

Chairman Bush:

I'm going to say one more thing before we get there, and I am going to take up one of your rule changes that you proposed. And then we can deal with that and then you can go back to questioning Attorney Bolton, but I want to do this before we take a break.

I'm going to give each committee member, I don't know if you've seen this or one of your committee, one of your... Okay.

Vice Chairman Tencza:

Thank you.

Chairman Bush:

So, one of the things that I will take up, which I know makes you happy is... Oh, I do have this. This is a decision... And I'll remind everyone in this room, because you've asked that you wanted a non-person representative, or non-attorney representative, right?

Fred Teeboom:

No, advisory.

Chairman Bush:

Non-attorney advisory committee. Okay.

Fred Teeboom:

It's a non-attorney.

Chairman Bush:

That you, and who is that non-advisory person you want to have on?

Fred Teeboom:

The non-attorney advisory is Laurie Ortolano.

Chairman Bush:

Okay.

Fred Teeboom:

Who brought a complaint before this committee before.

Chairman Bush:

She's brought complaints before, correct. So, I'm going to suggest to you, and to Ms. Ortolano... I'm reading from Muccioli versus City of Nashua in the footnote. This isn't from me, this isn't from an unethical board or whatever. This is from Jackie Coburn. Maybe people don't... Judge Jackie Coburn. Who says, number one footnote.

"The court strongly suspects that Laurie Ortolano a non-party to this action is drafting the petitioners," in this case Denise Muccioli, "filings in this case, including the instant motion as well as the petition. In fact, the court observed Mrs. Ortolano communicating with the petitioner during the hearing in this matter." And for the record, I think it's pretty clear that the 12 people or 14 people in this room, but that's exactly what's been going on here, to a limited degree. Although Mr. Teeboom, frankly you can take care of yourself when you're asking questions. You don't need any help, but whatever.

"The court reminds. Mrs. Ortolano," this is Jackie Coburn, "that she is not an attorney and it is generally unlawful for non-attorneys to engage in the practice of law, which includes drafting legal filings on behalf of others. See RSA3117. State v Stuttle 124 New Hampshire 832 837, interpreting RSA3117 to prohibit non-attorneys from preparing and filing documents in the court system on behalf of others."

So, I'm going to tell you right now that there's, you know... You guys can, I'm not going to say you can do what you want in the five-minute break you have, but in terms of like my vote, I'm only just one. And that's why I didn't answer your questions, because I'm the chairperson. Any rule changes, which I don't believe we can make, but I'm one of five, one of them that I want to be... You cannot have non-attorneys advising and I'm gently saying that it's a violation of RSA3117.

With that having been said, you want five minutes, we'll give you a, we'll give you 10. How does that sound? You want to stay here or you want to go somewhere else?

Fred Teeboom:

Oh, I'll go, I'll leave you guys here.

Laurie Ortolano:

Attorney Bush?

Chairman Bush:

Yes, Ms. Ortolano, you want a copy of that order?

Laurie Ortolano:

Well, I have it, but it was supposed to have been struck according to Jackie Coburn. So, you are reading something that isn't struck. Which [inaudible 01:06:57].

Chairman Bush:

It is not struck. There's nothing in here that's struck.

Laurie Ortolano:

She claimed that that was going to be struck from the record, because I challenged her on it. So now I'm going to go to court and see why that wasn't struck.

Chairman Bush:

This is 7/7/2023, [inaudible 01:07:10]. And I...

Laurie Ortolano:

You got this from the court, didn't you?

Chairman Bush:

I'll tell you, I'll tell you, I got this much later than 7/7/23.

Laurie Ortolano:

I know, that's why I'm surprised.

Chairman Bush:

[inaudible 01:07:19].

Laurie Ortolano:

Because around eight or nine in the month of April... Uh, August, it was going to be struck.

Chairman Bush:

And it-

Laurie Ortolano:

So, because I challenged her, what she wrote, and she admitted that it was an error. And she was going to strike it. So, it's not struck. But also, I want to say...

Chairman Bush:

I think that, wasn't that on, that she thought that you were... She messed up on you, and there was an order for a motion for reconsideration.

Laurie Ortolano:

It's the same document. This is the same document.

Chairman Bush:

My understanding, because I remember reading a motion for reconsideration where she confused you with Mrs. Cahoon, and she had said something that Mrs. Cahoon had said. And you said in a motion for reconsideration, "Hey, that wasn't me. That was, I think it was Mrs. Cahoon."

Laurie Ortolano:

No.

Chairman Bush:

She said... Because you had a motion for reconsideration that she...

Laurie Ortolano:

Yeah, that's not exactly the story. However, when you read something like this in a public meeting, about me personally acting in the capacity of a lawyer...

Chairman Bush:

Correct.

Laurie Ortolano:

Which I'm not, he asked about a non-attorney. You always say this is an advisory meeting. It's not superior court, it's not a court of law.

Chairman Bush:

Correct.

Laurie Ortolano:

Okay. And then you read something that is a court issue.

Chairman Bush:

Correct.

Laurie Ortolano:

I'm concerned about that. To say that that rule applies, RSA3117, to a citizen helping a citizen in an advisory meeting that's not court, not a court record. I think that's a problem. And honestly-

Chairman Bush:

I think your conduct is a problem, if you're advising him. If you look at that rule.

Laurie Ortolano:

And I did not write Mr. Teeboom's filing at all.

Chairman Bush:

That's fine.

Laurie Ortolano:

Not a word did I write on that.

Chairman Bush:

I'm telling you, I'm telling you that if you read verbatim what she cautioned you about the superior court.

Laurie Ortolano:

Writing their filings.

Chairman Bush:

That is exactly what she says.

Laurie Ortolano:

Drafting of the petitions.

Chairman Bush:

Drafting of the, including the instant motion [inaudible 01:09:00]

Laurie Ortolano:

Never happened.

Fred Teeboom:

Wait, nobody looked at my filing. Nobody looked at my filing.

Laurie Ortolano:

I did not touch his filing.

Chairman Bush:

Look at this though. "The court observed Mrs. Ortolano communicating with the petitioner during the hearing on this matter, which is exactly what was going on here. Listen, no one's going to charge you probably, but I'm cautioning you as well as him.

Laurie Ortolano:

Well, honestly...

Chairman Bush:

And you've been cautioned by a superior court judge. So just, if you've got some concerns, that's fine. I've got some concerns, and I just raised them. And if you tell me that the Superior Court has stricken this from the record, then we will have this stricken from the record here as well. But right now.

Laurie Ortolano:

Okay.

Chairman Bush:

This stands because it's a public document.

Laurie Ortolano:

Okay.

Chairman Bush:

But if you tell me it's been stricken, then we will strike this from the record.

Laurie Ortolano:

What I asked the attorney.

Fred Teeboom:

I want my 10 minutes.

Laurie Ortolano:

What I asked for Mr. Teeboom to do was sign me onto the petition, so I'm on it, so that I'm not counseling. Just put me on your petition. So that I'm here.

Chairman Bush:

That would have been an easier way to do it.

Laurie Ortolano:

That's exactly what I want. He said, well, but he didn't know there was going to be a hearing tonight. Neither did I. You made a hearing. And by the way, I hope you vote tonight to make these uh, minutes verbatim. Because, now you've done all this hearing interview stuff and your record tells you that this is going to be just a short transcript.

Chairman Bush:

I don't think that's accurate at all. But do you want, now when, you want the verbatim transcript, are you going to want this in the verbatim transcript?

Laurie Ortolano:

You're going to put it in because you did it, it's part of the record. It belongs there now, I can't do anything about it. You didn't give me an option to go into non-public.

Vice Chairman Tenczar:

Can we just go into recess? I'm not sure why any of this needs to be on the record.

Chairman Bush:

What?

Laurie Ortolano:

Well, I want the, I want that you put him under oath and you conducted a hearing, which I don't think was right tonight for anyone. However, and if I had known that, and Fred had known that, I would have said, "Put me on the petition." I didn't know. We didn't know. We didn't know we were coming to a hearing.

Chairman Bush:

It's an initial screening.

Laurie Ortolano:

But you did a hearing.

Chairman Bush:

The last time you had a hearing, you testified under oath. So how can you say you didn't know what was going to happen? [inaudible 01:10:50].

Laurie Ortolano:

Wait a minute. That was a different witness. Nobody came up to the stand. I didn't know.

Chairman Bush:

He didn't know he was going to be here either.

Laurie Ortolano:

[inaudible 01:10:54]. Right. So, I was the complainant. You asked me questions as the complainant. Only the complainant, okay? That was it. Now, we've got the complainant being questioned and we've got a party here. We're conducting a partial hearing. That's completely different.

Corporation Counselor Attorney Bolton:

I'm not a party.

Laurie Ortolano:

Well, you're a witness. He would have been called by Fred.

Chairman Bush:

So, to Vice Chairman Tenczar's point, [inaudible 01:11:18].

Laurie Ortolano:

I mean, I would hope you would do verbatim, I don't care if you don't do verbatim on the rest of it, but I would hope you would do verbatim on the under-oath part and the testimony.

Vice Chairman Tenczar:

Well, [inaudible 01:11:28]. I believe the recording is always available, regardless of how it's transcribed.

Laurie Ortolano:

No, once it's transcribed, they don't have to keep the recording anymore. RSA91A allows it to be destroyed. So, if you don't.

Vice Chairman Tenczar:
Isn't the recording posted?

Laurie Ortolano:
No, not the full, If he does a transcript, that's only a partial transcript. It's only the partial you get, and the recording is not maintained. So.

Chairman Bush:
Everything here is on the record, completely on the record. We haven't gone into any type of,

Laurie Ortolano:
I'm just saying, your rules say that the first screening meeting will be non-verbatim minutes, but this became more of a hearing, and for that reason I think the minutes should be verbatim.

Vice Chairman Tenczar:
Thank you.

Laurie Ortolano:
That's all.

Chairman Bush:
Appreciate it.

Roger Wiseman:
I'd like to move that we go into executive session.

Chairman Bush:
Private session?

Roger Wiseman:
Whatever the...

Member Robinson:
Non-public session.

Roger Wiseman:
Non-public session.

Chairman Bush:
Non-public session. Can we do that without the complainant?