

**STATE OF NEW HAMPSHIRE  
THE GOVERNOR AND THE EXECUTIVE COUNCIL**

**IN RE: COMMISSIONER MARK BODI  
DOCKET NO. 10-001**

**MOTION TO COMPEL DISCLOSURE OF CONTACTS**

NOW COMES Liquor Commission Chairman Mark Bodi, by undersigned counsel, who respectfully states and moves as follows:

1. For the apparent purpose of assuring the integrity of a pending hearing by Governor and Council regarding Chairman Mark Bodi, Assistant Attorney General Lynmarie Cusack, on September 2, 2010, made a discovery request to undersigned counsel, namely, that counsel confer with Chairman Bodi and advise the Attorney General's Office as to whether or not Chairman Bodi had any contact with any member of the Governor's Council from, at least, on and after the date of the Attorney General's petition.

2. Undersigned counsel, based upon the Attorney General's request, presented the question to Chairman Bodi.

3. Chairman Bodi having replied, undersigned counsel represented to Assistant Attorney General Cusack that Chairman Bodi "... **has had no contact with any member of the governor's Council from, at least, on and after the date of the Attorney General's petition.**"

4. The Attorney General's Petition is dated June 23, 2010.

5. In replying to the Attorney General's inquiry, undersigned counsel presented the following inquiry to Assistant Attorney General Cusack: "**Has the Attorney General at any time following December 14<sup>th</sup>, 2009, had any communication with the Governor: in person, by e-mail, mail, and/or via Governor's staff, *pertaining to the petition or the allegations in the petition?***"

6. On September 2, 2010, Assistant Attorney General Cusack replied to undersigned counsel confirming her understanding of the inquiry, as follows: **“I read your #2 as questioning communications other than when the petition was filed. Is that a fair reading?”**

7. Undersigned counsel on September 2<sup>nd</sup> replied to the Assistant Attorney General’s inquiry, as follows: **“Yes, thank you. ‘Other than’ the actual time that the AG filed the petition. It is understood that he may well have had communication at that time. I mean before or after.”**

8. On September 6, 2010, during the course of an in person conference with undersigned counsel at the Attorney General’s Office, Assistant Attorney General Cusack indicated that she had made the inquiries as sought by undersigned counsel and that she was awaiting a reply.

9. As of the dictation of this motion, on the afternoon of September 9, 2010, Assistant Attorney General Cusack has not replied to the inquiry or provided information detailing what, if any, communication existed between the Attorney General and the Governor as requested in undersigned counsel’s e-mail of September 2, 2010.

10. This Motion is occasioned by the time limitations set forth in the Scheduling Conference Report and Order, dated August 11, 2010, requiring that motions, including motions in the nature of motions in limine, be filed no later than September 10, 2010.

WHEREFORE, undersigned counsel, in behalf of Chairman Mark Bodi, respectfully moves the Governor and Council to:

(1) Compel the answer to the following question: **“Has the Attorney General at any time following December 14<sup>th</sup>, 2009, had any communication with the Governor: in person, by e-mail, mail, and/or via Governor’s staff, *pertaining to the petition or the allegations in the petition?*”**

(2) In the event that the Attorney General has had any such communication, then to compel the Attorney General's full disclosure of any such communication.

Respectfully submitted,

Liquor Commission Chairman Mark Bodi  
By His Attorney  
MCLAUGHLIN LAW OFFICE, P.C.



September 9, 2010

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**CERTIFICATION**

I hereby certify that on this 9<sup>th</sup> day of September, 2010, the original of Liquor Commission Chairman Mark Bodi's Motion to Compel Disclosure of Contacts has been forwarded to Donald J. Perrault, Esquire, Wadleigh, Starr & Peters, PLLC, 95 Market Street, Manchester, NH 03101, and copies to Jeffrey A. Meyers, Esquire, Office of the Governor, State House, 107 North Main Street, Concord, NH 03301, Secretary of State William Gardner (ATTN: Karen Ladd), 107 North Main Street, Concord, NH 03301 and Associate Attorney General Ann Rice, New Hampshire Attorney General's Office, 33 Capitol Street, Concord, NH 03301.



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Philip T. McLaughlin