



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.

### Your Contact Information:

First Name: Carol Last Name: Gray

Address: 815 South East Street

City: Amherst State: MA Zip Code: 01002

Phone Number: 4132971075 Ext.

Email: carolgray\_2000@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): Amherst Board of Registrars

Specific person(s), if any, you allege  
committed the violation: Town Clerk Susan Audette, Attorney Lauren Goldberg, and Registrars

Date of alleged violation: May 7 & 10, 2021

## 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.

Please see attached description.

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.

The Board of Registrars should hold a meeting promptly to address the violations described in this complaint. Minutes should be created for all recent meetings and minutes should be kept and posted promptly for all future Board of Registrars' meetings. A training (not by Town Counsel) should be required for the Board of Registrars on the requirements of the Open Meeting Law. The Board, Town Clerk, and Attorney Goldberg should be instructed to comply with the Open Meeting Law in the future.

## 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: Carol J. Gray

Date: May 14, 2021

For Use By Public Body

Date Received by Public Body:

For Use By AGO

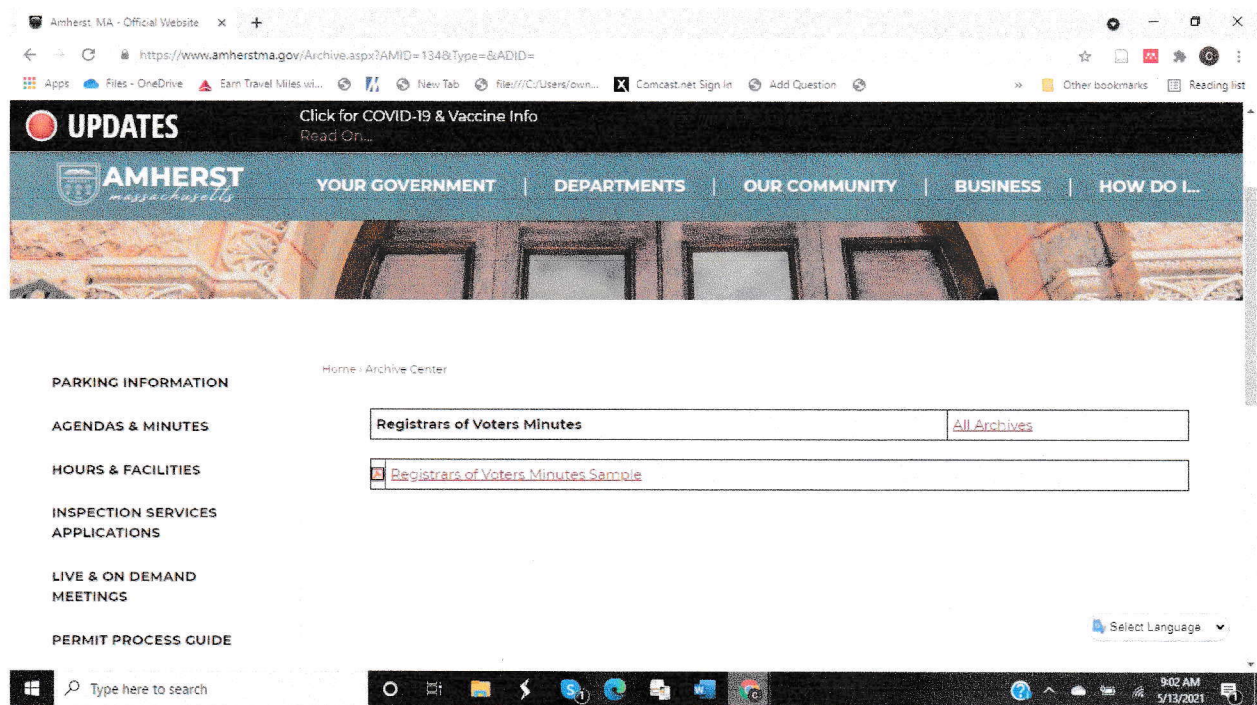
Date Received by AGO:

**1) Failure to create and maintain accurate minutes of the past three Board of Registrars' meetings.**

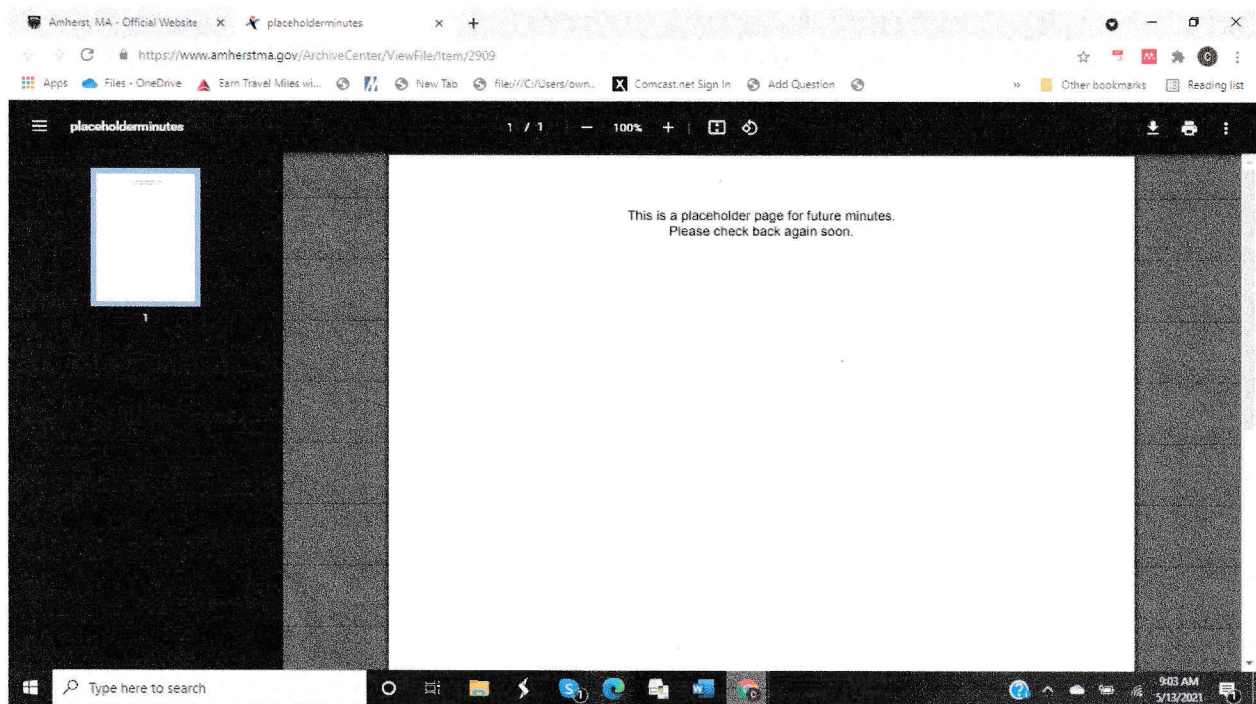
Section 22 of the Open Meeting Law states in relevant part:

Section 22. [Meeting Minutes; Records] (a) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.

There are no Board of Registrars' minutes posted in the Town's archive for agendas and minutes of Boards and Committees. As the screen shot below illustrates, the archive for the Registrars of Voters for the Town of Amherst has only a "Registrars of Voters Minutes Sample" listed where Board of Registrars' minutes should be posted.



When one clicks on the above pictured "Minutes Sample," there is the notation that "This is a placeholder page for future minutes. Please check back again soon" (see screen shot below).



## 2) **Failure to create and approve minutes in a timely manner.**

Section 22 of the Open Meeting Law further states:

(c) Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.

In the two Board of Registrars' meetings I attended (on May 7 and May 10, 2021), there was no discussion of approving prior Board minutes.

On May 13, 2021, I emailed the Town Clerk asking where minutes of Board of Registrars' meetings are kept. On May 13, 2021, I received this reply from the Town Clerk, Susan Audette:

Since the Board of Registrars meets very infrequently, there are very few sets of minutes from years past, which is why I think they've never been posted online. In fact, the folder that contains the total sum of minutes has only 9 meetings from 2006-present.

To my knowledge, there are no minutes from the Board of Registrar's Meeting on April 21 since none were reviewed or approved at the Board's May 7 and May 10 meetings. There may not be any minutes from the May 7 or May 10 meetings either. There are no Board of Registrars' meetings scheduled so there does not seem to be an attempt to approve minute from the last three Board meetings in a timely manner as required by the Open Meeting law. As such, the Board is violating the Open Meeting law by not creating, approving or posting meetings for any of the Board Meetings in question. This complaint addresses the violations that occurred within the past

30 days, but it is of great concern that the Board of Registrars seems to not be creating, approving, or posting minutes at all during the current time period and has no minutes whatsoever posted in the Town's online archive for minutes.

**3) Violation of the Open Meeting Law by Attorney Goldberg and others for having discussion about the May 4 Open Meeting Law Complaint during the Board's May 7 meeting even though it was not on the agenda for that meeting.**

There was significant discussion of the May 4 Open Meeting Law Complaint and the law surrounding that complaint by Attorney Lauren Goldberg and others during the Board's May 7 Board meeting though this item was not on the agenda for discussion that day. Rather, the Open Meeting Law complaint was posted only on the agenda for the following meeting, May 10. As the filer of the Open Meeting Law complaint, I was posting in the comments section repeatedly during the May 7 meeting that this issue was not on the agenda for that meeting. Despite this, Attorney Goldberg continued to advise the Board *during that meeting* about her thoughts about how the Open Meeting Law complaint should or should not be handled. I objected several times in the chat to the discussion of the Open Meeting Law Complaint during that meeting since it was not on the agenda, but Attorney Goldberg persisted in discussing it. My first objection was at 11:18am. At 11:23am, I typed into the chat:

[Attorney Goldbert] is arguing the Open Meeting Law Complaint which is not on the agenda for today.... This should be discussed on Monday and the petitioners should be allowed to speak to their Open Meeting Law Complaint.

At 11:39am, I typed into the chat:

CJ G. (You) 11:39 AM

[Attorney Goldberg] should not be able to address the Open Meeting Law Complaint here. It is violating the Open Meeting Law right now for her to be arguing the Open Meeting Law issue in this meeting since it is on the agenda for Monday.

I repeated a request to stop discussion of the Open Meeting Law violation at 11:40am.

All discussion of the Open Meeting Law violation on May 7, much of it led by Attorney Goldberg as she spoke at great length about her opinion as to how the Open Meeting Law did or did not apply, was in violation to the Open Meeting Law.