

# Right-to-Know Law: Public Meetings & Governmental Records



Presented by:

- ▶ Stephen Buckley, Legal Services Counsel
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April 17, 2024

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## Today's Presenters

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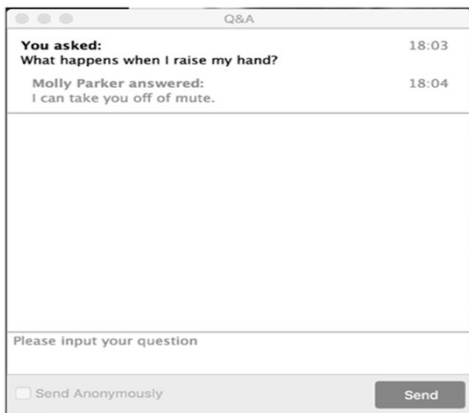
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## How Do I Ask a Question?



The chat function for this workshop has been disabled.

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Once your question has been answered, it will then appear under the *Answered* tab.

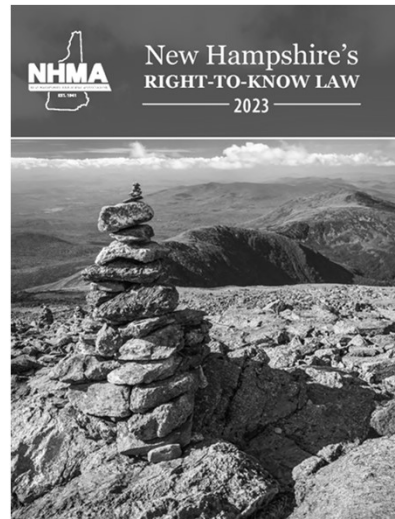


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**NHMA's Publication:  
*New Hampshire's  
 Right-to-Know Law***

- Glossary
- Remote Participation Checklist
- Nonpublic Session Checklist
- Law Enforcement Guidance
- Complete copy 91-A & 33-A
- Table of Cases
- Table of Statutes



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## Overview of How RTK Governs Meetings

- I. What is a “meeting”?
- II. What is not a meeting, i.e., a “nonmeeting”?
- III. What are the requirements for holding a proper “meeting”?
- IV. How to hold meetings virtually.



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## What is a Public Meeting? RSA 91-A:2



Quorum



Public body



Convenes so that they can communicate contemporaneously



To discuss or act upon a something over which the public body has supervision, control, jurisdiction, or advisory power



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## Quorum



Majority of membership



Can't define as more than majority to circumvent law



Another statute may apply



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# Public Body

## RSA 91-A:1-a, VI:

- Any legislative body, governing body, board, commission, committee of any county, town, municipal corporation, school district, SAU or other political subdivision
- Any committee, subcommittee, advisory committee thereto
- New Case: But a committee of city employees providing advice to planning board applicants is not a public body *Martin v. Rochester*



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## When Public Meetings – Purpose of Public Meetings



Convenes such that all participating members are able to communicate with each other contemporaneously

In-person  
Email?  
Phone?



To discuss or act upon matters which the Public Body has Supervision, Control, Jurisdiction, or Advisory Power

Any “business” the body deals with  
Construe broadly



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## Meetings Among Public Body Members Outside of Public Meetings

Meetings of public body members that are less than a quorum to discuss public business should not be undertaken – all public business should only be discussed at properly convened public meetings

91-A:2-a Communications Outside Meetings. –

I. 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

II. 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



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## What is Not a “Meeting”? (i.e., “Non-meeting”)

 Social or other encounter, no decisions

 Collective bargaining

 Consultation with legal counsel

 Circulation of draft documents

 *Different than nonpublic session!*



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## What are the Requirements of a Public Meeting?



Public notice



Open to the public



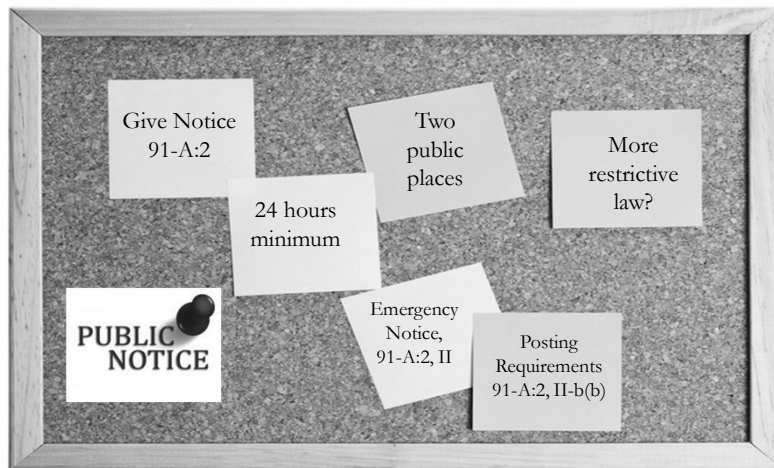
Meeting minutes



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## Posting Requirements



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## Switching Back to In-Person Meetings

- Emergency Order #12, allowed virtual meetings during the State of Emergency
- Since State of Emergency expired on June 11, 2021, boards can still have partially remote meetings
  - There must be a physical location for the public to attend, and, in most cases,
  - A quorum of the board must be present at that location.
- Nothing prohibits boards from continuing to offer electronic access (telephonic, Zoom, etc.) to the public.



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## Option 1: Remote Board Member Participation RSA 91-A:2, III(a)



- **Public body *may* allow**
- **Personal attendance “not practical” (in minutes)**
- **Quorum *present at physical location***
- **All board members can hear and be heard**
- **Identify board members in remote location**
- **All votes by roll call**



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## Option 2: “Emergency” RSA 91-A:2, III(b)

- Chair must declare that “emergency” exists sufficient to satisfy requirements of RSA 91-A:2, III.
- Still requires physical location.
- However, a quorum of the board need not be present at the physical location.
- Everyone can hear and be heard.
- Identify persons in remote location.
- All votes by roll call.

**HELP**  
**EMERGENCY**



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## Tips for Electronic Communications that Comply with 91-A

- ✓ Use an administrative person to send an email.
- ✓ Put the recipients’ email addresses in the BCC line of the email to prevent the possibility of “Reply All.”
- ✓ Sending an email to a quorum of a public body could be deemed a violation of RSA 91-A where a recipient public body member could hit reply all and create an improper electronic conversation
- ✓ Use official city/town email addresses.
- ✓ Leave discussion and deliberation of official matters for a public meeting, a properly-held nonpublic session, or proper “non-meeting.”



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## Meetings “Open to the Public”

- “All meetings . . . shall be open to the public.” RSA 91-A:2, II.
- “Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting.”
- Public has right to record, etc.
- No secret ballot voting.
- Public Comment?



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## Public Comment: Some Observations

- The public body should have rules governing public comment before it occurs. Explain the rules clearly to everyone at every meeting. Repeat as necessary.
- When you allow public comment the First Amendment applies – only “time, place and manner” restrictions -no content restriction
- You can limit time for comments, require speaking in order of sign-up.
- You cannot require only positive comments, or prohibit comments about municipal employees
- A person who is not complying with the public comment rules, and after reminders by the chair, may in extreme cases be removed from the meeting by law enforcement (*State v. Dominic*, 117 N.H. 573 (1977)).



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## Public Meeting Minutes RSA 91-A:2



- Minimum required contents:
  - (1) the names of members, (2) persons appearing before the public bodies, (3) a brief description of the subject matter discussed, (4) state final decisions made, and, (5) state the names of the members who made or seconded each motion shall be recorded in the minutes.
- Made available within 5 business days.
- Posting requirements–
  - RSA 91-A:2, II-b(a)
- If the software used to conduct a remote meeting allows for recording, use it to aid the minute taker, but remember that recordings are not a substitute for written minutes.



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## Nonpublic Sessions RSA 91-A:3

It's a nonpublic session, not a nonpublic meeting

A nonpublic session is different from a "non-meeting"

Nonpublic session is the exception, not the rule

Nonpublic sessions are permitted, not required



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## When May a Public Body Enter Nonpublic Session?\*

### RSA 91-A:3, II

- Public employee (specific employee)
- Hiring
- Reputation
- Real or personal property
- Lawsuits
- Emergency preparation
- Discuss legal advice
- Discuss student tuition contract

\*Most common, but not complete list

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## How Does a Public Body Enter Nonpublic Session?

### RSA 91-A:3, I



**Motion to enter nonpublic session must be made and seconded.**



**Motion must state on its face the specific exemption relied upon.**



**Vote must be by roll call; simple majority is sufficient. RSA 91-A:3, I(b).**



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### **RSA 91-A:3, II (a) Dismissal, Promotion, Compensation, Discipline, Investigation of Charges Concerning a Public Employee**

- Must concern a particular municipal employee – not a grouping of employees or a department
- This provision states that the meeting must be held in public if 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.
  - Thus, the “right to a meeting” refers to some written rule entitling the employee to a public airing of the matter under investigation.
  - By way of example, under RSA 41:48, an appointed police officer cannot be removed from office unless she is provided notice and a public hearing before the governing body.
  - Similarly, under RSA 202-A:17, no public employee of a public library can be removed from employment unless they are provided written notice and a public hearing on their removal if requested.



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### **RSA 91-A:3, II (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**

- The harm to reputation must be severe and not trivial
- The claim of reputational harm cannot be asserted by a member of the public body that is convening the nonpublic session
- Person who might suffer the reputational harm can nevertheless request an open meeting
- This exemption extends 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
- Notice of a nonpublic session based on harm to reputation need not be provided to the person whose reputation could be adversely affected. *Sivalingam v. Newton*, 174 N.H. 489 (2021)



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## Minutes of Nonpublic Sessions



Minutes must be kept—same as for public session.



Must “record all actions in such a manner that the vote of each member is ascertained and recorded.”



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## Conducting the Nonpublic Session

May make decisions in nonpublic session

Member objecting to violations—note objection. If board persists, objecting member may continue to participate without being subject to penalties  
RSA 91-A:2, II-a

Returning to public session



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## Other Considerations

Include nonpublic session on posted agenda

Timing—beginning or end of meeting?

Attendance by non-members

- Legally, there is no limit on who may be permitted to attend a nonpublic session. However, it is best to exclude anyone whose presence is not essential. This may mean excusing the administrator and/or the recording secretary and instead having one of the board members take minutes. Whether to do this is a judgment call to be made by the board.



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## Disclose or Seal?

Minutes must be publicly disclosed within 72 hours unless board determines, by 2/3 vote taken in public session, that:

- Disclosure would have adverse effect on reputation;
- Disclosure would “render the proposed action ineffective”; or
- Discussion in nonpublic session pertained to terrorism.



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## New Law: HB 108

### Maintain List of Nonpublic Meeting Minutes

**Effective January 1, 2022**

List of sealed nonpublic meeting minutes must:

- Identify the public body
- State the date & time of the nonpublic session
- State the exemption for the nonpublic session
- State the date of the decision to seal the minutes
- State the date of any subsequent decision to unseal minutes

➤ Minutes sealed under RSA 91-A:3, II (d) (sale or acquisition of real or personal property) “shall be made available to the public as soon as practicable after the transaction has closed or the public body has decided not to proceed with the transaction.”



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## New Law: HB 321

### Sealed Nonpublic Meeting Minutes Review Procedure

**Effective October 3, 2023**

- HB 321 imposes a statutory obligation to review all previously sealed nonpublic meeting minutes and complete that review process within 10 years of October 3, 2023.
- This new law does not require the release of sealed nonpublic meeting minutes if divulgence would still cause harm to reputation, or render the proposed action discussed ineffective, or pertain to thwarting a terrorist attack.
- However, failure to review previously sealed minutes during the review period will automatically result in the public release of those minutes, regardless of the potential harm resulting from that release.



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*Does a Study Group need to comply with the public meeting requirements? Our town is currently conducting a wage study, and the members of the Study Group, who were appointed by the select board, is comprised of 2 select board members, 2 department heads, the finance director and 2 budget committee members. The purpose of the Study Group is to develop an updated wage matrix for town employees.*

If the “study group” was created as a subcommittee to the select board and reports back to the select board, then the study group is a public body and must give proper notice of its meetings, permit the public to attend those meetings and produce minutes of its meetings. In *Bradbury v. Shaw*, 116 N.H. 388, 389 (1976) the mayor of Rochester established an industrial advisory committee consisting primarily of businessmen, newspapermen, and members of city council. The Superior Court, affirmed by the Supreme Court found that the committee was subject to the Right to Know Law.



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*Can a Selectboard can approve decisions via email, if the decision is made as a blind cc and does not become a discussion? Our Selectboard does not meet every week, and minor things come up in-between meetings that need decisions to be made. If we email them and ask for a reply via email can that be counted as a decision? What we'd like to do is start the decision via email, and then make it formal at their meeting, which mainly that's just a signature on a piece of paper. Currently on off weeks, payroll and payable manifests are sent to them via email and they reply with their approval, I attach those replies to the manifests.*

The select board can only make decisions at public meetings; decisions cannot be made via email. The select board cannot start a decision via email, and then make it formal at a subsequent public meeting. There are two exception to this rule - RSA 41:29, I (a) permits the select board to approve a manifest for payment of invoices and payroll through “a noncontemporaneously signed manifest signed by a majority of the board,” and under RSA 79:10, I (b) a notice of intent to cut can be signed by assessing officials (usually the select board) outside of a public meeting provided 24 prior notice of that action is posted in two public places.



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*When approving meeting minutes, can board members who were not present at the meeting be allowed to approve those minutes? They were not present at the meeting and have no first-hand knowledge of what transpired at that meeting as well as the content. There was no recording of the meeting, so how can they know the minutes are accurate? If a board is made aware the Unapproved Meeting Minutes are not accurate and need amending, and the board still approves those meeting minutes without amendments, is that a violation of RSA 91A? Can taxpayers who attended a public meeting and read the Unapproved Meeting Minutes require the board to make corrections to those meeting minutes if the meeting minutes prove to be false?*

As provided in *Robert's Rules of Order Newly Revised* (11th ed.) p.355. 8-11, a member's absence from the meeting where minutes are being approved does not prevent the member from correcting or approving those minutes. The decision to approve minutes is made by a quorum of the members of a public body that are present at a public meeting. Even if in the opinion of one member the minutes are inaccurate the does not deprive a majority of the members of a public body of from approving such the minutes. Citizens who are not members of a public body have no standing to request changes to minutes. Minutes are approved by the public body and members of the public cannot demand changes to minutes.



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*What is the difference between "Consultation with legal counsel", which is considered a non-meeting, and "Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.", which is a valid reason for entering a non-public session? Thanks*

The distinction between a consultation with legal counsel by a public body, which is a non-meeting, RSA 91-A:2, I (b), and the conditions outlined in RSA 91-A:3, II(l), which is a reason to have a nonpublic session, is that the first requires that the legal counsel be in the room for the conversation. The non-meeting status of these interactions protects the attorney-client privilege between the legal counsel and the public body. The second, that permits the public body meeting to discuss and consider legal advice provided in writing or conveyed by the town attorney, does not require the attorney to be present and is grounds for a nonpublic meeting.



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## Governmental Records, Retention & Remedies Under The Right-to-Know Law



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## Any Citizen Can Request Records: RSA 91-A:4, I

- No definition of “citizen” in statute or relevant case-law, but, presumably, at least a New Hampshire citizen.
- Best practice is anyone who shows up should be assumed to qualify as a “citizen” for the purposes of requesting records.
- This can make online requests tricky.



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## Sending Records Electronically

### **91-A:4 Minutes and Records Available for Public Inspection. –**

I. Every citizen during the regular or business hours of all public bodies or agencies, and **on the regular business premises of such public bodies or agencies**, has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5.

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## What They're Requesting Must Be "Reasonably Described"

- Municipal employees must know what they are looking for in the voluminous materials kept by the municipality.
- Municipal employees do have an obligation to clarify with the citizen what the citizen is requesting. *Salcetti v. City of Keene*, No. 2019-0217 (June 3, 2020) (speaking in *dicta* about a "spirit of collaboration").
- This may require a clarifying phone call.



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## Search for Records Must Be Reasonable

- Whatever record is requested must also be met with a reasonably calculated search by the municipality to uncover the record. *ATV Watch v. N.H. Dep't of Transp.*, 161 N.H. 746 (2011).
- The crucial issue is not whether relevant documents might exist, but whether the agency's search was reasonably calculated to discover the requested documents.
- This can have major implications in electronic records searches.



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## Three Key Steps

**STEP 1: Is it a *Governmental Record*?**

**STEP 2: Is the record exempt from disclosure?**

**STEP 3: Make available non-exempt records.**



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## Is it a Governmental Record? RSA 91-A:1-a

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



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## “Public Body”

**RSA 91-A:1-a, VI:**

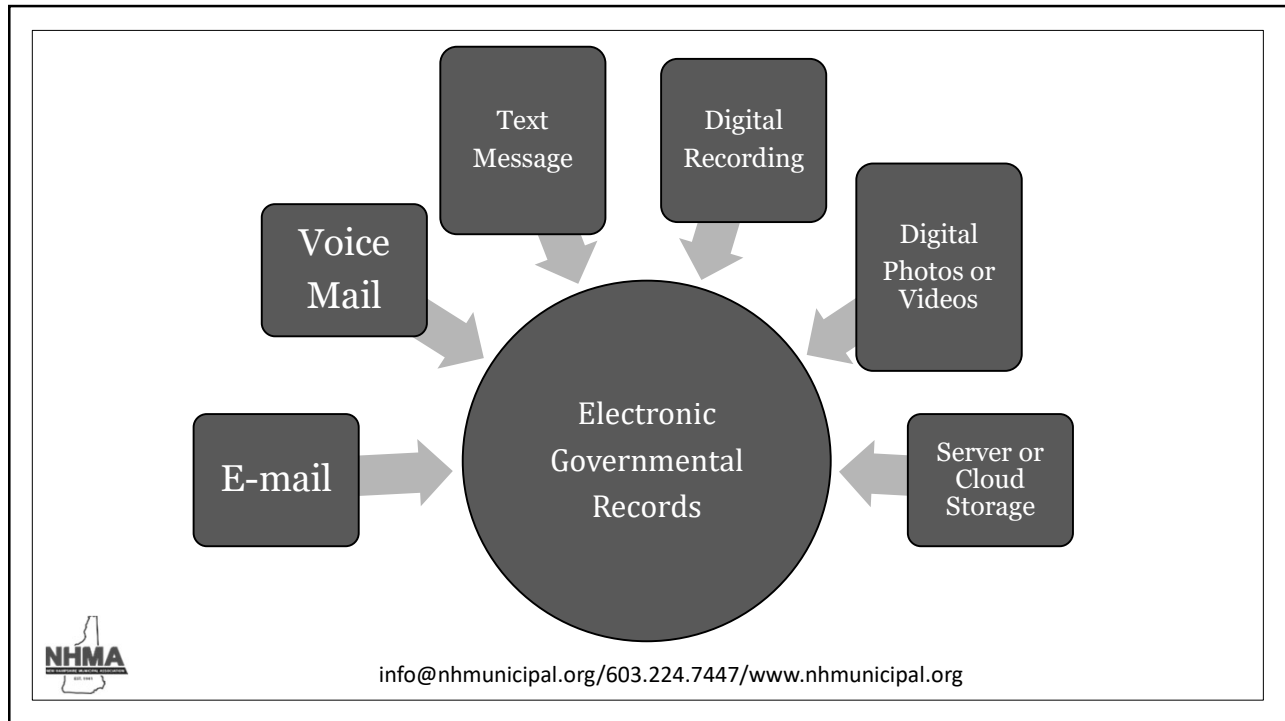


- Any legislative body, governing body, board, commission, committee of any county, town, municipal corporation, school district, SAU or other political subdivision.
- Any committee, subcommittee, advisory committee thereto.
- New Case: But a committee of city employees providing advice to planning board applicants is not a public body. *Martin v. Rochester*



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## Is the Record Exempt from Disclosure?

The slide features a large, scattered field of question marks in various styles, including solid black, dashed, and outlined. The question marks are of different sizes and orientations, creating a sense of confusion or inquiry.

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## Mandated Access to Certain Records



Employee separation payments if in addition to regular salary, or accrued vacation or sick time – 91-A:4, I-a



Meeting minute raw materials available after completion of public meeting – 91-A:4, II



All lawsuit settlements on file with town clerk and available for public inspection for 10 years – 91-A:4, VI



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## Exemptions to Disclosure of Governmental Records



### General Standards Governing Exemptions – RSA 91-A:5

- RSA 91-A:5 provides a list of records categorically exempt from disclosure; master jury list or teacher certification records.
- Some statutory exemptions require detailed analysis, such as records whose disclosure would constitute invasion of privacy.
- The Right-to-Know Law's purpose is to provide the utmost information to the public about what its government is up to. If disclosing the information does not serve this purpose, disclosure may not be required.
- When a public body or agency seeks to avoid disclosure of material under the Right-to-Know Law, that entity bears a heavy burden to avoid nondisclosure.



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## RSA 91-A:5, IV: Most Common Exemption

Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, **and other files whose disclosure would constitute invasion of privacy.** Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a public body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.



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### Other Files Whose Disclosure Would be an Invasion of Privacy

<b>Private</b>	Evaluate whether there is a privacy interest at stake that would be invaded by the disclosure. If no privacy interest is at stake, the Right-to-Know Law mandates disclosure.
<b>Public</b>	Assess the public's interest in disclosure. Disclosure of the requested information should inform the public about the conduct and activities of their government.
<b>Balance</b>	Balance the public's interest in disclosure against the government's interest in nondisclosure and the individual's privacy interest in nondisclosure.



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## Practice Example 1

Q. A citizen makes RKT request for all building permit applications filed with the town in the last month. He wants name, address, and project information.

A. The person's name and address is subject to a privacy exemption. What public purpose is there in releasing this information? Redact the name and address and provide the rest of the application.

\*Why is this important? In this example it turned out that the citizen owned a lumber yard wanted to use the permit applications to direct advertise to these people so they would buy lumber from him. NOT THE PURPOSE OF 91-A!



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## Practice Example 1 (cont.)

Q. A citizen makes RKT request for all building permit applications filed with the town in the last month. He wants name, address, and project information.

A. The person's name and address is subject to a privacy exemption. What public purpose is there in releasing this information? Redact the name and address and provide the rest of the application. The person is dissatisfied with the redaction, says that they need name and address because they believe permits from multi-family households are being denied while single family houses are being granted the same permits. Now, maybe there is a more compelling public interest!



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## Practice Example 2

Q. The town publishes their assessing records on their website for anyone to look at. Local police officer in town wants his name taken off the website for safety purposes.

A. The officer has a legitimate privacy interest in this information being made so publicly available. The town is going above and beyond public record requirements by posting this information online. They should consider taking his information down.



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## Practice Example 2 (cont.)

Q. The officer wants his name and address removed from the official assessing card kept at the town hall.

A. Assessing records serve a public purpose. The town must keep record of who owns property to properly assess taxes. The public has an interest in knowing that the town is fairly assessing property. This info is also available elsewhere, like the registry of deeds. The town has already accommodated the privacy interest by taking the records off the website. Now, public interest may outweigh this privacy interest.



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## Drafts & Notes

### Preliminary Drafts – RSA 91-A:5, IX –

- “[N]ot in their final form and not disclosed, circulated, or available to a quorum or a majority of the members of a public body.”

### Personal Notes – RSA 91-A:5, VIII –

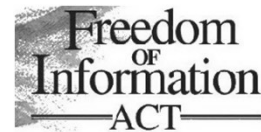
- “Any notes or other materials made for personal use that do not have an official purpose are exempt from disclosure.”



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## Law Enforcement Records? *Use FOIA*



- ▶ Factor A: Interfere with law enforcement proceedings
- ▶ Factor B: Interfere with fair trial
- ▶ Factor C: Invasion of privacy
- ▶ Factor D: Confidential sources
- ▶ Factor E: Disclosing investigative techniques and procedures
- ▶ Factor F: Endangering life or safety



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## Practice Example 3

Q. An attorney who represents someone in a divorce proceeding is seeking all records of police response or involvement at a particular address. No reason is provided for request.

A. There is no public interest at play here. This is an example of an attorney for a private citizen trying to use 91-A to dig up dirt on another private citizen, most likely to gain an edge in the divorce. NOT THE PURPOSE OF 91-A. This request can be denied under 91-A privacy exemption. FYI there are other ways the attorney can get this info properly.



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## Practice Example 3 (cont.)

Q. The attorney responds to the denial of records by saying that they have reason to believe their client's child was present at the address when the police responded there. They are concerned for the safety of the child.

A. Now, this may fall into the health and safety exemption of 91-A:5, IV. Records may be released subject to redaction.



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## IT Security

As of Aug. 4, 2020, RSA 91-A:5 was amended by adding a new paragraph XI, providing that records pertain to information technology systems are exempt from disclosure under the Right-to-Know Law if release of those records would disclose security details that would aid an attempted security breach or circumvention of law.

Very limited exemption. Applies, essentially, to the security protocols and measures installed on municipally owned systems.

Attempt to limit hackability of municipal systems.



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## Attorney-Information

- As of July 30, 2021, RSA 91-A:5 was amended by adding new paragraph XII in response to a (now withdrawn) N.H. Supreme Court decision subjecting attorney-client privileged communications and attorney work product to the privacy balancing test.
- Blanket exception for: “Records protected under the attorney-client privilege or the attorney work product doctrine.”



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## Make Non-Exempt Records Available



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## Basics of Record Production



Records must be provided immediately *only* when they are immediately available for release.



RTK *does not* give citizens the right to review records in any quantity and wherever kept immediately upon demand.



Requiring appointment to review records is permitted.



RTK does not require document “compilation.”



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## *No Flat Fees!*

- **ONLY reasonable fees are allowed!**
- RSA 91-A:4, IV
- Fifty cents per page for first 10 pages, then ten cents per page, deemed reasonable. *Martin v. Rochester*, 173 NH 378 (2020)



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## A Note About Fees & Electronic Records...

- 91-A:4, IV: . . . . No fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.
- *Green v. SAU #55*: Electronic Records Produced Electronically.
- *Taylor v. SAU #55*: School Administrative Unit's policy requiring use of a thumb drive to produce electronic records was valid under the Right-to-Know Law.



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## How Much Time To Produce Records?

*We have 5 days...*



*...right?*



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## “Something” within 5 Days

- **As of Jan. 1, 2020, municipalities must:**

- Provide a written statement of time necessary to determine whether request granted or denied;  
AND
- *Provide a reason for the delay!*

Amendment to RSA 91-A:4, IV – HB 396 – 2019 NH Laws Chapter 107

- **NHMA Suggestion for Reason for Delay:**

- Need time to determine whether or not record exists;
- Need time to determine whether it is disclosable;
- If disclosable, need time to determine how much time it will take to make the requested records ready for review or copying.



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## Retention & Remedies



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## Records Retention



*RSA 33-A:3-a* contains 156 categories of records to be retained.



Records retained for the prescribed period.



Once the retention period has expired records may be discarded, but if still available must be produced.



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## Deleting Electronic Records

- When deleting electronic records, make sure they are deleted from all possible storage locations.
- Records that are backed up on other places are still considered subject to disclosure if they are requested.
- Make sure you are aware of all the ways your electronic records are being duplicated before informing a requesting party that the records have been deleted.



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## Archive Paper Records in PDF/A?




*Any* municipal records in paper form listed in RSA 33-A:3-a may be transferred to electronic form (PDF/A Format ONLY), and the original paper records may be disposed of as the municipality chooses.




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## How are Violations of RSA Chapter 91-A Enforced?




Office of Right-to Know Ombudsman




“Aggrieved person”



Lawsuit or by complaint to Ombudsman



RSA 91-A:7, :7-a, :7-b, :7-c,:8



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## Right-to-Know Ombudsman (eff. 7/1/22)

**NOTICE OF RKO CASE HEARINGS**  
*Schedule Issued: March 18, 2024*

As a general matter, unless otherwise ordered, the hearings in these contested cases are open to observation by the public. This does not imply a right to participate in the hearings or offer public comment during the proceedings. Observers may not participate in hearings unless they have been called as a witness, or admitted to the case as a party, intervenor or representative in advance of the hearing. See Jus 809.01.


The presiding officer in these matters will be Thomas F. Kehr, Esq., NH Right to Know Ombudsman.

The following hearings in contested cases will be held by the Office of the Right to Know Ombudsman (“RKO”) in Room 313 of the State House Annex, 25 Capital Street, Concord, NH. Dates and locations are subject to change.

DATE/TIME	MATTER NAME	RKO DOCKET NUMBER
March 29, 2024, 1:00 PM – second prehearing conference	<u>In re: Town of Pelham Cemetery Trustees - 001</u>	RKO 2023-016
April 17, 2024, 1:00 PM	<u>In re: Town of Nottingham -001</u>	RKO 2023-037

Prehearing conference: April 3, 2024 1:00 PM

- Simplified complaint process -after complaint received, public body is given notice and required to respond with an answer to within 20 days.
- Ombudsman is empowered to: (1) Compel timely delivery of public records; (2) conduct in-camera review of records; (3) compel interviews with the parties; (3) order attendance at hearings; (4) order access to public records or access to meetings; (5) make any finding or order as permitted by the Superior Court under RSA 91-A:8.



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## Remedies for Violations

- Attorney's fees and/or costs to petitioner
- Invalidation of an action
- Civil penalty against an individual officer, employee, or other official for bad faith violations
- Injunction
- Remedial training
- Knowing destruction: misdemeanor
- Attorney's fees and costs may also be awarded to a public body, agency, employee, or official when the lawsuit was brought in bad faith, or was frivolous, unjust, vexatious, wanton, or oppressive



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## Upcoming Workshops and Complimentary Webinars



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## Upcoming Workshops and Complimentary Webinars

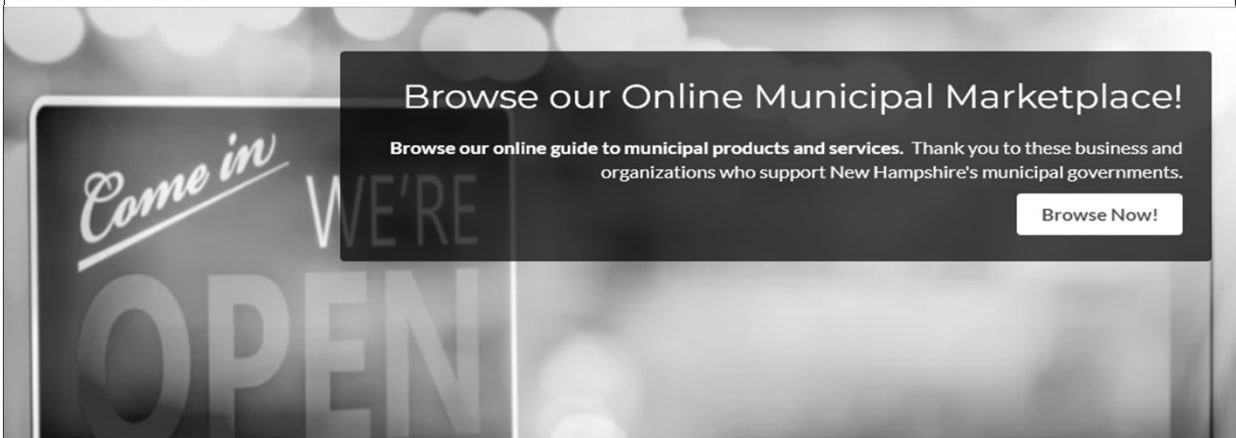


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***THANK YOU for attending our workshop TODAY!***



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