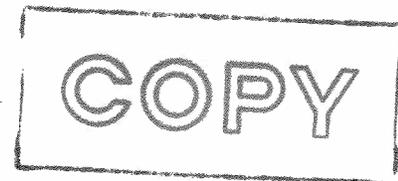


JACK LIGHTFOOT  
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# State of New Hampshire

GUARDIAN AD LITEM BOARD  
25 Capitol Street – Room 120  
Concord, New Hampshire 03301



**In the Matter of:**  
**Marie Dubreuil**  
**Disciplinary Hearing**

**Docket #: 08-C01**

**Disciplinary hearing June 12, 2009 at Concord, NH**

## DECISION AND ORDER

Before the Guardian ad Litem Board is the matter of Marie Dubreuil following complaints to the Board that Ms. Dubreuil had provided false and misleading information to the Board on her application to become a certified guardian ad litem and in depositions taken in cases in which she was involved as a guardian ad litem.

### Background Information

On January 23, 2007, the Guardian ad Litem Board (“the Board”) received a complaint about the actions of Marie Dubreuil (“Ms. Dubreuil”) as a certified guardian ad litem, including that she allegedly provided inaccurate information on her application of July 15, 2005 to become a certified guardian ad litem. The complaint was filed by Jill Robie. A second complaint arising from the Robie case was received on January 29, 2007 filed by Judge John Cyr. A third complaint was received on February 20, 2007 filed by Patrick Stinehour.

Each complaint included similar allegations, that Ms. Dubreuil falsified her application to become a certified guardian ad litem by stating that she had a degree from an accredited college, that she had failed to respond truthfully to questions in depositions arising from the Robie and Stinehour cases, and that she had failed to disclose on her application her previous divorces and bankruptcy.

Pursuant to Gal 203.02(c) Ms. Dubreuil was provided notice of the complaint by letter dated April 18, 2008. On April 21, 2008 Ms. Dubreuil requested an extension of the deadline for filing her response with the Board, which request was granted. Pursuant to Gal 203.02(f), Ms. Dubreuil filed a lengthy response dated 4/29/08 which was received by the Board on May 19, 2008. In essence, Ms. Dubreuil stated: (1) she honestly believed her college degree was valid; (2) it was the responsibility of the Board to determine at the time of application whether the degree met the criteria established by the Board; (3) she was unable to remember answers to questions at her depositions because she was under stress caused by the death of her sister a few weeks before; and (4) she honestly misunderstood the question on the application form and did not think at the time that her divorce or bankruptcy required her to respond affirmatively to the question “*Has*

*the applicant ever been a party to any family law or domestic relations proceeding, or any other civil action of any type?”.*

The Board appointed Timothy Russell to conduct an investigation of the complaint. The investigator's report was reviewed by the Board at its meeting on June 13, 2008, at which time the Board voted to proceed to a hearing. The Board appointed Mr. Russell as the prosecutor.

A notice of hearing was issued on September 15, 2008. The issues to be addressed at the hearing, as set forth in the Notice of Hearing, were:

- I. Does Ms. Debreuil meet the requirement for certification given that Gal 303.01(c) requires an applicant for certification to possess “a bachelor’s degree from an accredited college or university?”
  - a. Specifically, does the “degree” Ms. Debreuil apparently indicated she has in Part 3 of her application under “Education” satisfy the requirement of Gal 303.01(c) which requires “a bachelor’s degree. It appears that:
    - i. Ms. Dubreuil listed “Belford University” as the place from which she received her bachelor’s degree.
    - ii. Belford University is an on-line university which offers a bachelor’s degree for set fees running from \$450 to \$750.
    - iii. Degrees at Belford University are based solely on life experience or a 100 question test. If the applicant for a degree fails the written test, Belford University will supply with the correct answers and allow the applicant to re-take the test immediately.
- II. Did the applicant, Marie Dubreuil, violate the requirement that she must be “of good character” in order to be certified, as required in GAL 303.01(h) and RSA 490-C:5-a, I, in light of the following:
  - a. In light of the above, Ms. Dubreuil indicated in her Application for Certification dated July 15, 2005 that she had a bachelor’s degree from Belford University;
  - b. Ms. Dubreuil’s testimony in a deposition taken January 10 and 11, 2007 in the Robie & Robie Case, and January 12, 2007 in the Stinehour & Stinehour case calls into question whether she believed that her degree from Belford University fulfilled the requirement of a “bachelor’s degree” as set forth in Gal 303.01(c).
  - c. On the application, in answer to Part 7, question 1, which asks, “Has applicant ever been a party to any family law or domestic proceeding, or any other civil action of any type, in this or any other jurisdiction?” the applicant placed a check mark in the box indicating “no” although it appears that:
    - i. Ms. Dubreuil was a party to a divorce (Donovan v. Donovan) which was finalized on March 2, 2000, docket no. 99-M-260, Coos County Superior Court;
    - ii. Ms. Dubreuil was a party to a bankruptcy, petition #: 96-10370-MWV, filed in U.S. Bankruptcy Court, District of New Hampshire, filed February 21, 1996, discharged March 6, 1997.
    - iii. Said bankruptcy petition also listed the following previous civil actions involving Marie Donovan, aka, Marie Dubreuil:

1. American Frozen Foods, Inc. v. Timothy & Marie Donovan, Nashua District Court #93-CV-125, action for debt
  2. Lucie Coulombe v. Marie Donovan, Berlin District Court #95-SC-120 small claim judgment for \$397.95
  3. Republic Factors Corp v. Timothy & Rita Marie Donovan d/b/a Regional Sports Connections, Berlin District Court #95-SC-43 judgment for \$2,478.70 on action for debt
  4. Angelo R. Fisichella v. Timothy & Marie Donovan, Salem District Court summons in action for back rent i/a/o \$1,560
- d. Ms. Debreuil signed Part 9 entitled "Signature Certification" on the July 15, 2005 application which states, in part, "the information on this application and documentation provided in support of the application are true, accurate, completed and unaltered." It further states, "I further acknowledge that pursuant to RSA 641:3, knowingly making a false statement on the application form is punishable as a misdemeanor."

III. If any of the above allegations are proven, whether and to what extent Ms. Debreuil should be subjected to one or more of the disciplinary sanctions pursuant to Gal 402 (Revocation, Suspension, and Other Sanctions).

### **Procedural History**

From the beginning, this proceeding has been marked by delays, all at the request of Ms. Dubreuil or her attorney. On September 15, 2008, the notice of hearing was issued by the Guardian ad Litem Board. In the notice, a pre-hearing conference was set for October 14, 2008 and the hearing set for November 14, 2008. On October 10, 2008, the Board received an email request from Ms. Dubreuil to postpone the pre-hearing conference. The request was granted; the Pre-hearing conference scheduled for Oct. 14, 2008 was postponed to November 17, 2008, and the hearing on the merits postponed to December 12, 2008.

On Friday, November 14, 2008, the Board received a notice of appearance and request for postponement of pre-hearing conference scheduled for Monday, November 17, 2008 filed by Attorney Robert McDaniel. The request was granted and the pre-hearing conference was re-scheduled for November 25, 2008. The hearing on the merits then scheduled for December 12, 2008 was also forced to be postponed by this change.

The pre-hearing conference was held on November 25, 2008 at which time the hearing was scheduled for January 23, 2009. That date was postponed to April 17, 2009 at the request of Attorney McDaniel.

The April 17, 2009 hearing dealt with a proposed settlement agreement which was rejected by the Board resulting in a continued hearing scheduled for May 9, 2009. On May 6, 2009, Attorney McDaniel requested that the hearing be further delayed because he would be out of the country. That request was treated as a motion and granted. The order granting the motion included the following paragraphs:

3. The parties' attention is called to Gal 210.02 Failure of a Party to Attend or Participate in the Hearing

4. The parties are further notified that there have been several delays and postponements in this matter, and the Presiding Officer is not inclined to grant any further motions for continuances unless there are compelling reasons for granting such motions.

See Order at page 1, dated May 6, 2009. That order scheduled the next hearing for June 12, 2009. On June 10, 2009, Attorney McDaniel telephoned the Guardian ad Litem Board office requesting a further delay. This request was denied by order dated June 11, 2009, and the parties were notified the hearing would proceed as scheduled on June 12, 2009.

Each of the postponements was at the request of Ms. Dubreuil or her attorney. Only one of the requests for postponement was made as a written motion as required by Gal 206.02. and Gal 207.01 with copies provided to the other party and to the Attorney General's Office. The one written motion was filed at the same time as the notice of appearance on November 13, 2008 requesting a delay of the hearing scheduled for November 17, 2008. Each of the other requests for postponements was received by email or telephone within less than 5 days of the scheduled event. Ms. Dubreuil had ample opportunity to participate in the June 12, 2009 hearing, but failed to appear. She did not contact the Board beforehand, nor did she avail herself of the right pursuant to Gal 210.02(d) to request an opportunity to present evidence or testimony following the hearing.

## **THE HEARING**

The hearing was held as scheduled June 12, 2009 in room 102 of the Legislative Office Building, Concord. The following Board members were present: Jack Lightfoot, chair, Mary Beth Walz, Sheila Roberge, Susan Duncan, Mark Jewell, Katherine Stearns and Henrietta Luneau. Nina Gardner was absent and Ann Larney recused herself because Ms. Dubreuil had been employed by CASA. Neither Attorney McDaniel nor Ms. Dubreuil was present. Mr. Russell, the prosecutor, was present.

The Board proceeded according to Gal 210.02:

Gal 210.02 Failure of a Party to Attend or Participate in the Hearing.

(c) If the party who does not have the overall burden of proof fails to attend the hearing after having been given notice in accordance with Gal 208.01, the testimony and evidence of all other parties or intervenors shall be received and evaluated.

(d) If the party not having the overall burden of proof failed to attend the hearing as a result of circumstances beyond the party's control and that party wishes to present testimony or evidence following the receipt and evaluation of other testimony and evidence pursuant to (c) above, that party may submit a motion to do so within 3 business days of the hearing.

(e) The Board shall grant a motion under (d) above if it finds that:

(1) The motion was received by the board within 3 business days of the hearing; and

(2) The party's failure to attend the hearing was due to circumstances beyond the party's control.

The Board has not received a request from Attorney McDaniel to present testimony or evidence pursuant to Gal 210.02 (d)

## ***Summary of the Evidence***

Mr. Russell presented the Board with the Investigative Report he had submitted to the Board on May 30, 2008.

### Bachelor's Degree from Belford University

Mr. Russell stated that the Investigative Report included documentation from the Belford University website that degrees are purchased for a set fee and that for an additional fee one can obtain a higher GPA. Specifically, it offers bachelor's degrees for set fees ranging from \$450 to \$750. One can obtain a higher GPA by paying a higher fee. He stated that a degree applicant can take an online test and that if the applicant fails the test, Belford will immediately email the answers to you and allows you to retake the test. He further stated that it is impossible to take a class at Belford University. Exhibit 4 of the Investigative Report.

Mr. Russell stated that as part of his investigation he applied to Belford University for a bachelor's degree through its web site. He stated he could not find a way that he could take classes on-line or by any other means, and that the only options available was to request a degree for life experience or take a test. He indicated on his application for a life experience degree that he had four years in the U.S. Coast Guard and had taken five classes at the New Hampshire Police Standards and Training facility. For an extra \$50 he was allowed to pick his own grade point average. He stated that within less than four hours he was notified that their commission had approved his degree based on life experience and that his grade point average would be listed as between 3.61 and 3.89.

### **Divorce proceeding**

Mr. Russell submitted to the Board a Certificate of Divorce, docket no. 99-M-260 relative to the divorce of Rita Marie Donovan and Timothy Donovan, Sr. dated March 2, 2000. Exhibit 1 of the Investigative Report. He stated that the divorce record is that of Marie Dubreuil because the last four digits of her social security number (6915) match the last four digits of her social security number identified on other documents. Furthermore, her application states that for 18 years she was known as Marie Chirillo Donovan, and the certificate of divorce states that the maiden name of Rita Marie Donovan was Chirillo.

### **Bankruptcy proceeding**

Mr. Russell further referred the Board to the USNHB Live – Docket Report of the US Bankruptcy Court, District of New Hampshire, filed 02/21/1996, terminated 02/02/1998 which lists Rita Marie Donovan as the debtor in a bankruptcy proceeding. Exhibit 3 of the Investigative Report. As noted above, Rita Marie Donovan is now known as Marie Dubreuil.

### Depositions in Robie & Robie and Stinehour & Stinehour

Mr. Russell stated there are many discrepancies in Ms. Dubreuil's deposition from the Robie & Robie case taken on January 10<sup>th</sup> and 11<sup>th</sup>, 2007 regarding her education. Mr. Russell stated that in response to the question, "so you were able to obtain a college degree in one year online?" she replied, "Yes. Doing online—well, I had a bunch of credits from the associate's degree. I was a

junior, and I had a bunch of other credits that I had taken at the college in Berlin. I just kind of combined everything.” Mr. Russell further stated, that in response to a later question she stated that her associate’s degree was from Quincy junior college, not a college in Berlin. Mr. Russell further stated that a further question asked, “How long did you attend Quincy junior college?” to which she replied, “I only took a certification class. So I don’t know. It wasn’t – I don’t know what the certification – you’re going back some years here”.

The investigative report continues, “On page 58 she is asked what her curriculum was for Belford University? She states: ‘My curriculum was psychology, I had to take a science or a biology class, an English class. I can’t remember what else I took.’” According to Mr. Russell, at the Belford University website there is not a mechanism listed by which you can take or enroll in courses. On page 59 of the Robie & Robie deposition, Ms. Dubreuil responded to a question as to the location of Belford University, “I only have an address of California. That’s where I sent my payments.” Mr. Russell stated he could not find any California reference on line. The only information that he could find relative to an address for Belford University was a post office box in Houston, Texas (Investigative Report page 4). Ms. Dubreuil makes no efforts to refute or explain the discrepancy in the response she filed with the Board on May 19, 2008 or in any other filing or statement to the Board.

## ***FINDINGS OF FACT AND RULINGS OF LAW***

The Board makes the following findings.

### **I. Relative to requirement of possessing “a bachelor’s degree from an accredited college or university” as required by Gal 303.01(c)**

Marie Dubreuil does not meet the educational requirements to become a certified Guardian ad Litem which were in effect at the time of her initial certification, specifically, she does not hold a bachelor’s degree from an accredited college or university. (Gal 303.01(c)). The ability to earn a degree without any course work, choose one’s own grade point average, obtain a degree for a set fee ranging from \$450 to \$750 and the option to immediately retake the on-line equivalency test after having the answers emailed from Belford University clearly demonstrate that any “degree” from Belford University is not legitimate. Therefore, her “degree” from Belford University, as listed on Part 3 of her application dated July 15, 2005 does not satisfy the requirement of a “bachelor’s degree” of Gal 303.01(c).

In addition, Ms. Dubreuil (unnumbered p. 3 of letter of response dated 4/29/08) does not address this issue pertaining to the degree. Although her letter, and accompanying documentation, go on at some length to justify online learning in general, that is not the issue before the Board. Ms. Dubreuil did not refute or even address the statements in the Investigative Report that 1) Belford University offers degrees for set fees running from \$450 to \$750, and 2) a degree from Belford University is based solely on life experience or a 100 question test. If the applicant fails the written test, Belford University will supply the correct answers and allow the applicant to re-take the test immediately.

Ms. Dubreuil’s response to the complaint, dated 4/29/08, appears to continue to rely on statements from Belford University, itself. For example, she stated, “I continue to believe that my life experience degree accounts for something, it is real and I am proud of it....I contacted

Belford and told them of the problem, they indicated to me I had enough life experience, they had my package which included all of my Human Service experience and I did not need to repeat classes, and I had completed the evaluation.” (unnumbered p. 3 of letter of response dated 4/29/08) The “problem” Ms. Dubreuil refers to is apparently the question as to the validity of her degree. She does not indicate in her response when and how she contacted Belford University.

The Board is not persuaded by this argument. While there are legitimate colleges offering credit for life experience, it is not credible that a person can obtain a four year bachelor’s degree simply by filling out a form, never meeting with any faculty and never taking even one course, paying a set fee between \$450 and \$750; taking a test which if you fail, you get the answers sent to you, and being able to select your own grade point average. She does not address the findings of the investigative report that a bachelor’s degree was awarded in less than four hours based on an unsubstantiated assertion that the applicant (Mr. Russell) had served in the U.S. Coast Guard and taken five courses and the NH Police Standards and Training facility. (Investigative Report on Rita Marie Dubreuil, p.3) This demonstrates to the Board’s satisfaction that a “life experience” degree from Belford University is not legitimate.

Ms. Dubreuil argues further that it was up to the Guardian ad Litem Board to determine whether or not her degree met the standard in Gal 303.01(c), stating in her response, “The board viewed that degree in 2004 and voted that I would become certified. I provided the board will [*sic*] all of the required information, that could be researched,. (*sic*) The board never contacted me or discussed the possibility of me intentionally deceiving the board, or in fact questioned my degree being alleged fake.” (letter of response dated 4/29/08, unnumbered p. 3, last paragraph).

As a practical matter, the Guardian ad Litem Board is a volunteer board with one part time staff. It does not have the resources to verify every statement made on an application. It is entitled to rely on the “Signature Certification” of the applicant which states, in part, “the information on this application and documentation provided in support of the application are true, accurate, completed and unaltered.” It further states, “I further acknowledge that pursuant to RSA 641:3, knowingly making a false statement on the application form is punishable as a misdemeanor.”

## **II. Relative to requirement that the applicant be of good character as required by Gal 303.01(h) and RSA 490-C:5-a.**

### Good character regarding listing degree on application

Marie Dubreuil does not meet the requirement that she be “of good character” in order to be certified as required by Gal 303.01(h) and RSA 490-C:5-a, I.

Gal 303.01(h) states: **Requirements for Certification.** An applicant for certification shall: (h) Be of good character

RSA 490-C:5-a, I states **490-C:5-a Certification.** –

I. To be eligible for initial certification, recertification, reinstatement, or renewal of certification, as a guardian ad litem under this chapter, an applicant shall be of good character and shall meet such criteria or requirements as may be established by the board.

The Board finds that Ms. Debreuil intentionally misled the Board by stating in her application that she held a degree from an accredited college.

Her letter of response, dated 4/29/08, does not explain how she could believe a degree from Belford University to be a legitimate degree. Her statements that she researched online programs and “diploma mills” before selecting Belford are relevant, but clearly demonstrate the limitations of her research. For example, she states:

In 2003, I began to research online university’s. (*sic*) I found many that had poor articles written and many at that time which were considered Diploma Mills. Not once did I ever see Belford University on these sites, to include articles at wikipedia at that time. In fact in my research even currently, I found many other articles that supported Life Experience Degrees.

In defending my position today, I also found wikipedia (*sic*) articles pertaining to life skills degrees, addressing a 2004 Callahan scandal which included 257 Department of Defense employees and 463 Federal employees, who had obtained Life Skills Degrees, this did not impact their employment, and they continued in their employment. In fact in all the degree mills that were uncovered, not once was Belford University mentioned.

Today Belford University continues to be able to offer Life Skill degrees.

(letter of response, unnumbered page 3, paragraphs 2 and 3).

The only specific research she reports doing was an article in “Wikipedia”. She does not state that she looked at websites a reasonable person making a thorough search would use, such as the United States Department of Education. In fact, as the prosecutor reported, Wikipedia, relied on by Ms. Dubreuil, includes Belford University on a “List of unaccredited institutions of higher learning”. Exhibit 4 of the Investigative Report. Although being included on a list of unaccredited colleges does not in itself nullify a degree, it would cause a reasonable person to do more thorough research.

Ms. Dubreuil included in her letter of response dated 4/29/08 a packet of information including resumes, certificates of completion of various courses, including DARE training of trainers, the Attorney General’s Task Force on Child Abuse and Neglect training on exposure to domestic violence, a thank you from Sen. John E. Sununu for serving as town chair for his campaign, some material from a correspondence course on Human Relations, and others. These are apparently part of the packet she allegedly submitted to Belford University in support of her application for a life experience degree (letter of response, unnumbered page 3, paragraph 4). However, Ms. Dubreuil did not provide to the Board any information demonstrating that this packet of information had, in fact, been assessed by staff from Belford University. When compared to the ease with which Mr. Russell was able to obtain a life experience degree within four hours with no document review required, the Board concludes that Ms. Dubreuil did not provide any proof of review by Belford University because no review was ever done. Moreover, in light of the evidence and findings articulated below, the Board believes Ms. Deubreuil, at the very least, doubted whether her degree from Belford satisfied Gal 303.01(c), and that she was misleading about it.

#### Good character regarding testimony in sworn deposition

Ms. Dubreuil’s testimony in a deposition taken January 10 and 11, 2007 in the Robie & Robie case, and January 12, 2007 in the Stinehour & Stinehour case calls into question whether she

believed that her degree from Belford University fulfilled the requirement of a “bachelor’s degree” as set forth in Gal 303.01(c). Ms. Dubreuil’s responses in the deposition in the Robie and Robie case, were, at best, misleading, and demonstrate an attempt to avoid an admission that she did not possess a degree from an accredited college as required by Gal 303.01(c).

Q. You sure about that, ma’am? You testifying that you got a degree from Bedford University?

A. Belford University

Q. And you testified under oath that you received a bachelor’s degree from Belford University?

A. Yes.

Q. And when did you start attending Belford University?

A. I started in I believe it was 2002.

(Robie & Robie deposition transcript, p. 57)

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Q. And what was your curriculum?

A. My curriculum was psychology. I had to take a science or a biology class, an English class. I can’t remember what else I took.

Q. And that started in 2002 when you did that?

A. I believe it was 2002, yes.

Q. Was that one semester when you took psychology, biology, science and English?

A. They don’t go by semester online.

Q. OK

A. What you do is you have to test, you have to go online, get your exams, you have to get all your paperwork, then you have to take a test. And you submit the test.

Q. And you submit it online?

A. You can submit it online, you can mail it to them, you can do it whatever way you want.

Q. And you never actually go to the university?

A. No.

Q. You never actually met a professor in person?

A. No. You talk to them online. You can talk to them on the telephone. They have 24-hour service.

(Robie & Robie deposition transcript, pp. 58-59)

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Q. And how long did you attend the online classes?

A. I actually received – I believe I received my degree November of 2004.

Q. In that time frame, how many classes did you take?

A. Oh, gosh. I don’t know. I was – I can’t even remember the classes. So I don’t really know. I can’t answer that honestly.

(Robie and Robie deposition transcript, pp. 59 – 61)

While a person might not remember specific classes, even if taken only 3 years prior, it is not credible that Ms. Dubreuil did not remember that she did not take any classes at Belford University because it is impossible to take classes there. Ms. Dubreuil’s response dated 4/29/08 relies on her mental state to explain her misleading answers, specifically that her sister had recently died (Dec. 4, 2006). (response, unnumbered page 4, par. 4 & 5). However, the depositions were taken over a month after her sister’s death, and, in any event, the answers to questions about her education do not reflect thinking clouded by emotion. The Board concludes

that in such a circumstance, an individual may be unable to remember details, such as when a particular class was taken. However, when no classes were taken, the Board concludes that it was not her emotional state which clouded her memory. Instead, the Board concludes that the answers, in fabricating tales of classes in psychology, biology and English demonstrate an intent to deceive the parties which requested the depositions.

The Board finds that Ms. Dubreuil is not of good character as required by 490-C:5-a I and Gal 303.01(h).

Good character re answer to Part 7, question 1 on application

Ms. Dubreuil further does not meet the requirement that she must be “of good character” in order to be certified as required by Gal 303.01(h) and RSA 490-C:5:a, I. Ms. Debreuil intentionally misled the Board by putting a check mark in the box for “no” on the application for certification, in response to the question “Has applicant ever been a party to any family law or domestic proceeding, or any other civil action of any type, in this or any other jurisdiction?” Ms. Debreuil made such an answer, despite the fact that she had been divorced and filed for bankruptcy. Application dated 7/15/05, part 7 question 1.

Ms. Dubreuil’s letter of response dated 4/29/08 is that she misunderstood the questions, apparently claiming to have read “family law or domestic proceeding” to be “Domestic Violence”, perhaps because the divorce was uncontested.

I feel I answered that application honestly and I feel I did not intentionally hide anything from the board. I misunderstood Domestic Relationship to be Domestic Violence and answered the question as no. I can’t remember why I thought that, perhaps not taking the time to pay attention to the question. I was divorced and no it was not contested, as far as we were concerned (my x husband and I) we were able to work through the matters and go on with our lives, parting as friends, to this day. No, I did not want a divorce. If that is considered contested, then yes I did misunderstand and yes, I did not answer the question properly. I do not feel I intentionally deceived the board. I actually wrote all of the names used over the years, to include my name before my divorce and after my divorce.

(letter of response dated 4/29/08 unnumbered p. 8)

The Board concludes that any person who is applying to become a certified guardian ad litem knows the meaning of the phrases “family law” and “domestic proceeding” and would not misunderstand them to refer to only domestic violence. The Board further concludes that Marie Dubreuil was in fact divorced prior to her application, as demonstrated by the Certificate of Divorce, docket no. 99-M-260 relative to the divorce of Rita Marie Donovan and Timothy Donovan, Sr. dated March 2, 2000. The Board concludes that the prosecutor is correct in stating that the divorce record is that of Marie Dubreuil because the last four digits of her social security number (6915) match the last four digits of her social security number identified on other documents. Furthermore, her application states that for 18 years she was known as Marie Chirillo Donovan, and the certificate of divorce states that the maiden name of Rita Marie Donovan was Chirillo. (Exhibit 1 of the Investigative Report).

Ms. Dubreuil’s letter of response dated 4/29/08 about the bankruptcy seems to include three explanations: 1) that she was not an active party, but only signing paperwork given her by her

husband and Attorney Harwell and 2) “It was a part of my other life I choose to block out, and truly believed I did not have to report it as it was over 7 years previously”; and 3) the form “did not specify bankruptcy, it stated civil action I believe and I understand ignorance of the law is no excuse, but I can honestly that I was ignorant of those terms back then” (*sic*). (letter of response dated 4/29/08 beginning unnumbered p. 8 last paragraph)

The Board concludes this is not a credible explanation. In fact, the three are somewhat contradictory: if you don’t think bankruptcy is a “civil action”, why be concerned over whether it’s over 7 years old or if you were an active party?

The Board concludes that Ms. Dubreuil was a party to a bankruptcy, petition #: 96-10370-MWV, filed in U.S. Bankruptcy Court, District of New Hampshire, filed February 21, 1996, discharged March 6, 1997 and intentionally failed to disclose this fact on her application dated 7/15/05.

The Board makes no finding as to whether or not Ms. Dubreuil failed to disclose information about the other cases noted in the Bankruptcy Docket. Specifically, the Board has no information about the following cases: American Frozen Foods, Inc. v. Timothy & Marie Donovan, Nashua District Court #93-CV-125, action for debt; Lucie Coulombe v. Marie Donovan, Berlin District Court #95-SC-120 small claim judgment for \$397.95; Republic Factors Corp v. Timothy & Rita Marie Donovan d/b/a Regional Sports Connections, Berlin District Court #95-SC-43 judgment for \$2,478.70 on action for debt; Angelo R. Fisichella v. Timothy & Marie Donovan, Salem District Court summons in action for back rent i/a/o \$1,560.

The Board finds that Marie Dubreuil violates the requirement that she must be “of good character” in order to be certified as required by Gal 303.01(h) and RSA 490-C:5:a, I by signing Part 9 of the application to become a certified guardian ad litem entitled “Signature Certification” which states, in part, “the information on this application and documentation provided in support of the application are true, accurate, completed and unaltered.” It further states, “I further acknowledge that pursuant to RSA 641:3, knowingly making a false statement on the application form is punishable as a misdemeanor.” As indicated above, the information on the application was not true and accurate.

## **SANCTIONS**

Gal 402.02 Standard for Imposition of Penalties and Sanctions provides the standards for imposing sanctions on certified guardians ad litem who have been found by the Board to have violated the requirements of RSA 490-C and rules adopted by the Guardian ad Litem Board.

Gal 402.02 (a) In determining whether or which sanctions or penalties to impose in a particular case, the board shall:

- (1) Consider whether extenuating circumstances exist pursuant to Gal 503.01 (e); and
- (2) In the absence of extenuating circumstances, consider the following when determining the penalty or sanction, or the combination of penalties or sanctions, to be imposed:
  - a. The nature and magnitude of the infraction, including the nature of the harm that was, or may have been, caused by the act or omission at issue;

- b. Whether a particular penalty is prescribed by the rules of the board;
- c. The particular circumstances relating to the act or omission at issue;
- d. The probable reason or reasons for the act or omission;
- e. The person's past history of discipline, sanction or penalty, if any, imposed by the board, or by any other entity charged with overseeing the conduct of the person charged;
- f. Whether the person has cooperated with any investigation into the matter under consideration; and
- g. Whether the person may have violated the ethical standard and standard of practice set forth at Gal 503.02 (a), relating to acting in the best interests of the recipient of services.

(b) In cases in which a penalty or sanction is to be imposed, the board shall impose such penalty or sanction, or combination of penalties and sanctions, as it concludes:

- (1) Takes into account the factors set forth in (a) (2) above;
- (2) Will likely:
  - a. Convey to the person the importance of adhering to the requirements of the rule or law violated, or rules and laws generally; or
  - b. Assist the person in conforming his or her future conduct to the requirements of rules or law, either in general or as they relate to the functions of guardians ad litem;
- (3) Will likely serve as a general deterrent to the commission of a similar violation by other persons in the future;
- (4) Is or are not disproportionate to the magnitude of the act or omission at issue;
- (5) Will likely be perceived by the general public as fair in light of the particular circumstances of the offense; and
- (6) Will not, if imposed, be likely to increase a risk of harm to the health, safety, welfare or best interests of any recipient of services or potential recipient of services.

The Board has found that Ms. Debreuil has violated Gal 303.01(h) and RSA 490-C:5-a I in that she is not of good character and she does not meet the requirement of Gal 303.01(c) that she possess a bachelor's degree from an accredited college or university.

Gal 503.01(e) provides "The board shall find that extenuating circumstances exist if it determines that:

- (1) Imposing sanctions would not assist the person in conforming his or her future conduct to the requirements of these rules or other applicable law.
- (2) The purposes that would be served by imposing sanctions have been fully fulfilled;
- (3) The absence of imposing sanctions would be unlikely to pose a risk of harm to the interests or welfare of any recipient of services or potential recipient of services; and
- (4) The reasons supporting the decision not to impose sanctions outweigh any adverse impact on general deterrence or on public perception that may arise from the absence of sanctions.

The Board finds there are no extenuating circumstances as defined in Gal 503.01(e).

Ms. Dubreuil has not accepted responsibility for what she did. Her lengthy response is devoid of any acknowledgement that she did not possess a degree. (Unnumbered page 4: “I continue to believe that I do not lack the requisite educational credentials for certification as stated. I not only feel I have the education and training, but I have a degree.”) Similarly, she refuses to accept responsibility for providing misleading answers in her deposition. In her letter of response, regarding the depositions, she states, “I could not remember anything, not just the answers about my education in one deposition, but many of the answers to questions asked” (unnumbered page 4, paragraph 5). As noted above, her answers do not reflect thinking clouded by emotion but an intent to deceive the parties which requested the depositions. Rather than accepting responsibility, the Board finds her responses have been excuses.

Ms. Dubreuil’s application for renewed certification as a guardian ad litem was denied because she lacks the required education. A sanction of only revocation or suspension would therefore not be effective to convey to her the importance of adhering to the requirements of the rule being violated, or rules and laws generally (Gal 402.02(2)a.) The repeated nature and gravity of the offense and Ms. Dubreuil’s failure to take her actions seriously require that additional sanctions be imposed.

Gal 402.02 Standard for Imposition of Penalties and Sanctions provides

(a) In determining whether or which sanctions or penalties to impose in a particular case, the board shall:

- (1) Consider whether extenuating circumstances exist pursuant to Gal 503.01 (e); and
- (2) In the absence of extenuating circumstances, consider the following when determining the penalty or sanction, or the combination of penalties or sanctions, to be imposed:
  - a. The nature and magnitude of the infraction, including the nature of the harm that was, or may have been, caused by the act or omission at issue;
  - b. Whether a particular penalty is prescribed by the rules of the board;
  - c. The particular circumstances relating to the act or omission at issue;
  - d. The probable reason or reasons for the act or omission;
  - e. The person’s past history of discipline, sanction or penalty, if any, imposed by the board, or by any other entity charged with overseeing the conduct of the person charged;
  - f. Whether the person has cooperated with any investigation into the matter under consideration; and
  - g. Whether the person may have violated the ethical standard and standard of practice set forth at Gal 503.02 (a), relating to acting in the best interests of the recipient of services.

Gal 402.03(c) Revocation of Certification provides:

The board shall conditionally certify a formerly certified guardian ad litem for the purposes of imposing a disciplinary revocation of certification, whether or not the person meets the qualifications of Gal 303.01 or Gal 401.10, when the board concludes that, while certified, the guardian ad litem engaged in acts or omissions for which revocation of certification is the penalty that must be imposed under paragraph (b) above or Gal 402.02.

It is therefore ORDERED

1. Marie Dubreuil is conditionally certified as a guardian ad litem pursuant to Gal 402.03(c) solely for the purposes of imposing the sanction of revocation pursuant to Gal 402.03(d) and Gal 402.01(a)(1)
2. A letter of reprimand will be sent to Marie Dubreuil; a copy shall be maintained in her public file.
3. The certification of Marie Dubreuil is hereby revoked pursuant to Gal 402.01(a)(1) for failing to be of good character as required by Gal 303.01(h) and RSA 490-C:5:a, I ; failing to possess a bachelor's degree from an accredited college as required by Gal 303.01(c), and providing false information to the Board on her application relative to her education (Part 3) and her involvement with prior court proceedings, Part 7 question 1.
4. Pursuant to Gal 402.08, Ms. Dubreuil may not request a hearing on reinstatement prior to three years from the date of revocation.
5. Pursuant to Gal 402.01(a)(6) a fine of \$100 is imposed for violating the requirement that an applicant possess at least an associate's degree from college or university. (Gal 303.01(c)); a fine of \$900 is imposed for violating the requirement that a certified guardian ad litem be of good character (Gal 303.01(h); RSA 490-C:5-a, I)

It is further ORDERED

A copy of this order shall be delivered to the Administrative Office of the Courts, the Administrative Judge for the Family Division, the Administrative Judge for the Superior Court, the Administrative Judge for the District Court, and the Administrative Judge for the Probate Court.

Appeals from orders of the Board may be taken pursuant to RSA 541. See 490-C:8. Within 30 days of the date of this decision, the respondent may appeal by petition for a writ of certiorari to the New Hampshire Supreme Court. See RSA 541:6.

DATE: \_\_\_\_\_

8/10/09

BY ORDER OF THE BOARD



John H. Lightfoot, Jr.  
Presiding Officer  
Authorized Representative of the NH  
Guardian ad Litem Board

Recused: Ann Larney.

Absent: Nina Gardner

cc: Robert McDaniel, attorney for respondent  
Timothy Russell, Prosecutor  
Karen Schlitzer, Assistant Attorney General, New Hampshire Department of Justice