

# State of New Hampshire



**PERSONNEL APPEALS BOARD**  
25 Capitol Street  
Concord, New Hampshire 03301  
Telephone (603) 271-3261

## **APPEAL OF DONNA FLEMING** **Docket #95 -D-4**

### **Youth Services Detention Unit**

**August 31, 1995**

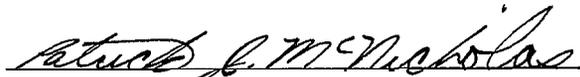
The New Hampshire Personnel Appeals Board (McNicholas, Johnson and Rule) met Wednesday, August 16, 1995, for a prehearing conference in the above-captioned appeal of a disciplinary demotion. Ms. Fleming was represented at the prehearing conference by SEA Director of Field Operations Thomas Hardiman. Attorney Rogers Lang appeared on behalf of the State. After hearing oral argument on several pending motions, the Board decided as follows:

1. The appellant's January 24, 1995 Motion for Discovery is granted, although the State shall not be required to provide the addresses of present and former staff who were interviewed by the agency during its investigation. The State shall provide the materials identified in the Motion to the appellant not later than September 1, 1995. Should the appellant believe that she has not received the information requested, she shall have two weeks, until September 15, 1995, to so notify the Board so that further orders may be issued.
2. The State's Motion for Protective Order was granted, and the State's proposed order was issued.
3. The State's Motion to Sequester was granted.
4. The State's Motion to Close Hearing was denied. In denying that Motion, the Board noted that its practice has been to make all hearings, except in the most unusual circumstances, open to the public. Having granted the Motion to Sequester and the Motion for Protective Order, the Board did not believe it would be necessary to close the hearing in order to protect the interests of juveniles who are or were confined at the Youth Services Detention Unit.

The Board scheduled the matter for a full day of hearing beginning at 9:00 a.m. on Wednesday, October 4, 1995, in Room 411, State House Annex, Concord, New Hampshire. Motions to

postpone the hearing, or for additional special scheduling, will only be considered for exceptional circumstances.

THE PERSONNEL APPEALS BOARD

  
Patrick J. McNicholas, Chairman

  
Robert J. Johnson, Commissioner

  
Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel  
Thomas F. Hardiman, SEA Director of Field Operations  
Rogers Lang, Esq., Division for Children, Youth and Families