



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: Margaret Last Name: Sheehan

Address: 204 Long Pond Road

City: Plymouth State: MA Zip Code: 02360

Phone Number: +1 (508) 259-9154 Ext.

Email: megsheehan07@gmail.com

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): Plymouth County Commission

Specific person(s), if any, you allege committed the violation: Plymouth County Commissioners

Date of alleged violation: August 14, 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.

1. On August 14, 2018, in response to Complainant's public records request, the Commission refused to release minutes of executive sessions held in 2018, 2017 or 2016, including those of 12/1/17, 11/3/17, 10/5/17, 1/3/17, 11/10/16, 7/28/16, 5/23/16, 6/30/16, 4/27/16, 2/26/16 and 1/14/16. The Commissioners have not determined that disclosure of these executive session minutes may defeat the lawful purposes of the OML.

2. The Commissioners failed to review minutes of the executive sessions held in 2016, 2017 and 2018 at reasonable intervals to determine if disclosure will defeat lawful purposes, and never announced a determination at the next meeting following its review that such non-disclosure is warranted. G.L. c. 30A, § 22(g)(1) and (2).

3. On at least the following dates, the Commissioners unlawfully entered Executive Session, citing to Purpose 6, without evidence that open meeting may have a detrimental effect on its negotiating position, failed to state on the record that having the discussion in open session may be detrimental to the Commission's negotiating position, failed to identify real property that was the subject of negotiations, and/or failed to provide evidence of negotiations:

a. 4/26/18, 2/9/18, 1/25/18, 1/12/18: Failed to make required declaration that "an open meeting may have a detrimental effect on the negotiating position"; no evidence of third party negotiations over real property.

b. 1/3/17, 7/28/16, 5/23/16, 4/27/16, 3/15/16, 2/26/16, 2/12/16, 1/14/16, 11/10/16: Failed to make required declaration, no evidence of third party negotiations over real property.

c. 12/1/17, 11/3/17, 10/5/17: Failed to identify real property, failed to make required declaration, no evidence of third party negotiations over real property.

4. Commission's executive session and open session minutes for the period from at least 2015 to the present fail to include a list of documents and other exhibits used at the meeting.

5. The violations are intentional. For example, open session minutes of 8/24/17 state, "[t]he Commissioners agreed that the Chair can limit the verbiage listed for the Executive Session as to not compromise the position of the Board." (Minutes, 8/24/17). This was a unanimous vote by the three Commissioners with no discussion, debate or explanation.

6. The complaint is timely because (a) on August 14, 2018 the Commissioners through their administrator stated they had not reviewed executive session minutes for 2018, 2017 and 2016, (b) the Commissioners refuse to provide executive session minutes for 2018, 2017 and 2016 as of the date of this complaint, and (c) on August 14, 2018 the Commissioners through their administrator stated the Commissioners had not conducted a timely review of executive session minutes for 2018, 2017, and 2016 to determine whether non-disclosure is warranted, and has provided no good cause for delay. 940 CMR 29.11. The Commissioners action show a pattern and practice of OML violations.

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. Release minutes of all executive sessions from January 1, 2009 present or state why disclosure will defeat the lawful purposes of each executive session.

2. List and release all documents or exhibits used in executive and open sessions from January 1, 2009 to present.

3. Void decisions made in violation of the OML.

4. Immediately comply with the OML.

5. Pay a civil penalty of \$1000 per violation.

Complainant requests that the Attorney General conduct an investigation. 940 CMR 29.06.

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: _____

Margaret Sheehan

Date: _____

8/20/2018

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO: