



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: 10/02/2019 and 10

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) has engaged in an illegal Unposted Deliberation Outside of a Posted Meeting on October 2, 2019 and again on October 24, 2019. The Committee is therefore in violation of the Open Meeting Law (OML).

DETAILS (all dates below refer to dates in 2018 unless otherwise specified):

- 1) On October 2, 2019, at approximately 12:34 p.m., Executive Assistant to the Committee Joanna Hastry (Hastry) sent a communication to all Committee members via email. That communication is attached hereto.
- 2) On October 24, 2019, at approximately 4:00 p.m., Ms. Hastry sent a nearly identical communication to all Committee members via email. That communication is attached hereto.
- 3) In both of these emails, Ms. Hastry makes the following statements:
 - a) That the emails were "sent on behalf of the Chair".
 - b) Passes on "advice received from the City Solicitor's Office", but there is no evidence provided that she actually communicated with the Solicitor's office herself.
 - c) Makes recommendations "to not discuss the complaint in any detail", which is a violation of the Open Meeting Law requirement that "The public body must meet to review the complaint" (see cover page of this OML complaint).
- 4) Ms. Hastry makes use of "Bcc" for these communications. Please see attached communications from Committee Member Geoffery Epstein where he acknowledges that the Committee is using Ms. Hastry and "Bcc" in order to skirt the Open Meeting Law prohibitions against deliberation via email.
- 5) Please also see attached communication from Ms. Kerry Kilcoyne at the Division of Open Government stating that "a public body may not use a non-member, such as a staff member, to communicate on matters that the Board would not otherwise be able to discuss outside an open meeting."
- 6) Also attached are several other similar communications from Ms. Hastry to the Committee that were clearly sent on behalf of the Chair.
- 7) These communications from Ms. Hastry, who is the Executive Assistant to the Committee Chair, sent on behalf of the Chair to the Committee as a whole, are clearly deliberations that would otherwise be required to be held in a posted meeting of the Committee.
- 8) Since the Committee has discussed matters under the Committee's jurisdiction outside of a posted meeting, the Committee has violated the Open Meeting Law.
- 9) Since the October 2, 2019 email was received via public records request on November 5, 2019, this violation was "reasonably discoverable" less than 30 days ago.
- 10) Since the October 24, 2019 email was received via public records request on November 12, 2019, this violation was "reasonably discoverable" less than 30 days ago.

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 violated Open Meeting Law and Illegally Deliberated Outside of a Posted Meeting.
- 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: _____

Description of alleged violation:

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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. Alymahn

Date: Dec. 4, 2019

For Use by Public Body
Date Received by Public Body

For Use by AGO
Date Received by AGO

