



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 Office of the Attorney General's Division of Open Government is responsible for interpreting and enforcing the Open Meeting Law. Pursuant to G.L. c. 30A, §23, the Open Meeting Law requires that complaints must first be filed with the public body that is alleged to have committed the violation, prior to filing a complaint with the Attorney General.

The complaint must be filed with the public body within 30 days of the alleged violation, or if the alleged Open Meeting Law violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. The complaint must set forth the circumstances which constitute the alleged violation, giving the public body an opportunity to remedy the alleged violation.

Please complete the entire form, providing as much information as possible, to assist the public body in responding to your complaint. The Division of Open Government will not, and public bodies are not required to, investigate anonymous complaints. You may attach additional materials to your complaint if necessary. The public body may request additional information if necessary.

For complaints alleging a violation of the Open Meeting Law by a local public body, you must file with the public body and file a copy with the clerk of the city or town where the alleged violation occurred. For complaints alleging a violation by a county, regional or state public body, you must file with the chair of the public body.

If you are not satisfied with the action taken by the public body in response to your complaint, you may file a copy of your complaint with the Attorney General's Office 30 days after filing your complaint with the public body. The Attorney General's Office may decline to investigate a complaint that is filed with the Attorney General's Office more than 90 days after the alleged OML violation, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.

The complaint must include this form and any documents relevant to the alleged violation. A complaint may be filed either by mail or by hand:

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Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Thomas Last Name: Terranova

Address: 37 Apple Hill Lane

City: Lynnfield State: MA Zip Code: 01940

Phone Number: +1 (781) 799-0734 Ext. _____

Email: tomtselectman@gmail.com

Organization or Media Affiliation (if any): Board of Selectmen

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): Lynnfield Board of Selectmen

Specific person(s), if any, you allege committed the violation: Philip Crawford and David Nelson

Date of alleged violation: Jan 5, 2015

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.

As Selectman I attended the January 5, 2015 Board of Selectman Meeting. During this meeting all three of the Selectmen and the Town Administrator were served with a Subpoena to Appear at the Essex Superior Court on January 15, 2015 at 2:00 P.M. by Attorney Mike Walsh and an associate. David Nelson made a comment that he was expecting the Subpoena during the Selectmen Meeting. The meeting shortly progressed to other topics. Near the end of the meeting I (Thomas Terranova) asked the Town Administrator William Gustus how the Subpoena that the Selectmen and he (the Town Administrator) received would be handled. William Gustus during the meeting gave a brief explanation of what had occurred regarding the serving of the Subpoena and that Town Council would have to address the situation. Shortly thereafter the Selectmen meeting was concluded.

My complaint is with what occurred after the Selectmen Meeting had concluded. After the Selectmen Meeting had concluded Phil Crawford made statements about the receipt of the Subpoena, how it is common place in his business to receive Subpoena's on behalf of clients and continued on discussing the Subpoena and its effect to the Town with David Nelson and William Gustus. The three continued to discuss the Subpoena as I packed my briefcase and left the Meeting Room. This was clearly a deliberation between the parties mentioned.

This discussion should have occurred during the Public Selectmen Meeting and not in private between the three parties mentioned. This shows a blatant disregard of the Open Meeting Laws to discuss and deliberate the Subpoena in a private forum between Two Selectmen.

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.

It appears reasonable to request the Attorney General to hold Phil Crawford and David Nelson accountable for the intentional disregard of the Open Meeting Laws and be reprimanded with the appropriate sanctions that would teach them to not continue this intentional behavior .

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, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose 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: 

Date: 2-3-15

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