

1	In re the Matter of:) Case No.: 11-125
)
2	State of New Hampshire Banking)
)
3	Department,)
) Order Re: Procedural Order Disclosure
4	Petitioner,) Under RSA 91-A
)
5	and)
)
6	CC Brown Law Offices (a/k/a CC Brown)
)
7	Law LLC and Law Offices of C.C.)
)
8	Brown), and Charles Craig Brown, Esq.,)
)
9	Respondents)

PROCEDURAL ORDER DISCLOSURE UNDER RSA 91-A

An Order on Motion to Dismiss with Prejudice ("Order") was issued on April 18, 2012. In response to the Order, CC Brown Law Offices, et al ("Respondents") sent an electronic mail seeking approval that if a certain report ("Report") is submitted, that it be kept confidential.

The purpose of this Order is to identify a procedure that will create an opportunity to decide whether the Report should be confidential.

In general, all pleadings, motions, objections, rulings and evidence are part of the record. RSA 541-A:31, VI(b) and (c). Documents or other materials admitted into evidence "shall be public records unless the presiding officer determines that all or part of a document is exempt from disclosure under RSA 91-A:5 or applicable case law." Jus 812.04 (d).

The issue, therefore, is how to present the report so that it will not become a public record if I determine that it should be exempt.

1 The Respondents should file a Motion to Exempt the Report from
2 disclosure as a public record. I expect this motion will be a public
3 document and will describe the basis for exemption in very broad terms. The
4 Report should be filed as a sealed exhibit to the Motion. I will examine the
5 Report in camera and determine whether or not it should be exempt from
6 disclosure. I anticipate that the Report will contain facts. Not having seen
7 the document, I do not know whether it is self authenticating or needs to be
8 verified by someone with personal knowledge. While I am willing to be
9 flexible, my preference when deciding a motion on factual allegations is
10 that the facts be verified.

11 Turning to another aspect of the process, I have been involved with
12 the same issue where the information which was the basis for my motion was
13 privileged. In that case, I did not share the information with the opposing
14 party and I explained why. In this matter, the Department has agreed to keep
15 the Report confidential. I would like the Department to file a pleading that
16 indicates that it has reviewed the Report, (unless the Respondents explain
17 why the Report has not been shared,) and that takes a position on the Motion
18 to Exempt the Report from Disclosure.

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