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October 16, 2017

Hon. James A. Donnelly, Jr.
Tiverton Municipal Court
Tiverton Town Hall
343 Highland Road
Tiverton, RI 02878

**RE: Tiverton School Committee/
Charter Complaint**

Dear Judge Donnelly:

Please be advised that this office represents the Tiverton School Committee, Dr. Jerome Larkin, Mrs. Sally Black, Ms. Diane Farnworth, and Ms. Elaine Pavao with respect to the Charter complaint filed by Justin Katz. Hearing is currently scheduled for October 19, 2017.

The parties respectfully request a continuance of said hearing. We note that the Tiverton School Committee only received notice of this matter on October 5, 2017, and only received notice of any hearing in this matter on Friday, October 13, 2017. The Tiverton School Committee has not yet had an opportunity to meet and discuss the charges against the School Committee. Furthermore, a 14-day notice from receipt of the charges is insufficient time to prepare for the full trial on the merits.

In any event, we respectfully observe that the Tiverton Municipal Court lacks jurisdiction over this matter. According to Section 1211(b) of the Charter, before a Charter complaint is referred to the Municipal Court, the complaint must initially be heard by the Town Council. The complaint is only referred to the Municipal Court after the Town Council hears the matter and finds support for the charges. We have as yet received no notice that any such hearing has taken place. We therefore believe that this matter should be remanded to the Council.

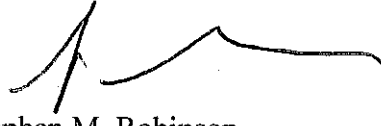
Finally, we believe that the complaint is without merit. The gravamen of the complaint is that two members of the School Committee, Dr. Larkin and Mrs. Black, originated an Elector Budget petition. According to Complainant Katz, he believes that this Petition was “. . . a mere pretense around limits that the Charter places on them in their official capacity.” Essentially, he

complains that the Elector Budget petition was an "end run" around limitations that had been placed on the School Committee's right to place its own budget on the ballot. However, Section 301(d) expressly preserves the right of Town elected officials to originate and/or sign Elector Budget petitions. For that reason, Dr. Larkin and Mrs. Black cannot be said to have committed any Charter violation when submitting their own Elector Budget petition.

That same section even preserves the right of any Committee to circulate a petition. For that reason, neither the School Committee nor any of its members acted improperly when giving its support to the Elector Budget petition originated by Dr. Larkin and Mrs. Black. For this reason, we believe that the complaint lacks merit in law or fact.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen M. Robinson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen M. Robinson

c: Tiverton Town Council
Nancy Mello, Town Clerk
Paul McGreavy, Town Administrator
Tiverton School Committee
William J. Rearick, Superintendent