



3-16-18

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.

2018 MAR 16 P 12:15

CITY CLERK'S OFFICE  
SOMERVILLE, MA

### Your Contact Information:

First Name: Michael Last Name: Kiely

Address: 49 Holyoke Road

City: Somerville State: MA Zip Code: 02144

Phone Number: 6176251600 Ext.

Email: mkiely@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): City of Somerville Board of Alderman

Specific person(s), if any, you allege committed the violation: Ald. Ballantyne

Date of alleged violation: February 27, 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.

Order

(ID # 18014)

By Ald. Ballantyne

That this Board sponsor Outside Counsel Darren Klein, Esq, to advise this Board with respect to the matter of Michael Kiely and the City of Somerville, Civil Service Commission No. I-18-018, stating that this Board may convene in Executive Session to discuss strategy with respect to potential litigation.

This is not a complaint against the Board of Alderman. Therefore would not justify Executive Session. I filed for an investigative review with the Civil Service Commision. There is no litigation on this item against the Board of Alderman. Going into Executive Session for this, which they did and to discuss " potential litigation" is a second violation of the OML.

Alderman William White is not subject to this complaint, the rest of BOA is.

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.

public apology and to follow the Open Meeting Laws.

## 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: 3-16-18

For Use By Public Body  
Date Received by Public Body:

03/16/2018

For Use By AGO  
Date Received by AGO:

**City of Somerville, Massachusetts**  
**Matters of Business of the Board of Aldermen**

**SPECIAL MEETING AGENDA**

February 27, 2018, 7:00 PM  
Aldermanic Chambers, City Hall, 93 Highland Avenue

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**OPENING OF THE MEETING**

1. Roll Call            Call of the Roll.  
    (ID # 18013)

**CITATIONS**

**PUBLIC HEARINGS**

**ORDERS, ORDINANCES, RESOLUTIONS AND MOTIONS OF MEMBERS**

2. Order            By Ald. Ballantyne  
    (ID # 18014)    That this Board sponsor Outside Counsel Darren Klein,  
                         Esq, to advise this Board with respect to the matter of  
                         Michael Kiely and the City of Somerville, Civil Service  
                         Commission No. I-18-018, stating that this Board may  
                         convene in Executive Session to discuss strategy with  
                         respect to potential litigation.
3. Order            By Ald. Ballantyne  
    (ID # 18015)    That this Board sponsor Outside Counsel Darren Klein,  
                         Esq, to advise this Board with respect to the Open  
                         Meeting Law complaint of Michael Kiely against this  
                         Board, stating that this Board may convene in Executive  
                         Session to discuss this complaint and/or to discuss  
                         strategy with respect to potential litigation.

**UNFINISHED BUSINESS**

4. Public            Michael Kiely submitting an Open Meeting Law  
    Communication complaint against this Board.  
    205259

**REPORTS OF COMMITTEES**

**COMMUNICATIONS OF THE MAYOR**

**COMMUNICATIONS OF CITY OFFICERS**

**NEW BUSINESS**

**SUPPLEMENTAL ITEMS**

**LATE ITEMS**

**ADJOURNMENT**