

State of New Hampshire



PERSONNEL APPEALS BOARD

28 School Street
Concord, New Hampshire 03301

CONTACT: STEVEN BUNKER, ADMINISTRATOR 271-1421

**NOTICE OF SCHEDULING
PREHEARING CONFERENCES**

9:00 a.m.
Wednesday, January 23, 2019
at
NH Public Utilities Commission
21 South Fruit Street, Suite #10
Hearing Room B
Concord, NH 03301

The Board, under the authority of RSA 541-A:31, RSA 21-I:58, and Per-A 206.03 of the Code of Administrative Rules, has scheduled **MANDATORY PREHEARING CONFERENCES** as outlined below to facilitate the scheduling of an evidentiary hearing and a just disposition of each of the matters listed. Notices are being sent to the current representatives of record.

Denise Tebbetts 2018-T-005
(non-disciplinary)
Safety – Division of Motor Vehicles

For the Appellant: Charles McMahon, SEA Grievance Representative
For the Appellee: Attorney Marta Modigliani

If a party wishes to have a Motion heard at a scheduled Prehearing Conference, said Motion must be filed at least fourteen (14) days in advance of the scheduled Prehearing Conference.

Jean Reed 2019-D-002

(Letter of Warning)

Safety – Hearings Examiner/Prosecutor

For the Appellant: Charles McMahon, SEA Grievance Representative

For the Appellee: Attorney Marta Modigliani

Valerie Morgan 2019-T-003

(non-disciplinary)

DHHS – Bureau of Drugs & Alcohol Services (BDAS)

For the Appellant: Sean Bolton, SEA Grievance Representative

For the Appellee: Attorney Robert Berry

Lauren Boulter 2019-D-004

(Letter of Warning)

Education

For the Appellant: Sean Bolton, SEA Grievance Representative

For the Appellee: Sr. Asst. Attorney General Laura Lombardi

Per-A 206.03 (b) of the NH Code of Administrative Rules (Rules of the Personnel Appeals Board) states:

A prehearing conference shall be convened to narrow the factual issues or for any other purpose set forth in RSA 541-A:31, V to consider:

- (1) Offers of settlement;
- (2) Simplification of the issues;
- (3) Stipulations or admissions as to issues of fact or proof by consent of the parties;
- (4) Limitations on the number of witnesses;
- (5) Changes to standard procedures desired during the hearing by consent of the parties;
- (6) Consolidation of examination of witnesses; or
- (7) Any other matters which aid in the disposition of the proceeding.

At the scheduled pre-hearing conference, each party shall be prepared to address the following:

- (1) Scope of the hearing
- (2) Outstanding discovery issues
- (3) Stipulations or admissions as to issues of fact or proof
- (4) Offers of settlement
- (5) Number of witnesses expected to testify in a hearing on the merits
- (6) Special scheduling
- (7) Amount of time required to hear the case

(8) Pending motions, whether dispositive or non-dispositive

All prehearing activities shall be conducted in accordance with Chapters Per-A 100-200 of the NH Code of Administrative Rules (Rules of the Personnel Appeals Board). Each party has the right to have an attorney represent them at their own expense. Parties should advise the Board immediately if they believe there are reasons that any member or alternate member of the Board should not participate in the pre-hearing conference or later hearing. Members of the Board include Charla Stevens, Norman Patenaude, David Goldstein, and Chris Nicolopoulos.

Motions for postponement or special scheduling will only be considered for exceptional circumstances and must be made in writing to the Personnel Appeals Board within ten (10) calendar days of the date of this notice to be considered. Except in the event of a *bona fide* emergency, untimely requests will be denied. Further, except for good cause shown, failure of an appellant to appear as scheduled may result in dismissal of the appeal for lack of prosecution.

Other Business

Non-public session pursuant to RSA 91-A:3, II(j) to deliberate on motions filed in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

FOR THE PERSONNEL APPEALS BOARD

Gail E. Wilson

Gail E. Wilson, Executive Assistant
NH Personnel Appeals Board

cc: Lorrie Rudis, Director of Personnel, 28 School St., Concord, NH 03301
Attorney Marta Modigliani, NH Department of Safety, 33 Hazen Drive, Concord, NH 03305
Attorney Robert Berry, Health & Human Services, 129 Pleasant Street, Concord, NH 03301
Sr. Asst. Attorney General Laura Lombardi, 33 Capitol Street, Concord, NH 03301
Sean Bolton, SEA Grievance Representative, 207 North Main Street, Concord, NH 03301
Charles McMahon, SEA Grievance Representative, 207 North Main Street, Concord, NH 03301