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July 19, 2021

Warwick Public Schools
Attn: Lynn Dambruch, M.Ed., Superintendent
69 Draper Avenue
Warwick, RI 02889
M: 401-500-3475; O: 401-734-3010
Email: Lynn.dambruch@warrickschools.org

RE: Client/Employee: Robert C. Baxter, Jr.
Employer: Warwick School Department
Date of Adverse Action: July 12, 2021
Matter: Administrative suspension

Dear Ms. Dambruch:

Please be advised that the undersigned and this firm represent Mr. Robert C. Baxter, Jr. relative to the above-cited matter. Kindly direct all further communications regarding this matter to the attention of the undersigned at the below Warwick address. Additionally, the purpose of this letter is to place the Warwick School Department (“Department”) on notice that it is my client’s contention that his administrative suspension was without any material factual or legal basis and with respect to which my client reserves any and all legal rights and remedies.¹

Although my client is prepared to address any and all concerns relative to his performance at the appropriate time and in the appropriate forum, my client believes it is imperative to preliminarily, at the outset, briefly respond in part to the matters raised in your letter of July 12, 2021 relative to the facilities related projects which were ongoing or proposed for Warwick Veterans Middle School (“Warwick Veterans”). This is not intended to be a comprehensive response to the allegations in your letter.

1. **Allegation:** *“This project has expanded far beyond the initial focus of paint and floor tiles as stated publicly at School Committee meetings.”* There are, in fact, multiple projects proposed or ongoing, coincidentally located at Warwick Veterans; the Space Refurbishment Project to which you refer; the kitchen consolidation cost savings project; the proposed G-Wing demolition and safety repairs (“the Demolition”); and, the proposed refit of the instructional space for the G-Wing class rooms (“the Refit”). The intent of the Space Refurbishment Project is and always was to use existing resources, supplies budget, and/or labor to renovate Warwick Veterans, to not only bring it in compliance with minimum health and safety standards, but to attract enrollment at the school. Separate and apart, upon being made aware of the conditions in G-Wing by Asst. Superintendent McCaffrey (on March 5, 2021), and the immediate health and safety concerns clearly present, my client began to undertake the preparation of a separate project proposal, with your awareness. If there was a desire to cease the any of the proposed G-Wing projects, express direction could have been given. Further, my client explicitly asked for such feedback from both yourself and School Committee Chair Cobden at the conclusion of the tour my client provided to both of you in early July. To the contrary, you both indicated a recognition of the need for the G-Wing Demolition and Refit projects and a desire to move forward. The foregoing has been publicly disclosed to the School Committee and documentation in support of this has previously been forwarded to the office of the Superintendent. In fact, as mentioned above, you and the Chair of the School Committee recently did a walk-through of G-Wing with my client where this was further explained to you. Prior to this, on two occasions over the past 6 months, my client did a walk-through of Warwick Veterans with Mr. William McCaffrey. On the first of these occasions (March 5, 2021), Mr. McCaffrey introduced my client to the needs of the building outside the scope of the project currently underway

¹ *All representations contained herein* are conveyed to you on the express condition that the same shall neither be construed nor considered an admission against interest and are offered for settlement purposes only. Likewise all documentary materials herewith and heretofore provided to you are for settlement purposes only and have been sent on the express condition that the same shall not be construed as nor considered an admission against interest. Accordingly, this letter is a privileged settlement communication pursuant to Federal Rule of Evidence 408 and similar applicable state rules, and therefore may not be used against my client in any subsequent litigation.

at that time, including the male and female locker rooms and the G-Wing, and inquired if these needs could be addressed. On the second occasion, Mr. McCaffrey was apprised of the proposed plan to address the G-Wing health and safety issues. Accordingly, the necessity and general scope of the renovations my client intended to propose was well known by you and others in the School Department.

2. **Allegation:** *“Additionally, there are concerns regarding the bid process...”*. To my client’s knowledge, all projects taking place at Warwick Veterans have been bid in accordance with applicable law. Specifically, the contractor proposed to be recommended for the G-Wing Demolition and Refit projects was identified and recommended by Kevin Oliver, Facilities Director, and selected from the state MPA (#397) as an emergency source selection to address an immediate health and safety need. Consideration of my client’s proposed recommendation relative to these projects was to be scheduled to be before the School Committee on July 13, 2021. If there were any concerns they could have been raised at that time. If any unresolved issue or question about the process remained, the projects could have easily been re-sourced.

3. **Allegation:** *“...in some instances work has been performed without our approval and prior to School Committee approval in the G wing Unified Arts project.”* As stated previously, all work has been approved by the School Committee and/or is pending approval. It has been brought to my client’s attention that some furniture and effects may have been moved out of rooms in G-wing by movers in anticipation of the Demolition project being approved. There was no contract for such work and such work was not approved or authorized by my client. In light of his administrative suspension, he has been unable to investigate this issue, which was very recently brought to his attention, to determine how this work was authorized and who authorized it.

4. **Allegation:** *“We have also had conversations on two prior occasions regarding the necessity of including the Superintendent and Assistant Superintendent in any and all decisions, Policy ABB. Unfortunately, those prior conversations have not resulted in transparent communication between us.”* My client has at all times kept the Superintendent and Assistant Superintendent apprised of the nature, scope, and progress of the Warwick Veterans projects as well as other projects. In particular, my client has had numerous communications with you, including the G-wing tour described above, and has numerous electronic communications documenting the same. These communications include requests he made when you were first appointed to meet weekly to keep you apprised of projects and the scope of activities. During the past two weeks my client advised you of his proposed recommendation regarding the Demolition project that was progressing. Also, he was concerned that since you were not meeting regularly, you may not be fully aware of what was going on. Accordingly, he began calling you every morning to keep you apprised of the progress of the Demolition project proposal and other matters. In addition, my client has scheduled and conducted tours with you of other districts’ schools regarding what healthy and safe school facilities should look like. There were innumerable opportunities for you to express any concerns you may have had with any of the projects, including a July 9, 2021 meeting in which he expressly asked you whether you wanted to table the G-Wing project proposals for the time being. You declined.

Finally, my client has a vision board in his office showing all of the proposed projects and needs of the District, which he has shown to and shared electronically with you. He has also offered to walk you through in detail with respect to the needs of the District. See recent article in the Warwick Beacon. <https://warwickonline.com/stories/transforming-schools-into-community-assets,163095>. In fact, he has also recommended a day long retreat where you could bring yourself up to date with respect to the entire scope of proposed and recommended projects to improve the District.

5. **Allegation:** *“There are numerous concerns that have come before us regarding the lack of following policies and procedures . . .”* To my client’s knowledge, he has at all times followed policies and procedures of the Department and applicable law in all material respects and any contention to the contrary is once again inaccurate.

6. **Allegation:** *“Additionally, there have been projects that have been started without School Committee approval.”* Again, this is inaccurate. To my client’s knowledge no project or task that requires School Committee approval was commenced without proper approval.

7. **Concerns regarding G-Wing.** Prior to my client’s suspension, as part of the due diligence regarding the Space Refurbishment Project, he was apprised of numerous deficiencies in G-Wing in violation of minimum health and safety standards. The first source was complaints introduced to him by Asst. Superintendent William McCaffrey and then directly from educators in the building. The second source was a detailed report prepared by a fire inspector who inspected the building. Another was a safety engineer who was engaged to perform a health and safety inspection. The deficiencies identified included falling fiberglass particles from the ceiling throughout the building, poor air quality due to excessive dust as a consequence of non-functioning dust collectors in the woodshop area, trip hazards due to holes in the floor and protruding electrical outlets, a deficient and unsafe electrical service, unsecured access in the event of an “active shooter hazard,” and non-compliance with certain ADA requirements. These significant deficiencies were the primary basis of the scope and cost of G-Wing Demolition and Refit projects my client proposed to recommend. My client had secured an approval to proceed and commitment from RIDE to reimburse between 35% and 42% of the Demolition project. My client fully expected that the second project, the Refit, would have met RIDE guidelines and also qualify for the same reimbursement program. If there was any concern about RIDE funding, these projects could have been approved subject to such funding or placed in abeyance subject to confirmation of RIDE funding. Ultimately, the allocation of resources is a political/policy decision for the School Committee to make. My client’s job in that regard is merely to utilize his background, skills, and experience to gather the requisite information and make a recommendation. However, it appears in this instance that in order to deflect attention from the “inconvenient truth” of the existence of material health and safety deficiencies that need remediation at a larger scope and cost than anticipated, my client has become the target of trivial and/or baseless allegations that have nothing to do with the priority, merits, or necessity of the proposed renovations.

Conclusion

My client came to the Department after a successful career in the private sector. He brought with him significant knowledge and skill along with a vision and enthusiasm to improve school facilities. Indeed, it is safe to say that it is these very qualities that led to the substantial support for and his ultimate appointment as Executive Director of Finance and Operations just six months ago. However, my client is not a politician. He will continue to call them as he sees them in the best interests of the District and make honest recommendations and proposals to you and the School Committee accordingly. My client would like to continue to work with you and on behalf of the School Committee in that fashion—honest, transparent, and with frequent and open communication.

If you have any questions regarding the foregoing, please feel free to contact the undersigned.

Very truly yours,



Richard A. Sinapi
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RAS/lab

cc: Client (email only)
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