



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: Beth Last Name: David

Address: 166 Dogwood Street

City: Fairhaven State: MA Zip Code: 02719

Phone Number: +1 (508) 979-5593 Ext. _____

Email: neighbnews@comcast.net

Organization or Media Affiliation (if any): Fairhaven Neighborhood News, LLC

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): Fairhaven Interim Town Administrator Screening Committee

Specific person(s), if any, you allege committed the violation: Jeff Osuch, Andrew Saunders, Anne Carreiro

Date of alleged violation: Nov 22, 2024

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.

On 11/22/24, the Fairhaven Interim Town Administrator Screening Committee (TA Committee) met for the first time. The meeting was not posted, there was no agenda, there were no minutes taken, and the meeting was not recorded by Fairhaven Cable TV, which is required by Fairhaven bylaws.
At the 11/25/24 Select Board (SB) meeting, Andrew Saunders, the SB representative on the TA Committee, gave a report about the 11/22 meeting. When I tried to find the meeting to report on it for my readers, there was no record of it having taken place.
At the 12/2/24 SB meeting, Mr. Saunders and Anne Carreiro, who is the Interim TA and a member of the TA Committee, both justified not posting the meeting by saying that no "substantive discussion" took place; that the meeting was for scheduling only; and that the "banter" Mr. Saunders described at the 11/25 meeting was only about the budget process, not the screening of applicants.
This explanation is not sufficient. They are expecting the public to take their word for it and are not allowing the scrutiny of the public or the press so they can come to their own conclusions, a key element of a healthy democracy.
The public has a right to know if a quorum of committee members is meeting, no matter what they discuss (this also brings into question the SB meetings, when 2 of the 3 members are present). We have a right to watch the meetings and judge for ourselves. If they only open the meeting, hold an executive session, and then reopen the meeting only to adjourn, the public has a right to know they did that, and why they held an executive session. This was egregious, and was done by two seasoned professionals who should know better; and one new person who is, however, an attorney. The idea that it was inadvertent rings hollow.

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.

Create an agenda and minutes for the missing meeting to create an official record of it
Educate themselves on the OML, including this article at https://www.mma.org/wp-content/uploads/2018/07/mma_advocate_29-1_law_hires.pdf
Publicly acknowledge in the SB & TA Comm meetings that they should have posted the meeting
Commit to adhering to OML regulations, and, when in doubt, to consider the spirit of the law and the perception by the public when public bodies shut them out and meet in secret

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.

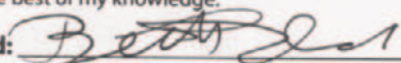
II. Consulting With a Private Attorney.

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: 12/4/24