

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT  
DISTRICT OF N.H.  
FILED

2015 MAY 22 P 12: 59

CARRIE L. NOLET  
P.O. BOX 305  
97 WASHINGTON HILL ROAD  
CHOCORUA, NH 03817  
(603) 323-8829

Plaintiff,

v.

CIVIL ACTION NO. 1:15-cv-188-JD

N.H. DEPARTMENT OF SAFETY  
DIVISION OF STATE POLICE  
33 HAZEN DRIVE  
CONCORD, NH 03305  
(603) 223-8813

**JURY TRIAL DEMAND**

Defendant.

**COMPLAINT**  
**(Employment Discrimination)**

1. Plaintiff, Carrie L. Nolet, brings this action for gender discrimination pursuant to 42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act of 1964), as amended by the Civil Rights Act of 1991, to remedy acts of employment discrimination against her when the New Hampshire Division of State Police twice failed to promote her, due to her sex, to the rank of Captain. Promotion to Captain is determined through an entirely subjective and biased recommendation and promotion process conducted by and ultimately decided by an exclusive all-male Command Staff, which subjected the Plaintiff to unlawful disparate treatment. These denials of promotion detailed below occurred within three years of the date of filing of this Complaint. During the Plaintiff's entire career, the NH State Police culture has been rife with pervasive incidents of gender bias and sexual harassment too numerous for her to recall every instance or every exact date, which also subjected Plaintiff and other women similarly situated to unlawful disparate impact within their employment.

**JURISDICTION**

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

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3. Plaintiff has exhausted her administrative remedies by virtue of the fact that she filed a "Charge of Discrimination" Charge No. ES (O) 0219-13 with the New Hampshire Commission for Human Rights on August 2, 2013, which was cross-filed with the Equal Employment Opportunity Commission (Charge No. 16D-2013-00220) and a "Dismissal and Notice of Suit Rights" from the EEOC was received by the Plaintiff on February 24, 2014, via the U.S. Postal Service, which is less than 90 days before the filing of this complaint (Exhibit A herein attached).

**VENUE**

4. Venue is proper in the District of New Hampshire as Plaintiff was employed by Defendant in this judicial district and the acts complained of occurred in this judicial district pursuant to 28 U.S.C. § 1391(b) & (c).

**PARTIES**

5. Plaintiff, Carrie L. Nolet, is female. She is a citizen of the United States and of the State of New Hampshire. Plaintiff was employed by the Department of Safety, Division of State Police from 1993 to 2013.
6. Defendant, Department of Safety, Division of State Police (NHSP), is a State Agency authorized under New Hampshire Revised Statutes Annotated (RSA 106-B) and was established in 1937. NHSP enforces highway and motor vehicle laws, enforces criminal laws, and executes arrest warrants. NHSP has primary jurisdiction in towns with a population of less than 3,000 residents without a police force, shared jurisdiction in other towns with less than 3,000 residents, and has primary jurisdiction on all turnpike and Interstate highways. The head of NHSP is a Colonel. There are three major Bureaus; Support Services, Investigative Services, and Field Operations. At any given time

there is approximately one Colonel, one Executive Major, two Majors, five Captains, fourteen Lieutenants, sixty-seven Sergeants, and 251 Troopers at grades I or II. The Agency has continually employed more than 500 persons with approximately 341 "sworn" NHSP members. Additional sworn personnel are assigned within the Department of Safety Marine Patrol and NH State Hospital campus patrol.

### **FACTS**

7. In 1982, Defendant, Department of Safety, Division of State Police, began recruiting and admitting women only after a voluntary consent decree was reached due to intervention from the U. S. Department of Justice. The goal was to recruit and hire at least 20% women in NHSP. NHSP has never come close to meeting half that goal in the past 32 years.
8. In 1985, Plaintiff, Carrie L. Nolet, graduated from Berlin (NH) High School and was awarded a 4-year Army ROTC Scholarship. She attended Worcester Polytechnic Institute in Worcester, MA, majoring in Industrial Engineering. During her time at WPI, she captained both the Field Hockey and Softball teams for which she was inducted into the WPI sports hall of fame in 1988.
9. In 1989, she was commissioned as a Second Lieutenant in the U.S. Army Reserves and branched as a Military Police Officer. She was then promoted to First Lieutenant in 1992. Some of her assignments included Platoon Leader, Detachment Commander, and Platoon Executive Officer. Some of her duties included Training Officer and being a certified Range Officer for the M-16 Rifle, 9mm Pistol and .45 Caliber Pistol.
10. In 1993, Plaintiff was hired by the New Hampshire State Police (NHSP). She attended the 100<sup>th</sup> NH Police Academy and received the Award for Merit, as well as the Staff Motivational Award for the class.
11. Early on in her career as a Trooper Plaintiff became aware of discrimination against women in the ranks of New Hampshire State Police. For example, Corporal Paul Boucher routinely singled out and

berated women at firearms training. He felt comfortable openly stating his opinion that women were weak and did not belong in law enforcement work. For many years, Plaintiff heard recounted stories from male Troopers about how his insistent harassment brought a female Trooper to tears at the shooting range, all laughing and believing her mistreatment was "funny".

12. Throughout Plaintiff's time with NHSP, male Troopers called each other "pussy" to imply that they were not being tough enough and/or acting like women. Other lewd and demeaning comments from both Troopers and Sergeants alike included emailed jokes. Vulgar conduct around the Troop Station was rampant concerning women, gays and minorities using the words "queers", "homos", etc. When speaking about women in leadership within NHSP and in women in high positions in politics, male Troopers used the terms "bitch" and "C" word. While Plaintiff found this behavior insulting, she did not think that she would be able to avoid it as it was part of the "culture". She wanted to be accepted by her male peers, so did not address the comments nor did she complain to supervisors who had also engaged in the same conduct.
13. As a Trooper, Plaintiff recalls being subjected to sexual comments and innuendo from a Sergeant Peter Hamilton at different times during training and random meetings at State gas pump locations. Sergeant Hamilton eventually did get transferred to Communications due to his misconduct as far as Plaintiff knows. However, it was a running joke around NHSP that his mistreatment of civilian women and female Troopers earned him a supervisory role of an all-female Headquarters Dispatch center at the time and having "the fox minding the hen house". This lack of any serious discipline for sexual misconduct toward women helped mold Plaintiff's views that she was still a woman disadvantaged in trying to compete equally with men in in a "man's" world.
14. Based upon the events such as those described above and the prominent "boys club" atmosphere, Plaintiff concluded that she was at a huge disadvantage being a woman in NHSP and that she would need to work harder than her male counterparts to fit in and succeed in her career. Due to

numerous other homophobic comments, she did not believe that she would ever be accepted if people knew that I was also a lesbian. As a result, Plaintiff constantly felt on edge and was filled with anxiety that someone in the chain of command would find out that she was gay and that her career progression in the NHSP would be over.

15. Several times over Plaintiff's career, she had tampons placed in her home mailbox. Maxi-pads have also been stuck to a horse warning sign on the road she lives on. The sign is in close proximity to her driveway in a rural area due to her having horses and riding on the road. She took these incidents to mean that someone wanted to keep reminding her that she was a woman in a man's world, but never had any idea who was actually responsible.
16. During Plaintiff's career in NHSP, she remained active in the Army Reserves. In 1996, she was promoted to Captain in the Army Reserves and branch transferred from Military Police to a Combat Heavy Engineer Officer. She also attended the Department of Defense Equal Opportunity Management Institute.
17. Also in 1996, Plaintiff was assigned additional duty as a Field Training Officer in NHSP after completing the requisite training.
18. In 1997, Plaintiff was assigned to be a Troop Detective at Troop E.
19. In 1999, Plaintiff was again promoted, this time to Troop E Detective Sergeant. At this point, she started to believe that she might be treated fairly by the administration as a female Trooper. She even had hope that her sexual orientation might not hold her back, even if she came "out" since by this time she had been routinely promoted up through the ranks to Detective Sergeant ahead of her peer group.
20. Following the 9/11/2001 attacks, it became clear that Plaintiff's role as an Army reservist could result in her being deployed overseas. In 2002, she completed a year-long distance learning program in the Command and General Staff College Combined Arms and Services Staff School. That

same year she also completed Forces Command USAR Company/Detachment Pre-Command Course and Commander's Safety Course. Plaintiff believed at the time that this extensive military leadership training and experience would provide her with invaluable experience in her NHSP career.

21. In 2003, Plaintiff mobilized and deployed as Alpha Company Commander of the 368th Combat Heavy Engineer Battalion to the combat zone – Operation Iraqi Freedom. During the year she was deployed in Iraq and Kuwait, she directly commanded 135 soldiers in a desert remote outpost within the battlefield and conducted hundreds of engineering, mobility, counter-mobility, and survivability missions. She was also responsible for the safety, morale and welfare of all her soldiers, as well as approximately six million dollars' worth of heavy equipment. Plaintiff negotiated with local vendors for construction supplies and ensured Army contract specifications were met. Her military evaluations during her career and deployment were uniformly excellent and she earned her second Army Meritorious Service Medal for her leadership during the Iraq War.
22. In 2004, Plaintiff returned from wartime deployment and resumed as Troop E Detective Sergeant. She decided to have her eyesight corrected so that she would not need to wear glasses any longer. The year in the Middle East desert and dust made wearing glasses difficult. The procedure cost her several thousand dollars and she was on sick leave for a few days recuperating. Upon return to work, Plaintiff's Assistant Troop Commander, Sergeant Herbert West III, commented to her something to the effect of, "Why did you waste your money on that? You should have given me something better to look at." She understood the comment to refer to her breasts, as he was looking directly at them when he made this remark. Another female Trooper previously assigned to Troop E had had a breast augmentation procedure done. I commented back at the time to him, "I should sue you." But I laughed it off in front of the others at the barracks because I wanted to be accepted by the guys. Lieutenant Harry Nedeau among others witnessed the exchange. It is

common knowledge that Sgt. Herbert "Buster" West made frequent derogatory comments about women and his now ex-wife, but Plaintiff put up with it because she didn't want to be viewed as "not a team player", the result of which she felt would reduce her chances of ever being promoted to Lieutenant. Sergeant David McCormack, the current Assistant Troop Commander at Troop E, has knowledge of the above misconduct among other direct knowledge of other facts contained herein.

23. Because the promotion process is so subjective and tied to the opinions of the administration, most Troopers believe the Colonel and Staff can secretly use any little perceived deficiency or other discriminatory practice in their discussions behind closed doors to deny promotions to those that don't "fit in" with the views or values of their all-white male senior leadership. This has especially caused Plaintiff extreme stress and anxiety over her career not to make any little mistake or take an opposing view of unfair and discriminatory policies and practices.
24. After returning from wartime deployment, Plaintiff also participated in the NHSP Lieutenant's examination process and, after a graded structured interview and leadership presentation, received a "Recommended with Confidence" vote (the highest of the three rating options from the board of three NHSP Officers).
25. Also in 2004, Plaintiff was promoted to Major in the USAR and was assigned as Battalion Operations Officer for the 368th Engineer Battalion, meaning she was the primary staff officer for the Commander (an active duty Lieutenant Colonel) and managed all operations and training for 600+ soldiers, including successfully planning and executing a two month rotational construction mission at a U.S. base in Germany.
26. During this general period of time, some of the future senior leadership of NHSP were assigned to the Narcotics and Investigation Unit (NIU) and at Troop A where the current Colonel (Quinn) was primarily assigned throughout his career. Then-Sergeant (now Colonel) Quinn worked closely with Trooper First Class Annicelli, TFC Arcieri, Trooper Encarnacao, and Trooper Hardcastle. Sgt. Quinn

had named Trooper Hardcastle as godfather to one of his daughters. Later, one from this "club" of close male friends (Annicelli) would be promoted over Plaintiff as a female and lesbian Trooper. Sergeants (now) Hardcastle and Encarnacao were promoted after involuntarily transferring Plaintiff along with and another lesbian female, Lt. Arcieri out of her position in order to fast track their promotions as members of the Colonel's "Boy's Club".

27. In October, 2005, Plaintiff resigned her commission in the USAR to focus more fully on her NHSP responsibilities and career progression. She did this with mixed emotions.
28. While Plaintiff was in the military she felt that, while there were some difficult times, she was generally treated fairly and was promoted alongside male peers with the same credentials based on a detached board outside her command that was governed by rules with clear and objective criteria for promotion. Plaintiff never had that level of confidence in the NHSP, but her goal was to be promoted to Command Staff (Captain or above) and affect change for the betterment of all. Plaintiff continued working diligently within her career with the NHSP to attain that goal.
29. In 2008, the Troop E Commander was transferred to Training and Recruitment. At that time, Plaintiff had been assigned as Detective Sergeant at Troop E for approximately 10 years. Rather than posting the Lieutenant vacancy at Troop E, the Colonel at the time reassigned Lieutenant Scott Carr from Troop A to laterally transfer into the position. Plaintiff was frustrated not to be considered for the post, but kept working hard towards a possible promotion.
30. In 2010, Lieutenant Carr was promoted to Field Area Captain. Again, rather than posting the Lieutenant vacancy at Troop E where Plaintiff was assigned, (Now) Colonel Quinn laterally transferred another male, Lieutenant William Magee, from Troop G to Troop E. Plaintiff was extremely disappointed by that time not to have any opportunity for promotion to Lieutenant.
31. From the period 2005-2011, Plaintiff received annual evaluations in which she either exceeded or met expectations in all regards.



32. In August of 2010, after 12 years at Detective Sergeant, Plaintiff finally applied for a position at Headquarters in Concord, NH. She was promoted to Lieutenant as the Internal Affairs Investigator under the Professional Standards Unit Commander (a Captain). The caveat was that the promotion was a voluntary request to a duty station that was an hour and a half away. She was expected from then on to travel on her own time to her duty station, which resulted in eleven hour days. One reason that she accepted the position was because she believed her new supervisor would retire in a few years and she would have an opportunity to be promoted to Captain to oversee and have an impact on the Recruitment and Training Unit.
33. In addition to the promotions Plaintiff received, she also received substantial additional outside training and experience, including the New England State Police NCO Academy, Advanced Statement Analysis, Incident Command System, Managing the Marginal Employee, Supervision, Cultural Diversity, Interview and Interrogation Techniques, Background Investigation, Domestic Violence and Child Abuse, Field Training Officer Program, D.A.R.E. Instructor Training, Basic Prosecutor, Sex Crimes Investigation, Leadership/Ethics and Team Building, Homicide Investigation, Arson Investigation, Investigation of Computer Crimes, Civil Rights/Hate Crimes, Fraud Investigation, among many others.
34. Plaintiff served as the Headquarters Director of the NHSP Benevolent Association from 2010-2011 and also as the State Employee's Association Chapter President, serving all State Police "Officer" union members.
35. Plaintiff was the first woman from NHSP to be nominated to attend the ten week, 246th session of the FBI National Academy from July through September of 2011. Only 2% of law enforcement officers ever have the opportunity to attend this upper level Executive Leadership training. While attending the FBI National Academy, she pursued coursework that she believed would best equip her to assume upper leadership positions within NHSP. This coursework included Executive

Leadership in Law Enforcement, Labor Law, Media Relations, Stress in Law Enforcement, Computer Training, and Physical Fitness. One of her required presentations in her leadership course included discussing an “ethical dilemma” she encountered during her career. Plaintiff chose to publically address for the first time the fact that she felt tremendously guilty that she did not defend or vocally address sexism and homophobia in NHSP that she personally witnessed or had direct knowledge of, rationalizing that by keeping quiet she could better her chances for promotion to eventually pierce “the boy’s club” and have a real impact on NHSP with more authority change the culture. She also earned a Criminal Justice Certificate from the University of Virginia based upon her FBI National Academy coursework.

36. It should be noted that every other male within NHSP who had attended the FBI National Academy in the past reached at least the rank of Captain, Major, Colonel, Commissioner, or Statewide Interoperability Coordinator within the Department of Safety.
37. In late 2011, Plaintiff’s supervisor Captain David Parenteau was laterally transferred to another Captain’s post in charge of Investigative Services. Ironically, Lt. Ellen Arcieri had applied for the same position having a Master’s Degree, but Colonel Quinn chose Captain Parenteau instead who did not have any post-secondary degree and who had negative supervisory issues as a Sergeant. Lt. Arcieri was so disgruntled at that point she ended up retiring shortly thereafter.
38. Under the guise of budget cuts, the then vacant Professional Standards Unit Commander (Captain) position above me was eliminated; the only such Captain position within NHSP to be eliminated. Training and Recruitment was then moved out of the PSU area of responsibility, and Plaintiff was deemed PSU Commander (reclassified as a Lieutenant position). By this time, Plaintiff strongly believed she had bumped her head squarely against the invisible glass ceiling.
39. Also in 2012, the Commissioner of Safety, John Barthelmes, commissioned a survey via email to all employees through the use of Survey Monkey technology. Some NHSP members, including Plaintiff,

did not answer the survey at all for fear of being tracked electronically even though the survey was touted as being anonymous if so desired. In a later email to all Division members addressing concerns brought up in the survey, Colonel Quinn acknowledged that "Sexual Harassment" and an "unfair promotion process" were both of top concern within NHSP. Plaintiff retained a copy of the group email she received from Colonel Quinn.

40. In May of 2012, a position as Field Area Commander opened up due to the retirement of Captain Carr. Plaintiff applied for and was recommended with confidence by her immediate supervisor at the time, Captain Parenteau. Captain Carr told Plaintiff that he would choose Lt. Annicelli over her because Lt. Annicelli had more total time with NHSP. However, Carr told her that she was "a close second" in his opinion.
41. Captain Carr did not have promotional decision making authority, so Plaintiff met with Colonel Quinn about her future in the NHSP. Before making his promotional decision, Colonel Quinn told her that he thought she needed "command" leadership experience. She was insulted and told him that she believed her military combat experience should count in her favor, but he said that he disagreed.
42. In June of 2012, Lt. Annicelli received the promotion despite the fact that Plaintiff had about twice the years' experience as a Sergeant (12 years), had about twice the time in service as a Lieutenant (2 years), had four years of college where Lt. Annicelli did not, had ten weeks of FBI Senior Executive Leadership training where Lt. Annicelli did not, had a wider depth of training and experience within the NHSP than Lt. Annicelli, had excellent reviews, and had 16 years as an Officer in the Army Reserves including wartime command (approximately a year) where Lt. Annicelli did not have any. Lt. Annicelli's only advantage was that he was a close male friend in the Colonels' "boy's club", which subjected the Plaintiff to unlawful disparate treatment.

43. At the same time Lt. Annicelli was promoted, Plaintiff was then involuntarily transferred out of Professional Standards Unit to Troop E Commander, which happens to be a Field Command position in charge of male Troopers. However, she contends that the motivation was not to provide her with “command” leadership experience, but rather subterfuge to enable Colonel Quinn to take care of his less experienced male friends. By promoting Annicelli to Captain, instead of Plaintiff, and then moving her laterally as a Lieutenant to Troop E, Colonel Quinn created another Lieutenant vacancy and was able to promote his other male buddy, Sgt. Paul Hardcastle, the godfather of his child, to Lieutenant in the Professional Standards Unit.
44. About a week after receiving the promotion, Captain Annicelli announced his retirement from NHSP effective at the end of the month of July. By promoting Annicelli to Captain, Colonel Quinn ensured whether he claims he knew or not that his “boy’s club” male friend Annicelli received a higher rate of pay for his severance package and ultimately a higher pension than what he would have received otherwise had he retired as a Lieutenant without the promotion. The above promotion decision was common fodder among the rank and file within NHSP.
45. The same Field Area Captain position once again opened up. On July 16, 2012, Plaintiff again applied for the position and was again recommended with confidence by her then immediate supervisor, Captain Scott Sweet.
46. In August, 2012, Lt. Mark Armaganian, who had been promoted to sergeant three years after Plaintiff, had about half the time served as Plaintiff as a Lieutenant, had no military command or combat experience, and no FBI Senior Executive Leadership experience, was promoted to the Field Area Commander position instead of Plaintiff. His only advantage too was that he was a man, which again subjected the Plaintiff to unlawful disparate treatment.
47. Colonel Quinn was able to promote his male friends and discriminate against Plaintiff (and other women) within the promotion process because there is no set objective criteria for promotion to

Captain within NHSP; no test, no board, no interview, no weighed or objective criteria, and no transparency. The process is entirely subjective and based initially on the opinions and written recommendation from a direct supervisor (a Captain). All the other Captains and Majors then provide their opinions and input and the Colonel makes the final decision. The problem with the system is that everyone in the decision loop is a white male and has always been institutionally biased. No NH Personnel Rule cites use of a Staff input sheet as a measure to use for promotion. However, there are other well established rules governing a personal interview process, if used, for State Employee promotions. NHSP chooses to ignore well established oral board/interview processes that other large accredited police agencies utilize both within the State of NH and across the country. In fact, Plaintiff has personally participated on Manchester (NH) PD oral boards, as well as Conway (NH) PD, Moultonborough (NH) PD, Wolfeboro (NH) PD, among others.

48. Per NH Personnel Rules, rejection letters are sent to those not promoted, including Plaintiff in this case. The intentionally vague form letters contain only the general selection criteria that was considered; education level, military service, length of service in the Division, leadership qualities, specialized skills and overall job performance. Not weighting or scoring any of the criteria in any consistent and transparent manner allows the Colonel to cite any reason he wants at any given time to justify his choice for any promotion. Based upon the history of promotions during Plaintiff's career, this lack of structure has provided a mechanism for disparate impact of women, gays and minorities and discriminatory disparate treatment of Plaintiff.
49. Plaintiff chose not to appeal any of the promotions (as allowed by Personnel Rules) because she was keenly aware that no one during her career in NHSP had ever "successfully" appealed being passed over for promotion. In fact Plaintiff has personal knowledge concerning Sergeant (Ret.) Christopher Conley who appealed several of his non-selections to Sergeant before he was eventually promoted

to Sergeant while his appeal was with the NH Supreme Court. He then withdrew his appeal.

However, the stigma of bucking the administration followed Sergeant Conley until his retirement.

50. On or about September 11, 2012, Major Aucoin spoke to Plaintiff privately at a PS&T (Police Standards and Training) graduation ceremony. He told her that she was well respected around the Division, and that she needed to "hang in there."
51. Over the course of time, it has become abundantly clear to Plaintiff that had hit a glass ceiling and because she is a woman and a lesbian she was never going to be able to reach the higher Field Command levels of the state police structure. Those promotions repeatedly went to less qualified males who happened to be part of Colonel Quinn's current "Boy's Club."
52. Plaintiff's feelings about being unlawfully discriminated against during her career reached a slow boil; with each act of discrimination came added anger, disappointment, resentment, grief and indignation, severe distress and mental anguish, anxiety and depression. Many other women past and present in NHSP share these same feelings for the exact same reasons.
53. In From 1982 to 1996, there was only one female promoted to "hard" corporal in Troop B with actual command "patrol supervisor" responsibilities. She was later upgraded to Sergeant in the same position during an Agency reorganization. From 1996 until the Plaintiff was passed over for Field Area Captain the second time as listed above, NHSP has had no other females promoted into Sergeant or above positions directly responsible for the supervision of males in any of the Field Operations Troops (Patrol).
54. Since 1982 to the best of her knowledge and memory, in the history of NHSP until the time Plaintiff was passed over the second time to the rank of Captain, only four females had ever attained the rank of Lieutenant. One of those female Lieutenants eventually was promoted to Captain and then to Major. However, (then) Captain Quinn was selected over her to be Colonel and she retired.
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55. Only one other women including Plaintiff (except when she was transferred, instead of being promoted to Captain), had ever been promoted to Field Command positions in charge of men. Field Command means leading and supervising uniformed Patrol Troopers in the field at the ranks of Lieutenant (Troop Commander), Captain (Field Area Commander) or Major (Field Operations Bureau Commander). Patrol work and especially SWAT are considered the most dangerous and physically demanding positions in NHSP, since response to active critical incidents occur frequently.
56. Since 1982 to the best of Plaintiff's knowledge at the time she was passed over for Captain the second time, only eight other female troopers had even risen to their top rank of Sergeant during their careers: One in Narcotics, two in Family Services, one in Sex Offender Registry, two in Communications and two as Detective Sergeants in Troops A and B. Two others were merged at different times with NHSP from Highway Enforcement/Highway Patrol into the NHSP truck unit, Troop G. Many of these Sergeant positions are considered support roles and not as prestigious as Field positions. A total of 10 women since 1982 reached their top rank of Sergeant as of the second time Plaintiff was passed over for promotion to Captain as listed above. Based on her best memory, only 14 women since 1982 have been promoted to Sergeant or above in an organization of 350+ sworn members; a statistically minute number compared to similarly situated males.
57. Based on plaintiff's memory, no woman had ever been assigned within the Major Crimes Unit to be a "lead" homicide investigator. Some women have served as Family Services Liaison Sergeants and Sergeants that have worked on cases, but none leading cases in the Unit. Part of the MCU Sergeant job description includes "leading homicide cases". NHSP claims that lead investigators are assigned base on experience and skills, yet women are routinely not put in the key positions within NHSP to attain those skills.
58. One female Trooper that did transfer into the Major Crimes Unit was sent to Polygraph Examiner School. She was Sergeant (Ret.) Kathy Kimball. However, upon her return and after many



observations of her examinations by her male peers similarly situated, she did not complete the program and eventually transferred out of MCU to Troop B Detective Sergeant. Talk among detectives at the time was that the men in charge of observing her believed that she was not “aggressive enough” to get confessions from suspects.

59. All recommendations and selections to the MCU have come from white males in charge of the Unit over the years, which to the best of her knowledge has had only 3 or 4 female MCU investigators assigned over her career. Plaintiff attained most of her advanced leadership training over the years “not” through any special NHSP initiatives or urging but through the military and her own initiative prior to attending the FBI National Academy.
60. According to Plaintiff’s personal knowledge, no woman, gay, lesbian or other minority had served on the SWAT unit. Crisis Negotiators were once part of the SWAT unit. However, once a female Trooper First Class, Karen Therrien, became a Crisis Negotiator, the function was removed from the SWAT unit and a separate unit was created with a separate unit pin. Plaintiff heard from several Troopers at the time at Troop E that the all-male SWAT Team did not want a woman as part of the Tactical Team wearing the coveted SWAT pin. Sergeant Herbert West III was part of the SWAT leadership at that time. From what Plaintiff understands, TFC Therrien also ended up retiring from NHSP disgruntled with her general treatment over her career.
61. One of Plaintiff’s Field Training Officers, Trooper Gwen Krieger did try out for the SWAT unit “Tactical Team” in the late 1990s to the best of Plaintiff’s knowledge. Trooper Krieger was a divorced single mother of a toddler at the time. The common reason for not making the team that had been shared around NHSP was that she scored well, but was told that assignment to the SWAT unit would not be a good fit for her considering NHSP had already transferred her to the Special Investigations Unit to have a more consistent Monday through Friday schedule. She quit NHSP



disgruntled and became the longtime Chief of Police in Canterbury, NH. To the best of her knowledge, no other woman has since attempted to “try out” for the SWAT unit “Tactical Team”.

62. Based upon her own experience, Plaintiff believes it would be difficult for current employees to come forward for fear of being placed on the invisible blacklist. Based on the history of those that complain, the offending party ends up on a dead end road and is not considered for promotion. Captain (Ret.) John LeLacheur once told Plaintiff that he gave up on union activities because it was clear to him that it affected his career negatively for many years in the form of lost promotions and that all the Colonel, Command Staff and Commissioner of Safety wanted was “yes men”.
63. One current longtime NHSP female, Trooper First Class Pam Heath, met with Plaintiff on several occasions over the years and more recently while Plaintiff commanded Troop E. Several years prior, TFC Heath had been the subject of repeated unwanted sexual advances by one of her supervisors while assigned to Troop D. TFC Heath frequently complained to me and others of the lenient stance NHSP Command Staff took during her ordeal; treating her like she was the criminal for reporting the misconduct. The offending male Sergeant happened to be the son of a retired Major Crimes Unit Sergeant. The Sergeant ended up being transferred, but was not demoted and is now head of the NHSP Terrorism and Intelligence Unit.
64. TFC Heath also applied for several Sergeants’ positions while I was the Commander of Troop E. I recommended her “with confidence” based upon her 18+ years of service, excellent evaluations, varied experience as a Troop Detective, being a former member of the Narcotics unit, and her current assignment as a Court Liaison Officer. The promotions to Sergeant were instead awarded to male Troopers with half the years of service and experience as TFC Heath. She also feels that she has been continually discriminated against as a female within NHSP.
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65. Based upon the "culture" of historical negative treatment of women, many female Troopers though very talented have given up on even applying for special assignments, special units or promotional opportunities.
66. Defendants' discriminatory conduct as detailed above, in violation of Title VII, caused the Plaintiff to suffer a loss of pay, benefits, and prestige.
67. Defendants' actions has caused Plaintiff to suffer mental and emotional distress, entitling her to compensatory damages pursuant to 42 U.S.C. § 1981a.
68. Defendant has engaged in discriminatory practices with malice and reckless indifference to the Plaintiff's federally protected rights, thereby entitling her to punitive damages pursuant to 42 U.S.C. § 1981a.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for a judgment as follows:

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- A. Declare the actions, conduct and practiced of the Defendant complained about herein violate the laws of the United States and State of New Hampshire;
- B. Issue an injunction restraining the Defendant from future unlawful discriminatory conduct and practices;
- C. Order that the Plaintiff shall be retroactively promoted to Field Area Captain on June 30, 2012 and be issued a Retirement ID reflecting the rank of Captain;
- D. Grant an award of damages in an amount to be determined at trial plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages in connection with her claims, whether legal or equitable, including back pay, front pay, and any other damages for lost compensation or employee benefits that she would have received but for the Defendants' unlawful conduct, to the extent recoverable by law;
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- E. Order a recalculation of Plaintiff's retirement benefits based on the above pay adjustment and Defendant shall be responsible for the added "employer" retirement contribution to the NH Retirement System;
- F. Grant award of damages to be determined at trial, plus prejudgment interest, to compensate Plaintiff for harm to her professional and personal reputations and loss of career fulfillment in connection with her claims;
- G. Grant Plaintiff compensatory damages for the humiliation, emotional distress, and other damages caused by Defendants' conduct;
- H. The Court grant Plaintiff punitive damages for Defendants' malicious and recklessly indifferent conduct;
- I. That the Court grant Plaintiff expenses of litigation, including filing fee, reasonable attorneys' fees, and including but not limited to any accountants' or experts' fees pursuant to the Title VII, and/or 42 U.S.C. § 1988;
- J. That the Court grant Plaintiff a jury trial; and
- K. That the Court grant Plaintiff all other relief the Court deems just and proper.

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Respectfully submitted this 22nd day of May 2015,



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Carrie L. Nolet, Pro Se  
P.O. Box 305  
97 Washington Hill Road  
Chocorua, NH 03817  
(603)323-8829

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## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Exhibit A  
(pg. 1 of 3)

## DISMISSAL AND NOTICE OF RIGHTS

To: **Carrie Lyn Nolet**  
**97 Washington Hill Road**  
**Chocorua, NH 03817**

From: **Boston Area Office**  
**John F. Kennedy Fed Bldg**  
**Government Ctr, Room 475**  
**Boston, MA 02203**



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16D-2013-00220

**Charles H. Jordan,**  
**Investigator**

(617) 565-3195

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

  
 Feng K. An, JD  
 Area Office Director

FEB 19 2015

Enclosures(s)

(Date Mailed)

CC:

**RESPONDENT REPRESENTATIVE**  
**Rebecca L. Woodard, Esq.**  
**NEW HAMPSHIRE DEPARTMENT OF JUSTICE**  
**State Police**  
**33 Capitol Street**  
**Concord, NH 03301**

**CHARGING PARTY REPRESENTATIVE**  
**Richard J. Lehmann, Esq.**  
**DOUGLAS, LEONARD & GARVEY, PC**  
**14 South Street - Suite 5**  
**Concord, NH 03301**

Exhibit A  
(pg. 2 of 3)

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

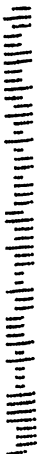
BOSTON AREA OFFICE  
JOHN F. KENNEDY FEDERAL OFFICE BUILDING  
GOVERNMENT CENTER, ROOM 475  
BOSTON, MA 02203

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300 or known

☐ Moved, last known address  
☐ Undelivered, return to sender  
☐ Return to sender  
☐ Refused  
☐ No Such Number



**Please**  
Inform sender that your mail  
should be addressed to  
your P.O. Box



Received 2/24/18 @ 12:01 PM  
at Post Office  
CWR

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

Exhibit A  
(pg. 3 of 3)

**New Hampshire Commission for Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Carrie Lyn Nolet**

Home Phone (Incl. Area Code)

**(603) 323-8829**

Date of Birth

Street Address

**97 Washington Hill Road**

City, State and ZIP Code

**Chocorua, NH 03817**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**New Hampshire State Police**

No. Employees, Members

**500+**

Phone No. (Include Area Code)

**(603) 223-4381**

Street Address

**33 Hazen Drive**

City, State and ZIP Code

**Concord, NH 03305**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION  
☒ OTHER (Specify) **RSA 354-A – Sexual Orientation**

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**06/29/2012****03/26/2013**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

See attached.

**SUSAN A. MELLO**

Notary Public - New Hampshire

My Commission Expires February 8, 2017

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**8/2/13**

Date

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**8/2/13**