

First, Your Honor, I would like to apologize to the Court. I am not a lawyer. I am an engineer. I am sure I have already made many mistakes in this case and will make many more today. I ask that if I do anything really stupid, please let me know.

I have gained a much better appreciation of the legal profession and a better understanding of why lawyers get paid so much. Unfortunately, that doesn't make a lawyer any more affordable for me and I don't have the deep pockets of the taxpayers at my disposal.

I don't belong here. This is crazy. As an ordinary citizen of the Oyster River School District, I should have gone to the district website, looked up notices of Board meetings, attended those meetings, and downloaded the minutes. But, I could do none of that for many meetings of this Board. No notices. No open meetings. No minutes.

Instead, I had to file Right-to-Know requests to answer even the most basic questions like when did they meet. Yet, this Board, and particularly Chairman Brackett, simply refused to respond to these requests. RSA 91-A says that the Board should respond within 5 days. Yet it took this lawsuit and over 50 days for Mr. Brackett to respond. And even over 100 days later I still got new information at depositions. What else is still hidden?

And those responses were only partial, but they started to expose the tip of an iceberg. The more I looked the bigger it got.

Actually, I first got a hint of this mess when Director of Instruction Meredith Nadeau commented at a public meeting that Mr. Brackett and 2 other Board members had already interviewed interim superintendent candidates before a vote by the Board giving

him authority to start the search. And, they did these interviews at the Durham Police Station, even though the Schools have plenty of spaces to meet. It just smelled bad.

From other Right-to-Know requests I learned there were at least 4 meetings at the Durham Police Station, and then some more with attorney Kim Memmesheimer. But, there was still no response from the Board, even after I knew there were some meetings.

It actually took more than just filing a lawsuit. I had to depose Mr. Brackett and later Ms. Turnbull and Ms. Wright to really begin to get some visibility into these illegal meetings. Yet, in spite of all my efforts, it is clear they are still hiding what they did and even what they are doing today.

This Board has not violated Right-to-Know accidentally, or even just once or twice. I have

uncovered over 44 different meetings that violated RSA 91-A in over 30 different ways. The scope of this case is overwhelming by the sheer fact that the violations are overwhelming.

I group the Right-to-Know violations into 5 categories:

- 1) failure to respond to requests
- 2) failure to follow the rules for posted meetings.
- 3) illegal meetings with legal counsel
- 4) illegal committee meetings
- 5) illegal communications outside of meetings

This case started with the Board's failure to respond to requests. The most telling part of that is when I met with the newly hired Superintendent Levesque, and after a long conversation about the schools, he turned to my unanswered request and pulled a copy of RSA 91-A and pointed to the remedy section at the end, adding he didn't know why Mr. Brackett

was not complying and that the only thing I could do under the law was file a lawsuit.

RSA 91-A provides many required rules for Board meetings. They are all designed to ensure that the public can easily know what the Board is doing on behalf of the public. These rules are not simple suggestions, but clear, black and white rules. The key parts of those rules are to notice the public, meet in public and record minutes for the public to read. Again, at over 44 meetings, these basic rules in over 30 ways have been violated. The defendants even admitted in their answer to many of these violations. Most are easily proven by reading the records of these meetings that have already been admitted as evidence in full in this case.

The last 3 areas are harder to prove, precisely because there are no minutes. They are completely off the record. The defendants claim that anytime the Board is willing to pay a

lawyer a few hundred dollars an hour of taxpayer money to sit in the corner of the room while the Board meets, then the Board can do anything at all, in secret. There are no restrictions. The discussions don't need to involve the lawyer. The discussions don't need to be about legal issues. And most tellingly, these meetings can include deliberations and decisions by the Board, something no lawyer ever has any part in. To allow this simple mechanism to circumvent the people's Right-to-Know would lead to chaos.

But it gets even worse. This Board used another mechanism to circumvent Right-to-Know: informal committees. The Board decided that as long as they didn't call them a committee or take a formal vote, then any subgroup of the Board could do whatever they want in secret. This completely ignores the part of RSA 91-A about committees, subcommittees and subordinate bodies. They argue that as long as you don't

take a formal vote, then these groups are just ad hoc work groups. It doesn't matter how often they meet, how substantial the business is they do, or even whether they spend taxpayer money. Just don't take a vote and you can ignore Right-to-Know. You might as well not even have RSA 91-A.

Communications outside of meetings are the hardest to prove. But, in this case I prove at least one instance when Chairman Brackett called each member, asked each one their position on whether to seek a separation agreement with Superintendent Colter, made a decision to move forward with that agreement, and then scheduled a meeting to that effect. I am sure there are others, and I provide evidence that suggests others. It is also evident that this case has forced this Board underground, to do even more without a paper trail. Even more by phone outside of meetings. You can see it every time a decision at one meeting has changed at

the next, or they are already on the same page for an issue. This was evident just this month with the appointment of members to the Advisory Budget Committee.

In spite of this lawsuit, in spite of repeatedly admitting they violated RSA 91-A, this Board continues to hide its work from the public. That's why we are here. Your honor, please recognize this overwhelming pattern of violation of the most basic civil right, the Right-to-Know, and compel this Board to clean up its act and start working in public.