a Notice of Deposition

in this case. [106-Brackett_12.pdf, 107-Brackett_13.pdf, 108-Brackett_14.pdf]

95. The documents released on August 22, 2011 contained 125 pages in 3 parts. [106-

Brackett_12.pdf, 107-Brackett_13.pdf, 108-Brackett_14.pdf]

96. Of the first 67 pages out of 125, there were 59 documents. There were 26 new unique documents pertaining to as many as 10 non-meetings. [107-Brackett_13.pdf]

96.1. p. 32-33: 223-email2011-08-20-16-09-B.pdf, p. 44-45: 232-email2011-08-20-16-17.pdf

96.1.1. May 22, 2011 PR Committee

96.2. p. 42-43: 231-email2011-08-20-16-16.pdf

96.2.1. May 22, 2011 ??? PR Committee

96.3. p. 46: 233-email2011-08-20-16-18.pdf

96.3.1. May 22, 2011 PR Committee

96.4. p. 47: 234-email2011-08-20-16-19.pdf

96.4.1. May 22, 2011 PR Committee

96.5. p. 48-49: 235-email2011-08-20-21-57.pdf

96.5.1. May 22, 2011 PR Committee

96.6. p. 50-51: 236-email2011-08-20-21-59.pdf

96.6.1. May 22, 2011 PR Committee

96.7. p. 24-25: 220-email2011-08-20-16-06.pdf

96.7.1. May 23, 2011 ??? Board/Search Committee

96.8. p: 29-31: 222-email2011-08-20-16-09-A.pdf

96.8.1. May 23, 2011 ??? Board /Search Committee

96.9. p. 20: 217-email2011-08-20-16-01.pdf

96.9.1. May 27, 2011 PR Committee

96.9.2. This email contains an attachment.

96.10. p. 21-22: 219-email2011-08-20-16-05.pdf, p. 26-28: 221-email2011-08-20-16-08.pdf

96.10.1. May 27, 2011 PR Committee

96.11. p 34-36: 224-email2011-08-20-16-11-A.pdf

96.11.1. May 27, 2011 PR Committee

96.12. p. 37: 225-email2011-08-20-16-11-B.pdf, p. 38: 226-email2011-08-20-16-12.pdf

96.12.1. May 27, 2011 PR Committee

96.13. p. 39: 227-email2011-08-20-16-13.pdf

96.13.1. May 27, 2011 PR Committee

96.14. p. 40: 229-email2011-08-20-16-14-B.pdf, p. 41: 230-email2011-08-20-16-15.pdf

96.14.1. May 27, 2011 PR Committee

96.15. p 2: 228-email2011-08-20-16-14-A.pdf

96.15.1. Search Committee

96.16. p. 3: 218-email2011-08-20-16-02.pdf

96.16.1. June 6, 2011 Search Committee

96.17. p. 17: 214-email2011-08-20-15-57.pdf

96.17.1. June 6, 2011 Search Committee

96.18. p. 18: 215-email2011-08-20-15-58.pdf, p. 19: 216-email2011-08-20-15-59.pdf

96.18.1. June 6, 2011 Search Committee

96.19. p. 9: 209-email2011-08-20-15-51.pdf

96.19.1. June 10, 2011 Search Committee

96.20. p. 10-11: 210-email2011-08-20-15-52.pdf

96.20.1. June 10, 2011 Search Committee

96.21. p. 1: 207-email2011-08-20-15-47.pdf

96.21.1. June 13, 2011 Search Committee

96.22. p. 12-13: 211-email2011-08-20-15-53-A.pdf, p. 14-15: 212-email2011-08-20-15-53-B.pdf

96.22.1. June 13, 2011 Search Committee

96.23. p. 4: 204-email2011-08-20-15-45.pdf

96.23.1. June 14, 2011 Search Committee

96.24. p. 5: 205-email2011-08-20-15-46-A.pdf, p. 6: 206-email2011-08-20-15-46-B.pdf

96.24.1. June 14, 2011 Search Committee

96.25. p. 7-8: 208-email2011-08-20-15-50.pdf, p. 16: 213-email2011-08-20-15-54.pdf

96.25.1. June 13, 2011 ??? PR Committee

96.26. p. 66: 237-email2011-08-20-22-19.pdf

96.26.1. Duplicate of July 7, 2011 document

96.26.2. April 29, 2011 Board

96.27. p. 67: 238-email2011-08-20-22-20.pdf

96.27.1. April 29, 2011 Board

96.28. Not related to non-meeting arrangements or attorney search:

email2011-08-20-22-06.pdf, email2011-08-20-22-09.pdf, email2011-08-20-22-13.pdf

97. Of the second 36 pages out of 125, there were 21 documents. There were 3 new unique documents pertaining to 2 non-meetings. [108-Brackett_14.pdf]

97.1. p. 3-4: 245-email2011-08-21-20-13.pdf

97.1.1. June 27, 2011 Press Committee

97.2. p. 16: 244-email2011-08-21-19-33.pdf

97.2.1. June 27, 2011 Press Committee

97.3. p. 24: 241-email2011-08-21-19-19.pdf

97.3.1. June 27, 2011 Press Committee

97.4. p. 25: 243-email2011-08-21-19-30.pdf

97.4.1. June 6, 2011 Search Committee

97.5. Related to Right-to-Know knowledge of the Board: email2011-08-21-19-32.pdf, 242-email2011-08-21-19-28.pdf, 240-email2011-08-21-19-04.pdf

97.6. Not related to non-meeting arrangements or attorney search:

email2011-08-21-19-50.pdf, email2011-08-21-19-38.pdf, email2011-08-21-19-36.pdf,
email2011-08-21-19-34.pdf, email2011-08-21-19-39.pdf, email2011-08-21-19-29.pdf,
email2011-08-21-19-27.pdf, email2011-08-21-19-09.pdf, email2011-08-21-19-14.pdf,
email2011-08-21-19-06.pdf, email2011-08-21-19-03.pdf, email2011-08-21-16-39.pdf, 239-
email2011-08-21-15-59.pdf, email2011-08-21-16-18.pdf

98. In addition, of the 125 pages, 22 were copies of Brackett's calendar with annotations of probable meetings of Board members since personal data was redacted, of which up to 20 were new. [106-Brackett_12.pdf]

Documents in Response to Turnbull Deposition

99. On October 7, 2011 Turnbull released documents in response to a Notice of Deposition in this case. [111-Turnbull-Deposition2011-10-07.pdf]

100. The documents released on October 7, 2011 contained 24 pages. [111-Turnbull-Deposition2011-10-07.pdf].

101. Of the 24 pages, there were 16 documents of which 9 were new unique documents pertaining to 6 non-meetings including the May 22, 2011, May 27, 2011 meetings of the PR Committee, the June 6, 2011, June 10, 2011, and June 14, 2011 meetings of the Search Committee, and the June 21, 2011 joint meeting of the PR Committee and Press Committee. [111-Turnbull-Deposition2011-10-07.pdf]

101.1. p. 1-2: 253-email2011-10-05-16-40.pdf

101.1.1. May 22, 2011 PR Committee

101.2. p. 9-10: 248-email2011-10-05-16-35.pdf

101.2.1. May 22, 2011 PR Committee

101.3. p. 11: 246-email2011-10-05-16-34-A.pdf

101.3.1. Duplicate of August 22, 2011 235-email2011-08-20-21-57.pdf

101.3.2. May 22, 2011 PR Committee

101.4. p. 12-13: 247-email2011-10-05-16-34-B.pdf

101.4.1. Duplicate of August 22, 2011 223-email2011-08-20-16-09-B.pdf

101.4.2. May 22, 2011 PR Committee

101.5. p. 14: 257-letter2011-05-20-B.pdf

101.5.1. May 22, 2011 PR Committee

101.6. p. 3-4: 252-email2011-10-05-16-39.pdf

101.6.1. May 27, 2011 PR Committee

101.7. p. 5-6: 251-email2011-10-05-16-38.pdf

101.7.1. Duplicate of August 22, 2011 219-email2011-08-20-16-05.pdf

101.7.2. May 27, 2011 PR Committee

101.8. p. 7: 249-email2011-10-05-16-36-A.pdf

101.8.1. Duplicate of August 22, 2011 227-email2011-08-20-16-13.pdf

101.8.2. May 27, 2011 PR Committee

101.9. p. 8: 250-email2011-10-05-16-36-B.pdf

101.9.1. May 27, 2011 PR Committee

101.10.p. 15: 136-email2011-06-02-08-17.pdf

101.10.1. Duplicate of August 22, 2011 218-email2011-08-20-16-02.pdf

101.10.2. June 6, 2011 Search Committee

101.11.p. 16: 137-email2011-06-02-23-11.pdf

101.11.1. June 6, 2011 Search Committee

101.12.p. 17: 139-email2011-06-12-12-53.pdf

101.12.1. June 6, 2011 Search Committee

101.13.p 18: 140-email2011-06-12-20-47-B.pdf

101.13.1. Duplicate of August 19, 2011 email2011-06-25-K.pdf

101.13.2. Duplicate of August 22, 2011 204-email2011-08-20-15-45.pdf

101.13.3. June 14, 2011 Search Committee

101.14.p. 19: 138-email2011-06-08-13-31.pdf

101.14.1. Duplicate of August 22, 2011 210-email2011-08-20-15-52.pdf

101.14.2. June 14, 2011 Search Committee

101.15.p. 20: 146-email2011-06-21-09-47.pdf

101.15.1. June 21, 2011 PR/Press Committee

101.16.p. 21-22: 145-email2011-06-17-14-58.pdf

101.16.1. June 21, 2011 PR/Press Committee

Right-to-Know Knowledge

102. Prior to being elected to the Board, Brackett filed many Right-to-Know requests, including with the Oyster River Cooperative School District.

103. Brackett did not receive responses to some of his Right-to-Know requests within 5 days.

104. Brackett complained about the delays for some of these responses.

105. On March 12, 2009 Seth Fiermonti of Durham filed a Right-to-Know request of the Oyster River Cooperative School District.

106. Fiermonti's request was for Board email covering a 4 1/2 month period.

107. Brackett was on the Board at the time of Fiermonti's request.

108. Brackett was aware of Fiermonti's request.

109. On June 2, 2011 through June 3, 2011 Brackett, et al. were copied on emails about getting a legal opinion on how to respond to Right-to-Know requests. [192-email2011-08-10-11-05.pdf]

April 10, 2010 Board Right-to-Know Training

110. On April 14, 2010 the prior Board received training on RSA 91-A the Right-to-Know law.

[pp. 22-60 of 259-RTK-Training-2010-2011.pdf, 261-RTK-Training-2010-Slides.pdf]

111. On April 14, 2010 the prior Board included Brackett, O'Quinn, Wright, and Butts. [p. 23 of 259-RTK-Training-2010-2011.pdf]

March 24, 2011 Board Special Workshop

112. On March 24, 2011 at about 7:00 p.m., Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at the SAU #5 office. [039-2011-03-24 Workshop Minutes.pdf, 113-calendarBrackett2011-03-21-03-27.pdf]

113. At this meeting the Board received training on the NH Right-to-Know law RSA 91-A. [039-2011-03-24 Workshop Minutes.pdf, pp. 1-21 of 259-RTK-Training-2010-2011.pdf, 260-RTK-Training-2011-Policies.pdf]

114. This Right-to-Know law training included ORCSD policies related to this law. [260-RTK-Training-2011-Policies.pdf]

115. The minutes of this meeting do not record the result of the vote to adjourn. [039-2011-03-24 Workshop Minutes.pdf]

March 24, 2011 Brackett Call

116. On March 24, 2011, Brackett convened with attorney Kim Memmesheimer by phone. [254-invoice2011-05-13.pdf]

117. There is no recorded vote at a posted meeting of the Board to give Brackett authority to search for, contact or work with an attorney including Kim Memmesheimer.

March 30, 2011 Board Special Meeting

118. On March 30, 2011 at about 6:30 p.m., Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf, 114-calendarBrackett2011-03-28-04-03.pdf]

119. A notice for this meeting was posted. [041-2011-03-30-03 30 11 Special School Board Meeting Notice.pdf]

120.The notice identified this meeting as special. [041-2011-03-30-03 30 11 Special School Board Meeting Notice.pdf]

121.This meeting is not listed on the schedule of regular meetings. [035-Master Schedule of Meetings 2010-11.pdf]

122.There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.

123.The notice for this meeting does not list a subject for the content of this meeting .
[041-2011-03-30-03 30 11 Special School Board Meeting Notice.pdf]

124.At this meeting the Board discussed and acted on a variety of subjects including the ORHS Principal Search Committee, special education programs, Sustainability Committee, Advisory Budget Committee, etc. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]

125.This meeting had a nonpublic session prior to 7:05 p.m. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]

126.There are no minutes of the nonpublic session of this meeting on the district website.
[042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]

127.There are no minutes of the nonpublic session of this meeting. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]

128.The minutes of this meeting record a vote to enter public session from nonpublic session at 7:05 p.m. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]

129.The minutes of this meeting do not record the vote to enter nonpublic session prior to 7:05.
[042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]

130. Who made this motion is not recorded in the minutes. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]
131. Who seconded this motion is not recorded in the minutes. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]
132. This vote to enter nonpublic session is not recorded by roll call. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]
133. The result of this vote to enter nonpublic session is not recorded in the minutes. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]
134. This motion is not recorded to state on its face the specific exemption under paragraph RSA 91-A:3 II which is relied upon as foundation for the nonpublic session. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]
135. This motion to enter nonpublic session does not state the matter(s) to be discussed. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]
136. The minutes of the nonpublic session prior to 7:05 p.m. do not record a brief description of the subject matter discussed. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]
137. In the minutes of this meeting, the motion to enter nonpublic session at the end does not state on its face the specific exemption under paragraph RSA 91-A:3 II which is relied upon as foundation for the nonpublic session. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]
138. The motion to enter nonpublic session at the end does not state the matter(s) to be discussed. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]

139. The minutes of the nonpublic session at the end do not record a brief description of the subject matter discussed. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]

140. This meeting adjourned.

141. The minutes of this meeting do not record the motion to adjourn. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]

142. The result of this vote is not recorded in the minutes. [042-2011-03-30-03 30 11 Special Meeting Minutes.pdf]

April 6, 2011 Board Regular Meeting

143. On April 6, 2011 at about 6:30 p.m., Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [044-2011-04-06-04 06 11 Regular Mtg. Minutes.pdf, 043-2011-04-06-04 06 11 Nonpublic Minutes.pdf, 115-calendarBrackett2011-04-04-04-10.pdf]

144. The Board voted to enter nonpublic session at about 6:30 p.m. [043-2011-04-06-04 06 11 Nonpublic Minutes.pdf]

145. This motion to enter nonpublic session does not state the matter(s) to be discussed. [043-2011-04-06-04 06 11 Nonpublic Minutes.pdf]

146. This vote to enter nonpublic session is not recorded by roll call. [043-2011-04-06-04 06 11 Nonpublic Minutes.pdf]

April 11, 2011 Board Special Meeting

147. On April 11, 2011 at about 6:00 or 6:30 p.m., Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [045-2011-04-11-04 11 11 Non Public Minutes.pdf, 116-calendarBrackett2011-04-11-04-17.pdf]
148. This meeting included interviews of ORHS Principal candidates in public session. [046-2011-04-11-04 11 11 Special School Board Meeting.pdf]
149. There are no minutes of the public session of this meeting on the district website. [045-2011-04-11-04 11 11 Non Public Minutes.pdf]
150. There are no minutes of the public session of this meeting. [045-2011-04-11-04 11 11 Non Public Minutes.pdf]
151. The minutes do not record a brief description of the subject matter discussed in public. [045-2011-04-11-04 11 11 Non Public Minutes.pdf]
152. This meeting included a nonpublic session. [045-2011-04-11-04 11 11 Non Public Minutes.pdf]
153. The minutes for the nonpublic session of this meeting do not list all attendees. [045-2011-04-11-04 11 11 Non Public Minutes.pdf]
154. The motion to enter nonpublic session does not state the matter(s) to be discussed. [045-2011-04-11-04 11 11 Non Public Minutes.pdf]
155. The minutes do not record the vote to enter nonpublic session by roll call. [045-2011-04-11-04 11 11 Non Public Minutes.pdf]
156. The minutes for this meeting do not record the result of the vote to enter nonpublic session. [045-2011-04-11-04 11 11 Non Public Minutes.pdf]

157.The motion to enter nonpublic was under RSA 91-A:3 II (b). [045-2011-04-11-04 11 11 Non Public Minutes.pdf]

158.While in nonpublic session, "Henry Brackett asked Superintendent Colter about the process of nomination and election and if the Board would be able to deliberate prior to his nomination. Superintendent Colter informed Henry that he would nominate first and then the Board could have a discussion." [045-2011-04-11-04 11 11 Non Public Minutes.pdf]

159.The minutes of this meeting do not record the motion to adjourn. [045-2011-04-11-04 11 11 Non Public Minutes.pdf]

160.The result of this vote to adjourn is not recorded in the minutes. [045-2011-04-11-04 11 11 Non Public Minutes.pdf]

April 13, 2011 Board Special Meeting

161.On April 12, 2011 at about 5:26 p.m., Brackett wrote an email to Butts, Kach, Lane, O'Quinn, Turnbull and Wright planning to discuss a board letter in a nonpublic meeting. [202-email2011-08-10-18-44.pdf]

162.On April 13, 2011 at about 6:00 p.m., Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [048-2011-04-13-04 13 11 Special SB Mtg Minutes.doc.pdf, 116-calendarBrackett2011-04-11-04-17.pdf]

163.A notice for this meeting was posted. [047-2011-04-13-04 13 11 Special School Board Meeting Notice.pdf]

164.The notice identified this meeting as special. [047-2011-04-13-04 13 11 Special School Board Meeting Notice.pdf]

165.This meeting is not listed on the schedule of regular meetings. [035-Master Schedule of Meetings 2010-11.pdf]

166.There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.

167.The notice for this meeting does not list a subject for the content of this meeting.

[047-2011-04-13-04 13 11 Special School Board Meeting Notice.pdf]

168.This meeting included deliberation and decisions about a public statement and discussion, deliberation and decisions about the charge, process and Board representation on the Advisory Budget Committee. [048-2011-04-13-04 13 11 Special SB Mtg Minutes.doc.pdf]

169.This meeting included a nonpublic session. [048-2011-04-13-04 13 11 Special SB Mtg Minutes.doc.pdf]

170.Prior to entering nonpublic session, Superintendent Howard Colter told the Board that attorney Diane Gorrow advised them not to enter nonpublic session to discuss how to edit a public statement.

171.The Board voted to enter the nonpublic session under RSA 91-A:3 II (c). [048-2011-04-13-04 13 11 Special SB Mtg Minutes.doc.pdf]

172.While in nonpublic session the Board discussed how to edit a public statement.

[048-2011-04-13-04 13 11 Special SB Mtg Minutes.doc.pdf]

April 14, 2011 ORHS Principal Search Committee Meeting

173.On April 14, 2011 the Oyster River High School (“ORHS”) Principal Search Committee met.

174.Lane and Wright attended that meeting as members of the committee.

175.Brackett attended that meeting briefly. [116-calendarBrackett2011-04-11-04-17.pdf]

176.Brackett was not a member of this committee.

177.After Brackett left, Turnbull attended that meeting briefly.

178.Turnbull knew beforehand that Brackett intended to attend that meeting to thank the committee for their work. [116-calendarBrackett2011-04-11-04-17.pdf]

179.Turnbull saw Brackett after he left the meeting and before she entered.

180.Turnbull was not a member of this committee.

181.No notice for this meeting was posted.

182.This meeting was not open to the public.

183.No minutes for this meeting were posted.

184.No documents arranging this meeting have been released in response to the June 20, 2011 Right-to-Know request.

April 19, 2011 Brackett Meeting with Legal Counsel

185.On April 19, 2011 Brackett convened in person with attorneys Daniel Hoefle and Kim Memmesheimer at their office. [254-invoice2011-05-13.pdf, 118-calendarBrackett2011-04-18-04-24.pdf, 117-calendarBrackett2011-04-18-04-24-B.pdf]

186.There is no prior recorded vote at a posted meeting of the Board to give Brackett authority to meet with attorney Kim Memmesheimer.

187.On or around April 19, 2011, Brackett sequentially communicated with a quorum of the Board. [118-calendarBrackett2011-04-18-04-24.pdf]

188. During these communications Brackett discussed with each member about changing the contract for Superintendent Howard Colter and retaining an attorney for this purpose:

“What are our thoughts about separation?” [118-calendarBrackett2011-04-18-04-24.pdf]

189. In the August 19, 2011 released copy of Brackett’s calendar [117-

calendarBrackett2011-04-18-04-24-B.pdf], “What are your thoughts about separation” is redacted.

190. Based on these communications, Brackett decided to arrange a meeting with an attorney to begin this process.

191. Based on this decision, on April 19, 2011 at about 11:18 a.m., Brackett sent an email to

Wright, Lane, Turnbull, Kach, O’Quinn and Butts. [152-email2011-06-22-05-46.pdf]

192. The April 19, 2011 email was to arrange a meeting on April 21, 2011 with attorney Hoefle, et al. at their office. [152-email2011-06-22-05-46.pdf]

193. On July 7, 2011 this email was released in response to the June 20, 2011 Right-to-Know request by all Board members except Brackett. [152-email2011-06-22-05-46.pdf]

194. On August 12, 2011 this email was first released by Brackett. [201-email2011-08-10-18-41.pdf]

April 20, 2011 Board Committee Meeting

195. On April 20, 2011 members of the Board including at least Brackett convened in person at the Durham Police Station. [118-calendarBrackett2011-04-18-04-24.pdf]

196. This meeting is identified in Brackett’s redacted calendar. [118-calendarBrackett2011-04-18-04-24.pdf]

197.All personal information in this calendar is redacted. [118-calendarBrackett2011-04-18-04-24.pdf]

198.No notice for this meeting was posted.

199.This meeting was not open to the public.

200.No minutes for this meeting were posted.

201.There is no recorded vote at a posted meeting of the Board giving them authority to meet on April 20, 2011.

202.No documents arranging this meeting have been released in response to the June 20, 2011 Right-to-Know request.

203.No documents establishing the existence of this meeting were released prior to depositions for this lawsuit.

April 21, 2011 Board Meeting with Legal Counsel

204.On April 21, 2011 Board members Brackett, Kach, Lane, O'Quinn, Turnbull and Wright convened in person with attorneys Daniel Hoefle and Kim Memmesheimer at their office.

[254-invoice2011-05-13.pdf , 118-calendarBrackett2011-04-18-04-24.pdf, 152-email2011-06-22-05-46.pdf]

205.Butts participated by phone. [152-email2011-06-22-05-46.pdf]

206.No notice for this meeting was posted.

207.This meeting was not open to the public.

208.No minutes for this meeting were posted.

209. At this meeting or another private meeting, the Board received information about and discussed the fee schedule for the attorneys.

210. At this meeting or another private meeting, the Board deliberated and decided to accept the fee schedule for the attorneys.

211. No attorney participated in the Board deliberation and/or decision to accept the fee schedule for the attorneys.

212. There is no recorded vote of the Board at a posted meeting to accept the fee schedule for the attorneys.

213. At this meeting or another private meeting, the Board discussed whether to be represented by Hoefle, et al.

214. At this meeting or another private meeting, the Board deliberated and decided to be represented by Hoefle, et al.

215. No attorney participated in the Board deliberation and/or decision to be represented by Hoefle, et al.

216. There is no recorded vote of the Board at a posted meeting to be represented by Hoefle, et al.

217. Wright made a list of other possible attorneys for the Board to consider.

218. No documents about the search for or selection of the attorney have been released.

April 27, 2011 Board Meeting with Legal Counsel

219. On April 27, 2011 Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person with attorney Gordon Graham at ORHS. [050-2011-04-27-04 27 11 Regular Mtg. Minutes.pdf, 119-calendarBrackett2011-04-25-05-01.pdf]

220. This meeting was just prior to a posted meeting. [050-2011-04-27-04 27 11 Regular Mtg. Minutes.pdf]

221. No notice for this meeting was posted.

222. This meeting was not open to the public.

223. No minutes for this meeting were posted.

224. This meeting was arranged by Superintendent Howard Colter by email.

225. No documents arranging this meeting have been released in response to the June 20, 2011 Right-to-Know request.

April 29, 2011 Brackett Meeting with Legal Counsel

226. On April 29, 2011 at about 12:00 p.m., Brackett convened in person with attorney Kim Memmesheimer at her office. [254-invoice2011-05-13.pdf, 119-calendarBrackett2011-04-25-05-01.pdf]

227. There is no recorded vote at a posted meeting giving Brackett the authority to meet with attorney Kim Memmesheimer.

April 29, 2011 Board Meeting with Legal Counsel

228. On April 29, 2011 at about 1:00 p.m., Board members Brackett, Butts, Kach, Lane, O'Quinn, and Turnbull convened in person with attorney Kim Memmesheimer at her office. [254-

invoice2011-05-13.pdf, 161-email2011-06-24-16-55-A.pdf, 177-email2011-07-06-11-32.pdf, 119-calendarBrackett2011-04-25-05-01.pdf]

229. At this meeting or another private meeting, the Board deliberated about alternatives in the Superintendents contract and decided to consummate a separation agreement.

230. There is no recorded vote of the Board at a posted meeting to consummate a separation agreement.

231. No attorney participated in the Board deliberation about alternatives in the Superintendents contract and decision to consummate a separation agreement.

232. At this meeting or another private meeting, the Board deliberated and decided how to contact Superintendent Colter and get contact information about his attorney. [238-email2011-08-20-22-20.pdf]

233. No attorney participated in the Board deliberation and/or decision about how to contact Superintendent Colter and get contact information about his attorney.

234. At this meeting of the Board or at another private meeting, the Board deliberated about terms of the separation agreement and decided to pay Superintendent Colter in full.

235. There is no recorded vote of the Board at a posted meeting to pay Superintendent Colter in full.

236. No attorney participated in the Board deliberation about terms of the separation agreement and decision to pay Superintendent Colter in full.

237. On April 30, 2011 at about 9:17 and 9:21 p.m. Wright sent two identical emails to Kach, Lane, and Turnbull, and then O'Quinn and Butts. [177-email2011-07-06-11-32.pdf, 161-email2011-06-24-16-55-A.pdf]

238. These emails discussed the arrangements for the April 29, 2011 Board meeting. [177-email2011-07-06-11-32.pdf, 161-email2011-06-24-16-55-A.pdf]

239. These emails discussed that Brackett called Wright by phone on April 28, 2011 to arrange the April 29, 2011 Board meeting. [177-email2011-07-06-11-32.pdf, 161-email2011-06-24-16-55-A.pdf]

240. On July 7, 2011 these emails were released in response to the June 20, 2011 Right-to-Know request by all Board members except Brackett. [177-email2011-07-06-11-32.pdf, 161-email2011-06-24-16-55-A.pdf]

241. These emails were not released to Taylor by the Board within 5 days.

242. On August 12, 2011 these emails were first released from Brackett. [237-email2011-08-20-22-19.pdf]

243. These emails were not released to Taylor by Brackett within 5 days.

May 6, 2011 Grievance Committee Meeting

244. On May 6, 2011 Board members Brackett, Kach and Lane convened in person, possibly sequentially, at the Durham Town Council Room. [162-email2011-06-24-16-55-B.pdf, 120-calendarBrackett2011-05-02-05-08.pdf]

245. No ORCSD administrators attended this meeting.

246. No one besides Board members attended this meeting.

247. This meeting was convened for the purpose of discussing or acting upon how some Board members should treat ORCSD employees.

248. At this meeting the Grievance Committee discussed how some Board members should treat ORCSD employees.

249. There are 3 members of the Grievance Committee.

250. There are no specific rules for a quorum of the Grievance Committee.

251. The Grievance Committee was initiated by the Board Chairman.

252. The Grievance Committee was initiated in response to a grievance from the Oyster River Teachers Guild.

253. The meetings of the Grievance Committee are consistently convened for the purpose of discussing or acting upon how some Board members should treat ORCSD employees.

254. At this meeting or another private meeting, the Grievance Committee deliberated and decided how to change how some Board members treat ORCSD employees.

255. No notice for this meeting was posted.

256. This meeting was not open to the public.

257. No minutes for this meeting were posted.

258. There is no recorded vote at a posted meeting of the Board giving them authority to meet.

259. No documents arranging this meeting have been released in response to the June 20, 2011 Right-to-Know request. [193-email2011-08-10-11-17.pdf]

May 11, 2011 Regular Board Meeting

260. On May 11, 2011 at about 6:30 p.m., Board members Brackett, Butts, Kach, O'Quinn, Turnbull and Wright convened in person at ORHS. [052-2011-05-11-05 11 11 Regular Mtg Minutes.pdf, 051-2011-05-11-05 11 11 Non Public Minutes.doc.pdf, 121-calendarBrackett2011-05-09-05-15.pdf]

261. Lane participated by phone. [052-2011-05-11-05 11 11 Regular Mtg Minutes.pdf]

262. The minutes for this meeting do not record the reason Lane participated by phone. [052-2011-05-11-05 11 11 Regular Mtg Minutes.pdf]

263. The minutes for this meeting do not record Lane identifying the persons present in the location from which she was participating. [052-2011-05-11-05 11 11 Regular Mtg Minutes.pdf]

264. The minutes record about 11 motions with votes. [052-2011-05-11-05 11 11 Regular Mtg Minutes.pdf]

265. The minutes do not record these about 11 votes by roll call. [052-2011-05-11-05 11 11 Regular Mtg Minutes.pdf]

266. The Board entered nonpublic session under RSA 91-A:3 II(b). [051-2011-05-11-05 11 11 Non Public Minutes.doc.pdf]

267. The motion to enter nonpublic session does not state the matter(s) to be discussed. [051-2011-05-11-05 11 11 Non Public Minutes.doc.pdf]

268. During nonpublic session the minutes record that "[the] superintendent informed the school board of a complaint registered by a parent concerning a staff member." [051-2011-05-11-05 11 11 Non Public Minutes.doc.pdf]

269. During nonpublic session the minutes record that “[the] school board was also informed of a due process hearing underway concerning placement for a Special Education student.” [051-2011-05-11-05 11 11 Non Public Minutes.doc.pdf]

270. During nonpublic session the minutes record that “[a] member of the school board advised the school board against conducting reference checks on prospective employees.” [051-2011-05-11-05 11 11 Non Public Minutes.doc.pdf]

May 16, 2011 Grievance Committee Meeting

271. On May 16, 2011 Board members Brackett and Lane at least convened in person at Lane’s house. [122-calendarBrackett2011-05-16-05-22.pdf]

272. This meeting is identified in Brackett’s redacted calendar. [118-calendarBrackett2011-04-18-04-24.pdf]

273. No ORCSD administrators attended this meeting.

274. No one besides Board members attended this meeting.

275. No notice for this meeting was posted.

276. This meeting was not open to the public.

277. No minutes for this meeting were posted.

278. There is no recorded vote at a posted meeting of the Board giving them authority to meet.

279. No documents arranging this meeting have been released in response to the June 20, 2011 Right-to-Know request.

280.No documents establishing the existence of this meeting were released prior to depositions for this lawsuit.

May 20, 2011 Letter from Senior Student Senate

281.On May 20, 2011 the ORHS Senior Student Senate wrote a letter to the Board asking them to not actively participate in the Class of 2011 graduation. [257-letter2011-05-20-B.pdf]

May 20, 2011 Board Meeting with Legal Counsel

282.On May 20, 2011 Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person with attorney Kim Memmesheimer at her office. [005-invoice2011-06-03.pdf, 122-calendarBrackett2011-05-16-05-22.pdf]

283.At this meeting or another private meeting, the Board deliberated and decided to include a press release in the separation agreement.

284.There is no recorded vote of the Board at a posted meeting to include a press release in the separation agreement.

285.No attorney participated in the Board deliberation and/or decision to include a press release in the separation agreement.

286.At this meeting of the Board or at another private meeting, the Board deliberated and decided to search for a public relations firm to help with the press release for the separation agreement.

287.There is no recorded vote of the Board at a posted meeting to search for a public relations firm to help with the press release for the separation agreement.

288.No attorney participated in the Board deliberation and/or decision to search for a public relations firm to help with the press release for the separation agreement.

289.No documents arranging this meeting have been released in response to the June 20, 2011 Right-to-Know request.

PR Committee Formation

290.At this meeting or another private meeting, the Board deliberated and decided to delegate to Turnbull and O'Quinn to work on public relations (the "PR Committee").

291.There is no recorded vote of the Board at a posted meeting to delegate to Turnbull and O'Quinn to work on public relations.

292.No attorney participated in the Board deliberation and/or decision to delegate to Turnbull and O'Quinn to work on public relations.

293.At this meeting or another private meeting or outside of a meeting, Brackett decided to join Turnbull and O'Quinn to work on public relations.

294.There are no specific rules for a quorum of the PR Committee.

295.Turnbull referred to the PR Committee as the "PR Piece."

Search Committee Formation

296.At this meeting or another private meeting, the Board deliberated and decided to begin the search for an interim superintendent.

297.There is no recorded vote of the Board at a posted meeting to begin the search for an interim superintendent.

298.No attorney participated in the Board deliberation and/or decision to begin the search for an interim superintendent.

299.At this meeting or another private meeting, the Board deliberated and decided to delegate to Brackett to search for an interim superintendent.

300.There is no recorded vote of the Board at a posted meeting to delegate to Brackett to search for an interim superintendent.

301.No attorney participated in the Board deliberation and/or decision to delegate to Brackett to search for an interim superintendent.

302.At this meeting or another private meeting or outside of a meeting, Brackett appointed Turnbull and Kach to work with him on the search for an interim superintendent (the "Search Committee").

303.Wright asked Brackett repeatedly to be on the Search Committee. [June 8, 2011 209-email2011-08-20-15-51.pdf, June 12, 2011 150-email2011-06-22-05-41.pdf, January 25, 2011: 239-email2011-08-21-15-59.pdf]

304.Brackett did not include Wright on the Search Committee.

305.There are no specific rules for a quorum of the Search Committee.

May 22, 2011 PR Committee Meeting

306.On May 22, 2011, Board members Brackett, O'Quinn, and Turnbull convened by conference call. [122-calendarBrackett2011-05-16-05-22.pdf]

306.1. Email 2011-05-21 09:02 MT->ASH: PR Intro 247-email2011-10-05-16-34-B.pdf

306.2. Email 2011-05-21 11:07 ASH->MT PR Intro 253-email2011-10-05-16-40.pdf

- 306.3. Email 2011-05-21 11:21 MT->ASH PR Intro 253-email2011-10-05-16-40.pdf
- 306.4. Email 2011-05-21 12:03 ASH->MT PR Intro 253-email2011-10-05-16-40.pdf
- 306.5. Email 2011-05-21 12:05 MT->ASH PR Intro 253-email2011-10-05-16-40.pdf
- 306.6. Email 2011-05-22 10:57 MT->ASH: PR Meeting 248-email2011-10-05-16-35.pdf
- 306.7. Email 2011-05-22 10:58 *MT->HB: PR Background 236-email2011-08-20-21-59.pdf
- 306.8. Email 2011-05-22 11:00 MT->HB: PR Intro 232-email2011-08-20-16-17.pdf
- 306.9. Email 2011-05-22 11:06 ASH->MT: PR Meeting 248-email2011-10-05-16-35.pdf
- 306.10. Email 2011-05-22 11:07 MT->HB,JO: PR Meeting 248-email2011-10-05-16-35.pdf
- 306.11. Email 2011-05-22 20:52 MT->JO,HB: PR Background 234-email2011-08-20-16-19.pdf
- 306.12. Email 2011-05-22 20:53 MT->JO,HB: PR Background 233-email2011-08-20-16-18.pdf

307. Arthur "Skip" Hanson of the New England Secondary School Consortium (NESSC) participated by phone.

308. Duke Albanese of the Great Schools Partnership participated by phone.

309. This conference call was paid for by the Great Schools Partnership.

310. No 2 members of the PR Committee were physically present at a single location.

311. At this meeting or another private meeting or outside of a meeting, the PR committee deliberated and decided to work with Arthur "Skip" Hanson and/or Duke Albanese.

312. There is no recorded vote of the PR Committee at a posted meeting to work with Arthur "Skip" Hanson and/or Duke Albanese.

313. At this meeting or another private meeting or outside of a meeting, the PR committee deliberated and decided to consider Rhoades Alderson of the New Harbor Group as a candidate public relations firm.

314. There is no recorded vote of the PR Committee at a posted meeting to consider Rhoades Alderson of the New Harbor Group as a candidate public relations firm.

315. No notice for this meeting was posted.

316. This meeting was not open to the public.

317. No minutes for this meeting were posted.

318. There is no recorded vote at a posted meeting of the Board giving them authority to meet.

319. No documents arranging this meeting were released prior to depositions for this lawsuit.

May 23, 2011 PR Committee Meeting

320. On May 23, 2011, Board members Brackett, O'Quinn, and Turnbull convened in person with attorney Kim Memmesheimer at her office. [005-invoice2011-06-03.pdf, 123-calendarBrackett2011-05-23-05-29.pdf, Emails]

320.1. Email 2011-05-23 09:15 AW->KM,HB: PR 91-A Lawyer Meeting 203-email2011-08-19-10-12.pdf

320.2. Email 2011-05-23 09:52 HB->JO,MT: PR Lawyer Meeting 203-email2011-08-19-10-12.pdf

320.3. Email 2011-05-23 09:59 KM->HB,JO,MT: PR Lawyer Meeting 203-email2011-08-19-10-12.pdf

320.4. Email 2011-05-23 12:11 KM->HB,JO,MT: PR Lawyer Meeting 203-
email2011-08-19-10-12.pdf

320.5. Email 2011-05-23 12:49 HB->KM: PR Lawyer Meeting 203-email2011-08-19-10-12.pdf

320.6. Email 2011-05-23 13:33 JO->KM,HB,MT: PR Lawyer Meeting 203-
email2011-08-19-10-12.pdf

321.They also met with Raymond Mitchell of Trident Communications Group, a public relations firm. [133-card2011-05-23.pdf, 005-invoice2011-06-03.pdf]

322.ORCSD was billed about \$87.50 for 0.5 hours by Kim Memmesheimer of Hoefle, et al. for this meeting. [005-invoice2011-06-03.pdf]

323.As they met, Kach, Butts and Lane waited in another room at Kim Memmesheimer's office for the PR Committee meeting to end.

324.At this meeting or another private meeting, the PR Committee interviewed Raymond Mitchell as a candidate public relations firm.

325.At this meeting or another private meeting, the PR Committee or Board deliberated and decided on a plan for public relations.

326.There is no recorded vote of the PR Committee or the Board at a posted meeting on a plan for public relations.

327.No attorney participated in the Board deliberation and/or decision on a plan for public relations.

328.No notice for this meeting was posted.

329.This meeting was not open to the public.

330.No minutes for this meeting were posted.

331.There is no recorded vote at a posted meeting of the Board giving them authority to meet.

332.No documents arranging this meeting were released prior to depositions for this lawsuit.

May 23, 2011 Board Meeting with Legal Counsel

333.Immediately following the PR Committee meeting on May 23, 2011, Board members

Brackett, Butts, Kach, Lane, O'Quinn, and Turnbull convened in person with attorney Kim Memmesheimer at her office. [005-invoice2011-06-03.pdf, 123-calendarBrackett2011-05-23-05-29.pdf]

333.1. [Email 2011-05-23 09:15 AW->KM,HB: PR 91-A Lawyer Meeting 203-email2011-08-19-10-12.pdf](#)

333.2. [Email 2011-05-23 09:52 HB->JO,MT: PR Lawyer Meeting 203-email2011-08-19-10-12.pdf](#)

333.3. [Email 2011-05-23 09:59 KM->HB,JO,MT: PR Lawyer Meeting 203-email2011-08-19-10-12.pdf](#)

333.4. [Email 2011-05-23 12:11 KM->HB,JO,MT: PR Lawyer Meeting 203-email2011-08-19-10-12.pdf](#)

333.5. [Email 2011-05-23 12:49 HB->KM: PR Lawyer Meeting 203-email2011-08-19-10-12.pdf](#)

333.6. [Email 2011-05-23 13:33 JO->KM,HB,MT: PR Lawyer Meeting 203-email2011-08-19-10-12.pdf](#)

333.7. [Email 2011-05-24 11:53 MT->AW,HB,KM PR Release 231-email2011-08-20-16-16.pdf](#)

334. At this meeting or another private meeting, the Board deliberated and decided to not select Raymond Mitchell for public relations.

335. There is no recorded vote of the Board at a posted meeting to not select Raymond Mitchell for public relations.

336. No attorney participated in the Board deliberation and/or decision to not select Raymond Mitchell for public relations.

337. No notice for this meeting was posted.

338. This meeting was not open to the public.

339. No minutes for this meeting were posted.

340. No documents arranging this meeting were released prior to depositions for this lawsuit.

May 24, 2011 Board Committee Meeting

341. On May 24, 2011 members of the Board including at least Brackett convened in person. [123-calendarBrackett2011-05-23-05-29.pdf]

342. This meeting is identified in Brackett's redacted calendar. [123-calendarBrackett2011-05-23-05-29.pdf]

343. No notice for this meeting was posted.

344. This meeting was not open to the public.

345. No minutes for this meeting were posted.

346. There is no recorded vote at a posted meeting of the Board giving them authority to meet.

347.No documents arranging this meeting have been released in response to the June 20, 2011 Right-to-Know request.

348.No documents establishing the existence of this meeting were released prior to depositions for this lawsuit.

May 27, 2011 PR Committee Meeting

349.On May 27, 2011, Board members Brackett, O'Quinn, and Turnbull convened by conference call. [123-calendarBrackett2011-05-23-05-29.pdf]

349.1. [Email 2011-05-25 09:24 MT->ASH,JO,HB: PR Meeting 250-email2011-10-05-16-36-B.pdf](#)

349.2. [Email 2011-05-26 14:32 MT->JO,HB: PR Meeting 249-email2011-10-05-16-36-A.pdf](#)

349.3. [Email 2011-05-26 14:38 MT->HB,JO: PR Meeting 226-email2011-08-20-16-12.pdf](#)

349.4. [Email 2011-05-26 19:05 ASH->RA: PR Meeting 224-email2011-08-20-16-11-A.pdf](#)

349.5. [Email 2011-05-27 09:34 RA->ASH: PR Meeting/Fees 224-email2011-08-20-16-11-A.pdf](#)

349.6. [Email 2011-05-27 09:44 ASH->MT: PR Meeting/Fees 224-email2011-08-20-16-11-A.pdf](#)

349.7. [Email 2011-05-27 11:04 MT->ASH,HB,KM: PR Fees/Meeting 224-email2011-08-20-16-11-A.pdf](#)

349.8. [Email 2011-05-27 16:34 MT->RA,JO,HB: PR Meeting/Student Release 221-email2011-08-20-16-08.pdf](#)

349.9. [Email 2011-05-27 16:30 RA->MT,JO,HB: PR Meeting 221-email2011-08-20-16-08.pdf](#)

350.They met with Rhoades Alderson of the New Harbor Group in Providence, Rhode Island.

351. ORCSD was billed about \$687.50 for 5.5 hours by Rhoades Alderson of the New Harbor Group for this meeting or work related to or following up from this meeting.

352. The conference call was paid for by the Great Schools Partnership.

353. No 2 members of the PR Committee were physically present at a single location.

354. At this meeting or another private meeting, the PR Committee interviewed Rhoades Alderson as a candidate public relations firm.

355. At this meeting or another private meeting or outside of a meeting, the PR committee deliberated and decided to recommend or work with Rhoades Alderson for public relations.

356. There is no recorded vote of the PR Committee or the Board at a posted meeting to work with Rhoades Alderson for public relations.

357. At this meeting or another private meeting or outside of a meeting, the PR committee deliberated and decided to recommend or work with Rhoades Alderson on the press release for the separation agreement.

358. There is no recorded vote of the PR Committee or the Board at a posted meeting to recommend or work with Rhoades Alderson on the press release for the separation agreement.

359. At this meeting or another private meeting or outside of a meeting, the PR committee deliberated and decided how to respond to the letter from the ORHS Senior Student Senate.

360. There is no recorded vote of the PR Committee or the Board at a posted meeting how to respond to the letter from the ORHS Senior Student Senate.

361. At this meeting or another private meeting or outside of a meeting, the PR committee deliberated and decided to delegate to O'Quinn to draft a letter to the ORHS Senior Student Senate.

362. There is no recorded vote of the PR Committee or the Board at a posted meeting to delegate to O'Quinn to draft a letter to the ORHS Senior Student Senate.

363. At this meeting or another private meeting or outside of a meeting, the PR committee deliberated and decided that Rhoades Alderson would review the draft a letter to the ORHS Senior Student Senate.

364. There is no recorded vote of the PR Committee or the Board at a posted meeting that Rhoades Alderson would review the draft a letter to the ORHS Senior Student Senate.

365. No notice for this meeting was posted.

366. This meeting was not open to the public.

367. No minutes for this meeting were posted.

368. There is no recorded vote at a posted meeting of the Board giving them authority to meet.

369. No documents arranging this meeting were released prior to depositions for this lawsuit.

June 3, 2011 Legal Team Meeting

370. On June 3,, 2011 members of the Board including at least Brackett and constituting the "Legal Team" convened. [124-calendarBrackett2011-05-30-06-05.pdf]

371. This meeting is identified in Brackett's redacted calendar. [124-calendarBrackett2011-05-30-06-05.pdf]

372.No notice for this meeting was posted.

373.This meeting was not open to the public.

374.No minutes for this meeting were posted.

375.There is no recorded vote at a posted meeting of the Board giving them authority to meet.

376.No documents arranging this meeting have been released in response to the June 20, 2011 Right-to-Know request.

377.No documents establishing the existence of this meeting were released prior to depositions for this lawsuit.

June 6, 2011 Search Committee Meeting

378.On June 6, 2011, Board members Brackett, Kach and Turnbull convened in person at the Durham Police Station. [112-calendar2011-06-22.pdf, 007-letter2011-06-22.pdf, 125-calendarBrackett2011-06-06-06-12.pdf]

378.1. [Email 2011-05-31 10:36 HB->????: Candidate Interview Meeting](#) 168-email2011-06-25-N.pdf

378.2. [Email 2011-05-31 21:26 ????->HB: Candidate Interview Meeting](#) 138-email2011-06-08-13-31.pdf, 167-email2011-06-25-L.pdf

378.3. [Email 2011-06-02 08:17 MT->ASH,HB: Interim Search](#) 218-email2011-08-20-16-02.pdf

378.4. [Email 2011-06-03 09:40 MT->ASH,HB: Candidate Interview Meeting](#) 215-email2011-08-20-15-58.pdf

378.5. [Email 2011-06-06 15:39 ASH->HB: Candidate Interview Meeting/Interim Candidates](#)
[214-email2011-08-20-15-57.pdf](#)

379.Kach arrived late.

380.They met with Arthur "Skip" Hanson.

381.Prior to this meeting, Turnbull had asked Arthur "Skip" Hanson to consider being a candidate for interim superintendent.

382.Prior to this meeting, Arthur "Skip" Hanson had agreed to be a candidate for interim superintendent.

383.At this meeting or another private meeting, the Search Committee interviewed Arthur "Skip" Hanson for interim superintendent.

384.At this meeting or another private meeting, the Search Committee received information from Arthur "Skip" Hanson about the interim superintendent search process.

385.At this meeting or another private meeting or outside of a meeting, the Search Committee received information from Arthur "Skip" Hanson about potential candidates for interim superintendent. [214-email2011-08-20-15-57.pdf]

386.At this meeting or another private meeting or outside of a meeting, the Search Committee deliberated and decided to keep Arthur "Skip" Hanson as a candidate for interim superintendent.

387.There is no recorded vote of the Search Committee or the Board at a posted meeting to keep Arthur "Skip" Hanson as a candidate for interim superintendent.

388. Prior to this meeting, no other specific interviews with other candidates had been finalized.

[168-email2011-06-25-N.pdf, 138-email2011-06-08-13-31.pdf]

389. After this meeting, at least 2 or 3 other specific interviews with other candidates were finalized.

390. At this meeting or another private meeting or outside of a meeting, the Search Committee or Brackett alone deliberated and decided to interview other candidates for interim superintendent.

391. There is no recorded vote at a posted meeting of the Board giving the Search Committee or Brackett authority to decide how many or which candidates to interview.

392. No notice for this meeting was posted.

393. This meeting was not open to the public.

394. No minutes for this meeting were posted.

395. There is no recorded vote at a posted meeting of the Board giving them authority to meet.

396. No documents arranging this meeting were released prior to depositions for this lawsuit.

June 8, 2011 Special Board Meeting

397. On June 8, 2011 Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [059-2011-06-08-06 08 11 Special Mtg. Minutes.pdf, 125-calendarBrackett2011-06-06-06-12.pdf]

398. A notice for this meeting was posted. [058-2011-06-08-06 08 11 Nonpublic Special School Board Meeting Notice.pdf]

399.The notice identified this meeting as special. [058-2011-06-08-06 08 11 Nonpublic Special School Board Meeting Notice.pdf]

400.This meeting is not listed on the schedule of regular meetings. [035-Master Schedule of Meetings 2010-11.pdf]

401.There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.

402.The nonpublic session was preceded by a public session where the roll call vote to enter nonpublic session occurred. [059-2011-06-08-06 08 11 Special Mtg. Minutes.pdf]

403.The Portable Document Format (PDF) file for the notice on the district website was created at June 7, 2011 at 9:19 a.m. [057-2011-06-08-06 08 11 Special Workshop SB Meeting.pdf]

404.The motion to enter nonpublic session does not state the matter(s) to be discussed.
[059-2011-06-08-06 08 11 Special Mtg. Minutes.pdf]

June 8, 2011 Special Board Workshop

405.On June 8, 2011 following the nonpublic session, Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [059-2011-06-08-06 08 11 Special Mtg. Minutes.pdf, 125-calendarBrackett2011-06-06-06-12.pdf]

406.A notice for this meeting was posted. [057-2011-06-08-06 08 11 Special Workshop SB Meeting.pdf]

407.The notice identified this meeting as special. [057-2011-06-08-06 08 11 Special Workshop SB Meeting.pdf]

408.The notice identified this meeting as a workshop. [057-2011-06-08-06 08 11 Special Workshop SB Meeting.pdf]

409.This meeting is not listed on the schedule of regular meetings. [035-Master Schedule of Meetings 2010-11.pdf]

410.There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.

411.The notice for this workshop only listed "School Board Goals" as a subject for the content of this meeting. [057-2011-06-08-06 08 11 Special Workshop SB Meeting.pdf]

412.The notice of this workshop did not include a press release as a subject for the special workshop. [057-2011-06-08-06 08 11 Special Workshop SB Meeting.pdf]

413.At this workshop the Board deliberated and decided on a press release about the appointment of Todd Allen as interim ORHS Principal. [059-2011-06-08-06 08 11 Special Mtg. Minutes.pdf]

414.At this special workshop the Board took a formal action to approve a press release. [059-2011-06-08-06 08 11 Special Mtg. Minutes.pdf]

June 9, 2011 Board Committee Meeting

415.On June 9, 2011 members of the Board including at least Brackett convened by conference call possibly with others not on the Board. [125-calendarBrackett2011-06-06-06-12.pdf]

416.This meeting is identified in Brackett's calendar. [125-calendarBrackett2011-06-06-06-12.pdf]

417.No notice for this meeting was posted.

418.This meeting was not open to the public.

419.No minutes for this meeting were posted.

420.There is no recorded vote at a posted meeting of the Board giving them authority to meet.

421.No documents arranging this meeting have been released in response to the June 20, 2011 Right-to-Know request.

422.No documents establishing the existence of this meeting were released prior to depositions for this lawsuit.

June 10, 2011 Search Committee Meeting

423.On June 10, 2011, Board members Brackett, Kach and Turnbull convened in person at the Durham Police Station. [112-calendar2011-06-22.pdf, 007-letter2011-06-22.pdf, 125-calendarBrackett2011-06-06-06-12.pdf]

423.1. [Email 2011-05-31 21:26 ????->HB: Candidate Interview Meeting](#) 138-email2011-06-08-13-31.pdf, 167-email2011-06-25-L.pdf

423.2. [Email 2011-06-06 21:09 HB->????: Candidate Interview Meeting](#) 138-email2011-06-08-13-31.pdf

423.3. [Email 2011-06-08 12:16 ????->HB,JK,MT: Candidate Interview Meeting](#) 138-email2011-06-08-13-31.pdf

423.4. [Email 2011-06-08 13:31 MT->HB: Candidate Interview Meeting/PR/Interim Contract](#) 138-email2011-06-08-13-31.pdf

423.5. [Email 2011-06-08 17:15 HB->MT,JK: Candidate Interview Meeting](#) 167-email2011-06-25-L.pdf

423.6. [Email 2011-06-08 21:52 AW->HB: Separation Agreement/Candidate Interview Meeting 209-email2011-08-20-15-51.pdf](#)

423.7. [Email 2011-06-12 07:21 AW->SB: Interim Candidates/Student Press Release 150-email2011-06-22-05-41.pdf](#)

424.They met sequentially with 1 or 2 unnamed candidates for interim superintendent.

425.At this meeting or another private meeting, the Search Committee interviewed 1 or 2 unnamed candidates for interim superintendent.

426.At this meeting or another private meeting, the Search Committee received information from 1 or 2 unnamed candidates about the interim superintendent search process.

427.At this meeting or another private meeting or outside of a meeting, the Search Committee deliberated and decided whether to keep 1 or 2 unnamed candidates as candidates for interim superintendent.

428.No notice for this meeting was posted.

429.This meeting was not open to the public.

430.No minutes for this meeting were posted.

431.There is no recorded vote at a posted meeting of the Board giving them authority to meet.

432.On June 12, 2011 at about 7:21 a.m. Wright sent an email to Brackett, O'Quinn, Butts, Kach, Lane and Turnbull. [151-email2011-06-22-05-43.pdf]

433.This email discussed arrangements for the June 10, 2011 Search Committee meeting. [151-email2011-06-22-05-43.pdf]

434.This email discussed arrangements for the June 13, 2011 Board meeting. [151-
email2011-06-22-05-43.pdf]

435.This email discussed Brackett calling other Board members by phone and making decisions
about the interim superintendent search process outside of meetings. [151-
email2011-06-22-05-43.pdf]

436.On July 7, 2011 this email was released in response to the June 20, 2011 Right-to-Know
request by all Board members except Brackett. [151-email2011-06-22-05-43.pdf]

437.On August 12, 2011 this email was first released by Brackett. [190-email2011-08-10-11-04-
A.pdf]

June 13, 2011 Search Committee Meeting

438.On June 13, 2011, Board members Brackett, Kach and Turnbull convened in person at the
Durham Police Station. [112-calendar2011-06-22.pdf, 007-letter2011-06-22.pdf, 127-
calendarBrackett2011-06-13-06-19.pdf, 126-calendarBrackett2011-06-13-06-19-B.pdf]

438.1. [Email 2011-05-31 10:36 HB->????: Candidate Interview Meeting](#) 168-email2011-06-25-
N.pdf

438.2. [Email 2011-06-06 21:28 HB->????: Candidate Interview Meeting](#) 168-email2011-06-25-
N.pdf

438.3. [Email 2011-06-07 11:30 ????->HB: Candidate Interview Meeting](#) 168-email2011-06-25-
N.pdf

438.4. [Email 2011-06-07 20:47 HB->????: Candidate Interview Meeting](#) 168-email2011-06-25-
N.pdf

438.5. [Email 2011-06-08 17:21 HB->????,JK,MT: Candidate Interview Meeting 168-email2011-06-25-N.pdf](#)

439.They met with 1 unnamed candidate for interim superintendent.

440.At this meeting or another private meeting, the Search Committee interviewed 1 unnamed candidate for interim superintendent.

441.At this meeting or another private meeting, the Search Committee received information from 1 unnamed candidate about the interim superintendent search process.

442.At this meeting or another private meeting or outside of a meeting, the Search Committee deliberated and decided whether to keep 1 unnamed candidate as candidates for interim superintendent.

443.No notice for this meeting was posted.

444.This meeting was not open to the public.

445.No minutes for this meeting were posted.

446.No documents arranging this meeting were released prior to depositions for this lawsuit.

447.There is no recorded vote at a posted meeting of the Board giving them authority to meet.

June 13, 2011 Board Meeting with Legal Counsel

448.On June 13, 2011, Board members Brackett, Kach, Lane, O'Quinn, Turnbull and Wright convened in person with attorney Kim Memmesheimer at her office. [009-invoice2011-06-28.pdf, 127-calendarBrackett2011-06-13-06-19.pdf, 126-calendarBrackett2011-06-13-06-19-B.pdf]

448.1. [Email 2011-06-13 15:04 KB->HB,AW: Interim Search Meeting](#) 164-
email2011-06-24-17-00.pdf

448.2. [Email 2011-06-13 15:43 KB->JO: Interim Search Meeting](#) 164-
email2011-06-24-17-00.pdf

448.3. [Email 2011-06-14 16:47 AW->SB: Interim Search/PR Fees/Press Release](#) 143-
email2011-06-15-10-01-A.pdf

448.4. [Email 2011-06-15 10:01 JO->SB: Confidentiality](#) 143-email2011-06-15-10-01-A.pdf

448.5. [Email 2011-06-15 15:38 AW->HB,JO: Press Releases](#) 170-email2011-06-28-11-10.pdf

448.6. [Email 2011-06-15 16:25 JO->HB,AW: Press Releases](#) 170-email2011-06-28-11-10.pdf

448.7. [Email 2011-06-15 16:40 AW->HB,JO: Press Releases](#) 170-email2011-06-28-11-10.pdf

449. At this meeting or another private meeting, the Board deliberated and decided to hold finalist interviews for interim superintendent in nonpublic session.

450. There is no recorded vote of the Board at a posted meeting to hold finalist interviews for interim superintendent in nonpublic session.

451. No attorney participated in the Board deliberation and/or decision to hold finalist interviews for interim superintendent in nonpublic session.

452. At this meeting or another private meeting, the Board deliberated and decided to write public relations documents like a list of frequently asked questions (FAQs) or other statements. [170-email2011-06-28-11-10.pdf]

453. There is no recorded vote of the Board at a posted meeting to write public relations documents like a list of frequently asked questions (FAQs) or other statements.

454.No attorney participated in the Board deliberation and/or decision to write public relations documents like a list of frequently asked questions (FAQs) or other statements.

455.At this meeting or another private meeting, the Board deliberated and decided how to announce the separation agreement.

456.There is no recorded vote of the Board at a posted meeting how to announce the separation agreement.

457.No attorney participated in the Board deliberation and/or decision how to announce the separation agreement.

458.At this meeting or another private meeting, the Board deliberated and decided how to announce the interim superintendent search such as the timing of this announcement.

459.There is no recorded vote of the Board at a posted meeting how to announce the interim superintendent search such as the timing of this announcement.

460.No attorney participated in the Board deliberation and/or decision how to announce the interim superintendent search such as the timing of this announcement.

461.No notice for this meeting was posted.

462.This meeting was not open to the public.

463.No minutes for this meeting were posted.

464.No documents arranging this meeting have been released.

465.On June 14, 2011 at around 4:47 p.m. Wright sent an email to Brackett, O'Quinn, Butts, Kach, Lane, and Turnbull. [143-email2011-06-15-10-01-A.pdf]

466.This email describes actions taken at the June 13 meeting. [143-email2011-06-15-10-01-A.pdf]

467.On August 12, 2011 this email was first released by Brackett. [191-email2011-08-10-11-04-B.pdf]

June 14, 2011 Search Committee Meeting

468.On June 14, 2011, Board members Brackett and Turnbull convened in person at the Durham Police Station. [112-calendar2011-06-22.pdf, 007-letter2011-06-22.pdf, 127-calendarBrackett2011-06-13-06-19.pdf, 126-calendarBrackett2011-06-13-06-19-B.pdf]

468.1. [Email 2011-06-12 16:34 HB->LT: Interim Search Meeting](#) 205-email2011-08-20-15-46-A.pdf

468.2. [Email 2011-06-12 17:53 MT->HB,JK: Candidate Interview Meeting](#)

468.3. [Email 2011-06-12 20:46 LT->HB: Interim Search Meeting](#) 205-email2011-08-20-15-46-A.pdf

468.4. [Email 2011-06-12 20:47 HB->MT,JK: Interim Search Meeting](#) 204-email2011-08-20-15-45.pdf

468.5. [Email 2011-06-12 20:51 MT->HB: Interim Search Meeting](#) 207-email2011-08-20-15-47.pdf

468.6. [Email 2011-06-13 12:55 HC->HB,AW: Interim Search Meeting](#) 149-email2011-06-22-05-39.pdf

469.Kach was informed about this meeting but could not attend. [204-email2011-08-20-15-45.pdf]

470.They met with Dr. Lyonel Tracy.

471. At this meeting or another private meeting, the Search Committee received information from Dr. Lyonel Tracy about the interim superintendent search process.

472. At this meeting or another private meeting or outside of a meeting, the Search Committee received information from Dr. Lyonel Tracy about potential candidates for interim superintendent.

473. At this meeting or another private meeting or outside of a meeting, the Search Committee received information from Dr. Lyonel Tracy about educational initiatives.

474. At this meeting or another private meeting or outside of a meeting, the Search Committee deliberated and decided whether to change the interim search process such as whether to consider additional candidates or how to conduct interviews.

475. Dr. Lyonel Tracy insisted the meeting be “posted and open to the public.” [149-email2011-06-22-05-39.pdf]

476. No notice for this meeting was posted.

477. This meeting was not open to the public.

478. No minutes for this meeting were posted.

479. No documents arranging this meeting were released prior to this lawsuit.

480. There is no recorded vote at a posted meeting of the Board giving them authority to meet.

June 14, 2011 PR Committee Meeting

481. On or before June 15, 2011, Board members of at least O’Quinn and Turnbull convened in person or by phone or communicated outside of a meeting. [127-calendarBrackett2011-06-13-06-19.pdf, 126-calendarBrackett2011-06-13-06-19-B.pdf]

482.They included attorney Kim Memmesheimer in this meeting or communication.

483.They deliberated and decided at a private meeting or outside of a meeting to not write FAQs or other public relations documents about the separation agreement or interim superintendent search.

484.No notice for this meeting was posted.

485.This meeting was not open to the public.

486.No minutes for this meeting were posted.

487.There is no recorded vote at a posted meeting of the Board giving them authority to meet.

488.No documents arranging this meeting were released prior to depositions for this lawsuit.

June 15, 2011 Regular Board Meeting

489.On June 15, 2011, Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf]

489.1. [Email 2011-06-15 10:01 JO->SB: Confidentiality](#) 143-email2011-06-15-10-01-A.pdf

489.2. [Email 2011-06-16 13:45 AW->KB,HB: Nonpublic minutes](#) 159-email2011-06-24-08-51-A.pdf

489.3. [Email 2011-06-16 20:47 *JO->HB,AW: Press Releases](#)

489.4. [Email 2011-06-16 22:19 KB->AW,HB: Nonpublic minutes](#)

489.5. [Email 2011-06-17 05:22 AW->KB: Nonpublic minutes/Confidentiality](#) 159-email2011-06-24-08-51-A.pdf

489.6. [Email 2011-06-17 06:06 AW->SB: Nonpublic minutes](#) 189-email2011-08-10-11-03.pdf

- 489.7. [Email 2011-06-17 07:26 AW->SB: Nonpublic minutes](#) 189-email2011-08-10-11-03.pdf
- 489.8. [Email 2011-06-17 08:48 KB->AW: Nonpublic minutes/Confidentiality](#) 159-email2011-06-24-08-51-A.pdf
- 489.9. [Email 2011-06-17 12:07 KB->SB: Nonpublic minutes](#) 189-email2011-08-10-11-03.pdf
490. Attorney Kim Memmesheimer attended the nonpublic session. [009-invoice2011-06-28.pdf, 061-2011-06-15-06 15 11 Non Public Minutes-2.pdf]
491. Minutes were posted for the nonpublic session. [061-2011-06-15-06 15 11 Non Public Minutes-2.pdf]
492. The minutes of this meeting do not record the motion to enter nonpublic session. [061-2011-06-15-06 15 11 Non Public Minutes-2.pdf]
493. The minutes do not record the vote to enter nonpublic session by roll call. [061-2011-06-15-06 15 11 Non Public Minutes-2.pdf]
494. The minutes for this meeting do not record the result of the vote to enter nonpublic session. [061-2011-06-15-06 15 11 Non Public Minutes-2.pdf]
495. The minutes for this meeting do not state on its face the specific exemption under paragraph RSA 91-A:3 II which is relied upon as foundation for the nonpublic session. [061-2011-06-15-06 15 11 Non Public Minutes-2.pdf]
496. This motion to enter nonpublic session does not state the matter(s) to be discussed. [074-2011-06-30-06 30 11 Special Mtg Minutes.pdf]

497. At the nonpublic session of this meeting the Board and Superintendent Colter signed a separation agreement effective June 30, 2011. [061-2011-06-15-06 15 11 Non Public Minutes-2.pdf, 093-Final Agreement 06 15 11.pdf]

498. The separation agreement includes a confidentiality provision: "10. Confidentiality: This Agreement and its terms and conditions are confidential to the extent permitted by the applicable laws of the State of New Hampshire and RSA 91-A. The parties and/or their counsel agree not to disclose or distribute any information concerning this Agreement to any person or entity other than those persons who are essential to the consummation of the Agreement, or as may be required by law. The parties and/or their counsel may disclose information concerning this Agreement to their legal counsel, tax advisors, and the Internal Revenue Service, subject to their agreement to be bound by this confidentiality provision. If the parties and/or their counsel are required by law or a court of competent jurisdiction to disclose the information kept confidential by this paragraph, they agree to notify the parties reasonably in advance of the disclosure." [093-Final Agreement 06 15 11.pdf]

499. The nonpublic meeting adjourned at 7:07 p.m. [061-2011-06-15-06 15 11 Non Public Minutes-2.pdf]

500. On June 17, 2011 Wright and Butts exchanged emails including the Board concerning the timing and content of the nonpublic minutes. [189-email2011-08-10-11-03.pdf]

501. The initial minutes of the nonpublic session did not accurately record the motion of the Board approving the separation agreement since the motion did not include the dollar amount. [060-2011-06-15-06 15 11 Non Public Minutes-1.pdf]

502. On June 22, 2011 the initial minutes were replaced by minutes with the dollar amount.

[061-2011-06-15-06 15 11 Non Public Minutes-2.pdf, 187-email2011-08-10-10-59-A.pdf, 147-email2011-06-21-16-12.pdf]

503. The PDF file for the nonpublic minutes with the dollar amount was created on June 22, 2011 at 3:37 p.m. [061-2011-06-15-06 15 11 Non Public Minutes-2.pdf]

504. There are no recorded votes at any posted meetings for authorizing payment specifically to attorneys Daniel Hoefle or Kim Memmesheimer of Hoelfe, et al. or any other specific attorneys.

505. There is no recorded vote at a posted meeting of the Board approving a specific amount to be paid to any attorneys.

506. The separation agreement does not specify payment to attorneys Daniel Hoefle or Kim Memmesheimer of Hoelfe, et al. or any other specific attorneys. [093-Final Agreement 06 15 11.pdf]

507. There are no recorded votes at any posted meetings for authorizing payment specifically to Rhoades Alderson of the New Harbor Group or any other specific public relations firm.

508. There is no recorded vote at a posted meeting of the Board approving a specific amount to be paid to any public relations firms.

509. The separation agreement does not specify payment to Rhoades Alderson of the New Harbor Group or any other specific public relations firm. [093-Final Agreement 06 15 11.pdf]

510. There are no recorded votes at any posted meetings for authorizing payment specifically to consultants Arthur "Skip" Hanson of NESSC, Duke Albanese of the Great Schools Partnership or any other specific consultants.

511. The separation agreement does not specify payment to consultants Arthur "Skip" Hanson of NESSC, Duke Albanese of the Great Schools Partnership or any other specific consultants. [093-Final Agreement 06 15 11.pdf]

512. There is no recorded vote at a posted meeting of the Board approving a specific amount to be paid to any other consultants.

513. The separation agreement was announced by the Board to the public at the public session of this meeting. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf]

514. At this meeting, the Board announced that they would seek an interim superintendent instead of a permanent superintendent to replace Mr. Colter. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf]

515. At this June 15, 2011 meeting or any other posted meeting there was no deliberation or decision to seek an interim superintendent instead of a permanent superintendent prior to the announcement.

516. There is no recorded vote at a posted meeting particularly prior to the announcement on June 15, 2011 of the Board deciding to seek an interim superintendent instead of a permanent superintendent.

517. At this meeting Brackett announced that he had already consulted with an attorney and begun a search for an interim superintendent. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf]

518. There is no prior recorded vote at a posted meeting authorizing Brackett to consult with an attorney and begin a search for an interim superintendent.

519. At this meeting Brackett said he had already contacted educational professionals throughout the State of New Hampshire for advice and to help identify qualified interim candidates. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf]

520. There is no prior recorded vote at a posted meeting authorizing Brackett to contact educational professionals throughout the State of New Hampshire for advice and to help identify qualified interim candidates.

521. At this meeting Brackett said he and other Board members had already had initial meetings with candidates. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf]

522. There is no recorded vote at a posted meeting authorizing Brackett or other Board members to have initial meetings with candidates.

523. At this meeting, Brackett said no interim superintendent interviews occurred during these candidate meetings. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf]

524. At this meeting, the Board deliberated and decided to delegate to Brackett to start the interim superintendent search by making contacts with candidates. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf]

525. This delegation did not include interviewing candidates. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf]

526. This delegation did not include Kach and/or Turnbull. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf]

Press Committee Formation

527. At this meeting, the Board deliberated and decided to delegate to Butts and O'Quinn (the "Press Committee") to talk with the press about the separation agreement and the interim superintendent search. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf, 172-172-email2011-06-28-11-33.pdf]

528. This delegation was done by consensus. [062-2011-06-15-06 15 11 Regular Mtg. Minutes.pdf, 172-email2011-06-28-11-33.pdf]

529. On June 17, 2011 at about 8:32 a.m. Turnbull wrote in an email: "At the Wednesday board meeting, Jocelyn received board approval to talk to the press with another board member. She and Krista Butts will be the ones speaking to the press. ... I would like Henry or myself to be involved on this call as well. It can only be three board members total." [172-email2011-06-28-11-33.pdf]

530. There is no recorded vote at this or any other posted meeting of the Board giving them authority to talk with the press about the Board.

June 20, 2011 Special Board Meeting

531. On June 20, 2011 at about 10:00 a.m., Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at the SAU #5. [064-2011-06-20-06 20 11 Non Public Minutes.pdf]

532. This meeting was started before the posted time. [064-2011-06-20-06 20 11 Non Public Minutes.pdf]

533. During the public session, the Board voted to enter nonpublic session under RSA 91-A:3 II (b). [064-2011-06-20-06 20 11 Non Public Minutes.pdf]

534. This motion to enter nonpublic session does not state the matter(s) to be discussed.

[064-2011-06-20-06 20 11 Non Public Minutes.pdf]

535. During the nonpublic session, the Board deliberated and decided on interview questions for interim superintendent. [064-2011-06-20-06 20 11 Non Public Minutes.pdf, 181-email2011-08-10-10-39-A.pdf]

536. The minutes do not record a roll call vote to enter nonpublic. [064-2011-06-20-06 20 11 Non Public Minutes.pdf]

June 20, 2011 Special Board Workshop

537. On June 20, 2011 at about 1:00 p.m., Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [063-2011-06-20-06 20 11 Special Workshop SB Meeting.pdf, 129-calendarBrackett2011-06-20-06-26.pdf, 128-calendarBrackett2011-06-20-06-26-B.pdf]

538. The minutes for this meeting do not include all the attendees. [063-2011-06-20-06 20 11 Special Workshop SB Meeting.pdf]

June 21, 2011 Press/PR Committee Meeting

539. Prior to June 21, 2011, Turnbull arranged a meeting by conference call of the Press Committee and PR Committee with Rhoades Alderson.

539.1. [Email 2011-06-17 08:32 MT->RA,JO,HB,ASH: Press Interview Meeting](#) 172-email2011-06-28-11-33.pdf

539.2. [Email 2011-06-17 09:51 JO->RA,MT,HB,ASH: Press Interview Meeting](#) 172-email2011-06-28-11-33.pdf

539.3. [Email 2011-06-17 12:15 MT->KB,JO: Press Interview Meeting 175-](#)
[email2011-06-28-11-38.pdf](#)

539.4. [Email 2011-06-17 15:10 MT->KB,JO: Press Interview Meeting 173-](#)
[email2011-06-28-11-37-A.pdf](#)

539.5. [Email 2011-06-17 20:13 MT->JO,KB: Press Interview Meeting 174-](#)
[email2011-06-28-11-37-B.pdf](#)

540. On June 21, 2011, Board members Butts, O'Quinn and Turnbull convened by conference call.
[173-email2011-06-28-11-37-A.pdf]

541. Brakett was informed about this meeting but did not attend. [172-
email2011-06-28-11-33.pdf]

542. Turnbull and Brackett decided which between them would attend this meeting to keep the
number below a quorum for the full Board. [172-email2011-06-28-11-33.pdf]

543. They met with Rhoades Alderson of the New Harbor Group. [173-email2011-06-28-11-37-
A.pdf]

544. ORCSD was billed about \$187.50 for 1.5 hours by Rhoades Alderson of the New Harbor
Group for this meeting or work related to this meeting.

545. There is no recorded vote at this or any other posted meeting of the Board giving Turnbull
authority to work with the Press Committee.

546. This conference call was paid for by the Great Schools Partnership.

547. No 2 members of the either Committee were physically present at a single location.

548. At this meeting or another private meeting, the Press and PR Committees received information on how to be interviewed by the press.

549. At the June 21, 2011 meeting or another private meeting, the Press and PR Committees deliberated and decided on how to be interviewed by the press.

550. No notice for this meeting was posted.

551. This meeting was not open to the public.

552. No minutes for this meeting were posted.

553. There is no recorded vote at a posted meeting of the Board giving them authority to meet.

554. No documents arranging this meeting were released prior to depositions for this lawsuit.

June 27, 2011 Press Committee Meeting

555. On June 27, 2011, Board members Butts and O'Quinn convened in person at Jackson Landing in Durham, NH.

555.1. [Email 2011-06-23 14:25 RR->SB: Nonpublic minutes/Press Interview Meeting 241-email2011-08-21-19-19.pdf](#)

555.2. [Email 2011-06-24 07:58 KB->RR,JP,HB: Press Interview Meeting 241-email2011-08-21-19-19.pdf](#)

556. They met with Roni Reino, a reporter for Foster's Daily Democrat.

557. No notice for this meeting was posted.

558. This meeting was not open to the public.

559. No minutes for this meeting were posted.

560. There is no recorded vote at a posted meeting of the Board giving them authority to meet.

561. No documents arranging this meeting were released prior to depositions for this lawsuit.

June 27, 2011 Special Board Meeting

562. On June 27, 2011 at about 10:00 a.m., Board members Brackett, Butts, Kach, Lane, Turnbull and Wright convened in person at ORHS. [070-2011-06-27-06 27 11 special sb meeting minutes DRAFT.pdf, 067-2011-06-27-06 27 11 Non Public Meeting Minutes - Draft.pdf, 130-calendarBrackett2011-06-27-07-03.pdf]

563. A notice for this meeting was posted. [068-2011-06-27-06 27 11 Special Board Meeting Notice.pdf, 069-2011-06-27-06 27 11 Special Non Public SB Mtg. Notice.pdf]

564. The notice identified this meeting as special. [068-2011-06-27-06 27 11 Special Board Meeting Notice.pdf, 069-2011-06-27-06 27 11 Special Non Public SB Mtg. Notice.pdf]

565. This meeting is not listed on the schedule of regular meetings. [035-Master Schedule of Meetings 2010-11.pdf]

566. There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.

567. The notice for this meeting does not give a subject for the public session. [068-2011-06-27-06 27 11 Special Board Meeting Notice.pdf]

568. During the public session the Board discussed, deliberated and decided on the SAU administrative model, the length of contract for the Director of Instruction and the process of filling the interim superintendent position. [070-2011-06-27-06 27 11 special sb meeting minutes DRAFT.pdf]

569. During the public session, the Board voted to enter nonpublic session only under RSA 91-A: 3 II (b). [070-2011-06-27-06 27 11 special sb meeting minutes DRAFT.pdf]

570. This motion to enter nonpublic session does not state the matter(s) to be discussed. [067-2011-06-27-06 27 11 Non Public Meeting Minutes - Draft.pdf]

571. During the nonpublic session, “[t]he Board also discussed a grievance.” [067-2011-06-27-06 27 11 Non Public Meeting Minutes - Draft.pdf]

June 28, 2011 Special Board Meeting

572. On June 28, 2011 at about 3:00 p.m., Board members Brackett, Butts, Kach, Lane, and Turnbull convened in person at ORHS. [071-2011-06-28-06 28 11 Nonpublic Meeting Minutes.pdf, 130-calendarBrackett2011-06-27-07-03.pdf]

573. A notice for this meeting was posted. [072-2011-06-28-06 28 11 special non public mtg notice.pdf]

574. The notice identified this meeting as special. [072-2011-06-28-06 28 11 special non public mtg notice.pdf]

575. This meeting is not listed on the schedule of regular meetings. [035-Master Schedule of Meetings 2010-11.pdf]

576. There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.

577. The nonpublic session was preceded by a public session where the vote to enter nonpublic session occurred. [071-2011-06-28-06 28 11 Nonpublic Meeting Minutes.pdf]

578.This motion to enter nonpublic session does not state the matter(s) to be discussed.

[071-2011-06-28-06 28 11 Nonpublic Meeting Minutes.pdf]

579.During the nonpublic session the Board interviewed and deliberated about interim superintendent candidates. [071-2011-06-28-06 28 11 Nonpublic Meeting Minutes.pdf]

580.The Portable Document Format (PDF) file for the notice on the district website was created at June 27, 2011 at 3:45 p.m. [071-2011-06-28-06 28 11 Nonpublic Meeting Minutes.pdf]

581.The motion to enter nonpublic was under RSA 91-A:3 II (b). [071-2011-06-28-06 28 11 Nonpublic Meeting Minutes.pdf]

582.While in nonpublic session, the Board discussed “scheduling additional interviews later in the week.” [071-2011-06-28-06 28 11 Nonpublic Meeting Minutes.pdf]

June 30, 2011 Special Board Meeting

583.On June 30, 2011 at about 10:30 a.m., Board members Brackett, Butts, Kach, Lane, and Turnbull convened in person at ORHS. [074-2011-06-30-06 30 11 Special Mtg Minutes.pdf, 130-calendarBrackett2011-06-27-07-03.pdf]

584.A notice for this meeting was posted. [073-2011-06-30-06 30 11 Special Board Meeting Notice.pdf]

585.The notice identified this meeting as special. [073-2011-06-30-06 30 11 Special Board Meeting Notice.pdf]

586.This meeting is not listed on the schedule of regular meetings. [035-Master Schedule of Meetings 2010-11.pdf]

587. There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.

588. During the nonpublic session the Board interviewed and deliberated about interim superintendent candidates. [074-2011-06-30-06 30 11 Special Mtg Minutes.pdf]

589. On June 29, 2011 at about 7:24 a.m. Brackett sent an email to Wendy DiFruscio asking that a June 30, 2011 9:00 a.m. meeting be posted by 9:00 a.m. on June 29, 2011. [182-email2011-08-10-10-44-A.pdf]

590. On June 29, 2011 at about 10:26 a.m. Wendy DiFruscio sent an email to the Board, et al. with a copy of the notice for the June 30, 2011 meeting at 10:30 a.m. [183-email2011-08-10-10-44-B.pdf]

591. The Portable Document Format (PDF) file for the notice on the district website was created at June 29, 2011 at 8:35 a.m. [073-2011-06-30-06 30 11 Special Board Meeting Notice.pdf]

592. The notice for this meeting does not give a subject. [073-2011-06-30-06 30 11 Special Board Meeting Notice.pdf]

593. This meeting included a nonpublic session. [074-2011-06-30-06 30 11 Special Mtg Minutes.pdf]

594. There are no minutes of the nonpublic session of this meeting on the ORCSD website. [074-2011-06-30-06 30 11 Special Mtg Minutes.pdf, Minutes]

595. There are no minutes of the nonpublic session of this meeting. [074-2011-06-30-06 30 11 Special Mtg Minutes.pdf, Minutes]

596.The minutes do not record a brief description of the subject matter discussed in nonpublic session. [074-2011-06-30-06 30 11 Special Mtg Minutes.pdf]

597.The minutes of this meeting do not record the motion to enter nonpublic session.
[074-2011-06-30-06 30 11 Special Mtg Minutes.pdf]

598.The minutes do not record the vote to enter nonpublic session by roll call.
[074-2011-06-30-06 30 11 Special Mtg Minutes.pdf]

599.The minutes for this meeting do not record the result of the vote to enter nonpublic session.
[074-2011-06-30-06 30 11 Special Mtg Minutes.pdf]

600.This motion to enter nonpublic session does not state the matter(s) to be discussed.
[074-2011-06-30-06 30 11 Special Mtg Minutes.pdf]

601.A revote to approve the separation agreement was added to the agenda. [074-2011-06-30-06
30 11 Special Mtg Minutes.pdf]

602.At this meeting the Board acted to implement the separation agreement with
Superintendent Colter: "Motion made by Ann Lane, seconded by Jim Kach to expend
\$185,000 from the unspent surplus fund as stated in the terms of the Contract Settlement
and related attorney fees and consultant fees. Motion passed by a vote of 5-
0." [074-2011-06-30-06 30 11 Special Mtg Minutes.pdf]

603.The election of Meredith Nadeau as interim superintendent was added to the agenda.
[074-2011-06-30-06 30 11 Special Mtg Minutes.pdf]

604.At this meeting the Board elected Meredith Nadeau as interim superintendent: "Motion
made my Krista Butts, seconded by Jim Kach to make Meredith Nadeau acting
Superintendent until an interim Superintendent is hired within the coming weeks and to

provide compensation for these extra duties. Motion passed by a vote of 5-0." [074-2011-06-30-06 30 11 Special Mtg Minutes.pdf]

605. There is no recorded vote at a posted meeting of the Board approving the specific compensation of interim superintendent Nadeau.

July 5, 2011 Special Board Meeting

606. On July 5, 2011 at about 2:30 p.m., Board members Brackett, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [078-2011-07-05-07 05 11 Special SB Mtg. Minutes.pdf, 076-2011-07-05-07 05 11 Non Public Minutes.pdf, 131-calendarBrackett2011-07-04-07-10.pdf]

607. Butts participated by phone. [078-2011-07-05-07 05 11 Special SB Mtg. Minutes.pdf]

608. The minutes do not record the reason Butts participated by phone. [078-2011-07-05-07 05 11 Special SB Mtg. Minutes.pdf]

609. The minutes for this meeting do not record Butts identifying the persons present in the location from which she was participating. [078-2011-07-05-07 05 11 Special SB Mtg. Minutes.pdf]

610. A notice for this meeting was posted. [077-2011-07-05-07 05 11 special SB meeting notice.pdf]

611. The notice identified this meeting as special. [077-2011-07-05-07 05 11 special SB meeting notice.pdf]

612. This meeting is not listed on the schedule of regular meetings. [036-Master Schedule of Meetings 11-12.pdf]

613. There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.

614. The notice does not give a subject. [077-2011-07-05-07 05 11 special SB meeting notice.pdf]

615. Brackett announced at the meeting that it was not posted in 2 places. [078-2011-07-05-07 05 11 Special SB Mtg. Minutes.pdf]

616. The notice was not posted in 2 places. [078-2011-07-05-07 05 11 Special SB Mtg. Minutes.pdf]

617. At this meeting the Board interviewed 2 finalist candidates for interim superintendent.

[078-2011-07-05-07 05 11 Special SB Mtg. Minutes.pdf]

618. At this meeting in a nonpublic session the Board deliberated about the candidates for interim superintendent and discussed references for those candidates. [076-2011-07-05-07 05 11 Non Public Minutes.pdf]

619. This motion to enter nonpublic session does not state the matter(s) to be discussed.

[076-2011-07-05-07 05 11 Non Public Minutes.pdf]

620. The minutes of the meeting do not record the motion to adjourn by roll call vote. Butts made this motion over the phone. [076-2011-07-05-07 05 11 Non Public Minutes.pdf]

621. The minutes do not record the results of the motion to adjourn. [076-2011-07-05-07 05 11 Non Public Minutes.pdf]

July 6, 2011 Special Board Meeting

622. On July 6, 2011 at about 2:00 p.m., Board members Brackett, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [079-2011-07-06-07 06 11 Non Public Minutes.pdf, 131-calendarBrackett2011-07-04-07-10.pdf]

623. Butts participated by phone. [079-2011-07-06-07 06 11 Non Public Minutes.pdf, 2011-07-06-07 06 11 Special Mtg. Minutes.pdf]
624. The minutes do not record the reason Butts participated by phone. [079-2011-07-06-07 06 11 Non Public Minutes.pdf, 2011-07-06-07 06 11 Special Mtg. Minutes.pdf]
625. The minutes for this meeting do not record Butts identifying the persons present in the location from which she was participating. [079-2011-07-06-07 06 11 Non Public Minutes.pdf, 2011-07-06-07 06 11 Special Mtg. Minutes.pdf]
626. A notice for this meeting was posted. [080-2011-07-06-SKMBT_C45211070512070.pdf]
627. The notice identified this meeting as special. [080-2011-07-06-SKMBT_C45211070512070.pdf]
628. This meeting is not listed on the schedule of regular meetings. [036-Master Schedule of Meetings 11-12.pdf]
629. There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.
630. The Portable Document Format (PDF) file for the notice on the district website was created at July 5, 2011 at 1:08 p.m. [080-2011-07-06-SKMBT_C45211070512070.pdf]
631. The Portable Document Format (PDF) file for the public minutes on the district website was created at July 19, 2011 at 9:20 a.m. [2011-07-06-07 06 11 Special Mtg. Minutes.pdf]
632. At this meeting the Board deliberated and decided to hire Leon Levesque as Interim Superintendent. [079-2011-07-06-07 06 11 Non Public Minutes.pdf]
633. There is a recorded vote at this public meeting of the Board giving Brackett authority to negotiate the terms of the contract. [2011-07-06-07 06 11 Special Mtg. Minutes.pdf]

634. There is a recorded vote at this public meeting of the Board giving Brackett authority to finalize and publish a press release. [2011-07-06-07 06 11 Special Mtg. Minutes.pdf]

635. During the public session of this meeting, the Board voted on 4 motions. [2011-07-06-07 06 11 Special Mtg. Minutes.pdf]

636. The minutes do not record roll call votes for these 4 motions. [2011-07-06-07 06 11 Special Mtg. Minutes.pdf]

July 13, 2011 Leon Levesque started as Superintendent

637. On July 13, 2011 Interim Superintendent Leon Levesque started at ORCSD.

638. That day Levesque's contract was signed by Brackett. [092-Contract 07 13 11.pdf]

639. There is no recorded vote at a posted meeting of the Board giving Brackett authority to sign the contract.

640. There are no minutes of any Board meetings where the contract was deliberated or decided on or approved by the Board prior to the signing.

July 13, 2011 Special Board Meeting

641. On July 13, 2011 at about 10:00 a.m., Board members Brackett, Kach, Lane, and Turnbull convened in person at ORHS. [082-2011-07-13-07 13 11 Special SB Mtg. Minutes.pdf, 132-calendarBrackett2011-07-11-07-17.pdf]

642. A notice for this meeting was posted. [081-2011-07-13-07 13 11 Special Non Public Mtg. Notice.pdf]

643. The notice identified this meeting as special. [081-2011-07-13-07 13 11 Special Non Public Mtg. Notice.pdf]

644. This meeting is not listed on the schedule of regular meetings. [036-Master Schedule of Meetings 11-12.pdf]
645. There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.
646. The Portable Document Format (PDF) file for the notice on the district website was created at July 11, 2011 at 4:25 p.m. [081-2011-07-13-07 13 11 Special Non Public Mtg. Notice.pdf]
647. The notice only listed a nonpublic session as the subject. [081-2011-07-13-07 13 11 Special Non Public Mtg. Notice.pdf]
648. The Board also had a public session beyond just the motions concerning the nonpublic session. [082-2011-07-13-07 13 11 Special SB Mtg. Minutes.pdf]
649. In public session the Board deliberated and decided on Special Education at ORMS. [082-2011-07-13-07 13 11 Special SB Mtg. Minutes.pdf]
650. Special Education at ORMS was added to the agenda. [082-2011-07-13-07 13 11 Special SB Mtg. Minutes.pdf]
651. The Director of Special Education was added to the agenda. [082-2011-07-13-07 13 11 Special SB Mtg. Minutes.pdf]
652. In public session the Board deliberated and decided on the Director of Special Education. [082-2011-07-13-07 13 11 Special SB Mtg. Minutes.pdf]
653. The minutes do not record a brief description of the subject matter discussed in nonpublic session. [082-2011-07-13-07 13 11 Special SB Mtg. Minutes.pdf]

654. This motion to enter nonpublic session does not state the matter(s) to be discussed.

[082-2011-07-13-07 13 11 Special SB Mtg. Minutes.pdf]

July 20, 2011 Regular Board Meeting

655. On July 20, 2011 at about 10:00 a.m., Board members Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [084-2011-07-20-07 20 11 Regular Meeting Minutes.pdf, 083-2011-07-20-07 20 11 Non Public Mtg. Minutes.pdf]

656. Brackett participated by phone because he was on vacation. [084-2011-07-20-07 20 11 Regular Meeting Minutes.pdf]

657. The minutes for this meeting do not record Brackett identifying the persons present in the location from which he was participating. [084-2011-07-20-07 20 11 Regular Meeting Minutes.pdf]

658. The minutes do not list the actual motions taken but were changed to reflect roll call votes retaken at the end. [084-2011-07-20-07 20 11 Regular Meeting Minutes.pdf]

659. At this meeting, the Board voted to announce the terms of the interim superintendent's contract already signed on July 13, 2011: "Krista Butts moved to announce Interim Superintendent Levesequé's contract for \$125,00 for one year, 2nd by Jim Kach. Upon roll call vote, the motion passed 6 - 0." [084-2011-07-20-07 20 11 Regular Meeting Minutes.pdf]

660. There is no recorded vote at a posted meeting of the Board approving the terms of the interim superintendent's contract.

July 27, 2011 Special Board Workshop Meeting

661. On July 27, 2011 at about 7:00 p.m., Board members Brackett, Butts, Kach, Lane, O'Quinn and Wright convened in person at ORHS. [085-2011-07-27-07 27 11 Joint SB.ABCMinutes.pdf]

662. A notice for this meeting was posted. [086-2011-07-27-07 27 11 Special Budget Workshop.doc.pdf]

663. The notice identified this meeting as special. [086-2011-07-27-07 27 11 Special Budget Workshop.doc.pdf]

664. This meeting is not listed on the schedule of regular meetings. [036-Master Schedule of Meetings 11-12.pdf]

665. There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.

666. The Portable Document Format (PDF) file for the notice on the district website was created at July 25, 2011 at 11:28 a.m. [086-2011-07-27-07 27 11 Special Budget Workshop.doc.pdf]

667. The Board deliberated and took action at the workshop to change the charge for the Advisory Budget Committee. [085-2011-07-27-07 27 11 Joint SB.ABCMinutes.pdf]

668. The minutes do not record the result of the motion to adjourn. [085-2011-07-27-07 27 11 Joint SB.ABCMinutes.pdf]

August 5, 2011 Special Board Workshop Meeting

669. On August 5, 2011 at about 9:30 a.m., Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at the Lee Safety Complex. [087-2011-08-05-08 05 11 SB Workshop Minutes.pdf]

670.A notice for this meeting was posted. [088-2011-08-05-08 05 11 Special School Board Workshop.pdf]

671.The notice identified this meeting as special. [088-2011-08-05-08 05 11 Special School Board Workshop.pdf]

672.The notice identified this meeting as a workshop. [088-2011-08-05-08 05 11 Special School Board Workshop.pdf]

673.This meeting is not listed on the schedule of regular meetings. [036-Master Schedule of Meetings 11-12.pdf]

674.There is no recorded vote at a posted meeting of the Board to change the schedule of regular meetings to include this meeting.

675.The Portable Document Format (PDF) file for the notice on the district website was created on August 3, 2011 at 7:41 a.m. [088-2011-08-05-08 05 11 Special School Board Workshop.pdf]

676.The notice does not give a subject. [088-2011-08-05-08 05 11 Special School Board Workshop.pdf]

677.The Board received training on Right-to-Know, effective Board meetings, policy development, working with the Interim Superintendent, etc. [087-2011-08-05-08 05 11 SB Workshop Minutes.pdf]

678.This meeting adjourned.

679.The minutes do not record a motion to adjourn. [087-2011-08-05-08 05 11 SB Workshop Minutes.pdf]

September 7, 2011 Regular Board Meeting

680. On September 7, 2011 at about 7:00 p.m., Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person at ORHS. [091-2011-09-07-09 07 11 Regular Meeting Minutes.pdf, 090-2011-09-07-09 07 11 Non Public Mtg. Minutes.pdf]

681. This meeting had a nonpublic session. [090-2011-09-07-09 07 11 Non Public Mtg. Minutes.pdf]

682. In the minutes of this meeting, the motion to enter nonpublic session does not state on its face the specific exemption under paragraph RSA 91-A:3 II which is relied upon as foundation for the nonpublic session. [091-2011-09-07-09 07 11 Regular Meeting Minutes.pdf]

683. This motion to enter nonpublic session does not state the matter(s) to be discussed. [090-2011-09-07-09 07 11 Non Public Mtg. Minutes.pdf]

684. The Portable Document Format (PDF) file for the nonpublic minutes on the district website was created at September 20, 2011 at 2:51 p.m. [090-2011-09-07-09 07 11 Non Public Mtg. Minutes.pdf]

685. The nonpublic minutes do not list Brackett as an attendee. [090-2011-09-07-09 07 11 Non Public Mtg. Minutes.pdf]

September 12, 2011 Board Meeting with Legal Counsel

686. On September 12, 2011 Board members Brackett, Butts, Kach, Lane, O'Quinn, Turnbull and Wright convened in person.

687. They met with attorney Dennis Ducharme.

688. At this meeting the Board deliberated and decided not to settle the present case out of court.

689. There is no recorded vote of the Board at a posted meeting not to settle the present case out of court.

690. No attorney participated in the Board deliberation and/or decision not to settle the present case out of court.

Manifest Committee Formation

691. Beginning on March 16, 2011, prior to the first regular meeting of the Board following the March 8, 2011 election, Turnbull and Lane (the "Manifest Committee") meet before most regular Board meetings to review the manifests.

692. No notices for these meeting were posted.

693. These meetings were not open to the public.

694. No minutes for these meeting were posted.

695. There is no recorded vote at a posted meeting of the Board giving Turnbull and Lane authority to meet to review manifests.

696. During these meetings Turnbull and Lane together discussed the manifests, asked questions of Business Administrator Sue Caswell and decided if there are issues to raise to the full Board.

697. Business Administrator Sue Caswell sends email to Turnbull indicting when the manifests will be ready.

698. Turnbull and Lane arrange the Manifest Committee meetings by email.

699. None of these emails have been released.

700.No documents arranging these meetings have been released in response to the June 20, 2011 Right-to-Know request.

RULINGS OF LAW

A.

The Right-to-Know Statute

1.

RSA 91-A Rule Violations

1. The items of RSA 91-A in this section have each been violated by the Board:
2. RSA 91-A:1 provides: "Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people."
3. RSA 91-A:2 II provides: "Subject to the provisions of RSA 91-A:3, all meetings ... shall be open to the public."
4. RSA 91-A:2 II provides: "Minutes of all such meetings ... shall be promptly recorded"
5. RSA 91-A:2 II provides: "Minutes of all such meetings ... shall be ... open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-A:6...."
6. RSA 91-A:2 II provides: "Minutes of all such meetings, including names of members ... shall be promptly recorded...."
7. RSA 91-A:2 II provides: "Minutes of all such meetings, including names of ... persons appearing before the public bodies... shall be promptly recorded...."

8. RSA 91-A:2 II provides: "Minutes of all such meetings, including ... a brief description of the subject matter discussed... shall be promptly recorded...."
9. RSA 91-A:2 II provides: "Minutes of all such meetings, including ... final decisions... shall be promptly recorded...."
10. RSA 91-A:2 II provides: "Except in an emergency ... a notice of the time and place of each such meeting, including a nonpublic session, shall be posted"
11. RSA 91-A:2 II provides: "... notice ... shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town ..."
12. RSA 91-A:2 II provides: "... notice ... shall be posted ... at least 24 hours, excluding Sundays and legal holidays, prior to such meetings."
13. RSA 91-A:2 III (a) provides: "Any reason that such attendance [by phone] is not reasonably practical shall be stated in the minutes of the meeting."
14. RSA 91-A:2 III (a) provides: "Any member participating in such fashion [by phone] shall identify the persons present in the location from which the member is participating."
15. RSA 91-A:2 III (b) provides: "Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting."
16. RSA 91-A:2 III (d) provides: "Any meeting held pursuant to the terms of this paragraph [by phone] shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1."

17. RSA 91-A:2 III (e) provides: "All votes taken during such a meeting [by phone] shall be by roll call vote."
18. RSA 91-A:2-a I provides: "Unless exempted from the definition of "meeting" under RSA 91-A:2, I, public bodies shall deliberate on matters over which they have supervision, control, jurisdiction, or advisory power only in meetings held pursuant to and in compliance with the provisions of RSA 91-A:2, II or III."
19. RSA 91-A:2-a II provides: "Communications outside a meeting, including, but not limited to, sequential communications among members of a public body, shall not be used to circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1."
20. RSA 91-A:3 I (a) provides: "Public bodies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II."
21. RSA 91-A:3 I (a) provides: "No session at which evidence, information, or testimony in any form is received shall be closed to the public, except as provided in paragraph II."
22. RSA 91-A:3 I (a) provides: "No public body may enter nonpublic session, except pursuant to a motion properly made and seconded."
23. RSA 91-A:3 I (b) provides: "Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session."
24. RSA 91-A:3 I (b) provides: "The vote on any such motion [to enter nonpublic session] shall be by roll call ..."
25. RSA 91-A:3 I (c) provides: "All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion."

26. RSA 91-A:3 II provides:

Only the following matters shall be considered or acted upon in nonpublic session:

(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

(d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

(f) Consideration of applications by the adult parole board under RSA 651-A.

(g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county correctional facilities by county correctional superintendents or their designees.

(h) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.

(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

(j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

27. RSA 91-A:3 III provides: "Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section."

28. RSA 91-A:3 III provides: "Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting..."

RSA 91-A:4 Minutes and Records Available for Public Inspection

29. RSA 91-A:4 I-a provides: "Records of any payment made to an employee of any public body or agency listed in RSA 91-A:1-a, VI(a)-(d), or to the employee's agent or designee, upon the resignation, discharge, or retirement of the employee, paid in addition to regular salary and accrued vacation, sick, or other leave, shall immediately be made available without alteration for public inspection. All records of payments shall be available for public inspection notwithstanding that the matter may have been considered or acted upon in nonpublic session pursuant to RSA 91-A:3."
30. RSA 91-A:4 IV provides: "Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release."
31. RSA 91-A:4 IV provides: "If a public body or agency is unable to make a governmental record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied."
32. RSA 91-A:4 IV provides: "If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency."

2.

Requirements for minutes under RSA 91-A.

33. Minutes are the principal official record of a meeting under RSA 91-A.

34. Implicit in each requirement of the minutes is that each item must be complete and accurate.
The minutes must completely and accurately record what actually happened at the meeting.
35. Failure to provide a complete and accurate record of the meeting in the minutes deprives citizens of their Right-to-Know by not making it practical or even possible for them to know what happened on their behalf at a meeting by reading the minutes.
36. RSA 91-A:2 II provides: "Minutes of all such meetings ... shall be promptly recorded"
37. Further, RSA 91-A:3 III provides: "Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section."
38. It is a violation of RSA 91-A to not record minutes for a meeting or session.
39. RSA 91-A:2 II provides: "Minutes of all such meetings ... shall be ... open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-A:6...."
40. It is a violation of RSA 91-A to not make minutes open to public inspection within 5 days after a meeting, except when properly sealed.
41. RSA 91-A:3 III provides "Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting...."
42. It is a violation of RSA 91-A to not make nonpublic session minutes open to public inspection within 72 hours of the meeting, except when properly sealed.
43. RSA 91-A:2 II provides: "Minutes of all such meetings, including names of members ... shall be promptly recorded...."

44. It is a violation of RSA 91-A to not record completely and accurately the names of all members who attended a meeting in the minutes of that meeting.
45. RSA 91-A:2 II provides: "Minutes of all such meetings, including names of ... persons appearing before the public bodies... shall be promptly recorded...."
46. It is a violation of RSA 91-A to not completely and accurately record the names of all persons appearing before the Board at a meeting in the minutes of that meeting.
47. RSA 91-A:2 II provides: "Minutes of all such meetings, including ... a brief description of the subject matter discussed... shall be promptly recorded...."
48. It is a violation of RSA 91-A to not completely and accurately record a brief description of all subject matters discussed at a meeting in the minutes of that meeting.
49. In particular, if a subject matter is discussed in a nonpublic session, then it is a violation of RSA 91-A to not completely and accurately record a brief description of that subject matter in the minutes of that meeting.
50. Further, it is a violation of RSA 91-A for a meeting or session to not record any subject matter in the minutes of that meeting or session.
51. RSA 91-A:2 II provides: "Minutes of all such meetings, including ... final decisions... shall be promptly recorded...."
52. It is a violation of RSA 91-A to not completely and accurately record all final decisions in the minutes of that meeting.
53. In particular, it is a violation of RSA 91-A to not completely and accurately record the wording of all motions in the minutes of that meeting.

54. It is a violation of RSA 91-A to leave out a portion of the wording of a motion in the minutes of a meeting.
55. It is a violation of RSA 91-A to alter the wording of a motion in the minutes of a meeting.
56. Further, it is a violation of RSA 91-A to not completely and accurately record the result of the votes on all motions in the minutes of that meeting.
57. The result of a vote is essential to the record of the final decision.
58. RSA 91-A:2 III (a) provides: "Any reason that such attendance [by phone] is not reasonably practical shall be stated in the minutes of the meeting."
59. It is a violation of RSA 91-A to not completely and accurately record all members who attend a meeting by phone in the minutes of a meeting.
60. It is a violation of RSA 91-A to not completely and accurately record the reasons for attending by phone for all such members in the minutes of a meeting.
61. The Board violated RSA 91-A by not recording in the minutes the reason why a member participated by phone.
62. The Board violated RSA 91-A by not accurately and completely recording final decisions.

3.

Role of minutes in enforcing RSA 91-1.

63. RSA 91-A provides additional requirements on meetings beyond those explicitly stated to be recorded in the minutes.

64. For some requirements that are specific to particular final decisions, the minutes must record these additional requirements to provide a complete and accurate record of the final decisions.
65. RSA 91-A:3 I (a) provides "No public body may enter nonpublic session, except pursuant to a motion properly made and seconded."
66. It is a violation of RSA 91-A to not record who made a motion to enter nonpublic session.
67. It is a violation of RSA 91-A to not record who seconded a motion to enter nonpublic session.
68. RSA 91-A:3 I (b) provides "The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present."
69. It is a violation of RSA 91-A to not record the vote to enter nonpublic session by roll call in the minutes of the meeting.
70. The Board violated RSA 91-A by not taking all votes by roll call and/or not recording in the minutes that all votes were by roll call when a member participated by phone.
71. RSA 91-A:3 I (b) provides: "Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session."
72. The specific exemption under paragraph II which is relied upon as foundation for the nonpublic session stated in a motion to enter nonpublic session is part of the wording of that motion.

73. It is a violation of RSA 91-A to not record the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session as part of the motion in the minutes of the meeting.
74. RSA 91-A:2 III (e) provides: "All votes taken during such a meeting [by phone] shall be by roll call vote."
75. It is a violation of RSA 91-A to not record whether each vote, taken during a meeting when a member attends by phone, was by roll call in the minutes of the meeting.
76. One requirement of RSA 91-A:2 III (c) is not related to a final decision and is not explicitly required to be recorded in the minutes of the meeting.
77. RSA 91-A:2 III (c) provides: "Any member participating in such fashion [by phone] shall identify the persons present in the location from which the member is participating."
78. However, identifying the persons present in the location from which the member is participating is a subject matter and RSA 91-A:2 II provides that the minutes include a brief description of the subject matter discussed.
79. Therefore, it is a violation of RSA 91-A to not record in the minutes the identifying of the persons present in the location from which the member is participating.
80. Further, RSA 91-A:7 provides that "Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief."
81. This is the only method of enforcing RSA 91-A.

82. The minutes of a meeting is the only official record required by RSA 91-A of that meeting.
83. The minutes, as the official record of the meeting, should record all aspects of compliance with RSA 91-A.
84. Failure to record the requirements of RSA 91-A in the minutes renders enforcement of RSA 91-A unreasonably burdensome since it would require a person to attend every meeting in person.
85. Further, for nonpublic sessions, a person who is not a member of the public body or appearing before the public body is excluded from those meetings and can only enforce compliance by the minutes of that meeting.
86. The Board violated RSA 91-A by not recording in the minutes who was present with a member who participated by phone.

4.

Local rules that take precedence over RSA 91-A.

a.

Local rules that require a broader public access take precedence over RSA 91-A.

87. RSA 91-A:2 II provides: "If the charter of any city or town or guidelines or rules of order of any public body require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter."
88. ORCSD policies are guidelines or rules of order of the Board.

89. To take precedence over RSA 91-A means that the Board must fulfill the guidelines or rules of order of the Board that take precedence over the requirements specified in RSA 91-A in order to comply with RSA 91-A.

90. Therefore it is a violation of RSA 91-A to not comply with the guidelines or rules of order of the Board that take precedence over the requirements specified in RSA 91-A.

b.

Policy BBAA - Individual Members: actions at posted meetings.

91. Policy BBAA revised May 5, 1999 was in effect during the events of this case.

92. Policy BBAA is a guideline or rule of order of the Board.

93. Policy BBAA - Individual Members provides "It is understood that the members of the board have authority only when acting as a board legally in session. ... The board may, by majority vote, take action at a legal meeting of the board. ... No legal action can be taken except at a duly posted meeting of the board and by a quorum acting as a unit."

94. RSA 91-A provides for certain public access to the actions of a public body:

94.1. "greatest possible public access to the actions" RSA 91-A:1

94.2. "acting upon a matter" RSA 91-A:2 I

94.3. "no vote while in open session may be taken by secret ballot" RSA 91-A:2 II

94.4. "All votes taken during such a meeting shall be by roll call vote." RSA 91-A:2

III (e)

94.5. "The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present." RSA 91-A:3 I (b)

94.6. "Only the following matters shall be considered or acted upon in nonpublic session" RSA 91-A:3 II

94.7. "recorded vote of 2/3 of the members present" RSA 91-A:3 III

95. RSA 91-A does not explicitly require that all actions can only take place at a duly posted meeting.

96. Requiring that all actions can only take place at a duly posted meeting requires a broader public access to meetings than specified by chapter RSA 91-A.

97. Requiring that all actions can only take place at a duly posted meeting takes precedence over the list of government proceedings listed in chapter RSA 91-A.

98. It is a violation of RSA 91-A for the Board to take an action except at a posted meeting.

99. Policy BBAA establishes an expectation among the citizens of ORCSD that they will know when the Board acts because there will be a vote at a duly posted meeting. They can reasonably expect that the Board will not act without such a vote to which they have public access. To do otherwise violates their Right-to-Know.

100. Based on Policy BBAA, a citizen of the Oyster River Cooperative School District can reasonably expect that the Board will only take actions at a posted meeting with a quorum of the Board.

101. This policy requires a broader access beyond RSA 91-A by requiring all actions of the Board to be done at posted meetings, which are open to the public or at least have minutes reflecting that delegation, so that the public will know when all actions occur and can rest assured that no actions of the Board and on behalf of the district occur without that public knowledge.

102. An action or decision by the Board at a non-meeting or outside a meeting violates this policy and by extension RSA 91-A.

c.

Policy BBAA - Individual Members: delegation by vote.

103. Policy BBAA - Individual Members provides "... [A]n individual board member, including the chairperson, has power only when the board by vote has delegated authority to him or her."

104. Delegating authority is an action of the Board.

105. By Policy BBAA, all actions of the Board can only take place at a duly posted meeting.

106. Authority can only be delegated at a duly posted meeting.

107. RSA 91-A provides public access to many types of governmental proceedings:

107.1. "consider an issue" RSA 91-A:1-a I

107.2. "provide advice or recommendation" RSA 91-A:1-a I

107.3. "transaction of any functions affecting any or all citizens" RSA 91-A:1-a II

107.4. "discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power" RSA 91-A:2 I

107.5. "deliberate on matters over which they have supervision, control, jurisdiction, or advisory power" RSA 91-A:2-a I

107.6. "evidence, information, or testimony in any form is received" RSA 91-A:3 I(a)

107.7. "Strategy or negotiations" RSA 91-A:2 I (a)

107.8. "Consultation with legal counsel" RSA 91-A:2 I (b)

107.9. "Circulation of draft documents" RSA 91-A:2 I (d)

107.10. "dismissal, promotion, or compensation ... disciplining ... investigation" RSA 91-A:3 II (a)

107.11. "hiring." RSA 91-A:3 II (b)

107.12. "Consideration or negotiation" RSA 91-A:3 II (e)

108. Delegating authority to Board members is another type of governmental proceeding.

109. RSA 91-A does not explicitly require delegating authority to occur at a posted meeting.

110. Requiring delegating authority to occur at a posted meeting requires a broader public access to Board meetings than specified by chapter RSA 91-A.

111. Requiring delegating authority to occur at a posted meeting takes precedence over the proceedings provided in chapter RSA 91-A.

112. It is a violation of RSA 91-A for the Board to delegate authority at a meeting that is not posted.

d.

Policy BBAA - Individual Members: no authority without delegation.

113. Policy BBAA - Individual Members provides "The board shall not be bound in any way by any action or statement on the part of any individual board members except when such statement or action is in pursuance of specific instructions from the board. ... Individual board members may not exercise their authority over district affairs. ... [A]n individual board member, including the chairperson, has power only when the board by vote has

delegated authority to him or her. No legal action can be taken except at a duly posted meeting of the board and by a quorum acting as a unit.”

114. Policy BBAA, limits the authority of individual board members by providing they may not exercise their authority over district affairs unless delegated authority at a duly posted meeting.

115. RSA 91-A does not specifically limit the authority of individual Board members.

116. RSA 91-A does provide many limits on the authority and actions of the Board.

117. Requiring that individual members not exercise their authority over district affairs unless delegated authority at a duly posted meeting requires a broader public access to Board proceedings than specified by chapter RSA 91-A.

118. Requiring that individual members not exercise their authority over district affairs unless delegated authority at a duly posted meeting takes precedence over chapter RSA 91-A.

119. It is a violation of RSA 91-A for individual members to exercise their authority over district affairs unless delegated authority at a duly posted meeting.

120. Policy BBAA establishes an expectation among the citizens of ORCSD that they will know when individual members are acting on behalf of the Board because there will be a vote at a duly posted meeting. They can reasonably expect that no individual member is acting on behalf of the Board without such a vote to which they have public access. To do otherwise violates their Right-to-Know.

121. By Policy BBAA, no Board member has authority to act except when delegated by the Board.

122. Based on Policy BBAA, a citizen of the Oyster River Cooperative School District can reasonably expect that no member of the Board will act outside of a Board meeting unless there is a delegation to that member by vote at a posted meeting with a quorum of the Board.
123. Policy BBAA requires a broader access beyond RSA 91-A by requiring all delegations to be done by the Board at posted meetings, which are open to the public or at least have minutes recording that delegation, so that the public will know when delegations occur and can rest assured that no members are acting on behalf of the Board and the district without that public knowledge.
124. A delegation by the chair or any other individual member, including themselves, or group of members, or by the Board at a non-meeting or outside a meeting violates Policy BBAA and by extension RSA 91-A.
125. Even if a member was delegated authority, but the meeting was not posted, it is a violation of RSA 91-A.
126. It is a violation of RSA 91-A to not record in the minutes an action taken at a public or nonpublic meeting.
127. Even if a member was delegated authority at a posted public or nonpublic meeting, but the delegation was not by vote, it is a violation of RSA 91-A.
128. Even if a member was delegated authority at a posted public or nonpublic meeting by vote, but the vote was not recorded in the minutes, it is a violation of RSA 91-A.
129. Public access to a governmental proceeding that has been denied cannot be corrected by granting authority after the fact.

130.Once a meeting has been conducted closed to the public it cannot be made open to the public.

131.Delegating authority after a member has acted deprives citizens of their right to know that a member was acting based on a delegation.

132.Delegating authority after a member has acted with authority violates RSA 91-A.

e.

Policy BDB - School Board Officers: committee appointments.

133.Policy BDB revised November 18, 2009 was in effect during the events of this case.

134.Policy BDB is a guideline or rule of order of the Board.

135.Policy BDB - School Board Officers provides: "The chair shall nominate and the board shall elect all committee appointments."

136.Electing committee appointments is an action of the Board.

137.By Policy BBAA, all actions of the Board can only take place at duly posted meetings.

138.Committee appointments can only be elected at a duly posted meeting.

139.RSA 91-A does not explicitly require that the election of all committee appointments can only take place at a duly posted meeting.

140.Requiring that the election of all committee appointments can only take place at a duly posted meeting requires a broader public access to meetings than specified by chapter RSA 91-A.

141. Requiring that the election of all committee appointments can only take place at a duly posted meeting takes precedence over the list of government proceedings listed in chapter RSA 91-A.

142. It is a violation of RSA 91-A for the Board to elect committee appointments except at a posted meeting.

143. This policy requires greater access beyond RSA 91-A by requiring all committee appointments to be done formally, involving both the chair and Board, that must act only at a posted meeting, so that the public will know when committees are formed and can rest assured that no committees are formed without the public knowledge.

144. The formation and appointment or modification, such as the addition of a member, of a committee at a non-meeting or outside a meeting violates Policy BDB and by extension RSA 91-A.

f.

Policy BDG - Attorney: retained at posted meetings.

145. Policy BDG revised November 18, 2009 was in effect during the events of this case.

146. Policy BDG is a guideline or rule of order of the Board.

147. Policy BDG - Attorney provides "The board may, at its discretion, appoint an attorney to perform desired legal services. ... Consequently, it [the Board] shall retain an attorney or law firm...."

148. By Policy BDG, the authority to retain an attorney rests only with the full board.

149. Retaining an attorney is an action of the Board.

150. Policy BBAA - Individual Members requires "No legal action can be taken except at a duly posted meeting of the board and by a quorum acting as a unit."

151. As noted above, this takes precedence over RSA 91-A.

152. RSA 91-A does not explicitly require that retaining an attorney can only take place at a duly posted meeting.

153. Requiring that retaining an attorney can only take place at a duly posted meeting requires a broader public access to meetings than specified by chapter RSA 91-A.

154. Requiring that retaining an attorney can only take place at a duly posted meeting takes precedence over the list of government proceedings listed in chapter RSA 91-A.

155. It is a violation of RSA 91-A for the Board to retain an attorney except by vote at a duly posted meeting.

156. Policy BDG grants the authority to appoint or retain an attorney or law firm solely with the Board and not an individual member including not the chair.

157. It is a violation for an individual Board member, including the chair to act without delegation by vote at a posted meeting.

158. There is no record of a vote at a duly posted meeting delegating any Board member, including the chair, to retain an attorney.

159. It is a violation of RSA 91-A for an individual member, including the chair, to retain an attorney on behalf of the Board.

160. Since the Board may only legally act at a posted meeting, the Board may only appoint or retain an attorney at a posted meeting.

161. This policy requires a broader access beyond RSA 91-A by requiring the Board to only appoint or retain an attorney or law firm at a posted meeting, so that the public will know when an attorney or law firm has been appointed or retained and can rest assured that no attorney or law firm has been appointed or retained without the public knowledge.

162. The Board or an individual member, including the chair, appointing or retaining an attorney or law firm at a non-meeting or outside a meeting violates this policy and by extension RSA 91-A.

163. BBAA and BDG establish an expectation among the citizens of ORCSD that they will know when an attorney is retained because there will be a vote by the Board at a duly posted meeting. They can reasonably expect that the Board will not retain an attorney without such a vote to which they have public access. To do otherwise violates their Right-to-Know.

g.

Policy BE - School Board Meetings: special meetings.

164. Policy BE revised October 17, 2007 was in effect during the events of this case.

165. Policy BE is a guideline or rule of order of the Board.

166. Policy BE - School Board Meetings provides: "The Board will hold its regular business meetings on the first and third Wednesdays of each month, with the second and fourth Wednesdays reserved for special meetings. The Board has the discretion to change the meeting schedule with appropriate notice to the public. A special meeting of the Board is a meeting that is held to address important matters that arise between regular meetings and/or require Board action before the time set for the next regular meeting, or to consider a single subject in one session."

167. A special meeting is a business meeting of the Board that is not a regular meeting. That is, a special meeting is not on the annual schedule of regular meetings and the schedule of regular meetings has not been changed to include the special meeting.

168. Policy BE - School Board Meetings further provides: "The Superintendent shall provide notice of a special meeting to Board members and the media at least 72 hours in advance of the meeting."

169. RSA 91-A:2 II provides: "... notice ... shall be posted ... at least 24 hours, excluding Sundays and legal holidays, prior to such meetings."

170. Requiring 72 hour notice for special meetings requires a broader public access to meetings than specified by the 24 hour notice requirement of chapter RSA 91-A.

171. Requiring 72 hour notice for special meetings takes precedence over the 24 hour notice requirement of chapter RSA 91-A.

172. It is a violation of RSA 91-A for the Board to not provide 72 hour notice for special meetings.

173. Policy BE - School Board Meetings further provides: "The notice or agenda [for special meetings] shall indicate the subject(s) of the meeting and action to be taken."

174. RSA 91-A:2 II provides: "Except in an emergency ... a notice of the time and place of each such meeting, including a nonpublic session, shall be posted...."

175. RSA 91-A does not specify that the notice indicate the subject(s) of the meeting and action to be taken.

176. Requiring that the notice for special meetings indicate the subject(s) of the meeting and action to be taken in addition to the time and place of the meeting requires a broader public access to meetings than just the time and place requirement of chapter RSA 91-A.

177. Requiring that the notice for special meetings indicate the subject(s) of the meeting and action to be taken in addition to the time and place of the meeting takes precedence over just the time and place requirement of chapter RSA 91-A.

178. It is a violation of RSA 91-A for the Board to not indicate the subject(s) of the meeting and action to be taken in addition to the time and place of the meeting in notices for special meetings.

179. Policy BE - School Board Meetings further provides: "No business other than that stated in the notice of the [special] meeting shall be transacted."

180. RSA 91-A does not limit the business of a meeting to that stated in the notice.

181. Requiring that no business other than that stated in the notice of the special meeting shall be transacted requires a broader public access to meetings than the requirements of chapter RSA 91-A.

182. Requiring that no business other than that stated in the notice of the special meeting shall be transacted takes precedence over the requirements of chapter RSA 91-A.

183. It is a violation of RSA 91-A for the Board to transact other business than that stated in the notice of a special meeting.

h.

Policy BE - School Board Meetings: nonpublic meetings.

184. Policy BE - School Board Meetings provides: "The motion calling for a non-public session will indicate the matter(s) to be discussed and the statutory exception allowing the non-public session. Only the matter(s) stated in the motion [for a non-public session] shall be considered."

185. RSA 91-A:3 I (b) provides: "Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session."

186. Requiring that the motion to enter nonpublic session indicate the matter(s) to be discussed in addition to the specific exemption under RSA 91-A:3 II requires a broader public access to meetings than the requirements of chapter RSA 91-A.

187. Requiring that the motion to enter nonpublic session indicate the matter(s) to be discussed in addition to the specific exemption under RSA 91-A:3 II takes precedence over the requirements of chapter RSA 91-A.

188. It is a violation of RSA 91-A for the Board to not indicate the matter(s) to be discussed in addition to the specific exemption under RSA 91-A:3 II in a motion to enter nonpublic session.

189. Policy BE - School Board Meetings further provides: "Only the matter(s) stated in the motion [for a non-public session] shall be considered."

190. RSA 91-A:3 I (c) provides: "All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion."

191. Requiring that only the matter(s) stated in the motion, in addition to the specific exemption under RSA 91-A:3 II, be considered requires a broader public access to meetings than the requirements of chapter RSA 91-A.

192. Requiring that only the matter(s) stated in the motion, in addition to the specific exemption under RSA 91-A:3 II, be considered takes precedence over the requirements of chapter RSA 91-A.

193. It is a violation of RSA 91-A for the Board in nonpublic session to consider a matter not stated in the motion to enter nonpublic session.

i.

Policy BE - School Board Meetings: workshops.

194. Policy BE - School Board Meetings provides: "The Board, at its discretion or if required by law, may schedule workshops and other meetings to discuss a particular subject or proposal or to gather input from staff, community, or other groups. No formal action shall be taken by the Board at a workshop or informational meeting."

195. RSA 91-A places limits on the governmental transactions that may take place in various meetings such as the limits on nonpublic sessions under RSA 91-A:3.

196. Requiring that no formal action be taken by the Board at a workshop or informational meeting requires a broader public access to meetings than the requirements of chapter RSA 91-A.

197. Requiring that no formal action be taken by the Board at a workshop or informational meeting takes precedence over the requirements of chapter RSA 91-A.

198.It is a violation of RSA 91-A for the Board to take formal action at a workshop or informational meeting.

199.The designation of a meeting at a workshop is based on the intended purpose of the meeting and not based on whether it is regularly scheduled.

200.Policy BE establishes an expectation among the citizens of ORCSD that they will know there will be no formal action by the Board at a workshop. They can reasonably expect that the Board will not not take a formal vote at a workshop, so if the citizens only want to know about formal actions, then they need not pay attention to workshops. To take a formal vote at a workshop violates their Right-to-Know.

j.

Policy BEDG - Board Meeting Minutes: district website.

201.Policy BEDG revised October 17, 2007 was in effect during the events of this case.

202.Policy BEDG is a guideline or rule of order of the Board.

203.Policy BEDG - Board Meeting Minutes provides: "Minutes will also be posted on the district website."

204.RSA 91-A:2 II provides: "Minutes of all such meetings ... shall be ... open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-A: 6...."

205.RSA 91-A does not provide that minutes shall be posted on the district website.

206.RSA 91-A:2 II provides "...a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website...."

207.RSA 91-A:2 II recognizes the district website as an appropriate place to post public documents.

208.Requiring that minutes be posted on the district website in addition to being open to public inspection within 5 days requires a broader public access to official meetings or the Board than specified in RSA 91-A:2 II.

209.Requiring that minutes be posted on the district website in addition to being open to public inspection within 5 days takes precedence over minutes just being open to public inspection specified in RSA 91-A:2 II.

210.Policy BEDG establishes an expectation among the citizens of ORCSD that they will have access to all meeting minutes on the district website within 5 days. They can reasonably expect that there are no minutes except those available on the district website. To do otherwise violates their Right-to-Know.

211.It is a violation of Policy BEDG and by precedence RSA 91-A to not post minutes on the district website within 5 days.

5.

Definition of Public Body

212.A public body is defined as follows:

Any legislative body, governing body, board, commission, committee, agency, or authority of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision, or any committee, subcommittee, or subordinate body thereof, or advisory committee thereto. RSA 91-A:1-a VI (d).

213. According to Webster's New Universal Unabridged Dictionary, Deluxe 2nd ed., 1979 Simon & Schuster, New York, p. 365, a committee is "1. a group of people elected or appointed to attend to any matter or business referred to them, as by a legislative body, court, corporation, society, club, etc."

214. According to Webster's, p. 1812, a subcommittee is "a subordinate committee chosen from the members of a main committee."

215. According to Webster's, p. 1813, subordinate means "1. inferior to or placed below another in rank, power, importance, etc.; secondary. 2. under the power or authority of another."

216. According to Webster's, p. 203, a body is "6. a collective mass; a number of individuals or particulars regarded as a unit; as, the body of mankind. 8. in law, a corporation; a number of men, united by a common tie, by one form of government, or by occupation; something regarded as a person; as, the legislative body; the body of the clergy; body corporate; body politic."

217. According to Webster's, p. 582, elect means "1. generally, to pick out; to select from two or more; to choose; to determine in favor of."

218. According to Webster's, p. 90, appoint means "2. to designate by authority; to name or select for an office, position, etc.; as to appoint a committee; to appoint someone guardian."

219. The term subordinate body is the most general and inclusive of the 3 terms provided in RSA 91-A:2 I.

220. The generic term subordinate body is included so that the name used to identify the body and indeed the way in which the body is formed does not exclude the body from RSA 91-A.

221. From these definitions, a subordinate body is:

221.1. A group inferior to or under the authority of the Board.

221.2. Acting as, or considered as, a unit.

221.3. Conducting business of or on behalf of the Board, namely, “for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.” RSA 91-A:2 I

222. From these definitions, a committee meets the criteria for a subordinate body that was elected or appointed.

223. The level of formality required of the election or appointment is not specified by RSA 91-A:2 I.

224. The rules for the election or appointment of committees, subcommittees and subordinate bodies is left to the public body.

225. However, RSA 91-A:2 I would apply to any public body that had a very informal rule as well as any public body that had a very formal rule.

226. Informal rules define more groups as committees, subcommittees and subordinate bodies and require a broader access under RSA 91-A to the governmental proceedings.

227. RSA 91-A:2 II provides: “If the charter of any city or town or guidelines or rules of order of any public body require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.”

228. Only the guidelines or rules of order of the Board for electing and appointing committees, subcommittees and subordinate bodies that require a broader access take precedence over RSA 91-A.

229. Therefore, any guidelines or rules of order of the Board, such as Policy BDB, that require formal action of the Board to form a committees, subcommittee or subordinate body do not take precedence over the requirements of RSA 91-A.

230. Therefore a committee, subcommittee or subordinate body formed informally, such as without a vote, are public bodies under RSA 91-A.

231. Further, throughout this time period, the Board and Board members repeatedly acted without formal action at a posted meeting showing they did not consider formality a requirement to act.

232. Further, failure to follow the Board's own rules does not make the group something other than a committee, subcommittee or subordinate body, allowing the Board to circumvent the intent and purpose of RSA 91-A.

233. The Board violated RSA 91-A by meeting as committees, subcommittees or subordinate bodies without delegation by a vote at a posted meeting.

234. The Board violated RSA 91-A by committees, subcommittees or subordinate bodies meeting without posting notice.

235. The Board violated RSA 91-A by committees, subcommittees or subordinate bodies meeting closed to the public.

236. The Board violated RSA 91-A by committees, subcommittees or subordinate bodies meeting without making minutes available to the public.

237.The Board violated RSA 91-A by committee, subcommittee or subordinate body meetings by conference call when a quorum was not present at a single location.

6.

Identified Public Bodies

a.

The Board is a public body.

238.The Board meets the statutory definition of a public body under RSA 91-A:1-a VI (d) in that it is a board of both the Oyster River School District and School Administrative Unit #5.

b.

The PR Committee is a public body.

239.By their decision on or about May 20, 2011 the Board authorized the PR Committee as a committee, subcommittee, or subordinate body of the Board.

240.With Brackett there are 3 members of the PR Committee.

241.All members of the PR Committee are members of the Board.

242.The PR Committee is subject to the authority of the Board.

243.The PR Committee was initiated by a quorum of the Board at a Board meeting.

244.The membership of the PR Committee is consistent.

245.The meetings of the PR Committee are consistently convened for the purpose of discussing or acting upon public relations.

246.The PR Committee convened at least 4 or 5 times.

247.The PR Committee expended ORCSD district funds.

248. By their act of knowingly waiting outside the May 23, 2011 PR Committee meeting, a quorum of the Board acknowledged the unity and authority of the PR Committee to meet by themselves.

249. Whether or not Brackett is a member of the PR Committee does not change the status of the PR Committee as a committee, subcommittee, or subordinate body nor does it change the number of members constituting a quorum.

250. The PR Committee meets the statutory definition of a public body under RSA 91-A:1-a VI (d) in that it is a committee, subcommittee, or subordinate body of the Board.

251. As a committee with a quorum of 2, any convening of 2 members of the PR Committee in person or by phone or exchange of email or other means that discusses public relations satisfies the statutory definition of a meeting under RSA 91-A:2 I.

c.

The Press Committee is a public body.

252. There are 2 members of the Press Committee.

253. All members of the Press Committee are members of the Board.

254. The Press Committee is subject to the authority of the Board.

255. The Press Committee was initiated by a quorum of the Board at a public Board meeting.

256. The membership of the Press Committee is consistent.

257. The meetings of the Press Committee are consistently convened for the purpose of preparing for or talking with the press about the Board.

258. The Press Committee convened at least 2 times.

259. The Press Committee meets the statutory definition of a public body under RSA 91-A:1-a VI (d) in that it is a committee, subcommittee, or subordinate body of the Board.

260. As a committee with a quorum of 2, any convening of 2 members of the Press Committee in person or by phone or exchange of email or other means that discusses preparing for or talking with the press satisfies the statutory definition of a meeting under RSA 91-A:2 I.

d.

The Search Committee is a public body.

261. The Search Committee was initiated by a quorum of the Board at a Board meeting and subsequently extended by the Board Chairman.

262. With Kach and Turnbull there are 3 members of the Search Committee.

263. All members of the Search Committee are members of the Board.

264. The Search Committee is subject to the authority of the Board.

265. The membership of the Search Committee is consistent.

266. The meetings of the Search Committee are consistently convened for the purpose of discussing or acting upon the search for an interim superintendent.

267. The Search Committee convened at least 4 times.

268. The Search Committee meets the statutory definition of a public body under RSA 91-A:1-a VI (d) in that it is a committee, subcommittee, or subordinate body of the Board.

269. As a committee with a quorum of 2, any convening of 2 members of the Search Committee in person or by phone or exchange of email or other means that discusses the search for an interim superintendent satisfies the statutory definition of a meeting under RSA 91-A:2 I.

e.

The Manifest Committee is a public body.

270. Turnbull and Lane formed a committee, subcommittee or subordinate body of the Board concerned with reviewing manifests (the "Manifest Committee").

271. There are 2 members of the Manifest Committee.

272. All members of the Manifest Committee are members of the Board.

273. The Manifest Committee is subject to the authority of the Board.

274. The membership of the Manifest Committee is consistent.

275. The meetings of the Manifest Committee are consistently convened for the purpose of reviewing manifests.

276. The Manifest Committee convened several times.

277. The Manifest Committee meets the statutory definition of a public body under RSA 91-A:1-a VI (d) in that it is a committee, subcommittee, or subordinate body of the Board.

278. As a committee with a quorum of 2, any convening of 2 members of the Manifest Committee in person or by phone or exchange of email or other means that discusses reviewing manifests satisfies the statutory definition of a meeting under RSA 91-A:2 I.

f.

The Grievance Committee is a public body.

279. There are 3 members of the Grievance Committee.

280. All members of the Grievance Committee are members of the Board.

281. The membership of the Grievance Committee is consistent.

282.The Grievance Committee is subject to the authority of the Board.

283.The meetings of the Grievance Committee are consistently convened for the purpose of how some Board members should treat ORCSD employees.

284.The Grievance Committee convened at least 2 times.

285.The Grievance Committee meets the statutory definition of a public body under RSA 91-A: 1-a VI (d) in that it is a committee, subcommittee, or subordinate body of the Board.

286.As a committee with a quorum of 2, any convening of 2 members of the Grievance Committee in person or by phone or exchange of email or other means that discusses how some Board members should treat ORCSD employees satisfies the statutory definition of a meeting under RSA 91-A:2 I.

g.

The Legal Team and Board Committees are public bodies.

287.Each of these bodies are recorded in Brackett's redacted calendar.

288.Personal information, not related to the Board, has been redacted.

289.The items that are not redacted indicate meetings involving Brackett related to the Board.

290.Brackett scheduled several meetings at the Durham Police Station, such as the Search Committee meetings.

291.Provided that the attendees of a meeting include 2 or more Board members and the agenda or purpose of the meeting is a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power, the act of scheduling such a meeting establishes a committee, subcommittee or subordinate Body of the Board for that meeting.

292. Any group of 2 or more Board members meeting over a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power is subject to the authority of the Board and subordinate to the Board.

293. Scheduling a meeting identifies the participants at that meeting as a unit. Inviting certain members includes them in the unit and excludes other members of the Board from that unit.

294. All personal information in this calendar is redacted. [124-calendarBrackett2011-05-30-06-05.pdf , Law]

295. All members of the Legal Team are members of the Board.

296. The Legal Team is subject to the authority of the Board.

297. The Legal Team was scheduled in Brackett's redacted calendar.

298. The Legal Team meets the statutory definition of a public body under RSA 91-A:1-a VI (d) in that it is a committee, subcommittee, or subordinate body of the Board.

299. All members of the April 20, 2011 Board Committee are members of the Board.

300. The April 20, 2011 Board Committee is subject to the authority of the Board.

301. The April 20, 2011 Board Committee meets the statutory definition of a public body under RSA 91-A:1-a VI (d) in that it is a committee, subcommittee, or subordinate body of the Board.

302. All personal information in this calendar is redacted. [123-calendarBrackett2011-05-23-05-29.pdf, Law]

303. All members of the May 24, 2011 Board Committee are members of the Board.

304.The May 24, 2011 Board Committee is subject to the authority of the Board.

305.The May 24, 2011 Board Committee meets the statutory definition of a public body under RSA 91-A:1-a VI (d) in that it is a committee, subcommittee, or subordinate body of the Board.

306.All personal information in this calendar is redacted. [125-calendarBrackett2011-06-06-06-12.pdf, Law]

307.All members of the June 9, 2011 Committee are members of the Board.

308.The June 9, 2011 Committee is subject to the authority of the Board.

309.The June 9, 2011 Board Committee meets the statutory definition of a public body under RSA 91-A:1-a VI (d) in that it is a committee, subcommittee, or subordinate body of the Board.

7.

Quorum

310.Policy BB revised November 18, 2009 was in effect during the events of this case.

311.Policy BB - Legal Status provides: "The board shall consist of seven voting members...." [BB - Legal Status.code rev. 11 18 09.pdf]

312.Policy BEDD revised November 18, 2009 was in effect during the events of this case.

313.Policy BEDD - Parliamentary Procedure and Quorum provides: "A majority of the members of the board (four) shall constitute a quorum." [BEDD - Parliamentary Procedure and Quorum.code rev. 11 18 09.pdf]

314.The majority of 7 is 4.

315. A quorum of the Board for the purposes of defining a meeting under RSA 91-A:2 I is 4.

316. Policy BEDD - Parliamentary Procedure and Quorum provides: "[Robert's Rules of Order](#) shall guide the proceedings of all meetings of the board."

317. Robert's Rules of Order (1915), Article XI, Section 64 provides: "In committee of the whole the quorum is the same as in the assembly In any other committee the majority is a quorum, unless the assembly order otherwise"

318. RSA 91-A:2 I provides: "... a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members"

319. All committees in question have either 2 or 3 members.

320. The majority of 2 or 3 is 2.

321. A quorum of each of the committees in question for the purposes of defining a meeting under RSA 91-A:2 I is 2.

8.

Definition of non-meetings

322. RSA 91-A:2 I. provides a definition of a meeting as well as additional exclusions from this definition:

For the purpose of this chapter, a "meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members, whether in person, by means of telephone or electronic

communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, subject to the provisions set forth in RSA 91-A:2, III, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters. "Meeting" shall also not include:

(a) Strategy or negotiations with respect to collective bargaining;

(b) Consultation with legal counsel;

(c) A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2; or

(d) Circulation of draft documents which, when finalized, are intended only to formalize decisions previously made in a meeting; provided, that nothing in this subparagraph shall be construed to alter or affect the application of any other section of RSA 91-A to such documents or related communications.

323. A non-meeting is a convening of members of a public body that does not satisfy the definition of a meeting in RSA 91-A:2 I.

9.

Multiple meetings or sessions in a single convening.

324. The single convening of a quorum of a public body between the time they assemble until the time they disperse may meet the definition of multiple meetings or sessions under RSA 91-A with different requirements for public access.

325. The most common example is when a meeting has both a public and nonpublic session, each with different requirements under RSA 91-A.

326. Depending on the subjects, a simple change in subject can cause a change from one type of meeting or session to another with different requirements under RSA 91-A.

327. For example, a nonpublic session called under RSA 91-A:3 II (b) "The hiring of any person as a public employee" that discusses any other matter or matters over which the public body has supervision, control, jurisdiction, or advisory power is required by RSA 91-A:3 I (c) to be considered another meeting or session.

328. Similarly, a non-meeting convened under RSA 91-A:2 I (b) "Consultation with legal counsel" that is not confined to legal advice and discusses any other matter or matters over which the public body has supervision, control, jurisdiction, or advisory power is required by RSA 91-A to be considered another meeting.

329. For example, if the legal counsel left the meeting, but nothing else changed, then clearly that part of the meeting could no longer be considered "Consultation with legal counsel" and would be considered a different meeting or session under RSA 91-A if it discussed a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

330. Even if the legal counsel stayed in the room, but disengaged from the discussion, but nothing else changed, then clearly that part of the meeting could no longer be

considered “Consultation with legal counsel” and would be considered a different meeting or session under RSA 91-A if it discussed a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

331. Even if the legal counsel stayed in the room, but the discussion changed to a subject over which the legal counsel had no advice, such as a subject that was not a legal matter, but nothing else changed, then clearly that part of the meeting could no longer be considered “Consultation with legal counsel” and would be considered a different meeting or session under RSA 91-A if it discussed a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

10.

Decisions and deliberations excluded from consultation with legal counsel.

332. The authority to make decisions rests solely with the Board members acting as a unit.

333. Only duly elected or appointed members are recognized as part of the Board.

334. Only the Board members have legal authority to take part in decisions.

335. Only the Board members may take part in the deliberations that result in a decision.

336. Legal advice from legal counsel may be interspersed with a deliberation but is not itself part of that deliberation.

337. Legal counsel in this case is not a member of the Board.

338. Legal counsel in this case does not have authority to take part in decisions or deliberations.

339. Decisions and deliberations are therefore not legal advice even when they may take legal advice into consideration.

340. Decisions and deliberations are therefore not covered by “Consultation with legal counsel” and therefore may not take place at a non-meeting under RSA 91-A:2 I (b).

341. The Attorney General’s Memorandum on New Hampshire’s Right-to-Know Law, RSA Chapter 91-A, July 15, 2009, section IV. B. 3, p. 12 states: “Consultation with legal counsel should be limited to discussion of legal issues. Deliberation about the matter on which advice is sought may not occur during consultation with legal counsel. The public body must reconvene and, unless a statutory exemption allowing deliberation in non-public session exists, conduct deliberation in public session.”

342. The Board violated RSA 91-A by discussing, deliberating or deciding at private meetings with an attorney present when those discussions, deliberations or decisions were not consultation with legal counsel.

11.

Posting time for documents.

343. A file cannot be posted on the district website until after it is created.

344. The creation time within a PDF file accurately represents the actual time that file was created.

345. The creation time within a PDF file is not altered when the file is downloaded from a website.

346. If a PDF file for a notice was not created at least 24 hours before a meeting, then the notice for that meeting could not have been posted on the website at least 24 hours before the meeting.

347.If a PDF file for a notice was not created at least 72 hours before a meeting, then the notice for that meeting could not have been posted on the website at least 72 hours before the meeting.

348.If a PDF file for minutes was not created at most 72 hours after a meeting, then the minutes for that meeting could not have been posted on the website within 72 hours after the meeting.

349.If a PDF file for minutes was not created at most 5 days after a meeting, then the minutes for that meeting could not have been posted on the website within 5 days after the meeting.

12.

Evidence, information or testimony received outside posted meetings.

350.RSA 91-A:3 I (a) provides: “No session at which evidence, information, or testimony in any form is received shall be closed to the public, except as provided in paragraph II.”

351.Interviewing a candidate consultant, attorney or firm is evidence, information, or testimony.

352.Interviewing a candidate consultant, attorney or firm in a non-meeting is a violation of RSA 91-A.

353.Receiving evidence, information or testimony about an interim superintendent search in a non-meeting is a violation of RSA 91-A.

354.Receiving evidence, information or testimony about educational initiatives in a non-meeting is a violation of RSA 91-A.

355.Receiving evidence, information or testimony about public relations in a non-meeting is a violation of RSA 91-A.

356.Receiving evidence, information or testimony about press interviews in a non-meeting is a violation of RSA 91-A.

357.Interviewing a candidate employee except in a public session or nonpublic session as provided in RSA 91-A:3 II is a violation of RSA 91-A.

358.Interviewing a candidate employee in a non-meeting is a violation of RSA 91-A.

359.The Board violated RSA 91-A by receiving evidence, information or testimony at a private meeting.

13.

Communications outside of a meeting.

360.RSA 91-A:2-a I provides: "Unless exempted from the definition of "meeting" under RSA 91-A:2, I, public bodies shall deliberate on matters over which they have supervision, control, jurisdiction, or advisory power only in meetings held pursuant to and in compliance with the provisions of RSA 91-A:2, II or III.

361.RSA 91-A:2-a II provides "Communications outside a meeting, including, but not limited to, sequential communications among members of a public body, shall not be used to circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1."

362.The Board violated RSA 91-A by Brackett sequentially communicating on or around April 19, 2011 with all or a quorum of Board members and then making a decision based on those calls.

363.The deliberations and decisions outside of a posted meeting violate RSA 91-A.

364. The Attorney General's Memorandum on New Hampshire's Right-to-Know Law, RSA Chapter 91-A, July 15, 2009, section IV. A. 2, p. 6 states: "When members of a public body constituting a quorum find themselves together either coincidentally or when gathering for a purpose other than discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power, communications between the members shall not be used to circumvent the spirit and purpose of the Right-to-Know law. RSA 91-A:2-a, II. The convening of a quorum of a public body that does not have a purpose to discuss or act on business, could easily constitute a meeting. Therefore, it is very important to limit any conversation or other communication about the business of the public body. It is explicitly improper to deliberate or act on any business of the public body. RSA 91-A:2-a, II."

365. The Attorney General's Memorandum on New Hampshire's Right-to-Know Law, RSA Chapter 91-A, July 15, 2009, section IV. A. 3, p. 7 states: "E-mail use should be carefully limited to avoid an inadvertent meeting, albeit one where there is a failure to have a physical quorum at a noticed meeting place. Simultaneous e-mails sent to a quorum of a public body by a member discussing, proposing action on, or announcing how one will vote on a matter within the jurisdiction of the body would constitute an improper meeting. Sequential e-mail communications among members of a public body similarly should not be used to circumvent the public meeting requirement. For example, e-mail among a quorum of members of a public body in a manner that does not constitute contemporaneous discussion or deliberation and does not involve matters over which the body has supervision, control, jurisdiction, or advisory power does not technically constitute a meeting under the Right-to-Know law. E-mail discussions of a quorum concerning matters over which the public body

has supervision, control, jurisdiction, or advisory power would run counter to its spirit and purpose.”

14.

Violation of Article I Part 8 of the New Hampshire Constitution.

366. Part 1, Article 8, of the New Hampshire Constitution provides that all power derives from the People and that public bodies are at all times accountable to the People. This Constitutional grant ensures that the People’s right of access to governmental proceedings and records is not unreasonably restricted. This grant guarantees that government is open, accessible, accountable and responsive.

367. The failure of the Board to honor its obligations under RSA 91-A, violates Taylor’s constitutionally guaranteed rights and he has been deprived the due process of law by access to information and government proceedings guaranteed by the New Hampshire Constitution.

15.

Proving non-existence.

368. There are several facts in this case that assert that something does not exist. This includes facts about documents in Right-to-Know responses, notices, minutes, actions in the form of Board votes at posted meetings.

369. Some of these kinds of facts are admitted.

370. Some of these kinds of facts are witness testimony.

371. In general, for each of these kinds of facts, the exhibits in this case include the complete universe of documents, so that a search through this universe of documents will prove that the fact is true by not finding the item in question.

372. The exhibits include a complete set of all documents released in response to the June 20, 2011 Right-to-Know request.

373. The exhibits include a complete set of all notices for the meetings in question.

374. The exhibits include a complete set of all minutes since the formation of this Board in March 2011 through all the meetings in question.

375. This complete set of minutes can be searched to both prove that certain minutes do not exist as well as to prove that the minutes do not record an action by the Board in the form of a vote at a posted meeting.

376. Further, the August 17, 2011 collection of documents from the Defendants asserts that "Any meeting notices, agendas, or minutes for those meetings [related to the hiring of an interim superintendent] are attached."

377. Any facts about missing notices or minutes for these meetings covered in the August 17, 2011 collection are further established by not being included in this collection.

378. Further, since Policy BEDG requires all minutes to be published on the district website within 5 days, RSA 91-A is violated even if the minutes exist but are not published on the district website within 5 days.

B.

Meetings violating RSA 91-A.

March 24, 2011 Board Special Workshop

379.7 members of the Board attended the March 24, 2011 meeting.

380.A quorum of the Board attended the March 24, 2011 meeting.

381.At the March 24, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

382.The March 24, 2011 meeting is a meeting as defined by RSA 91-A.

383.The Board violated RSA 91-A by not recording the motion to adjourn.

384.The March 24, 2011 meeting violated RSA 91-A.

March 24, 2011 Brackett Call

385.Brackett violated RSA 91-A by calling attorney Kim Memmesheimer without delegated authority by a vote at a posted meeting of the Board and recorded in the minutes.

386.There is no recorded vote at a posted meeting of the Board where the Board retained attorney Kim Memmesheimer or her firm Hoefle, Phoenix, Gormley, & Roberts, P.A. [180-email2011-08-10-10-37-A.pdf]

387.The Board and Brackett violated RSA 91-A when he called attorney Kim Memmesheimer on Mar 24, 2011 with no recorded vote at a posted meeting delegating authority to Brackett to do so.

March 30, 2011 Board Special Meeting

388.7 members of the Board attended the March 30, 2011 meeting.

389.A quorum of the Board attended the March 30, 2011 meeting.

390. At the March 30, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

391. The March 30, 2011 meeting is a meeting as defined by RSA 91-A.

392. The March 30, 2011 meeting is a special meeting as defined by Policy BE.

393. The failure to list a subject for the content of this meeting in the notice violated Policy BE and RSA 91-A:2 II.

394. The failure to record nonpublic session minutes and make them open to the public violates RSA 91-A:2 II.

395. None of these subjects -- the ORHS Principal Search Committee, special education programs, Sustainability Committee, Advisory Budget Committee, etc-- were indicated in the March 30, 2011 notice.

396. The discussion of these subjects at this March 30, 2011 meeting violated RSA 91-A.

397. The March 30, 2011 meeting violates RSA 91-A:3 I (a) by not taking a vote to enter nonpublic.

398. The March 30, 2011 meeting violated RSA 91-A by not recording the vote to enter nonpublic by roll call and the result of the vote.

399. The March 30, 2011 meeting violated RSA 91-A by not recording who made a motion to enter nonpublic.

400. The March 30, 2011 meeting violated RSA 91-A by not recording who seconded a motion to enter nonpublic.

401. The March 30, 2011 meeting violated RSA 91-A by not recording a motion to enter nonpublic that states on its face the specific exemption under paragraph RSA 91-A:3 II which is relied upon as foundation for the nonpublic session.
402. The March 30, 2011 meeting violated Policy BE and RSA 91-A by not making or recording a motion to enter nonpublic that states the matter(s) to be discussed.
403. The March 30, 2011 meeting violated RSA 91-A by not recording a brief description of the subject matter discussed in nonpublic session.
404. The March 30, 2011 meeting violated RSA 91-A by not recording the motion of a final decision.
405. The March 30, 2011 meeting violated RSA 91-A by not recording the result of a final decision.
406. The Board violated RSA 91-A by not listing the subject in the notices for special meetings.
407. The Board violated RSA 91-A by considering subjects not listed in the notices for special meetings.
408. The Board violated RSA 91-A by not publishing minutes of nonpublic sessions.
409. The Board violated RSA 91-A by not recording in minutes the votes to enter nonpublic sessions, including who made, who seconded, that it was by roll call, the result, the specific RSA and the matter(s) to be discussed.
410. Even if they took a vote but did not record the vote, it violates RSA 91-A by not recording that vote, who made the motion and who seconded the motion.
411. The Board violated RSA 91-A by not recording the subjects discussed in nonpublic sessions.

412.The Board violated RSA 91-A by not recording the RSA in the motion to enter nonpublic sessions.

413.The Board violated RSA 91-A by not recording the matter(s) to be discussed in the motion to enter nonpublic sessions.

414.The Board violated RSA 91-A by not recording the motion to enter nonpublic sessions was by roll call vote.

415.The Board violated RSA 91-A by not recording final decisions.

416.The March 30, 2011 meeting violated RSA 91-A.

April 6, 2011 Board Regular Meeting

417.7 members of the Board attended the April 6, 2011 meeting.

418.A quorum of the Board attended the April 6, 2011 meeting.

419.At the April 6, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

420.The April 6, 2011 meeting is a meeting as defined by RSA 91-A.

421.The April 6, 2011 meeting violated Policy BE and RSA 91-A by not recording or stating the matter(s) to be discussed in a motion to enter nonpublic session.

422.The April 6, 2011 meeting violated RSA 91-A by not taking or recording the vote to enter nonpublic by roll call.

423.The April 6, 2011 meeting violated RSA 91-A.

April 11, 2011 Board Special Meeting

424.7 members of the Board attended the April 11, 2011 meeting.

425.A quorum of the Board attended the April 11, 2011 meeting.

426.At the April 11, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

427.The April 11, 2011 meeting is a meeting as defined by RSA 91-A:2 I.

428.The April 11, 2011 meeting is a special meeting as defined by Policy BE.

429.The April 11, 2011 meeting violated RSA 91-A:2 II by not recording and making open to the public minutes for a public session.

430.It is a violation of RSA 91-A for the April 11, 2011 meeting minutes to not be posted on the district website within 5 days.

431.The April 11, 2011 meeting violated RSA 91-A by not recording a brief description of the subject matter discussed in public session.

432.The April 11, 2011 meeting violated RSA 91-A by not recording a list all attendees in a nonpublic session.

433.The April 11, 2011 meeting violated Policy BE and RSA 91-A by not recording or stating the matter(s) to be discussed in a motion to enter nonpublic session.

434.The April 11, 2011 meeting violated RSA 91-A by not taking or recording the vote to enter nonpublic by roll call.

435.The April 11, 2011 meeting violated RSA 91-A by not recording the result of the vote to enter nonpublic session.

436. A discussion of the process of nomination and election and whether the Board would be able to deliberate prior to a nomination is not confined to the matter of RSA 91-A:3 II (b) "The hiring of any person as a public employee."

437. The April 11, 2011 meeting violated RSA 91-A by not confining discussions held and decisions made during nonpublic session to the matters set out in the motion to enter nonpublic session.

438. The April 11, 2011 meeting violated RSA 91-A by not recording a the motion of a final decision.

439. The April 11, 2011 meeting violated RSA 91-A by not recording a the result of a final decision.

440. The Board violated RSA 91-A by not publishing minutes of public sessions.

441. The Board violated RSA 91-A by not recording the subjects discussed in public sessions.

442. The Board violated RSA 91-A by not recording all members who attended and all those who appeared before the Board.

443. The Board violated RSA 91-A by not confining nonpublic session to the RSA stated in the motion.

444. The April 11, 2011 meeting violated RSA 91-A.

April 13, 2011 Board Special Meeting

445. 7 members of the Board attended this April 13, 2011 meeting.

446. A quorum of the Board attended the April 13, 2011 meeting.

447. At the April 13, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

448. The April 13, 2011 meeting is a meeting as defined by RSA 91-A.

449. The April 13, 2011 meeting is a special meeting as defined by Policy BE.

450. Editing a public statement is not confined to RSA 91-A:3 II (c).

451. The Board violated RSA 91-A by discussing subjects not covered by RSA 91-A:3 II.

452. The April 13, 2011 meeting violated RSA 91-A.

April 14, 2011 ORHS Principal Search Committee Meeting

453. A quorum of the Board attended the April 14, 2011 meeting.

454. At the April 14, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

455. The April 14, 2011 meeting is a meeting as defined by RSA 91-A.

456. The April 14, 2011 meeting is a special meeting as defined by Policy BE.

457. Sequentially, 4 members of the Board attended this April 14, 2011 meeting.

458. The search for the ORHS principal is a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

459. If these 4 members had convened contemporaneously, this would meet the definition of meeting under RSA 91-A:2 I and would have required greater public access to this meeting.

460. The sequential convening of 4 members, 3 at a time, was used to circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

461. This April 14, 2011 meeting violated RSA 91-A:2-a II.

462. The Board violated RSA 91-A by sequentially attending a meeting that was not noticed and not open to the public.

463. The April 14, 2011 meeting violated RSA 91-A.

464. The April 14, 2011 ORHS Search Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

April 20, 2011 Board Committee Meeting

465. A quorum of a committee, subcommittee or subordinate body attended the April 20, 2011 meeting.

466. At the April 20, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

467. The April 20, 2011 meeting is a meeting as defined by RSA 91-A.

468. The April 20, 2011 meeting violated RSA 91-A.

469. The Board treated the April 20, 2011 meeting as excluded by RSA 91-A:2 I.

470. The April 20, 2011 Board committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

April 21, 2011 Board Meeting with Legal Counsel

471.7 members of the Board attended this April 21, 2011 meeting.

472.A quorum of the Board attended the April 21, 2011 meeting.

473.At the April 21, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

474.Part of the April 21, 2011 meeting is a meeting as defined by RSA 91-A.

475.Part of the April 21, 2011 meeting is not defined as a meeting as excluded by RSA 91-A:2 I (b).

476.The minutes for this April 21, 2011 meeting do not record the reason Butts participated by phone.

477.The minutes for this April 21, 2011 meeting do not record Butts identifying the persons present in the location from which she was participating.

478.The fee schedule for attorneys is not legal advise.

479.Interviewing an attorney and receiving information about their fee schedule did not occur at a public meeting.

480.Discussing fee schedule is not consultation with legal counsel since the fee schedule itself is not a legal issue.

481.The Board deliberation and decision to accept the fee schedule for the attorneys and to be represented by them did not occur at a posted meeting.

482.It is a violation of RSA 91-A to discuss the fee schedule for attorneys except at public meeting.

483.The selection of attorneys is not legal advise.

484.It is a violation of RSA 91-A to discuss the selection of attorneys except at a posted meeting.

485.The April 21, 2011 meeting violated RSA 91-A.

486.The Board treated all parts of the April 21, 2011 meeting as excluded by RSA 91-A:2 I (b).

487.The April 21, 2011 Board meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

April 27, 2011 Board Meeting with Legal Counsel

488.7 members of the Board attended this April 27, 2011 meeting.

489.A quorum of the Board attended the April 27, 2011 meeting.

490.At the April 27, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

491.The April 27, 2011 meeting is not defined as a meeting as excluded by RSA 91-A:2 I (b).

492.The emails arranging this April 27, 2011 meeting are known to exist and are within the scope of the June 20, 2011 request.

493.It is a violation of RSA 91-A to not release these emails arranging the April 27, 2011 meeting in response to the June 20, 2011 request.

494.The April 27, 2011 Board meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

April 29, 2011 Board Meeting with Legal Counsel

495.6 members of the Board attended this April 29, 2011 meeting.

496.A quorum of the Board attended the April 29, 2011 meeting.

497.At the April 29, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

498.Part of the April 29, 2011 meeting is a meeting as defined by RSA 91-A.

499.Part of the April 29, 2011 meeting is not defined as a meeting as excluded by RSA 91-A:2 I (b).

500.The Board deliberation about alternatives in the Superintendents contract and decision to consummate a separation agreement did not occur at a posted meeting.

501.The Board deliberation about alternatives in the Superintendents contract and decision on how to contact Superintendent Colter and get contact information about his attorney did not occur at a posted meeting.

502.The Board deliberation about terms of the separation agreement and decision to pay Superintendent Colter in full did not occur at a posted meeting.

503.The April 29, 2011 meeting violated RSA 91-A.

504.The Board treated all parts of the April 29, 2011 meeting as excluded by RSA 91-A:2 I (b).

505.The April 29, 2011 Board meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

May 6, 2011 Grievance Committee Meeting

506.3 members of the Grievance Committee attended this May 6, 2011 meeting.

507.This May 6, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

508.This May 6, 2011 meeting was not convened by or under the authority of ORCSD administration.

509.A quorum of a committee, subcommittee or subordinate body attended the May 6, 2011 meeting.

510.At the May 6, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

511.The May 6, 2011 meeting is a meeting as defined by RSA 91-A.

512.The Grievance Committee deliberation and decision on how to change how Board members treat ORCSD employees did not occur at a public meeting.

513.The May 6, 2011 meeting violated RSA 91-A.

514.The Board treated the May 6, 2011 meeting as excluded by RSA 91-A:2 I.

515.The May 6, 2011 Grievance Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

May 11, 2011 Regular Board Meeting

516.7 members of the Board attended this May 11, 2011 meeting.

517.A quorum of the Board attended the May 11, 2011 meeting.

518. At the May 11, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

519. The May 11, 2011 meeting is a meeting as defined by RSA 91-A.

520. The May 11, 2011 meeting violated RSA 91-A.

May 16, 2011 Grievance Committee Meeting

521. At least 2 members of the Grievance Committee attended this May 16, 2011 meeting.

522. A quorum of a committee, subcommittee or subordinate body attended the May 16, 2011 meeting.

523. This May 16, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

524. At the May 16, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

525. This May 16, 2011 meeting was not convened by or under the authority of ORCSD administration.

526. The May 16, 2011 meeting is a meeting as defined by RSA 91-A.

527. The May 16, 2011 meeting violated RSA 91-A.

528. The Board treated the May 16, 2011 meeting as excluded by RSA 91-A:2 I.

529.The May 16, 2011 Grievance Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

May 20, 2011 Board Meeting with Legal Counsel

530.7 members of the Board attended this May 20, 2011 meeting.

531.A quorum of the Board attended the May 20, 2011 meeting.

532.At the May 20, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

533.Part of the May 20, 2011 meeting is a meeting as defined by RSA 91-A.

534.Part of the May 20, 2011 meeting is not defined as a meeting as excluded by RSA 91-A:2 I (b).

535.The Board deliberation and decision to include a press release in the separation agreement did not occur at a posted meeting.

536.The Board deliberation and decision to search for a public relations firm to help with the press release for the separation agreement did not occur at a posted meeting.

537.The Board deliberation and decision to delegate to Turnbull and O'Quinn to work on public relations did not occur at a posted meeting.

538.The Board deliberation and decision to begin the search for an interim superintendent did not occur at a posted meeting.

539.The Board deliberation and decision to delegate to Brackett to search for an interim superintendent did not occur at a posted meeting.

540. The May 20, 2011 meeting violated RSA 91-A.

541. The Board treated all parts of the May 20, 2011 meeting as excluded by RSA 91-A:2 I (b).

542. The May 20, 2011 Board meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

May 22, 2011 PR Committee Meeting

543. 3 members of the PR Committee attended this May 22, 2011 meeting.

544. A quorum of a committee, subcommittee or subordinate body attended the May 22, 2011 meeting.

545. This May 22, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

546. At the May 22, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

547. The May 22, 2011 meeting is a meeting as defined by RSA 91-A.

548. The PR Committee interview of Arthur "Skip" Hanson as a candidate consulting firm did not occur at a public meeting.

549. The PR Committee interview of Duke Albanese as a candidate consulting firm did not occur at a public meeting.

550.The PR Committee deliberation and decision to work with Arthur “Skip” Hanson and/or Duke Albanese did not occur at a posted meeting.

551.The PR Committee deliberation and decision to consider Rhoades Alderson of the New Harbor Group as a candidate public relations firm did not occur at a posted meeting.

552.The May 22, 2011 meeting violated RSA 91-A.

553.The Board treated the May 22, 2011 meeting as excluded by RSA 91-A:2 I.

554.The May 22, 2011 PR Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

555.No documents arranging this May 22, 2011 meeting were released prior to this lawsuit.

May 23, 2011 PR Committee Meeting

556.3 members of the PR Committee attended this first May 23, 2011 PR Committee meeting.

557.A quorum of a committee, subcommittee or subordinate body attended the first May 23, 2011 meeting.

558.This May 23, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

559.At the first May 23, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

560.The PR Committee interview of Raymond Mitchell as a candidate public relations firm did not occur at a public meeting.

561.The PR Committee interviewed 2 public relations firms at 2 separate meetings including this meeting on May 23, 2011 with Kim Memmesheimer and the meeting on May 27, 2011 without Kim Memmesheimer.

562.Clearly, Kim Memmesheimer was not necessary for the interviews of these public relations firms.

563.An interview of a public relations firm is not legal advice.

564.At least a part of the first May 23, 2011 meeting is a meeting as defined by RSA 91-A.

565.The PR Committee or Board deliberation and decision on a plan for public relations did not occur at a posted meeting.

566.The first May 23, 2011 meeting violated RSA 91-A.

567.The Board treated the first May 23, 2011 meeting as excluded by RSA 91-A:2 I.

568.The May 23, 2011 PR Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

May 23, 2011 Board Meeting with Legal Counsel

569.6 members of the Board attended this May 23, 2011 Board meeting.

570.A quorum of the Board attended the second May 23, 2011 meeting.

571. At the second May 23, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

572. Part of the second May 23, 2011 meeting is a meeting as defined by RSA 91-A.

573. Part of the second May 23, 2011 meeting is not defined as a meeting as excluded by RSA 91-A:2 I (b).

574. The Board deliberation and decision to not select Raymond Mitchell for public relations did not occur at a posted meeting.

575. The second May 23, 2011 meeting violated RSA 91-A.

576. The Board treated all parts of the May 23, 2011 meeting as excluded by RSA 91-A:2 I (b).

577. The May 23, 2011 Board meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

May 24, 2011 Board Committee Meeting

578. A quorum of a committee, subcommittee or subordinate body attended the May 24, 2011 meeting.

579. This May 24, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

580. At the May 24, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

581. The May 24, 2011 meeting is a meeting as defined by RSA 91-A.

582. The May 24, 2011 meeting violated RSA 91-A.

583. The Board treated the May 24, 2011 meeting as excluded by RSA 91-A:2 I.

584. The May 24, 2011 Board Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

May 27, 2011 PR Committee Meeting

585. 3 members of the PR Committee attended this May 27, 2011 PR Committee meeting.

586. A quorum of a committee, subcommittee or subordinate body attended the May 27, 2011 meeting.

587. This May 27, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

588. At the May 27, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

589. The May 27, 2011 meeting is a meeting as defined by RSA 91-A.

590.The PR Committee interview of Rhoades Alderson as a candidate public relations firm did not occur at a public meeting.

591.The PR Committee deliberation and decision to work with Rhoades Alderson for public relations did not occur at a posted meeting.

592.The PR Committee deliberation and decision to work with Rhoades Alderson on the press release for the separation agreement did not occur at a posted meeting.

593.The PR Committee deliberation and decision how to respond to the letter from the ORHS Senior Student Senate did not occur at a posted meeting.

594.The PR Committee deliberation and decision to delegate to O'Quinn to draft a letter to the ORHS Senior Student Senate did not occur at a posted meeting.

595.The PR Committee deliberation and decision that Rhoades Alderson would review the draft letter to the ORHS Senior Student Senate did not occur at a posted meeting.

596.The May 27, 2011 meeting violated RSA 91-A.

597.The Board treated the May 27, 2011 meeting as excluded by RSA 91-A:2 I.

598.The May 27, 2011 PR Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

June 3, 2011 Legal Team Meeting

599.A quorum of a committee, subcommittee or subordinate body attended the June 3, 2011 meeting.

600. This June 3, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

601. At the June 3, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

602. The June 3, 2011 meeting is a meeting as defined by RSA 91-A.

603. The June 3, 2011 meeting violated RSA 91-A.

604. The Board treated the June 3, 2011 meeting as excluded by RSA 91-A:2 I.

605. The June 3, 2011 Legal Team meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

June 6, 2011 Search Committee Meeting

606. 3 members of the Search Committee attended this June 6, 2011 meeting.

607. A quorum of a committee, subcommittee or subordinate body attended the June 6, 2011 meeting.

608. This June 6, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

609. At the June 6, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

610. The June 6, 2011 meeting is a meeting as defined by RSA 91-A.

611. The Search Committee interview of Arthur "Skip" Hanson for interim superintendent did not occur at a posted meeting.

612. The receipt by the Search Committee of information about the interim superintendent search process from Arthur "Skip" Hanson did not occur at a public meeting.

613. The Search Committee deliberation and decision to keep Arthur "Skip" Hanson as a candidate for interim superintendent did not occur at a posted meeting.

614. The Search Committee or Brackett deliberation and decision to interview other candidates for interim superintendent after Arthur "Skip" Hanson did not occur at a posted meeting.

615. The June 6, 2011 meeting violated RSA 91-A.

616. The Board treated the June 6, 2011 meeting as excluded by RSA 91-A:2 I.

617. The June 6, 2011 Search Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

June 8, 2011 Special Board Meeting

618. 7 members of the Board attended this first June 8, 2011 special Board meeting.

619. A quorum of the Board attended the first June 8, 2011 meeting.

620. At the first June 8, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

621. The first June 8, 2011 meeting is a meeting as defined by RSA 91-A.

622. The first June 8, 2011 meeting is a special meeting as defined by Policy BE.

623. The notice PDF file was created less than 34 hours before the June 8, 2011 special Board meeting.

624. The notice for this June 8, 2011 special Board meeting was not posted 72 hours beforehand.

625. The first June 8, 2011 meeting violated RSA 91-A.

June 8, 2011 Special Board Workshop

626. 7 members of the Board attended this second June 8, 2011 special workshop meeting.

627. A quorum of the Board attended the second June 8, 2011 meeting.

628. At the second June 8, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

629. The second June 8, 2011 meeting is a meeting as defined by RSA 91-A.

630. The second June 8, 2011 meeting is a special meeting as defined by Policy BE.

631. The second June 8, 2011 meeting is a workshop as defined by Policy BE.

632. The second June 8, 2011 meeting violated RSA 91-A.

June 9, 2011 Board Committee Meeting

633. A quorum of a committee, subcommittee or subordinate body attended the June 9, 2011 meeting.

634. This June 9, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

635. At the June 9, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

636. The June 9, 2011 meeting is a meeting as defined by RSA 91-A.

637. The June 9, 2011 meeting violated RSA 91-A.

638. The Board treated the June 9, 2011 meeting as excluded by RSA 91-A:2 I.

639. The June 9, 2011 Board Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

June 10, 2011 Search Committee Meeting

640. 3 members of the Search Committee attended this June 10, 2011 meeting.

641. A quorum of a committee, subcommittee or subordinate body attended the June 10, 2011 meeting.

642. This June 10, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

643. At the June 10, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

644. The June 10, 2011 meeting is a meeting as defined by RSA 91-A.

645. The Search Committee interview of 1 or 2 unnamed candidates for interim superintendent did not occur at a posted meeting.

646. The receipt by the Search Committee of information about the interim superintendent search process from 1 or 2 unnamed candidates for interim superintendent did not occur at a public meeting.

647. The Search Committee deliberation and decision whether to keep 1 or 2 unnamed candidates as a candidate for interim superintendent did not occur at a posted meeting.

648. The June 10, 2011 meeting violated RSA 91-A.

649. The Board treated the June 10, 2011 meeting as excluded by RSA 91-A:2 I.

650. The June 10, 2011 Search Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

June 13, 2011 Search Committee Meeting

651.3 members of the Search Committee attended this first June 13, 2011 Search Committee meeting.

652. A quorum of a committee, subcommittee or subordinate body attended the first June 13, 2011 meeting.

653. This first June 13, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

654. At the first June 13, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

655. The first June 13, 2011 meeting is a meeting as defined by RSA 91-A.

656. The Search Committee interview of 1 unnamed candidate for interim superintendent did not occur at a posted meeting.

657. The receipt by the Search Committee of information about the interim superintendent search process from 1 unnamed candidate for interim superintendent did not occur at a public meeting.

658. The Search Committee deliberation and decision whether to keep 1 unnamed candidate as a candidate for interim superintendent did not occur at a posted meeting.

659. The first June 13, 2011 meeting violated RSA 91-A.

660. The Board treated the first June 13, 2011 meeting as excluded by RSA 91-A:2 I.

661. The June 13, 2011 Search Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

June 13, 2011 Board Meeting with Legal Counsel

662.6 members of the Board attended this June 13, 2011 Board meeting.

663. A quorum of the Board attended the second June 13, 2011 meeting.

664. At the second June 13, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

665. Part of the second June 13, 2011 meeting is a meeting as defined by RSA 91-A.

666. Part of the second June 13, 2011 meeting is not defined as a meeting as excluded by RSA 91-A:2 I (b).

667. The Board deliberation and decision to hold finalist interviews for interim superintendent in nonpublic session did not occur at a posted meeting.

668. The Board deliberation and decision to write public relations documents like a list of frequently asked questions (FAQs) or other statements did not occur at a posted meeting.

669. The Board deliberation and decision how to announce the separation agreement did not occur at a posted meeting.

670. The Board deliberation and decision how to announce the interim superintendent search such as the timing of the announcement did not occur at a posted meeting.

671. Decisions about public relations and announcements are not legal advice.

672. The second June 13, 2011 meeting violated RSA 91-A.

673. The Board treated all parts of the June 13, 2011 meeting as excluded by RSA 91-A:2 I (b).

674. The June 13, 2011 Board meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

June 14, 2011 Search Committee Meeting

675.2 members of the Search Committee attended this first June 14, 2011 meeting.

676.A quorum of a committee, subcommittee or subordinate body attended the first June 14, 2011 meeting.

677.This first June 14, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

678.At the first June 14, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

679.The first June 14, 2011 meeting is a meeting as defined by RSA 91-A.

680.The receipt by the Search Committee of information about the interim superintendent search process from Dr. Lyonel Tracy did not occur at a public meeting.

681.The receipt by the Search Committee of information about educational initiatives from Dr. Lyonel Tracy did not occur at a public meeting.

682.The Search Committee deliberation and decision whether to change the interim search process such as whether to consider additional candidates or how to conduct interviews did not occur at a public meeting.

683.The first June 14, 2011 meeting violated RSA 91-A.

684.The Board treated the first June 14, 2011 meeting as excluded by RSA 91-A:2 I.

685.The June 14, 2011 Search Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

June 14, 2011 PR Committee Meeting

686.At least 2 members of the PR committee attended the June 14, 2011 or before meeting

687.A quorum of a committee, subcommittee or subordinate body attended the second June 14, 2011 or before meeting.

688.This second June 14, 2011 or before meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

689.At the second June 14, 2011 or before meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

690.The second June 14, 2011 or before meeting is a meeting as defined by RSA 91-A.

691.The second June 14, 2011 or before meeting violated RSA 91-A.

692.The Board treated the second June 14, 2011 or before meeting as excluded by RSA 91-A:2 I.

693.The June 14, 2011 PR Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

June 15, 2011 Regular Board Meeting

694.7 members of the Board attended this June 15, 2011 meeting.

695. A quorum of the Board attended the June 15, 2011 meeting.

696. At the June 15, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

697. The June 15, 2011 meeting is a meeting as defined by RSA 91-A.

698. The June 15, 2011 nonpublic minutes with the dollar amount were not published until at least 164 hours after the nonpublic meeting.

699. The June 15, 2011 nonpublic minutes with the dollar amount were not published within 72 hours.

700. Prior to this separation agreement and announcement of the agreement, the Board had deliberated and made many decisions leading up to the buyout of Superintendent Colter's contract.

701. The Board had hired or established relationships with professionals, including an attorney, to advise them in that matter.

702. At this June 15, 2011 meeting or any other posted meeting there was no deliberation or decision to hire an interim superintendent prior to the announcement.

703. This delegation on June 15, 2011 occurred after the Search Committee had met on at least 4 occasions.

704. As a result of the informality of the June 15, 2011 delegation to the Press Committee, the minutes do not adequately record this delegation, making it hard for citizens to know that this delegation occurred.

705. The June 15, 2011 meeting violated RSA 91-A.

June 20, 2011 Special Board Meeting

706.7 members of the Board attended this first June 20, 2011 meeting.

707.A quorum of the Board attended the first June 20, 2011 meeting.

708.At the first June 20, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

709.The first June 20, 2011 meeting is a meeting as defined by RSA 91-A.

710.The first June 20, 2011 meeting is a special meeting as defined by Policy BE.

711.The first June 20, 2011 meeting violated RSA 91-A.

June 20, 2011 Special Board Workshop

712.7 members of the Board attended this second June 20, 2011 meeting.

713.A quorum of the Board attended the second June 20, 2011 meeting.

714.At the second June 20, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

715.The second June 20, 2011 meeting is a meeting as defined by RSA 91-A.

716.The second June 20, 2011 meeting is a special meeting as defined by Policy BE.

717.The second June 20, 2011 meeting is a workshop as defined by Policy BE.

718.The second June 20, 2011 meeting violated RSA 91-A.

June 21, 2011 Press/PR Committee Meeting

719.This June 21, 2011 conference call convened Press Committee members Butts and O'Quinn.

720.This June 21, 2011 conference call also convened PR Committee members O'Quinn and
Turnbull.

721.A quorum of the Press Committee attended the June 21, 2011 meeting.

722.A quorum of the PR Committee attended the June 21, 2011 meeting.

723.This June 21, 2011 meeting was convened for the purpose of discussing or acting upon a
matter or matters over which the public body has supervision, control, jurisdiction, or
advisory power.

724.At the June 21, 2011 meeting, the 1 or 2 committees, subcommittees or subordinate bodies
discussed or acted upon a matter or matters over which the 1 or 2 committees,
subcommittees or subordinate bodies have supervision, control, jurisdiction, or
advisory power.

725.The June 21, 2011 meeting is a meeting as defined by RSA 91-A.

726.The June 21, 2011 meeting violated RSA 91-A.

727.The Press Committee expended ORCSD district funds.

728.The June 21, 2011 Press Committee meeting satisfies the scope of the June 20, 2011 Right-to-
Know request.

729.The Board treated the June 21, 2011 meeting as excluded by RSA 91-A:2 I.

730.The June 21, 2011 PR Committee meeting satisfies the scope of the June 20, 2011 Right-to-
Know request.

June 27, 2011 Press Committee Meeting

731.7 members of the Press Committee attended this second June 27, 2011 meeting.

732.A quorum of a committee, subcommittee or subordinate body attended the second June 27, 2011 meeting.

733.This June 27, 2011 meeting was convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

734.At the first June 27, 2011 meeting, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

735.The first June 27, 2011 meeting is a meeting as defined by RSA 91-A.

736.The first June 27, 2011 meeting violated RSA 91-A.

737.The Board treated the first June 27, 2011 meeting as excluded by RSA 91-A:2 I.

738.The June 27, 2011 Press Committee meeting satisfies the scope of the June 20, 2011 Right-to-Know request.

June 27, 2011 Special Board Meeting

739.6 members of the Board attended this June 27, 2011 meeting.

740.A quorum of the Board attended the second June 27, 2011 meeting.

741.Not all members were at this June 27, 2011 meeting.

742. At the second June 27, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

743. The second June 27, 2011 meeting is a meeting as defined by RSA 91-A.

744. The second June 27, 2011 meeting is a special meeting as defined by Policy BE.

745. This June 27, 2011 meeting is a special meeting as defined by Policy BE - School Board Meetings.

746. This June 27, 2011 meeting required 72 hours notice by Policy BE.

747. A grievance is not confined to the matter of RSA 91-A:3 II (b) "The hiring of any person as a public employee."

748. The discussion of a grievance in a nonpublic session entered only under RSA 91-A:3 II (b) violates RSA 91-A:3 I (c) "All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion."

749. The second June 27, 2011 meeting violated RSA 91-A.

June 28, 2011 Special Board Meeting

750. 5 members of the Board attended this June 28, 2011 meeting.

751. A quorum of the Board attended the June 28, 2011 meeting.

752. At the June 28, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

753. The June 28, 2011 meeting is a meeting as defined by RSA 91-A.

754.The June 28, 2011 meeting is a special meeting as defined by Policy BE.

755.The notice PDF file was created less than 24 hours before the June 28, 2011 meeting.

756.The notice for this June 28, 2011 meeting was not posted 24 hours beforehand.

757.The notice for this June 28, 2011 meeting was not posted 72 hours beforehand.

758.A discussion of scheduling additional interviews later in the week is not confined to the matter of RSA 91-A:3 II (b) "The hiring of any person as a public employee."

759.The June 28, 2011 meeting violated RSA 91-A.

June 30, 2011 Special Board Meeting

760.5 members of the Board attended this June 30, 2011 meeting.

761.A quorum of the Board attended the June 30, 2011 meeting.

762.At the June 30, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

763.The June 30, 2011 meeting is a meeting as defined by RSA 91-A.

764.The June 30, 2011 meeting is a special meeting as defined by Policy BE.

765.Not all members were at this June 30, 2011 meeting.

766.The notice PDF file was created less than 26 hours before the June 30, 2011 meeting.

767.The notice for this June 30, 2011 meeting was not posted 72 hours beforehand.

768.The June 30, 2011 meeting violated RSA 91-A.

July 5, 2011 Special Board Meeting

769.7 members of the Board attended this second July 5, 2011 meeting.

770.A quorum of the Board attended the July 5, 2011 meeting.

771.At the July 5, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

772.The July 5, 2011 meeting is a meeting as defined by RSA 91-A.

773.The July 5, 2011 meeting is a special meeting as defined by Policy BE.

774.The July 5, 2011 meeting violated RSA 91-A.

July 6, 2011 Special Board Meeting

775.7 members of the Board attended this second July 6, 2011 meeting.

776.A quorum of the Board attended the July 6, 2011 meeting.

777.At the July 6, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

778.The July 6, 2011 meeting is a meeting as defined by RSA 91-A.

779.The July 6, 2011 meeting is a special meeting as defined by Policy BE.

780.The notice PDF file was created less than 25 hours before the July 6, 2011 meeting.

781.The notice for this July 6, 2011 meeting was not posted 72 hours beforehand.

782.The minutes PDF file was created more than 13 days after the July 6, 2011 meeting.

783.The minutes for this July 6, 2011 meeting were not posted to the district website within 5 days.

784.It is a violation of RSA 91-A for the July 6, 2011 meeting minutes to not be posted on the district website within 5 days.

785.The vote giving Brackett authority to negotiate the terms of the contract on July 6, 2011 demonstrates the Board knows that negotiating the terms of the contract is a act that warrants delegation by a vote at a posted meeting under Policy BBAA and RSA 91-A.

786.The vote giving Brackett authority to finalize and publish a press release on July 6, 2011 demonstrates the Board knows that working on a press release is a act that warrants delegation by a vote at a posted meeting under Policy BBAA and RSA 91-A.

787.The votes on July 6, 2011 demonstrate the Board knows how to delegate authority to a Board member by a vote at a posted meeting as required by Policy BBAA and RSA 91-A.

788.The July 6, 2011 meeting violated RSA 91-A.

July 13, 2011 Special Board Meeting

789.4 members of the Board attended this second July 13, 2011 meeting.

790.A quorum of the Board attended the July 13, 2011 meeting.

791.At the July 13, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

792.The July 13, 2011 meeting is a meeting as defined by RSA 91-A.

793.The July 13, 2011 meeting is a special meeting as defined by Policy BE.

794.The notice PDF file was created less than 33 hours before the July 13, 2011 meeting.

795.The July 13, 2011 notice was posted fewer than 72 hours beforehand.

796.The July 13, 2011 meeting violated RSA 91-A.

July 20, 2011 Regular Board Meeting

797.7 members of the Board attended this second July 20, 2011 meeting.

798.A quorum of the Board attended the July 20, 2011 meeting.

799.At the July 20, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

800.The July 20, 2011 meeting is a meeting as defined by RSA 91-A.

801.The July 20, 2011 meeting violated RSA 91-A.

July 27, 2011 Special Board Workshop Meeting

802.7 members of the Board attended this second July 27, 2011 meeting.

803.A quorum of the Board attended the July 27, 2011 meeting.

804.At the July 27, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

805.The July 27, 2011 meeting is a meeting as defined by RSA 91-A.

806.The July 27, 2011 meeting is a special meeting as defined by Policy BE.

807.The July 27, 2011 meeting is a workshop as defined by Policy BE.

808.The notice PDF file was created less than 56 hours before the July 27, 2011 meeting.

809.The July 27, 2011 notice was posted fewer than 72 hours beforehand.

810.The July 27, 2011 meeting violated RSA 91-A.

August 5, 2011 Special Board Workshop Meeting

811.7 members of the Board attended this August 5, 2011 meeting.

812.A quorum of the Board attended the August 5, 2011 meeting.

813.At the August 5, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

814.The August 5, 2011 meeting is a meeting as defined by RSA 91-A.

815.The August 5, 2011 meeting is a special meeting as defined by Policy BE.

816.The August 5, 2011 meeting is a workshop as defined by Policy BE.

817.The notice PDF file was created less than 56 hours before the August 5, 2011 meeting.

818.The August 5, 2011 notice was posted fewer than 72 hours beforehand.

819.The August 5, 2011 meeting violated RSA 91-A.

September 7, 2011 Regular Board Meeting

820.7 members of the Board attended this September 7, 2011 meeting.

821.A quorum of the Board attended the September 7, 2011 meeting.

822.At the September 7, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

823.The September 7, 2011 meeting is a meeting as defined by RSA 91-A.

824.The minutes PDF file was created more than 319 hours after the September 7, 2011 meeting.

825.The September 7, 2011 nonpublic minutes were not published within 72 hours.

826.The September 7, 2011 meeting violated RSA 91-A.

September 12, 2011 Board Meeting with Legal Counsel

827.7 members of the Board attended this September 12, 2011 meeting.

828.A quorum of the Board attended the September 12, 2011 meeting.

829.At the September 12, 2011 meeting, the Board discussed or acted upon a matter or matters over which the Board has supervision, control, jurisdiction, or advisory power.

830.Part of the September 12, 2011 meeting is a meeting as defined by RSA 91-A.

831.Part of the September 12, 2011 meeting is not defined as a meeting as excluded by RSA 91-A:
2 I (b).

832.The Board deliberation and decision not to settle the present case out of court did not occur at a posted meeting.

833.The September 12, 2011 meeting violated RSA 91-A.

Manifest Committee Meetings

834.2 members of the Manifest Committee attend each meeting.

835.A quorum of a committee, subcommittee or subordinate body attend the numerous Manifest Committee meetings before most regular Board meetings.

836.The Manifest Committee meetings are convened for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power.

837.At the Manifest Committee meetings, the committee, subcommittee or subordinate body discussed or acted upon a matter or matters over which the committee, subcommittee or subordinate body has supervision, control, jurisdiction, or advisory power.

838.The Manifest Committee meetings are meetings as defined by RSA 91-A.

839.The Manifest Committee meetings violated RSA 91-A.

840.The Board treated the Manifest Committee meetings as excluded by RSA 91-A:2 I.

841.All meetings of the Manifest Committee satisfy the scope of the June 20, 2011 Right-to-Know request.

842.Due to the failure of the Board to recognize these meetings of committees, subcommittees and subordinate bodies as meetings of public bodies, we cannot know if there are other meetings that satisfy the scope of the June 20, 2011 Right-to-Know request.

C.

Failure to respond to the June 20, 2011 Right-to-Know request.

1.

Non-Meetings intended by the June 20, 2011 Right-to-Know request.

843.The June 20, 2011 Right-to-Know request was made by Taylor.

844.It is Taylor's meaning of the term "non-meeting" that is relevant.

845. Taylor was motivated in part by the public allegation of a "committee," later identified by Taylor as the Search Committee, at the Durham Police Station on June 10, 2011.

846. Meetings like the June 10, 2011 meeting had not had notice or minutes and were not open to the public and therefore were presumed to be considered by the Board as excluded from the definition of a meeting under RSA 91-A:2 I.

847. Taylor intended the word "non-meeting" to include these kinds of meetings.

848. Taylor has repeatedly clarified this intent in communications with the Board and their counsel.

849. The particular rationale for the exclusion from RSA 91-A:2 I is not relevant since the request does not limit the kinds of non-meetings.

850. Meetings excluded under RSA 91-A:2 I because they are convening less than a quorum are non-meetings.

851. Meetings excluded under RSA 91-A:2 I because they are a "chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters" are non-meetings.

852. Meetings excluded under RSA 91-A:2 I (a) "Strategy or negotiations with respect to collective bargaining" are non-meetings.

853. Meetings excluded under RSA 91-A:2 I (b) "Consultation with legal counsel" are non-meetings.

854. Meetings excluded under RSA 91-A:2 I (d) "Circulation of draft documents" are non-meetings.

855. Meetings that were conducted as if they were excluded under RSA 91-A:2, even if that exclusion violated RSA 91-A are non-meetings within the scope of the June 20, 2011 Right-to-Know request.

856. Establishing which meetings were excluded under RSA 91-A:2 or treated as excluded is essential to establishing whether the June 20, 2011 request was responded to.

2.

Documents about arranging non-meetings and selecting an attorney are governmental records.

857. RSA 91-A:1-a III provides: "'Governmental records" means any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term "governmental records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term "governmental records" shall also include the term "public records."'

858. A significant portion of RSA 91-A is concerned with meetings and how they should be conducted.

859. Clearly, meetings are the principal means by which public bodies conduct their official business.

860. Arranging those meetings is in furtherance of its official function.

861. Emails and other documents arranging meetings of any kind including non-meetings are therefore governmental records.

862. Similarly, selecting and retaining an attorney for the consummation of a separation agreement of a public employee is part of the official function of the Board.

863. Documents about selecting and retaining an attorney are therefore in furtherance of the Board's official function.

864. Documents exchanged between Board members to arrange a meeting or to select or retain an attorney are part of the official function of the Board and not notes or materials for simply personal use.

3.

The Board failed to responded to the June 20, 2011 request within 5 days.

865. June 25, 2011 is 5 days after June 20, 2011.

866. No documents were released by the Board in response to the June 20, 2011 request on or before June 25, 2011.

867. July 7, 2011 is 17 days after June 20, 2011.

868. For example, email 152-email2011-06-22-05-46.pdf satisfies the scope of the June 20, 2011 request.

869. This email 152-email2011-06-22-05-46.pdf was not released to Taylor by the Board within 5 days.

870. The Board violated RSA 91-A by not releasing all documents about arranging all meetings within the scope of the June 20, 2011 request within 5 days.

4.

Brackett failed to responded to the June 20, 2011 request within 5 days.

871.No documents were released by the Board in response to the June 20, 2011 request on or before June 25, 2011.

872.August 12, 2011 is 55 days after June 20, 2011.

873.This email 201-email2011-08-10-18-41.pdf was not released to Taylor by Brackett within 5 days.

874.A copy of this email 201-email2011-08-10-18-41.pdf was first available for legal review from Brackett on August 10, 2011.

875.August 10, 2011 is 53 days after June 20, 2011.

876.This email 201-email2011-08-10-18-41.pdf was not made available to be released by Brackett within 5 days.

877.These 161-email2011-06-24-16-55-A.pdf emails were available to be released to Taylor by the Board within 5 days.

878.These 161-email2011-06-24-16-55-A.pdf emails were not released to Taylor by Brackett within 5 days.

879.These 237-email2011-08-20-22-19.pdf emails were not available to be released by Brackett within 5 days.

880.Brackett violated RSA 91-A by not releasing these 237-email2011-08-20-22-19.pdf emails to Taylor within 5 days.

881.Copies of these 237-email2011-08-20-22-19.pdf emails were available for legal review from Brackett on August 10, 2011.

882. Copies of these 161-email2011-06-24-16-55-A.pdf emails were available for legal review on June 24, 2011.

883. This 151-email2011-06-22-05-43.pdf email was not released by the Board within 5 days.

884. A copy of this 151-email2011-06-22-05-43.pdf email was available for legal review on June 22, 2011.

885. This 151-email2011-06-22-05-43.pdf email was available to be released by the Board within 5 days.

886. This 190-email2011-08-10-11-04-A.pdf email was not released by Brackett within 5 days.

887. A copy of this 190-email2011-08-10-11-04-A.pdf email was first available for legal review from Brackett on August 10, 2011.

888. This 190-email2011-08-10-11-04-A.pdf email was not made available to be released by Brackett within 5 days.

889. This 191-email2011-08-10-11-04-B.pdf email was not released by Brackett within 5 days.

890. A copy of this 191-email2011-08-10-11-04-B.pdf email was available for legal review from Brackett on August 10, 2011.

891. This 191-email2011-08-10-11-04-B.pdf email was not made available to be released by Brackett within 5 days.

892. Brackett violated RSA 91-A by not releasing all documents about arranging all meetings within the scope of the June 20, 2011 request within 5 days.

5.

The Board could have at least partially responded to the June 20, 2011 request within 5 days.

893. A copy of email 152-email2011-06-22-05-46.pdf was available for legal review on June 22, 2011.

894. June 22, 2011 is 2 days after June 20, 2011.

895. Email 152-email2011-06-22-05-46.pdf was available to be released by the Board within 5 days.

896. These documents were available for legal review on or before June 25, 2011.

896.1.1. First copy, 150-email2011-06-22-05-41.pdf, available for legal review on June 22, 2011.

896.1.2. First copy, 161-email2011-06-24-16-55-A.pdf, available for legal review on June 24, 2011.

896.1.3. First copy, 152-email2011-06-22-05-46.pdf, available for legal review on June 22, 2011.

896.1.4. First copy, 148-email2011-06-22-05-38.pdf, available for legal review on June 22, 2011.

896.1.5. First copy, email2011-06-22-05-45.pdf, available for legal review on June 22, 2011.

896.1.6. First copy, 167-email2011-06-25-L.pdf, available for legal review on June 25, 2011.

896.1.7. First copy, email2011-06-25-M.pdf, available for legal review on June 25, 2011.

896.1.8. First copy, 168-email2011-06-25-N.pdf, available for legal review on June 25, 2011.

896.1.9. First copy, 164-email2011-06-24-17-00.pdf, available for legal review on June 24, 2011.

896.1.10. First copy, email2011-06-25-K.pdf, available for legal review on June 25, 2011.

897. These documents were available for legal review soon after June 25, 2011.

897.1.1. First copy, 170-email2011-06-28-11-10.pdf, available for legal review on June 28, 2011.

897.1.2. First copy, 175-email2011-06-28-11-38.pdf, available for legal review on June 28, 2011.

897.1.3. First copy, 173-email2011-06-28-11-37-A.pdf, available for legal review on June 28, 2011.

897.1.4. First copy, 174-email2011-06-28-11-37-B.pdf, available for legal review on June 28, 2011.

897.1.5. First copy, 172-email2011-06-28-11-33.pdf, available for legal review on June 28, 2011.

898. The Board had documents available to be reviewed and released within 5 days.

899. The Board violated RSA 91-A by not releasing the documents it had within 5 days.

6.

Known unreleased documents within the scope of the June 20, 2011 request.

900. There are known documents arranging non-meetings that have still not been released.

901. These documents are known to exist within the scope of the June 20, 2011 request but still have not been released.

901.1. Communication about separation agreement with Rhoades Alderson has not been released though covered by Turnbull's notice of deposition.

901.2. Attachment in 217-email2011-08-20-16-01.pdf was not released.

901.3. Additional emails in 248-email2011-10-05-16-35.pdf continuing from a thread already released.

901.4. Reveals blind copies in 247-email2011-10-05-16-34-B.pdf to 2 additional Board members O'Quinn and Lane.

901.5. Email 247-email2011-10-05-16-34-B.pdf sent to quorum of the Board, but not previously released.

901.6. Continuation of thread in 250-email2011-10-05-16-36-B.pdf released by Brackett on August 22, 2011. But, these new emails were not released prior to the Turnbull deposition. The sequential communication represented by this thread includes a quorum of the Search Committee and the arrangement of the May 27, 2011 meeting.

901.7. Copied in 137-email2011-06-02-23-11.pdf to Brackett but not previously released by Brackett in response to his notice of deposition or Right-to-Know request though includes quorum of Search Committee and pertains to arrangement of June 6, 2011 meeting.

901.8. 243-email2011-08-21-19-30.pdf is a continuation of thread [198-email2011-08-10-17-54-A.pdf] released by Brackett on August 12, 2011.

902. The Board continues to violate RSA 91-A by not providing known emails within the scope of the request that have not yet been released.

903. Given the failure of the Board to recognize other meetings, including those identified in this lawsuit as well as others not yet discovered, there are likely other documents within the scope of the June 20, 2011 request that have not been released.

7.

The Board failed to responded to the June 20, 2011 request by overly redacting.

904. The question "What are your thoughts about separation" asked of Board members is not subject to the allowed exemptions under RSA 91-A:5.

905. It is a violation of RSA 91-A:4 IV to redact this "What are your thoughts about separation" question.

906. The Board violated RSA 91-A by redacting this question.

907. At the June 15, 2011 meeting, Brackett named Lyonel Tracy as one of the people with whom he had discussed the interim superintendent search.

908. At the time of the June 20, 2011 request, Lyonel Tracy's name was publicly known related to the interim superintendent search.

909. Lyonel Tracy's name was redacted from released documents.

910. Even when challenged to not redact names of those interviewed by the Search Committee, the Board continued to redact Lyonel Tracy's name.

911. The Board violated RSA 91-A by redacting Lyonel Tracy's name.

912. The Board violated RSA 91-A by overly redacting some documents.

8.

The Board failed to responded to the June 20, 2011 request by not providing complete copies.

913.The emails listed above indicate those that are a continuation of a previously released thread, contain unreleased attachments or newly revealed blind copies to other Board members.

914.The Board violated RSA 91-A by not providing full attachments for all emails.

915.The Board violated RSA 91-A by not providing all emails in all threads containing a document within scope.

916.The Board violated RSA 91-A by not providing full copies of emails, in particular with full and blind copied recipients.

9.

The Board failed to responded to the June 20, 2011 request by not providing complete reasons.

917.RSA 91-A:4 IV provides: "If a public body or agency is unable to make a governmental record available for immediate inspection and copying, it shall ... deny the request in writing with reasons"

918.The Board has failed to release documents about non-meetings within the scope of the June 20, 2011 request.

919.The Board violated RSA 91-A by not releasing documents arranging the closed committee, subcommittee or subordinate body meetings.

920.The Board has still not identified all non-meetings during the time scope of the request to know if there are other meetings for which documents might exist.

921. The Board violated RSA 91-A by not providing specific identification of all meetings within the scope of the request and the reason if any for there not being any documents released for that meeting.

922. The Board continues to violate RSA 91-A by refusing to enumerate all the meetings within the scope of the request and provide written reason for denying the request as it applies to each meeting.

10.

The separation agreement should not have delayed the response to the June 20, 2011 request.

923. The initial delay of the June 20, 2011 Right-to-Know request was until June 30, 2011, the effective date of the separation agreement.

924. The scope of the June 20, 2011 request is not concerned with the separation agreement, its terms or conditions.

925. The confidentiality provision of the separation agreement does not have precedence over the RSA 91-A requirements to post notices and minutes of meetings or to hold meeting open to the public.

926. Other Board actions such as the discussions and actions taken by the Board related to the letter from the Senior Student Senate, interviews with the press, handling public reaction or newspaper articles, editorials and letters to the editor, hiring a public relations firm or other consultants, public relations in general, the search process for the interim superintendent, retaining an attorney or any other subject except the separation agreement are not bound by the confidentiality provision of the separation agreement.

11.

Cost of electronic copies are negligible.

927.RSA 91-A:4 IV provides: "If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency."

928. The district Requests for copies of information by members of the public (2007) provides: "The .08 per page is for black & white paper copies or for pdf copies to be transmitted electronically." [2007-07-31-RTK-Guidelines.pdf]

929.With most computer software, a PDF file can be created directly without printing to paper and then scanning.

930.There is no paper, toner, ink, etc. consumed to send a PDF file by email.

931.The actual per page cost of producing the PDF file is negligible.

932.There is no provision in RSA 91-A:4 IV to charge for viewing a public document, but just for providing a copy.

933.The administrative expenses to find, review and redact public documents for review is the same as for providing copies.

934.There should be no charge for finding, reviewing or redacting public documents even when providing copies.

935.The district charge to make copies electronically and on paper are the same, yet the cost of electronic copies less the ink and paper is less, so the charge should reflect this difference in cost.

936.The Board violated RSA 91-A by charging more than the actual copying costs for electronic documents.

D.

Remedies.

1.

The amended petition concerns RSA 91-A violations of meetings and requests.

937.The original petition in this lawsuit was focused on the failure to completely respond to the June 20, 2011 Right-to-Know request.

938.As partial responses to that request were made, it became clear that what first appeared to be a few questionable meetings was instead an extensive pattern of meetings and conduct in violation of RSA 91-A.

939.Since the June 20, 2011 request was concerned with non-meetings, including illegal meetings treated as non-meetings, it became evident that to prove failure to fully comply with the request required proof of the illegal meetings.

940.Based on this realization, the petition in this case was amended to include violations of RSA 91-A related to both the failure to respond to the request as well as the violations from the meetings themselves.

941.The first prayer for relief asks to compel the Board and Brackett to comply with all parts of Chapter 91-A.

942.Since the meetings cannot be made public after the fact, except possibly by providing information about the meetings like minutes, the last part of the first prayer for relief is concerned only with asking that the requests finally be responded to completely.

943.The Defendants did not file an objection to the motion to amend the petition.

944.The motion to amend the petition was granted.

2.

This lawsuit was necessary in order to make information available.

945.RSA 91-A:8 provides: "... such public body ... shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter provided that the court finds that such lawsuit was necessary in order to make the information available or the proceeding open to the public."

946.The release of new documents within the scope of the June 20, 2011 Right-to-Know request by Brackett only 8 days after this lawsuit was filed and after a delay of over 50 days from the date of the request establishes that this lawsuit was necessary in order to make the information available.

947.The release of new documents within the scope of the June 20, 2011 Right-to-Know request in response to the Notices of Deposition and up to 109 days from the date of the request establishes that these depositions were necessary in order to make the information available.

948.In particular, several documents arranging committee, subcommittee or subordinate body meetings within the scope of the June 20, 2011 request were not released except in response to the Notices of Deposition.

949.Indeed, the existence of several such meetings was not established until the responses to the Notices of Deposition and the testimony in the depositions.

950. The depositions have been necessary to identify several meetings within the scope of the request and to produce documents within the scope of the June 20, 2011 request.

3.

The Board knew or should have known that it was violating RSA 91-A.

951. RSA 91-A:8 provides: "Fees shall not be awarded unless the court finds that the public body, public agency, or person knew or should have known that the conduct engaged in was a violation of this chapter...."

952. This April 10, 2011 Right-to-Know training further establishes that the Board knew or should have known what conduct is a violation of chapter RSA 91-A.

953. This March 24, 2011 Right-to-Know training further establishes that the Board knew or should have known their conduct is a violation of chapter RSA 91-A.

954. The repeated advice of attorney Diane Gorrow and discussion among the Board about how to respond to Right-to-Know requests further establishes that the Board and Brackett knew or should have known this conduct is a violation of chapter RSA 91-A.

955. The advice of Superintendent Howard Colter and attorney Diane Gorrow to not enter nonpublic session on April 13, 2011 further establishes that the Board knew or should have known this conduct is a violation of RSA 91-A.

956. The Board knew or should have known that it violated RSA 91-A by going into nonpublic session to discuss a public statement since they were advised that it was a violation.

957. Board member Turnbull knew or should have known that her participation at the April 14, 2011 ORHS Search Committee meeting sequentially established a quorum of the Board.

958. By Dr. Lyonel Tracy's insistence that the meeting be posted and open to the public further establishes that the members of the Search Committee and in particular Brackett, knew or should have known this June 14, 2011 meeting violated RSA 91-A.

959. The votes on July 6, 2011 further establish that the Board knew or should have known that it violated RSA 91-A other times when it delegated without a vote at a posted meeting.

960. The Board knew or should have known that it should have released the documents it had within 5 days.

961. Brackett has filed numerous Right-to-Know requests in New Hampshire over the last few years and has complained about delays beyond 5 days further establishing that he knew or should have known that he needed to respond within 5 days.

962. Brackett knew or should have known that he violated RSA 91-A by failing to respond.

963. The Board knew or should have known that they violated RSA 91-A by failing to respond.

4.

Brackett acted in bad faith by outright and knowingly refusing to provide documents.

964. RSA 91-A:8 provides: "In any case where fees are awarded under this chapter, upon a finding that an officer, employee, or other official of a public body or agency has acted in bad faith in refusing to allow access to a governmental proceeding or to provide a governmental record, the court may award such fees personally against such officer, employee, or other official."

965.Brackett was able to review his emails, make them available for legal review and have them reviewed by counsel for the notice of deposition in 2 to 5 days.

966.The scope of the documents requested in the notice of deposition was comparable to or greater than the scope of the June 20, 2011 Right-to-Know request.

967.RSA 91-A:4 III provides “Each public body or agency shall keep and maintain all governmental records ... in an accessible place....”

968.Even if Brackett did take over 50 days to review his documents, that just demonstrates that they were not kept and maintained in an accessible place.

969.Brackett was on the Board at the time of Fiermonti’s request.

970.Brackett was aware of Fiermonti’s request.

971.Turnbull and Wright had similar numbers of emails and were able to respond within a few days.

972.Brackett and the Board were well aware of the Right-to-Know law based on repeated training and several discussions with administrators and other Board members as well as advice from attorneys.

973.Brackett demonstrated several times the ability to respond to requests within a few days.

974.Brackett was capable of responding to the request within 5 days.

975.Brackett was reminded by administrators, other Board members and attorneys about his obligation to respond.

976.Brackett simply refused to respond until compelled to do so by this lawsuit and depositions.

977.Brackett was irritated and angered by the Right-to-Know requests as shown by his insistence to be informed of them and by his expressions of anger.

978.Brackett tried to punish and deter the requesters by charging them for a clerk to search through his email.

979.Brackett went on vacation for a week will he still had not fulfilled his obligation to respond under RSA 91-A.

980.Superintendent Levesque judged that the only way to compel Brackett to comply was a lawsuit.

981.By refusing to respond in such a way Brackett acted in bad faith.

WHEREFORE, Taylor requests that this Court:

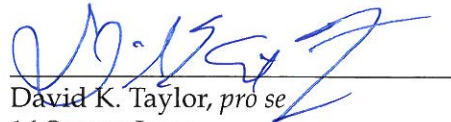
- A. Compel the Board and Brackett to comply with Chapter 91-A and produce the requested information within forthwith;
- B. Enjoin future violations of Chapter 91-A by the Board and Brackett in accordance with RSA 91-A:8 III, by issuing an order compelling the Board to comply with RSA 91-A request by Taylor within the mandates of that law;
- C. Award Taylor his costs and attorneys' fees made necessary by the bringing of this action as allowed by RSA 91-A:8 I;
- D. Declare such other relief as may be just and equitable.

Respectfully submitted,

David K. Taylor, *pro se*

Date: November 16, 2011

By:



David K. Taylor, *pro se*

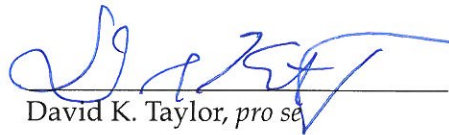
16 Surrey Lane

Durham, NH 03824

Tel: (603) 659-0976

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Request for Findings of Fact and Rulings of Law has been forwarded this 16th day of November, 2011 to Dennis Ducharme, Esquire.



David K. Taylor, *pro se*