



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. Sign and date the second page. 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, by 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 the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body 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 the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- 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 email 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: Laura Last Name: Ortiz

Address: PO Box 103

City: Lowell State: MA Zip Code: 01853

Phone Number: 978-204-4123 Ext. _____

Email: ladeslortz@yahoo.com

Organization or Media Affiliation (if any): _____

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): Medford City Council

Specific person(s), if any, you allege committed the violation: Medford City Council

Date of alleged violation: _____

12/12/24-12/13/24, btw/after

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.

Open Meeting Law Complaint #1.
¶1) On or before 12/12/24-12/13/24 the Medford City Council deliberated outside of the Open Meeting Law Process and in a public body quorum it deliberated, signed and sent a " Shelter Advocacy Letter " with 39 other municipalities from across the state and more than 100 local public body member officials to Governor Healey asking for a change in Emergency Assistance (EA) shelter policies they all condemned including as a quorum of the Medford City Council. Outside of the Open Meeting Law Processes whom deliberated, verified to be the following (5) public body members: Council President Isaac B. "Zac" Bears, Council Vice President Kit Collins, City Councilor Emily Lazzaro, City Councilor Anna Callahan and City Councilor Matt Leming as the Medford City Council and acting as a quorum participated in a majority public body joint action and all signed this " Shelter Advocacy Letter " together outside of any Open Meeting as well as discussed it and sent it without noticing the general public and without giving any constituents of the city a chance to be weigh into this public body action in favor and/or dissent. In addition, the following (2) Medford City Council members: City Councilor Justin Tseng and City Councilor George Scarpelli also participated by deliberating outside of the Open Meeting Law processes but declined to sign the " Shelter Advocacy Letter. City of Medford councilors did not post any meeting notice or call an Executive Session at all to participate in this " Shelter Advocacy Letter " task (regardless if they declined to sign the letter), they failed to notice to the general public they intended on December 12th-December 13th to meet and discuss and participate (or decline) in signing it and sending it on December 13th as a quorum of the Medford City Council alongside other quorums of municipality public bodies of city councils and/or school committees. These public body members signed the letter as a quorum (5 of the Medford City Councilors) and in their own words were " writing as elected officials representing 39 cities and towns " and not as any independent from government individuals (signing on in any personal capacity manner) they clearly signed as a government public body (regardless that 2 of the Medford City Councilors declined to sign). The public body members, especially by signing it as the City Councilor themselves, were clearly representing the municipality on official business as the Medford City Council and representing the City of Medford and as a ward representative of completely unaware constituents. Notice only came to the general public and constituents, after the Medford City Council had already met entirely outside of the Open Meeting Law process and it had already deliberated and signed December12- December 13th the " Shelter Advocacy Letter " and had already sent it to Governor Healy on December 13th, as reported in the Boston.com news article 12/16/24 here and Patch.com news article 12/18/24 here and Greenfield Recorder news article 12/31/24 here. The Medford City Council meeting outside of the Open Meeting Law processes and deliberating and signing and sending (or declining) this " Shelter Advocacy Letter " as a quorum of Medford City Council members violated the Open Meeting Laws as well as additional statutes.
¶Deliberations occurred outside of the Open Meeting and without adequate public notice despite the duty and responsibilities of the Medford City Council to align itself with the Open Meeting Law which was enacted " to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based. " see Ghiglione v. School Authority of Southbridge, 376 Mass. 70, 72 (1978) and the City Council failed to ensure that " meetings of a public body be properly noticed and open to members of the public, unless an executive session is convened. " See G.L. c. 30A, §§ 20 (a)-(b), 21.
¶2) On or before 12/12/24-12/13/24, the Medford City Council failed to post any Agenda Meeting Notice for their Medford City Council Meeting, informing the general public and constituents that it intended to deliberate and meet outside of the Open Meeting Law Process and in a public body quorum of Medford City Councilors December 12th-December 13th for the purpose to deliberate, sign and send on December 13th a " Shelter Advocacy Letter " with 39 other municipalities from across the state and more than 100 local public body member officials to Governor Healey for the purpose of asking for a change in Emergency Assistance (EA) shelter policies they all condemned including as a quorum of the Medford City Council. Given that (5) public body members, being: Council President Isaac B. "Zac" Bears, Council Vice President Kit Collins, City Councilor Emily Lazzaro, City Councilor Anna Callahan and City Councilor Matt Leming as the Medford City Council and all anticipated intending to meet and act as a quorum in a majority public body joint action and all intended to sign this " Shelter Advocacy Letter " together outside of any Open Meeting as well as intended to discuss it and send it, he had a duty and responsibility to notice the general public and give all constituents of the city a chance to weigh into this public body action in favor and/or dissent of sending the " Shelter Advocacy Letter " with 39 other municipalities from across the state and more than 100 local public body member officials to Governor Healey. Even though (2) Medford City Council members: City Councilor Justin Tseng and City Councilor George Scarpelli intended to meet and participate and deliberate outside of the Open Meeting Law processes and anticipated declining to sign the " Shelter Advocacy Letter ", they still had a duty and responsibility to notice the general public and all constituents same. Notice only came to the general public and constituents, after the Medford City Council had already met entirely outside of the Open Meeting Law process and it had already deliberated and signed December12- December 13th the " Shelter Advocacy Letter " and had already sent it to Governor Healy on December 13th, as reported in the Boston.com news article 12/16/24 here and Patch.com news article 12/18/24 here and Greenfield Recorder news article 12/31/24 here. The Medford City Council had anticipated meeting outside of the Open Meeting Law processes and for purpose of deliberating and signing and sending (or declining) this " Shelter Advocacy Letter " as a quorum of Medford City Council members violated the Open Meeting Laws as well as additional statutes, therefore it was capable of posting the notice within 48 hours prior to this " meeting " see G.L. c. 30A, § 20(b); OML 2022-206; OML 2020-152, failing to post any agenda or this meeting topic in advance, denied the general public and constituents the ability to read about it this topic and understand the anticipated nature of the Medford City Council " s public body " s discussion it instead held secretly and in violation of Open Meeting Laws. See OML 2015-35.
¶The Medford City Council failed to post any Agenda Meeting Notice at all that contained enough detail and accuracy so that a member of the public would know to attend or who did not attend the meeting could read the minutes and have a clear understanding of what would or did occur, and failed to detail at all its intentions to meet and deliberate outside of the Open Meeting Law Process. Medford City Council instead, held Secret Deliberations outside of an Open Meeting and without adequate public notice despite the duty and responsibilities of the Medford City Council in that the Open Meeting Law was enacted " to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based. " see Ghiglione v. School Authority of Southbridge, 376 Mass. 70, 72 (1978) and the City Council failed to ensure that " meetings of a public body be properly noticed and open to members of the public, unless an executive session is convened. " See G.L. c. 30A, §§ 20(a)-(b), 21.
¶For Open Meeting Law Complaint #1.
It is the sole duty and responsibilities of all public body members of the Medford City Council to comply with Open Meeting Laws and it failed to do so here on or before 12/12/24-12/13/24 and dates in between and after. It is the duty of the public body to ensure that the Medford City Council Meeting Agenda Notices are in compliance prior to posting them as well as to deliberate only where allowed under the Open Meeting Laws and not do so in secret and caused instead a closed not open government body and action. This led to confusion, a failure to allow the general public access to open government or transparency during the actual meeting or meetings to come, as well as no one reading the Medford City Council Meeting Agenda(s) would have known to attend, nor would they know by reading any Meeting Minutes after what occurred. Lynn City Council should comply with G.L. c. 30A, § 22(a), G.L. c. 30A, §§ 18, G.L. c. 30A, § 20(a)-(b), G.L. c. 30A, §§ 21, G.L. c. 30A, § 20(b) and 940 CMR 29.03(1)(b), as well as G.L. c. 30A, § 21(a)(3) and other Open Meeting Laws.
¶The Medford City Council actions, should be determined by the Attorney General as deliberate and willful violations, the City Council should be FINED, as well as any votes or actions made null and void, given that the Medford City Council failed to follow the letter of the law, or be transparent when it deliberated outside of the Open Meeting Law processes or posted any of the Agenda Notices, prior to discussions and action decisions surrounding its agenda items and actions, which negatively impacted the general public.
¶Links for Shelter Advocacy Letter and News Articles referenced:
https://docs.google.com/document/d/11v79Na_SWxcWMKjOUFMLTqMQFcoLdx2yXoLP3atRVM/edit?tab=t.0
<https://www.boston.com/news/local-news/2024/12/16/elected-officials-call-on-healey-to-rescind-recent-shelter-stay-policies/>
<https://patch.com/massachusetts/salem/120-local-leaders-sign-letter-condemning-state-shelter-policies>
<https://www.recorder.com/Greenfield-city-councilors-sign-letter-opposing-shelter-policy-changes-58640402>

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.

What we feel would resolute our Open Meeting Law Complaints:
1) Medford City Council agrees to correct immediately all OML Violations regarding G.L. c. 30A, § 22(a), G.L. c. 30A, §§ 18, G.L. c. 30A, § 20(a)-(b) ,G.L. c. 30A, §§ 21, G.L. c. 30A, § 20(f) and 940 CMR 29.03(1)(b) and also G.L. c. 30A, § 21(a)(3) and other Open Meeting Laws and any other violations and comply with their duties, responsibilities and the actual laws as written and agrees to not violate them again. It also agrees to undergo immediate training by the Attorney Generals Office necessary to understand its duties and responsibilities under the Open Meeting Laws and provide proof of attendance and participation by all City Council members
2) Medford City Council agrees to ensure at the highest levels comply with all Open Meeting Laws, to place ALL INTENDED Topics of discussion on meeting agendas including Executive Sessions and discuss Open Meeting Topics in the appropriate sessions and not outside the Open Meeting Law Processes
3) Medford City Council agrees to rescind all votes related in any way to these Open Meeting Law Complaints #1 Part1-Part2 above

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: Laura Ortiz

Date: 1/11/25

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For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO: