



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 Office of the Attorney General's Division of Open Government is responsible for interpreting and enforcing the Open Meeting Law. Pursuant to G.L. c. 30A, §23, the Open Meeting Law requires that, prior to filing a complaint with the Attorney General, complaints must first be filed with the public body that is alleged to have committed the violation. The complaint must be filed with the public body within 30 days of the alleged violation, or if the alleged Open Meeting Law violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. The complaint must set forth the circumstances which constitute the alleged violation, giving the public body an opportunity to remedy the alleged violation.

Please complete the entire form, providing as much information as possible, to assist the public body in responding to your complaint. You may attach additional materials to your complaint if necessary. The public body may request additional information if necessary. The Division of Open Government will not, and public bodies are not required to, investigate anonymous complaints.

Complaints alleging a violation of the Open Meeting Law by a local public body must be filed with the clerk of the city or town where the alleged violation occurred. Complaints alleging a violation by a county, regional or state public body must be filed with the chair of the public body.

If you are not satisfied with the action taken by the public body in response to your complaint, you may file a copy of your complaint with the Attorney General 30 days after filing your complaint with the public body. The complaint must include this form and any documents relevant to the alleged violation. A complaint may be filed either by mail or by hand with the:

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

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The Attorney General may decline to investigate a complaint that is filed with the Attorney General more than 90 days after the alleged OML violation, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.



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Office of the Attorney General
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Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Andres Last Name: Navedo

Address: 94 Spruce Street

City: Foxborough State: MA Zip Code: 02035

Phone Number: +1 (508) 698-3929 Ext. _____

Email: andres.navedo@foxboroeducation.org

Organization or Media Affiliation (if any): None

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): Foxborough School Committee

Specific person(s), if any, you allege committed the violation: Foxborough School Committee

Date of alleged violation: Jun 7, 2010

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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.

According to the minutes of the June 7, 2010, meeting of the Foxborough School Committee, the Committee voted unanimously to "Go into executive session for the purpose of discussion non-union negotiations, not to return to open session."

The minutes of the corresponding executive session state "Discussion took place regarding technology support of the town by school personnel and non-union negotiations."

We believe the discussion regarding technology support of the town by school personnel was in violation of the Open Meeting Law.

At the time of the violation, the Open Meeting Law in effect was enforced by the district attorney. The Norfolk County District Attorney's published Handbook on the Open Meeting Law stated:

"The reason for the executive session must be stated in open session before the closed proceeding may be convened. This is to insure that the executive session is held only for one of the specific reasons enumerated by the statute. **No other reason is permitted.** Yaro v. Board of Appeals of Newburyport, 10 Mass. App. Ct. 587, 588-589 (1980)."

"The statement of the reason for the executive session permits later review of a governmental body's action. **The reason stated strictly limits the matters to be considered.** On some occasions, courts have compared the reason stated for an executive session, with the minutes of the closed session and with testimony as to what transpired at the executive session, and have reached the conclusion that the reason stated for the closed session was a sham, Puglisi v. School Committee of Whitman, 11 Mass. App. 142, 144 (1981), and that the executive session was held in violation of the statute."

We have not formed an opinion on whether this violation was intentional or not.

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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.

We believe the Foxborough School Committee would help restore the public's trust and use this opportunity to model the appropriate procedure for the discussion.

If the matter discussed properly belonged in executive session, the Committee should recognize its mistake and announced during its regular meeting. The minutes of the open session of the June 7 meeting should be amended with a correction.

If the matter discussed did not fall under the ten permitted purposes for executive session, the Committee should recognize the violation and discuss the matter in open session. Also, the Committee should amend the June 7 open and executive session minutes to show the violation and corrective measures.

Review, sign, and submit your complaint

Read this important notice and sign your complaint.

Under most circumstances your complaint will be considered a public record and be available to any member of the public upon request.

I understand that when I submit this complaint the Attorney General's Office cannot give me legal advice and cannot act as my personal lawyer.

I certify that the information contained on this form is true to the best of my knowledge.

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Signed: _____

Date: _____

For Use By Public Body Date Received by Public Body:

For Use By AGO Date Received by AGO: