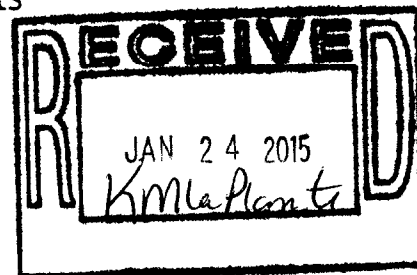




The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108



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:

Office of the Attorney General
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Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Brian Last Name: Johnson

Address: 61 Stafford Rd.

City: Holland State: Ma Zip Code: 01521

Phone Number: +1 (508) 344-3090 Ext.

Email: highwaydet@townofholland.necoxmail.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): Holland Board of Health

Specific person(s), if any, you allege
committed the violation: Danna Manning

Date of alleged violation: 11/28/2014

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.

The Board of Health presented to the ZBA on November 29, 2014 an email describing their comments concerning my applications for a Special Permit to construct a garage on an existing house and changing a garage to an accessory dwelling. The public meeting of the ZBA was held on December 23, 2014. In my opinion, there never was any discussion of my project during a posted BOH meeting because no minutes are available for review. I have attached the email sent by Board of Health member Dana Manning and signed by her in her official capacity. It is clear from the email that this was in response to a notice from the ZBA to the BOH for comment. Since no minutes exist of any public discussion of the contents of the email I can only conclude that either an un-posted meeting was held between members of the BOH or that my application was not discussed by the BOH and this is simply Ms. Manning's personal opinion made to look like the official comment of the entire board. Further, the email is dated on 11/28/2014, a Friday. There are no posted meeting for any board on that Friday or any Friday since the Town Hall is closed on Friday.

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 Health needs to take a refresher course in the open meeting law. Specifically in posting meetings and posting minutes of meetings in a timely manner and making them publicly available. All minutes from the last 6 months of meetings need to be posted immediately. Dana Manning should be required to publicly apologize to the applicant and the ZBA for voicing her personal opinion to look like the majority opinion of the Board of Health.

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: _____

