

Docket No. NHFGC: 2024-001

In re RSA 206:4-b Complaint Regarding
New Hampshire Fish and Game Commissioner Price

NOTICE OF HEARING

1. TITLE AND DOCKET NUMBER OF CASE:

**In Re: RSA 206:4-b Complaint Regarding New Hampshire Fish and Game
Commissioner Price, Docket No. NHFGC: 2024-001**

2. PARTIES:

New Hampshire Fish and Game Commissioner
Susan Price
sgpricenhfgcommissioner@outlook.com

3. INTERVENTION:

Any qualifying person may seek to intervene in this matter and request party status under the provisions of RSA 541-A:32, by filing a motion stating facts demonstrating that their rights or other substantial interests might be affected by the proceeding or that they qualify as an intervenor under any provision of law. N.H. Admin. Rules, Jus 808.02, 809.01.

If the Presiding Officer determines that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the hearing, he or she shall grant the motion for intervention. RSA 541-A:32, I(b), N.H. Admin. Rules, Jus 809.01(b).

Any motions for intervention and party status must be submitted in writing to the email address contained in subparagraph 8D below, with a copy to other parties or their representatives at least three (3) days before the hearing. RSA 541-A:32, I(a). The Presiding Officer will render an order granting or denying each motion for intervention, specifying any conditions on intervention, and provide brief reasoning. The Presiding Officer may modify the order at any time, stating the reasons for the modification. RSA 541-A:32, V.

If the complainant, Colonel Kevin Jordan, fails to file a motion to intervene, the Presiding Officer may take appropriate actions including, but not limited to, precluding the complainant

from testifying or dismissing the case in its entirety. In order to ensure the efficient management of this case, the Commission requests that Colonel Jordan file a motion to intervene by February 9, 2024.

4. AUTHORITY AND NATURE OF THE HEARING:

Pursuant to RSA 206:4-b, II, this hearing is scheduled as a result of a January 11, 2024 written complaint made against Commissioner Susan Price by Colonel Kevin Jordan, Chief of Law Enforcement, New Hampshire Department of Fish and Game (the “Department”) and relates to the issues contained in Paragraph 6 below.

The Commission will appoint a Presiding Officer pursuant to N.H. Admin. R. Jus 803.01. The Presiding officer may, upon the motion of any party or *sua sponte*, schedule a prehearing conference prior to the hearing in accordance with RSA 541-A:31, V(b) and N.H. Admin. R. Jus 807.05. The Presiding Officer will hear arguments on any motion(s) for intervention at the prehearing conference.

The Commission will receive evidence and arguments at the hearing. Pursuant to RSA 206:4-b, II, all hearings, deliberations, and votes by the Commission in this matter will be made with a quorum of members present and in public session. Commissioner Price, as the subject of the complaint, may not participate as a Commissioner.

The hearing is an adjudicative proceeding under RSA 541-A:31 to 36 and subject to the procedural rules set forth in N.H. Admin. R. Jus Chapter 800. This hearing is not a criminal proceeding and the rules of evidence shall not apply. See RSA 541-A:33, II; N.H. Admin. R. Jus 812.04. The Presiding Officer will exclude irrelevant, immaterial, or unduly repetitious evidence. RSA 541-A:33, II. Pursuant to RSA 541-A:31, IV, an opportunity will be afforded to all parties to respond and present evidence and argument on all issues involved.

5. DATE, TIME, AND PLACE OF HEARING:

The hearing is scheduled in this matter for:

February 27, 2024, 1:00 PM

**New Hampshire Fish and Game Department
East Conference Room
11 Hazen Drive
Concord NH 03301**

The entirety of all oral proceedings shall be recorded verbatim by the Commission. See Paragraph 8A below regarding requests for alteration of date/time.

6. ISSUES:

Colonel Jordan’s complaint alleges in pertinent part that on December 19, 2023, Commissioner

Price violated RSA 206:4-b, I, by discussing a personnel matter involving Colonel Jordan, who is a classified employee, and another Department employee, who is also a classified employee, with the Department's Human Resources Administrator Deidre Grimes. RSA 206:4-b, I, provides:

No member of the fish and game commission may be engaged or involved in any personnel matters of the department, including the hiring, disciplining, firing, promoting, evaluating, transferring, and any other matters associated with the classified employees of the department.

The Commission will determine whether the alleged violation occurred. If the Commission finds that a violation occurred, the Commission may make a recommendation to the Governor and Executive Council for appropriate disciplinary action. If the Commission determines that a violation occurred but that it does not rise to a level requiring a recommendation to Governor and Council, the Commission may issue a public reprimand detailing its findings. No other issues will be considered at the hearing.

7. REPRESENTATION AND APPEARANCES:

Pursuant to RSA 541-A:31, III, each party has the right to have an attorney present to represent them at their own expense. Pursuant to N.H. Admin. R. Jus 807.04, each party may appear through a representative who is not an attorney.

8. OTHER MATTERS:

A. Requests for Alterations of Dates/Times

Requests for any alteration of the date or time set forth in this order shall be made promptly, in writing, and sent to the email address contained in subparagraph 7D below, with a copy to other parties or their representatives. See N.H. Admin. R. Jus 806:01 & 810.01. Parties seeking to alter the date or time of the hearing will consult about alternative proposed dates or times with the other parties or their representatives, prior to submitting any request to the Commission or Presiding Officer. Requests submitted shall note whether the other parties or their representatives concur in the request.

B. Burden of Proof/Consequences of Failure to Attend

As the complainant, Colonel Jordan has the burden of proving the truth of his assertions in this matter by a preponderance of the evidence. See N.H. Admin. R. Jus 812.02. Pursuant to N.H. Admin. R. Jus 810.02, if a party who has the burden of proof on an issue or issues involved in the hearing receives notice of the hearing and fails to attend, the

party shall be in default and the Presiding Officer may dismiss the case. If a party who does not have the burden of proof fails to attend, the testimony and evidence of the other party shall be received and evaluated. See generally N.H. Admin. R. Jus 810.02.

C. Conduct at Hearing

Parties and their representatives shall treat the process and all other participants, including the Presiding Officer, witnesses, and representatives, with respect and fairness.

D. Electronic Filings and Ex Parte Communications

Unless any party objects, filing and service of documents shall be by electronic means only. Filings and communications regarding this matter shall be directed to the following administrative assistant assigned to this proceeding:

Attn: Tanya Haskell
Tanya.L.Haskell@wildlife.nh.gov
NH Fish and Game Department
11 Hazen Drive
Concord, NH 03301
Telephone: (603) 271-3511

Please include in the subject line of emails containing filings in this matter “Re: Docket No. NHFGC: 2024-001”

Written communications and other documents filed in this matter shall be submitted to the above email address and shall be served upon the other parties or their representatives via email to the respective addresses provided.

Pursuant to RSA 541-A:35, parties or persons involved in this matter on behalf of any party shall not engage in either oral or written ex parte communications with the Presiding Officer or any Commissioners who will hear and decide the case.

9. OBTAINING COPIES OF RULES:

Copies of the rules of the Department of Justice, including but not limited to the rules governing adjudicative proceedings (Jus Chapter 800), can be viewed and obtained on-line, at the following link to materials found on the “Administrative Rules” website of the Office of Legislative Services:

https://gencourt.state.nh.us/rules/state_agencies/jus.html

Date: January 30, 2024

/s/: Eric G. Stohl

**Eric G. Stohl, Chair
New Hampshire Fish and Game Commission**