



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.



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: Brian Last Name: Letzeisen

Address: 29 Center Street

City: Northampton State: MA Zip Code: 01060

Phone Number: 4135871127 Ext. _____

Email: bletzeisen@northamptonma.gov

Organization or Media Affiliation (if any): New England Police Benevolent Association, Local 187

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 Council for the City of Northampton

Specific person(s), if any, you allege committed the violation: Gina-Louise Sciarra, William Dwight, Michael Quinlan Jr., Karen Foster, John Thorpe, Alex Jarrett, Marianne LaBarge, Rachel Maiore

Date of alleged violation: 6/18/20 & 6/1920

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.

On 6/18/2020 Northampton City Council hosted an online Zoom Meeting that could be viewed through public access cable, youtube.com, and zoom.us. This was the scheduled meeting that discussed numerous topics and issues within the city. The most discussed topic of the evening was the Northampton PD budget. Throughout the evening conversation revolved around how much to cut. Eventually Alex Jarrett proposed a 10% cut to the budget and it was put to a vote.

Jarrett made comments during the meeting that he was concerned that even if the amendment to the police budget, a 10% cut, passed, when the entire city budget would go to a vote it would not pass. He was concerned about this because he has to abstain due to a conflict of interest on the overall budget. His concern was the 4-3 vote would not pass the budget and therefore kill the amendment. He mentioned this both before the vote and after, going as far as motioning to reconsider, meaning re-vote, after voting on the amendment. Upon voting on the amendment, a 10% cut, Sciarra, Dwight, Quinlan, Foster, Jarrett, and Maiore vote in favor with Nash, Thorpe, and LaBarge voting against. The motion to reconsider was then accepted but Maiore requested and was granted a 5 minute recess. The meeting was stopped with a motion to reconsider on the floor.

When the meeting continued there were only a few comments made one by LaBarge who stated she was still not clear on the voting, Jarrett then withdraws his reconsideration and states he "trust people will pass the budget." With no reconsideration the amendment is made to the budget and then the PD budget is voted on with only Nash remaining as a No. Two councilors Thorpe and LaBarge who had voted against the amendment to the budget then adopted the budget five minutes after the recess with essentially no open discussion in the meeting. From there the \$38,000 granted to the Pedal People (owned by Jarrett) was voted in, the FY 2021 budget was voted to have the amendments, and the Budget was order or passed by the City Council, upon being back from recess for 8 minutes.

The suspicions of breaking open meeting laws are clear while watching the virtual unfold on youtube.com and public access. However, it is worse on zoom.us as Councilor LaBarge appears to be answering the phone prior to muting and her screen going off. I believe that investigation in this matter will reveal that some of if not all of the councilors participated in communication with each other or were aware that other councilors participated in communication with each other. Either way these acts need to be investigated to protect the legitamacy of the Open Meeting.

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.

I request that the Northampton City Council fully investigate this incident, including reviewing all forms of communications from each councilor including text messages, cell phone calls, land line phone calls, and email. If a violation is found I request an order rescinding the vote taken after the violation, assess civil fines due to the intentional nature of the violation, and order any other remedies deemed necessary by the Northampton City Council or the Attorney General's Office.

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:  _____

Date: 6/20/20

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO: