



# OPEN MEETING LAW COMPLAINT FORM

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

2018 FEB 20 P 3: 37

CITY CLERK'S OFFICE  
SOMERVILLE, MA

Please note that all fields are required unless otherwise noted.

## Your Contact Information:

First Name: Michael Last Name: Kiely

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone Number: [REDACTED] Ext. 7241

Email: MIKIELY @ Police.Somerville, MA. US

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): Somerville BOARD OF ALDERMAN

Specific person(s), if any, you allege committed the violation: ALDERMAN NIEDEGGANG, DAVIS, JEFFERSON SCOTT, HIRSCH, BAUGATINE

Date of alleged violation: 1-25-18

**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.

See ATTACHED Addendum A

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.

See ATTACHED

**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: Michael King

Date: 2-20-18

For Use By Public Body                      For Use By AGO  
Date Received by Public Body:              Date Received by AGO:

# Michael Kiely



Addendum A

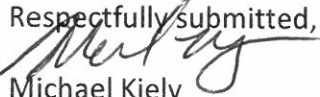
2/20/2018

1. Alderman Mark Neidergang passed a type letter to Alderman/Attorney Lance Davis in executive session against the rules of an open meeting being held in executive session and the BOA rules. Immediately after passing this typed letter to Davis, Neidergang grabbed a bunch of papers and left the closed hearing quickly for the open hallway. I witnessed some of Alderman Neidergangs inappropriate actions. There is a second witness to the passing of the typed letter. Alderman Davis continued to ask me questions.
2. This was an intentional act by Alderman Neidergang who actions before and during this unprecedented hearing are clearly biased against me both personally and politically. Alderman Neidergang faces an election opponent by a family member of mine and has met multiple times with current and former members of the Somerville Police Department. I feel alderman Niedergang has not been truthful in his statements relative to past issues involving me. Chairman Jefferson Scott allowed this action to be facilitated. BOA President Ballyntine and Alderman Hirsch had sitting across from Davis had a clear view of this action.
3. Alderman Hirsch also was putting a tremendous amount of pressure on me to make a decision so she could make her decision relative to having an open Alderman's meeting against the advice of the City Solicitor.

## Section 2

Conduct an investigation, review the recordings of the hearing; as the hearings are to be recorded and issue a public apology to me.

Respectfully submitted,



Michael Kiely



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

January 25, 2018

REPORT OF THE CONFIRMATION OF APPOINTMENTS AND PERSONNEL MATTERS  
COMMITTEE

Attendee Name	Title	Status	Arrived
Jefferson Thomas ("J.T.") Scott	Chair	Present	
Stephanie Hirsch	Vice Chair	Present	
Wilfred N. Mbah	Alderman at Large	Present	
Lance L. Davis	Ward Six Alderman	Present	
Ben Ewen-Campen	Ward Three Alderman	Present	

Others present: Alderman Mary Jo Rossetti, Alderman Katjana Ballantyne, Alderman Jesse Clingan, Alderman Mark Niedergang, Candace Cooper - Personnel, Chief David Fallon - SPD, Deputy Chief Stephen Carrabino - SPD, Deputy Chief Paul Trant - SPD, Julie McKenzie - Law, Shannon Phillips - Law, Tim Snyder - Mayor's Office, Annie Connor - Legislative Liaison, Michael Kiley - SPD, Attorney Michael Akerson, Rositha Durham - Clerk of Committees.

The meeting took place in the Committee Room and was called to order at 5:43 PM by Chairman Scott and adjourned at 7:45 PM.

**Executive Session to discuss the candidate assessment questions and individual candidates pursuant to MGL c30A s21(a)(1).**

**204799 : Requesting the appointment of Michael Kennelly to the position of Police**

**Lieutenant** Action on this item was completed at last night's committee meeting and recorded in that meeting's minutes.

**204800: Requesting the appointment of Michael Kiely to the position of Police Lieutenant.**

Mr. Kiley submitted several documents to the committee describing commendations that he received from various officers and community members regarding his exemplary service. The committee voted to convene in Executive Session to discuss and review documents relating to Mr. Kiley's reputation and character. There were several members of the BOA and others in the committee room that could not participate in the discussion.

After the committee went back into the regular committee meeting, there were discussions about options. According to legal counsel, the Mr. Kiley could volunteer to go back into Executive

Session since not he hadn't had a sufficient amount of notice. A waiver would be required from the him to voluntarily go back into Executive Session. Mr. Kiley stated he needed more time to make a decision on agreeing to a waiver. He could let the city solicitor know his decision.

<b>RESULT:</b>	<b>DISCHARGED W/NO RECOMMENDATION</b>
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4. **204801 : Requesting the appointment of Michael McCarey to the position of Police Sergeant** Statement Action on this item was completed at last night's committee meeting and recorded in that meeting's minutes.
  
5. **204802 : Requesting the appointment of Sean Sylvester to the position of Police Sergeant** Action on this item was completed at last night's committee meeting and recorded in that meeting's minutes.
  
6. **204803 : Requesting the appointment of James Slattery to the position of Police Sergeant** Statement Action on this item was completed at last night's committee meeting and recorded in that meeting's minutes.

**Handouts:**

- Misc. Documents - M Kiely (with 204800)