



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Ronald Last Name: Alexander

Address: P.O. Box 81003

City: Wellesley State: MA Zip Code: 02481

Phone Number: +1 (617) 651-1120 Ext. _____

Email: ron.alexander10@comcast.net

Organization or Media Affiliation (if any): Self

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Framingham, MA School Committee

Specific person(s), if any, you allege committed the violation: All Members

Date of alleged violation: Oct 2, 2019

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

SUMMARY: The Framingham, MA School Committee (Committee) Failed to State the Date and Time of the Posting of the agenda for their meeting on October 2, 2019. The Committee also Failed to State the Date and Time of Amendments to the agenda for the October 2 meeting. The Committee is therefore in violation of the Open Meeting Law (OML).

DETAILS (all dates below refer to dates in 2019 unless otherwise specified):

- 1) On October 2, 2019, at approximately 7:00 p.m., met in open session. The posted agenda for that meeting is attached hereto.
- 2) The posted agenda for the October 2 meeting failed to indicate when the agenda was posted on the Framingham Meeting Portal. The posted agenda indicates when the agenda was "Received" by the City Clerk, however, it does not indicate when the agenda was actually posted to the Meeting Portal.
- 3) The posted agenda was revised 2 times within 48 hours of the Oct 2 meeting, however the agenda does not indicate the dates and times that the meeting notice was amended.
- 4) Also attached is the "Public Body Checklist for Posting a Meeting Notice" from the Open Meeting Law website. See checkbox #5, which states that "The date and time that the notice is posted is conspicuously recorded on or with the notice." and "If the notice is amended within 48 hours of a meeting, not including Saturdays, Sundays, and legal holidays, then the date and time that the meeting notice is amended must also be conspicuously recorded on or with the notice."
- 5) Also attached are screen shots and complete exports of the Framingham Meeting Portal for all city meetings in 2019. It can be seen that none of the posted meeting entries indicate when the agendas were posted to the meeting portal.
- 6) Also attached are agendas for previous meetings of the Committee. It is clear that the Committee has a pattern of failing to state the date/time of posting of their meeting agendas.
- 7) Since the Committee has failed to state the date/time of posting of or amendments to their meeting agendas, and in particular the October 2 meeting, the Committee has violated the Open Meeting Law.
- 8) Since October 2, 2019 was the date of the alleged violation, this Complaint is being filed "within 30 days of the alleged violation" as stated in the instructions above.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

- 1) I want the Committee to make a public statement and apology, during an Open Session of the Committee, that they failed to state the date/time of posting/amendment of the agenda for their October 2 meeting, as well as all other meetings in 2019, and that they therefore violated the Open Meeting Law.
- 2) I request that the Attorney General find that the above violation(s) are intentional, and take all steps appropriate to censure the Committee for these violations, including hearings and fines.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

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- 2) The posted agenda for the October 2 meeting failed to indicate when the agenda was posted on the Framingham Meeting Portal. The posted agenda indicates when the agenda was "Received" by the City Clerk, however, it does not indicate when the agenda was actually posted to the Meeting Portal.
- 3) The posted agenda was revised 2 times within 48 hours of the Oct 2 meeting, however the agenda does not indicate the dates and times that the meeting notice was amended.
- 4) Also attached is the "Public Body Checklist for Posting a Meeting Notice" from the Open Meeting Law website. See checkbox #5, which states that "The date and time that the notice is posted is conspicuously recorded on or with the notice." and "If the notice is amended within 48 hours of a meeting, not including Saturdays, Sundays, and legal holidays, then the date and time that the meeting notice is amended must also be conspicuously recorded on or with the notice."
- 5) Also attached are screen shots and complete exports of the Framingham Meeting Portal for all city meetings in 2019. It can be seen that none of the posted meeting entries indicate when the agendas were posted to the meeting portal. In particular, the entry for the Committee meeting on October 2 does not indicate the date/time of posting nor the date/time of any amendments to the agenda.
- 6) Also attached are agendas for previous meetings of the Committee. It is clear that the Committee has a pattern of failing to state the date/time of posting of their meeting agendas.
- 7) Since the Committee has failed to state the date/time of posting of or amendments to their meeting agendas, and in particular the October 2 meeting, the Committee has violated the Open Meeting Law.
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By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:

Ronald D. Olyan

Date:

Oct. 15, 2019

FOR USE BY PUBLIC BODY

FOR USE BY AGO

DATE RECEIVED BY PUBLIC BODY

DATE RECEIVED BY AGO

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