



**Karis L. North**  
***knorth@mhtl.com***

December 5, 2018

**VIA FIRST CLASS MAIL  
AND EMAIL ([openmeeting@state.ma.us](mailto:openmeeting@state.ma.us))**

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

**Re: Open Meeting Law Complaint – Ron Alexander v. Natick Board of Selectmen**

Dear Sir or Madam:

This firm represents the Town of Natick (“Town”) and its Board of Selectmen (“Board”). In particular, this correspondence is in response to two Open Meeting Law Complaints (“Complaints”) filed against the Board by Ron Alexander (“Mr. Alexander”). Pursuant to M.G.L. c. 30A, §23(b) a copy of the documents purporting to be such Complaints dated November 15, 2018 are attached hereto as Exhibit A.<sup>1</sup> I am responding on behalf of the Board based upon a vote of the Board on November 26, 2018 in a properly noticed executive session for such purpose, under Exemption 1.

**I. BACKGROUND**

The Complaints concerns Mr. Alexander’s assertion that the Board improperly entered into executive session at its meeting of October 15, 2018. Complaint #9 alleges that the Board provided insufficient notice of the executive session by failing to include the name of the nonunion personnel with which it was negotiating. Complaint #10 alleges that a Board member other than the Chair stated the purpose for entering the executive session.

**II. ANALYSIS**

**A. The Complaint is Untimely.**

Pursuant to M.G.L. c. 30A, § 23, all complaints concerning alleged Open Meeting Law violations must be filed within 30 days of the date of the alleged violation. Here, the deadline to file any complaint concerning a meeting which occurred on October 15, 2018, was November 14, 2018. Although Mr. Alexander appeared to sign his complaint forms on November 14, 2018, he did not file

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<sup>1</sup> Mr. Alexander appears to have signed the Complaint forms on October 14, 2018. However, the Complaints were not sent to the Chair of the Board until the following day, October 15, 2018. Ex. B. The Town’s response is due 14 business days thereafter, which, in this instance because Town Hall was closed for business on Thursday and Friday November 22 and 23 for the Thanksgiving holiday, is December 7, 2018.

Division of Open Government  
December 5, 2018  
Page 2

the Complaints with the Chair of the Board until November 15, 2018. Ex. B. Therefore, the Complaints are untimely, and should be dismissed.

**B. The Complaint is Unsupported by the Facts and the Law and Should be Dismissed.**

The Division has held that a public body is not obligated to respond to an improperly filed Open Meeting Law complaint. See 11-2-2015 OML Declination (Stoneham Board of Selectmen) Accordingly, it is unnecessary for the Town to address, or for the Division to consider, the substantive content of the Complaint. Nonetheless, even if the Division was to consider the Complaint—and the Town suggests that the Division need not do so—the Board properly entered into executive session at its October 15, 2018 meeting.

First, the Complaint suggests that the Board did not provide sufficient information in its notice of the executive session, where the meeting notice listed “Negotiation with non-union personnel” and did not provide the name of the person. M.G.L. c. 30A, § 21 states, a proper reason for executive session, under purpose (2), is “to conduct strategy sessions in preparation for negotiations with nonunion personnel.” The Division’s Open Meeting Law Guide, states:

Generally, a public body must identify the specific non-union personnel or collective bargaining unit with which it is negotiating before entering into executive session under Purpose 2. *A public body may withhold the identity of the non-union personnel or bargaining unit if publicly disclosing that information would compromise the purpose for which the executive session was called.*

Open Meeting Law Guide, p. 12 (emphasis added).

Here, disclosing the identity of the non-union personnel with which the Board was negotiating would have compromised the purpose for which the executive session was called. Specifically, as noted by the Chair when entering into executive session, identifying the non-union personnel would have had a detrimental effect on the bargaining position of the Board in this negotiation. The Division should defer to the Board’s finding in this matter, and find no violation occurred.

Second, Mr. Alexander asserts that Board member Richard Jennett stated the purposes for entering into executive session, rather than the Chair. Upon reviewing the Natick Pegasus video on demand of the meeting, it is clear what transpired. Mr. Jennett made the Motion to enter into executive session (which included reciting the purposes for entering into executive session, as per the posted Notice of the meeting). Thereafter, in compliance with the law, the Chair stated that she reiterated those purposes, and then made the appropriate findings concerning the purpose for which the executive session was held.

Division of Open Government  
December 5, 2018  
Page 3

The video can be viewed here:

<https://videoplayer.telvue.com/player/994DtmGEsi0VDYK3jJl2BJ72GfgNIpU2/playlists/4738/media/387918?sequenceNumber=36&autostart=false&showtabssearch=true>

Mr. Jennett made his motion to enter into executive session at 0:52 seconds into the video recording of the meeting.

Chair Mistrot stated the purposes for entering into executive session and made the requisite finding at 1:42 minutes into the video recording of the meeting.

Because the Chair complied with the Open Meeting Law, no violation occurred.

### **C. The Remedies Requested Are Not Within the Scope of the Attorney General to Order.**

Mr. Alexander seeks several remedies in the Complaints. He seeks a public statement and an apology from the Board in an Open Session of a meeting, and he seeks a finding that the alleged violation was intentional and requests fines to be assessed. Such a public statement and apology is outside the authority of the Division to order. Concerning any finding of intent to violate the Open Meeting Law, Mr. Alexander sets forth no facts to support a finding of intentional violation, and in fact since there is no violation as set forth above, the request for remedies is moot. However, if for some reason the Division finds a violation, the Committee asserts that any such violation was not intentional, and its actions were based on a good faith attempt to comply with the law.

According to the regulations, the standard for an intentional violation is:

An act or omission by a public body thereof, in knowing violation of M.G.L. c. 30A, §§ 18 through 25. Evidence of an intentional violation of M.G.L. c. 30A, §§ 18 through 25 shall include, but not be limited to, the public body member that: (a) acted with specific intent to violate the law; (b) acted with deliberate ignorance of the law's requirements; or (c) was previously informed by receipt of a decision from a court of competent jurisdiction or advised by the Attorney General, pursuant to 940 CMR 29.07 or 940 CMR 29.08 that the conduct violates M.G.L. c. 30A, §§ 18 through 25.

940 CMR 29.02. Nothing the Board did was a violation of law, and there are no prior adverse decision regarding this (or any) conduct of the Board.

### **III. CONCLUSION**

Accordingly, the Town respectfully submits that the Complaint is untimely and therefore warrants no further consideration. Even if the Division were to consider the Complaint, the Board properly

Division of Open Government  
December 5, 2018  
Page 4

entered executive session under Purpose 2. Accordingly, the Town respectfully requests that the Division decline any action in response to the Complaint and determine that no violations of the Open Meeting Law occurred.

Thank you for your review of this response. Please contact me if I can provide any further information to assist the Division in its review of this matter.

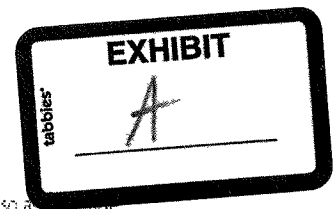
Sincerely,

A handwritten signature in black ink, appearing to read 'Karis L. North', with a long horizontal flourish extending to the right.

Karis L. North  
Natick Town Counsel

Enclosures

cc: Ron Alexander, Complainant (via email only)  
Diane Packer, Natick Town Clerk (via email only)  
Amy Mistrot, Chair, Natick Board of Selectmen (via email only)



**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 provide the reasons supporting your belief.

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

Summary of The Matter: MA Board of Selections Committee provided multiple Determinations regarding candidates for the Committee member position. The Board of Selections Committee provided the following Determinations on October 12, 2018:

<sup>1</sup> Data by author and unpublished data of author's laboratory.

† The authors are grateful to Dr. J. H. Goldstein for his helpful discussions during the course of this work.

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$$G^{\text{eff}}(q, \omega) = \frac{1}{N} \sum_{\mathbf{r}} \langle \rho(\mathbf{r}, \omega) \rho(\mathbf{r} + \mathbf{r}', \omega) \rangle = \frac{1}{N} \sum_{\mathbf{r}} \langle \rho(\mathbf{r}, \omega) \rho(\mathbf{r}, \omega) \rangle = \frac{1}{N} \sum_{\mathbf{r}} \langle \rho(\mathbf{r}, \omega) \rho(\mathbf{r}, \omega) \rangle$$

2. The  $\mathcal{H}^1$ -norm of  $\mathbf{u}_h$  is bounded by  $C(\|\mathbf{u}\|_{\mathcal{H}^1})$  for all  $\mathbf{u}_h \in \mathbf{V}_h$  such that  $\mathbf{u}_h \rightarrow \mathbf{u}$  in  $\mathcal{H}^1$ . This is a consequence of the fact that  $\mathbf{u}_h$  is a piecewise linear function and the fact that  $\mathbf{u}$  is a piecewise linear function.

$$1. \text{ 如果 } (A \cup B) \cap C = \emptyset, \text{ 那么 } A \cap C = \emptyset \text{ 且 } B \cap C = \emptyset. \text{ 反之, 如果 } A \cap C = \emptyset \text{ 且 } B \cap C = \emptyset, \text{ 那么 } (A \cup B) \cap C = \emptyset.$$

2. The stated age of the female informant is 32, but she had been divorced under Portuguese law in 1914 (1915 and 2007), and she was 27 in 1913, when she was 19. Various other informants from the same village stated that the Public Domain was directly under the jurisdiction of the local state, and that the name of the settlement was placed on the map of the village of Aguiar. (see Figure 2)

© 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678,

to 50 km. Columns 17–21 show the date of the *in situ* analysis. The temperature was 200–250 °C and the pressure was 10–15 MPa.

\* 31. 3. 2007 (100%) 1. 2007 (100%) 2. 2007 (100%) 3. 2007 (100%) 4. 2007 (100%) 5. 2007 (100%) 6. 2007 (100%) 7. 2007 (100%) 8. 2007 (100%) 9. 2007 (100%) 10. 2007 (100%) 11. 2007 (100%) 12. 2007 (100%) 13. 2007 (100%) 14. 2007 (100%) 15. 2007 (100%) 16. 2007 (100%) 17. 2007 (100%) 18. 2007 (100%) 19. 2007 (100%) 20. 2007 (100%) 21. 2007 (100%) 22. 2007 (100%) 23. 2007 (100%) 24. 2007 (100%) 25. 2007 (100%) 26. 2007 (100%) 27. 2007 (100%) 28. 2007 (100%) 29. 2007 (100%) 30. 2007 (100%) 31. 2007 (100%) 32. 2007 (100%) 33. 2007 (100%) 34. 2007 (100%) 35. 2007 (100%) 36. 2007 (100%) 37. 2007 (100%) 38. 2007 (100%) 39. 2007 (100%) 40. 2007 (100%) 41. 2007 (100%) 42. 2007 (100%) 43. 2007 (100%) 44. 2007 (100%) 45. 2007 (100%) 46. 2007 (100%) 47. 2007 (100%) 48. 2007 (100%) 49. 2007 (100%) 50. 2007 (100%) 51. 2007 (100%) 52. 2007 (100%) 53. 2007 (100%) 54. 2007 (100%) 55. 2007 (100%) 56. 2007 (100%) 57. 2007 (100%) 58. 2007 (100%) 59. 2007 (100%) 60. 2007 (100%) 61. 2007 (100%) 62. 2007 (100%) 63. 2007 (100%) 64. 2007 (100%) 65. 2007 (100%) 66. 2007 (100%) 67. 2007 (100%) 68. 2007 (100%) 69. 2007 (100%) 70. 2007 (100%) 71. 2007 (100%) 72. 2007 (100%) 73. 2007 (100%) 74. 2007 (100%) 75. 2007 (100%) 76. 2007 (100%) 77. 2007 (100%) 78. 2007 (100%) 79. 2007 (100%) 80. 2007 (100%) 81. 2007 (100%) 82. 2007 (100%) 83. 2007 (100%) 84. 2007 (100%) 85. 2007 (100%) 86. 2007 (100%) 87. 2007 (100%) 88. 2007 (100%) 89. 2007 (100%) 90. 2007 (100%) 91. 2007 (100%) 92. 2007 (100%) 93. 2007 (100%) 94. 2007 (100%) 95. 2007 (100%) 96. 2007 (100%) 97. 2007 (100%) 98. 2007 (100%) 99. 2007 (100%) 100. 2007 (100%)

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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.

(1) want the Committee to make a public statement and apology, during an Open Session of the Committee, admitting that they violated Open Meeting Law by improperly posting the sessions on October 15, 2019.

(2) request that the Attorney General invalidate the October 15 executive session, and order the Committee to disclose the minutes from that executive session immediately.

'3) I request that the Attorney General find that the above violation(s) are intentional, and fine the Committee.

### Review, sign, and submit your complaint

#### **8. 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.

## 11. 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 consult 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 mail in 1617, 967, 3543 or by email to [openmeeting@state.nj.us](mailto:openmeeting@state.nj.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:

Hernando de Ojeda

Date:

Date: Nov 14, 2018

### For Use In Adult Patients

List Received by e-mail: [elaine@elainebooks.com](mailto:elaine@elainebooks.com)

1799 6 24 1857

DATA PROVIDED BY AGC

NATICK DEC #07



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](mailto: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): Natick, MA Board of Selectmen

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

Date of alleged violation: Oct 15, 2018

## 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 Natick, MA Board of Selectmen (Committee) provided Insufficient Detail in the posted agenda for the Committee meetings on October 15, 2018. The Committee therefore violated the Open Meeting Law (OML) on October 15, 2018.

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

- 1) On October 15, 2018, starting at approximately 6:00 p.m., the Committee convened in open and executive sessions. The posted agenda for the meetings that day is attached hereto.
- 2) The posted agenda states that there will be Open and Executive Sessions:
  - D. To conduct strategy sessions in preparation for negotiations with nonunion personnel
- 3) The "official" video of the meeting(s) on October 15 may be viewed at <https://www.natickpegasus.org/>. This video makes it clear that these meetings did indeed occur, and what transpired at those meetings.
- 4) Review of the posted agenda shows that the Committee committed the following errors:
  - a. The posted agenda failed to name the nonunion personnel to be discussed under Purpose 2. OML-2014-141; 2015-193; 2016-70. See also July 27, 2018 responses from Kevin Manganaro of the Attorney General's office (attached hereto), Issue #2, stating that "Public bodies should identify, both in their notice and in the open session announcement, the name of the specific nonunion personnel that is the subject of discussion under Purpose 2".
- 5) The Committee therefore violated several of the requirements for posting the meeting(s) on October 15, 2018.
- 6) Since October 15, 2018 was the date of the alleged violation, this Complaint is being filed "within 30 days...".
- 7) Also attached are one or more precedent determinations where other public bodies were found guilty of similar violation(s) of the Open Meeting Law and its regulations.
- 8) Note that at least two (2) Open Meeting Law training sessions have been conducted in Natick, MA this year: 1) By the MASC on Monday

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, admitting that they violated Open Meeting Law by improperly posting the sessions on October 15, 2018.
- 2) I request that the Attorney General invalidate the October 15 executive session, and order the Committee to disclose the minutes from that executive session immediately.
- 3) I request that the Attorney General find that the above violation(s) are intentional, and fine the Committee.

## 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](mailto: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: \_\_\_\_\_

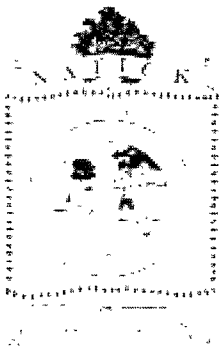
For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:





NATICK BOARD OF SELECTMEN  
AGENDA  
Edward H. Diott Meeting Room  
Monday, October 15, 2018  
6:00 PM

Agenda Posted Thursday, 10/11/18 at 5:16 PM

(Times listed are approximate. Agenda items will be addressed in an order determined by the Chair.)

1. 6:00 - OPEN SESSION

Call to Order

Roll Call Vote to Enter Executive Session

2. 6:05 - EXECUTIVE SESSION

This portion of the meeting is not open to the public.

A. Purpose 3-To discuss strategy with respect to litigation where discussion in open session could be detrimental to the Town's position: Kurfin, et al. v. Natick Planning Board, et al, 18-MISC-00456 (Land Court)

B. To consider the purchase, exchange, lease, or value of real property where discussion in an open meeting may have a detrimental effect on the Town's negotiating position

- Mechanic Street
- 22 Pleasant Street

C. Approve Executive Session Meeting Minutes - 10/2/18

D. To conduct strategy sessions in preparation for negotiations with nonunion personnel

3. 7:30 - RECONVENE OPEN SESSION

Pledge of Allegiance / Moment of Silence

4. 7:35 - ANNOUNCEMENTS

A. Open Meeting Law Complaints

B. 2018 Natick Trails Day-10/20/18

C. Natick High School After Prom Party-5/25/18 Midnight-5:00 AM

D. Route 27/North Main Street Update

E. Fall Hydrant Flushing

## 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.

1. PMAR: The Irving M. Foundation Fellowship Committee, reportedly formed prior to a public hearing on October 17, 2018. The Committee there are 11 individuals who are listed by the AGO on October 18, 2018.

2. PMAR: The date between the date in 2018 (after the date of the hearing).

3. On October 18, 2018, during the public hearing, the public body (1) failed to disclose the date of the hearing, (2) failed to disclose the date of the hearing, and (3) failed to disclose the date of the hearing.

4. The public body stated that there are no open and public sessions.

5. The public body stated that there are no open and public sessions.

6. The official record of the meeting (the October 18, 2018, meeting) did not include the date of the meeting. The public body stated that the meeting did not include the date of the meeting.

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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.

- 1) I want the Committee to make a public statement and apology during an Open Session of the Committee, admitting that they violated Open Meeting Law by improperly entering in executive session on October 15, 2018.
- 2) I request that the Attorney General invalidate the Oct 15 executive session and order the Committee to disclose the minutes from that executive session immediately.
- 3) I request that the Attorney General find that the above violation(s) are intentional, and fine the Committee.

## 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) 964-2540 or by email to [openmeeting@state.ma.us](mailto: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



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](mailto: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): Natick, MA Board of Selectmen

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

Date of alleged violation: Oct 15, 2018

## 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 Natick, MA Board of Selectmen (Committee) Improperly Entered into an Executive Session meeting on October 15, 2018. The Committee therefore violated the Open Meeting Law (OML) on October 15, 2018.

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

- 1) On October 15, 2018, starting at approximately 6:00 p.m., the Committee convened in open and executive sessions. The posted agenda for the meetings that day is attached hereto.
- 2) The posted agenda states that there will be Open and Executive Sessions:
  - D. To conduct strategy sessions in preparation for negotiations with nonunion personnel
- 3) The "official" video of the meeting(s) on October 15 may be viewed at <https://www.natickpegasus.org/>. This video makes it clear that these meetings did indeed occur, and what transpired at those meetings.
- 4) Review of the video shows that the Committee committed the following errors:
  - a. A Committee member (Richard Jennett) other than Chair Amy Mistrot stated the reasons for entering executive session. G.L. c. 30A, §§21 (b) (3)
  - b. The Chair failed to name the nonunion personnel to be discussed under Purpose 2. OML-2014-141; 2015-193; 2016-70. See also July 27, 2018 responses from Kevin Manganaro of the Attorney General's office (attached hereto), Issue #2, stating that "Public bodies should identify, both in their notice and in the open session announcement, the name of the specific nonunion personnel that is the subject of discussion under Purpose 2".
- 5) The Committee therefore violated several of the requirements for entering executive session on October 15, 2018.
- 6) Since October 15, 2018 was the date of the alleged violation, this Complaint is being filed "within 30 days..."
- 7) Also attached are one or more precedent determinations where other public bodies were found guilty of similar violation(s) of the Open

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

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- 1) I want the Committee to make a public statement and apology, during an Open Session of the Committee, admitting that they violated Open Meeting Law by improperly entering in executive session on October 15, 2018.
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### II. Consulting With a Private Attorney.

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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:** \_\_\_\_\_

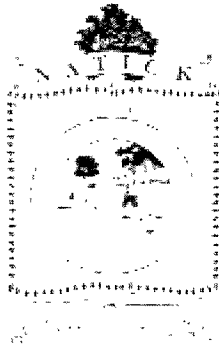
**Date:** \_\_\_\_\_

*For Use By Public Body*

*Date Received by Public Body:*

*For Use By AGO*

*Date Received by AGO:*



NATICK BOARD OF SELECTMEN  
AGENDA  
Edward H. Diott Meeting Room  
Monday, October 15, 2018  
6:00 PM

Agenda Posted Thursday, 10/11/18 at 5:15 PM

(Times listed are approximate. Agenda items will be addressed in an order determined by the Chair.)

1. 6:00 - OPEN SESSION

Call to Order

Roll Call Vote to Enter Executive Session

2. 6:05 - EXECUTIVE SESSION

This portion of the meeting is not open to the public.

A. Purpose 3-To discuss strategy with respect to litigation where discussion in open session could be detrimental to the Town's position: Kurtin, et al v. Natick Planning Board, et al, 18-MISC-00456 (Land Court)

B. To consider the purchase, exchange, lease, or value of real property where discussion in an open meeting may have a detrimental effect on the Town's negotiating position

- Mechanic Street
- 22 Pleasant Street

C. Approve Executive Session Meeting Minutes - 10/2/18

D. To conduct strategy sessions in preparation for negotiations with nonunion personnel

3. 7:30 - RECONVENE OPEN SESSION

Pledge of Allegiance / Moment of Silence

4. 7:35 - ANNOUNCEMENTS

A. Open Meeting Law Complaints

B. 2018 Natick Trails Day-10/20/18

C. Natick High School After Prom Party-5/25/18 Midnight-5:00 AM

D. Route 27/North Main Street Update

E. Fall Hydrant Flushing

----- Forwarded message -----

From: **Ron Alexander** <[ron.alexander10@comcast.net](mailto:ron.alexander10@comcast.net)>

Date: Thu, Nov 15, 2018 at 10:46 AM

Subject: Natick Board Of Selectmen - OML Complaint Form #9 - October 15, 2018 - Insufficient Detail in October 15, 2018 Meeting Notice

To: Amy Mistrot <[amistrot@natickma.org](mailto:amistrot@natickma.org)>, Diane Packer <[dpacker@natickma.org](mailto:dpacker@natickma.org)>, Diane Packer <[dpacker@natickps.org](mailto:dpacker@natickps.org)>

Cc: <[Selectmen@natickma.org](mailto:Selectmen@natickma.org)>, ron alexander10 <[ron.alexander10@comcast.net](mailto:ron.alexander10@comcast.net)>

Dear Natick, MA Board of Selectmen Chair and Natick, MA Municipal Clerk,

Per the Massachusetts Open Meeting Law, please find attached Open Meeting Law Complaint #9 and supporting documentation.

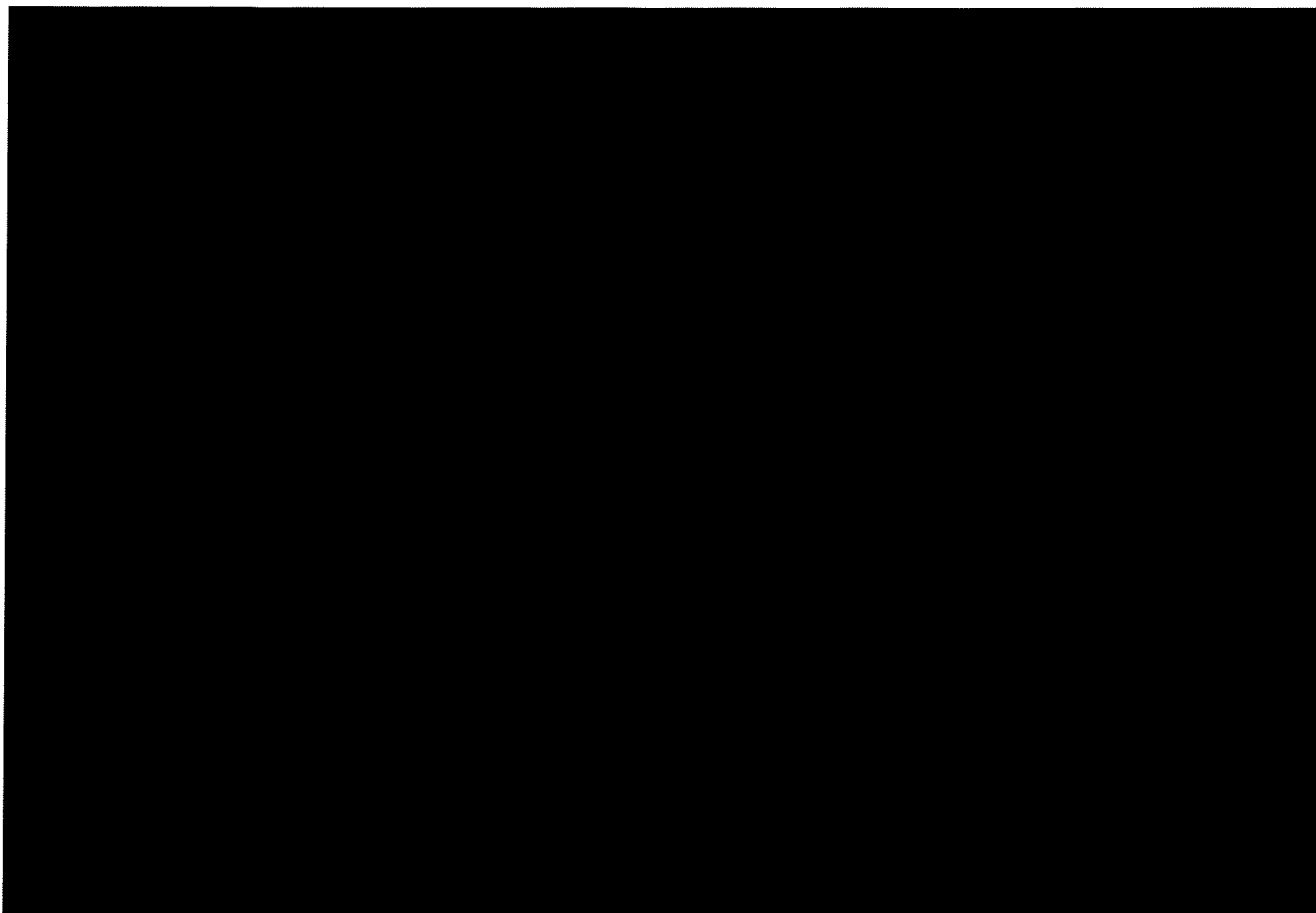
Please acknowledge receipt of this Complaint at your earliest convenience.

Sincerely,

Ron Alexander







----- Forwarded message -----

From: **Ron Alexander** <[ron.alexander10@comcast.net](mailto:ron.alexander10@comcast.net)>

Date: Thu, Nov 15, 2018 at 10:53 AM

Subject: Natick-BOS\_OML Complaint Form #10 - October 15, 2018 - Improper Entry into October 15, 2018 Executive Session

To: Amy Mistrot <[amistrot@natickma.org](mailto:amistrot@natickma.org)>, Diane Packer <[dpacker@natickma.org](mailto:dpacker@natickma.org)>, Diane Packer <[dpacker@natickps.org](mailto:dpacker@natickps.org)>

Cc: <[Selectmen@natickma.org](mailto:Selectmen@natickma.org)>, ron alexander10 <[ron.alexander10@comcast.net](mailto:ron.alexander10@comcast.net)>

Dear Natick, MA Board of Selectmen Chair and Natick, MA Municipal Clerk,

Per the Massachusetts Open Meeting Law, please find attached Open Meeting Law Complaint #10 and supporting documentation.

Please acknowledge receipt of this Complaint at your earliest convenience.

Sincerely,

Ron Alexander