



CITY OF SOMERVILLE, MASSACHUSETTS
LAW DEPARTMENT

May 18, 2012

Honorable Board of Aldermen
City Hall
93 Highland Avenue
Somerville, MA 02143

Re: Response to Board Order Number 193073
Method for Filing Complaint with State Lottery Commission Regarding Litter and Trash

Dear Honorable Board Members:

You have asked this office to determine the method for filing a complaint with the Massachusetts State Lottery Commission ("MSLC") regarding littering and trash problems at the Winter Hill Market. It is my opinion that written complaints concerning a lottery sales agent setting forth the nature of the complaint and factual circumstances may be addressed to: Massachusetts State Lottery Commission, Compliance Department, 60 Columbian Street, Braintree, Mass. 02184, subject to the requirements of MGL c. 10, § 26 and 961 CMR 2.00.

The MSLC licenses "sales agents" to sell lottery tickets pursuant to MGL c. 10, §§ 22-36 and 961 CMR 2.00. 961 CMR 2.00 is established by the MSLC to define and regulate the operation and administration of the Massachusetts State Lottery.

MGL c. 10, § 26 states that the Director of the MSLC "shall suspend or revoke any license for violation of the state lottery law or of the rules and regulations made thereunder." 961 CMR 2.13 provides that the Director of the MSLC may revoke or suspend a sales agent license for certain reasons including if a sales agent "has violated any provisions of law or 961 CMR 2.00," or if it is in the "best interests of the Lottery, the public welfare, or the Commonwealth." Accordingly, it is my opinion that a complaint regarding any sales agent is subject to the legal requirements provided in state lottery law, MSLC regulations, and the terms and conditions of the sales agent license or agent agreement.

I note that city ordinances address litter and trash, including: City of Somerville Code of Ordinances Section 9-54 (prohibiting owner or tenant of a building abutting sidewalk from suffering to remain on sidewalk any rubbish) and Section 9-55 (no person in control of a

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business abutting street shall knowingly suffer any litter to remain on premises including sidewalk except in a receptacle).

Any person violating either of the above ordinances is subject to a fine of \$50.00 for a 1st offense, \$100.00 for a 2nd offense, and \$300.00 for a 3rd and subsequent offense, enforceable by the police department, commissioner of public works, inspectional services (Ord. Sec. 9-55), or health inspectors by non-criminal disposition under Ordinance Section 1-11(b). Each day a violation continues shall constitute a separate offense. Ordinance Section 1-11(a) provides that enforcement by other lawful methods to abate a violation is also available, including, but not limited to, application for equitable relief from a court of law.

Please contact me with any additional questions.

Very truly yours,

Jason D. Grossfield
Assistant City Solicitor

cc: Mayor Joseph A. Curtatone
Francis W. Wright, Jr., City Solicitor
Edward Nuzzo, Superintendent, Inspectional Services Division