



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

(617) 727-2200  
[www.mass.gov/ago](http://www.mass.gov/ago)

January 31, 2025

To the Open Meeting Law Advisory Commission:

On behalf of Attorney General Andrea Joy Campbell and in accordance with the Open Meeting Law (the “OML”), G.L. c. 30A, § 19(d), I am pleased to submit the following report to the Commission summarizing the activities of the Division of Open Government (the “Division”) from January 1, 2024, through December 31, 2024. As detailed further below, the Division issued a record number of Open Meeting Law determinations in 2024 and, as a result, reduced the pending complaint volume to a level not seen in many years. The Division also reviewed and updated many of its informational resources as well as created new resources to enhance the public’s access to and awareness of the Law’s requirements. Above all, the Division remained committed to ensuring that the public bodies empowered to act on our behalf conduct business transparently and remain accountable to the people they serve.

Presently, the Division consists of the Director, three assistant attorneys general, and a paralegal. The Division’s responsibilities include reviewing, investigating, and resolving OML complaints; creating and disseminating educational materials about the OML; providing training on the OML; promulgating regulations; and responding to general inquiries about the OML from members of public bodies, municipal attorneys, members of the public, and the press. In addition to the Division’s enforcement responsibilities under the OML, the Division bears certain enforcement responsibilities under the Public Records Law and represents the Attorney General in litigation in matters involving government transparency. This report is limited to the Division’s activities relating to the OML, in accordance with General Laws chapter 30A, § 19(d), which provides that “[t]he attorney general shall, not later than January 31, file annually with the [Open Meeting Law Advisory] commission a report providing information on the enforcement of the open meeting law during the preceding calendar year.”<sup>1</sup>

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<sup>1</sup> “The report shall include but not be limited to:

- (1) The number of open meeting law complaints received by the attorney general;
- (2) The number of hearings convened as the result of open meeting law complaints by the attorney general;
- (3) A summary of the determinations of violations made by the attorney general;
- (4) A summary of the orders issued as the result of the determination of open meeting law enforcement actions;
- (5) An accounting of the fines obtained by the attorney general as the result of open meeting law enforcement actions;
- (6) The number of actions filed in superior court seeking relief from an order of the attorney general; and
- (7) Any additional information relevant to the administration and enforcement of the open meeting law that the attorney general deems appropriate.”

## Complaints

During 2024, 364 OML complaints were filed with the Division for review; of those, 8 complaints were subsequently withdrawn by the complainant. Many more complaints were filed with public bodies in the Commonwealth but not filed with the Division for further review, likely because either the complainant was satisfied by the public body's response and remedial action taken, or because the complainant understood from the public body's response or from communications with our office that the issues raised did not fall within the scope of the Open Meeting Law. In total, the Division received notification of 648 complaints filed with public bodies in 2024.

In 2024, the Division once again issued a record number of determination letters: 262 determination letters, resolving 347 separate complaints. In addition, the Division issued 41 declination letters resolving 58 complaints, for a total of 303 determinations and declinations resolving 405 complaints. By comparison, in 2023 the Division issued a total of 276 determinations and declinations resolving 357 complaints; in 2022 the Division issued a total of 272 determinations and declinations resolving 371 complaints; in 2021 the Division issued a total of 231 determination and declination letters resolving 350 complaints; and in 2020 the Division issued a total of 195 determination and declination letters resolving 259 complaints. Consistent with past practices, the Division did not convene any hearings in 2024, but rather investigated and resolved complaints primarily by reviewing records, viewing meeting videos or listening to audio recordings, and conducting interviews. Overall, the Division found a violation on approximately 54% of complaints reviewed. Furthermore, many complaints allege multiple separate violations of the OML. When considering each alleged violation separately, the Division found a violation on approximately 41% of alleged violations. These numbers are consistent with the violation rate found in the prior year (55% and 42%).

The most frequent violations found were: 1) insufficiently specific meeting notice; 2) inaccurate/insufficiently detailed meeting minutes; 3) failure to timely approve meeting minutes; 4) failure to respond to request for minutes; and 5) deliberation outside of a posted meeting.

The remedial actions most frequently ordered by the Division were: 1) immediate and future compliance with the OML; 2) amend meeting minutes; 3) create and approve meeting minutes; 4) release executive session minutes; and 5) complete public body member certification.

Out of 138 determinations finding a violation of the OML in 2024, the Division issued 4 determinations finding intentional violations. Those determinations are as follows:

- OML 2024-40 (Attleboro Planning Board): The Board failed to timely approve meeting minutes, approving one set of minutes more than 30 days and three meetings after the meeting at issue. The minutes were approved at the fourth meeting thereafter. Because the Board had previously been found in violation for failure to timely approve meeting minutes only seven months prior, and was reminded of its obligations at that time, we found the violation was intentional.

- OML 2024-183 (Northborough Select Board): The Board failed to timely approve meeting minutes, approving one set of minutes at its fifth meeting and more than 30 days after the meeting at issue. The Board had been found in violation less than six months earlier and reminded of the obligation to timely approve meeting minutes as well as specifically advised that the calculation of the public body’s “next three public body meetings” includes all meetings of the public body, including joint or special meetings.
- OML 2024-227 (Wayland Zoning Board of Appeals): The Board failed to timely approve two sets of meeting minutes. The Board had previously been found in violation for failure to timely approve meeting minutes in 2017, 2019, and 2022, and each time reminded of its obligations. We rejected the Board’s assertion that a backlog by its third-party contractor constituted good cause for the delay in approval, as we had previously advised the Board that if staff resources are unavailable to create meeting minutes then the public body members must take on the task themselves. We recommended imposition a \$200 civil penalty, which the Board’s legal counsel represented will be paid and not challenged at a hearing.
- OML 2024-253 (Georgetown Conservation Commission): The Commission repeatedly failed to respond to Open Meeting Law complaints, even after our office explained on several occasions the requirements and procedures for responding to an Open Meeting Law complaint. We recommended imposition of a \$400 civil penalty; the Town Administrator represented the Town will pay the penalty and not pursue a hearing.

As for the 41 declinations issued in 2024, the most frequent reasons for declining to review a complaint were that: 1) the complaint did not allege a violation of the OML; and 2) the complaint was not timely filed with the public body.

### **Challenges to Division Determinations**

During 2024 one public body filed an action in superior court challenging a determination issued by the Division of Open Government. In 2024-210, the Division concluded that the Malden Public Library Board of Trustees is a public body subject to the Open Meeting Law and violated the Law by failing to respond to a request for meeting minutes. The Board disputed that it is a public body. On December 4, the Board filed a certiorari action in superior court, Docket No. 2481CV03173, challenging the finding that the Division is a public body; the action remains pending.

### **Education**

Our office’s primary goal in enforcing the OML remains ensuring compliance with the law. To help individuals who are subject to the OML comply with its requirements, the Division has continued to devote significant time and resources to education and training. During 2024, the Division directly trained approximately **1,300** people on the law’s requirements. The Division continued to host its live, interactive webinars one to two times per month, which attract large attendance levels. The Division hosted **19** public webinars in 2024 during both daytime and evening hours. In addition, the Division provided direct training on the Open

Meeting Law to professional associations, constituent groups, and state boards and presented at MCLE seminars to educate attorneys who advise public bodies. The Division updated many of its online educational resources and materials and continues to maintain a robust website containing updated OML guidance and educational materials, as well as a searchable database containing all of the Division's determination and declination letters.

Finally, the Division continues to offer guidance to members of the public, public bodies, attorneys, and the press through our telephone and email hotline. In 2024, the Division received and responded to approximately 1,650 inquiries by telephone and email.

The Division continues to receive a significant volume of complaints and requests for guidance, which we believe reflects greater awareness of the Open Meeting Law and of the role of the Attorney General's Office. We will continue to promote good governance through fair and consistent enforcement of the OML, coupled with vigorous educational outreach, as we seek to improve adherence to the Law's requirements. We look forward to continuing to work with you to further this goal during 2025.

Sincerely,



Carrie Benedon  
Assistant Attorney General  
Director, Division of Open Government

cc: Andrea Joy Campbell, Attorney General