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May 2, 2023

Via Email Only – CMartin@commteam.org
Lowell School Committee c/o Connie A. Martin
155 Merrimack Street
Lowell, MA 01852

RE: LPS Hiring/Employment Practices Investigation

Dear Subcommittee Chair Martin and School Committee Members,

We are writing to provide you with an update on that status our investigation. While it is not our practice to share substantive information during an open investigation, at your request, we share with you the following timeline and administrative developments:

As you know, we were formally retained by the School Committee, via an executed engagement letter, on March 27, 2023. On Wednesday, March 29, Attorneys Kesten and Stefanilo attended a subcommittee meeting to field questions from members and to receive direction from the School Committee as to the scope and preferred process for the subject investigation. Earlier that afternoon, BHPK had received a one-page memorandum from the Law Department with six sets of handwritten “intake” notes enclosed. It had also received a copy of former City Solicitor O’Connor’s email to the School Committee, and limited materials from the School Department. It was BHPK’s understanding at that time that it was tasked with investigating the complaints identified by Ms. O’Connor in her November 20, 2022 email. The scope of services document provided to BHPK stated that the School Committee “voted to move forward and get outside counsel to look into the allegations addressed in the former City Solicitor’s letter.” BHPK approached the investigation through this lens.

On Tuesday, April 25, Attorney Brody from BHPK’s Investigations Team spoke with Ms. Martin, who clarified that the scope of the investigation should not be limited to the complaints referenced in Ms. O’Connor’s email and, accordingly, BHPK amended the proposed “notice” language for the website that had been prepared previously and submitted revised language for consideration on April 27. This language included investigating any hiring or employment-related concern from school personnel that might have merit. BHPK requested that the School Committee provide it with a deadline for complainants to contact them, and a firm cut-off date to limit the scope of complaints concerning past practices and/or concerns.

As mentioned, the notes received from the Law Department did not sufficiently identify the complainants referenced therein. BHPK sent follow-up emails to Interim Solicitor Williams on March 31,

April 3, April 5, April 10, April 13, April 14, and April 19 (the latter via formal letter) seeking additional information about the identities of the complainants and a transcription of the handwritten notes provided. On April 20, Mr. Williams provided a follow-up letter, which identified four complainants in full. Two of them were the same two individuals referenced by Ms. O'Connor in her initial email, one of them being the now public complaint by Ms. Kara Pigeon. BHPK had already interviewed Ms. Pigeon on April 7, and interviewed Ms. O'Connor on April 18. The second complainant, whose identity remains confidential at this time, was interviewed on May 2. The other two complainants who were fully identified in the supplemental information provided by Mr. Williams on April 20 were contacted, and the first was interviewed on May 1. BHPK contacted the second complainant and is still awaiting a response.

There were four additional complainants referenced in the materials provided: two employees and two non-employees. The Legal Department had screened out the latter group of non-employees but provided names and telephone numbers for those individuals. For the two employees, one remains unidentified (no name) and the other was identified only by first name. BHPK subsequently sought additional information from the Law Department regarding the positions of these two individuals and believes that the transcribed notes from these interviews will be helpful in confirming their identities so that contact can be made.

Additionally, there have been five other interviews of confidential complainants to date, with another six scheduled through May 16. We learned that the revised language providing our contact information was approved for posting on April 27, and posted on April 28. We recommend that this language remain posted for three weeks, through May 19.

Finally, we have identified a contact at the School Department who will be compiling records for us in the coming days. If we run into issues with record production, we will contact Ms. Martin. Please note that we have been in regular contact with Ms. Martin on at least a weekly basis since being retained, and we will continue to report to her on an interim basis as requested.

We ask that the subcommittee provide us with the following parameters for the investigation:

- (1) The length of time that complaints will be received. We recommend through Friday, May 19. If the Committee prefers a longer period, we suggest no later than Friday, May 26.
- (2) How far back complaints should be entertained. BHPK strongly recommends placing a limit on this and recommends two years from the date of Ms. O'Connor's email, but certainly no more than three years.

With these parameters in place, we anticipate completing all necessary interviews by June 15 (we strongly prefer to interview school department personnel *after* all complaints are received). It typically takes about one month in an investigation this size to turn around a draft report. As always, if you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,



Michael Stefanilo, Jr., Esq.

Erica L. Brody/Leonard H. Kesten