

Mc Kittrick Law Offices

188 LAFAYETTE ROAD / ROUTE ONE
NORTH HAMPTON, NEW HAMPSHIRE 03862

603-964-8111
603-964-2166 (FAX)

May 2 11 11 '94

J. JOSEPH MCKITTRICK
N.H. & MASS. BARS
HELEN M. MCKITTRICK
N.H. & ME. BARS

BRANCH OFFICE
1701 OCEAN BOULEVARD
RYE HARBOR, NH 03870

May 04, 1994

Ms. Mary Anne Steele
Executive Secretary
Personnel Appeals Board
State House Annex
Concord, New Hampshire 03301

RE: APPEAL OF TROOPER RICHARD J. FARRELL, JR.
DOCKET NO.: 93-D-20

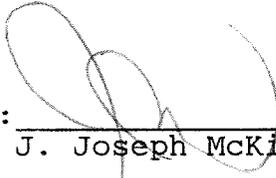
Dear Executive Secretary Steele:

Please accept this letter as a request on behalf of Trooper Farrell to withdraw the Appeal of his Demotion. This Withdrawal is with the concurrence of the Department of Safety, Division of State Police and in accordance with the Memorandum of Understanding and Agreement attached.

Thank you for your cooperation and attention in this matter.

Sincerely yours,

MCKITTRICK LAW OFFICES

By: 
J. Joseph McKittrick, Esq.

JJM:mgd

cc: Attorney Clarence Bourassa
Trooper Richard J. Farrell, Jr.

MEMORANDUM OF UNDERSTANDING AND AGREEMENT

I.

This memorandum of understanding and agreement is between the Division of State Police and Trooper Richard J. Farrell, Jr.

II.

It is **understood** that when Trooper Farrell was promoted to Corporal on July 1, 1992, he was qualified for promotion under the criteria existing at the time.

It is further **understood** that Trooper Farrell admits that the Division of State Police could present evidence sufficient to support a finding that the disciplinary action taken on May 07, 1993 demoting him from the rank of Corporal was justified.

It is further **understood** that by withdrawing his appeal, Trooper Farrell acknowledges that the disciplinary action taken on May 7, 1993, will remain on his record.

It is further **understood** that the Division of State Police agrees to waive the "major infraction" provisions of Section 1.3.3. of the Rules and Regulations as it relates to the disciplinary action imposed in this case. It is further **understood** that Trooper Farrell has entered into this agreement in reliance on that waiver.


CEB

It is further **understood** that since May 7, 1993, Trooper Farrell's overall duty performance has been satisfactory. Consequently, under the current criteria, Trooper Farrell is eligible for upgrading to Corporal.

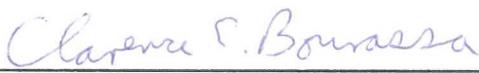
III.

In recognition of the foregoing, the parties agree as follows:

- A. Trooper Farrell will withdraw his appeal of the demotion action;
- B. The Division of State Police will upgrade Trooper Farrell to Corporal;
- C. That both actions will become effective on May 13, 1994.

Colonel Lynn M. Presby
Director, Division of
State Police

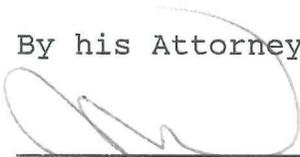
By his Attorney


Clarence E. Bourassa, Esq.
Department of Safety
Litigation Office
10 Hazen Drive
Concord, NH 03305

May 3, 1994

Trooper Richard J. Farrell, Jr.
Division of State Police

By his Attorney


J. Joseph McKittrick, Esq.
McKittrick Law Offices
188 Lafayette Road
North Hampton, NH 03862

May 03, 1994