



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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MAURA T. HEALEY

Governor

KIMBERLEY DRISCOLL

Lieutenant Governor

TERRENCE M. REIDY

Secretary

Firearm Control Advisory Board Meeting

Friday, November 8, 2024

200 Arlington Street. Chelsea, Massachusetts 02150

Open Session Minutes

Members in Attendance:

Michaela Dunne- Statutory FRB Director Appointment (Chairperson)

John Melander- Deputy General Counsel for EOPPS (Board Counsel)

Chief Ronald Glidden (Ret.)- Massachusetts Chief of Police Association Representative

Det. Lt. Nuno Medeiros- Massachusetts State Police Armorer

Trooper Christopher Call – Massachusetts State Police Designee

Robert A. Cerasoli- Speaker of the House Representative

Ryan Mingo- Office of the Attorney General Representative

Members not in Attendance:

James Wallace- Gun Owners Action League Representative

Others in Attendance:

Undersecretary Kerry Collins

Jamison Gagnon - Commissioner

Peter Geraghty -Deputy General Counsel

Aimee Conway -Assistant General Counsel
Victoria Carroll- Firearm Case Coordinator
Sophia Davis – Paralegal
Eve Slattery- State Ethics Commissioner

Board Business:

The Board Meeting was called to order at 10:04AM by Chairperson Michaela Dunne.

Introductions and Administration of Oath to Board Members:

The first matter of business was to introduce the members of the board and administer the oath. Once introductions were given, Board Counsel, Attorney John Melander swears in all board members collectively. Undersecretary Collins serves as witness. Attorney Melander read the oath from prepared form. Each and all members repeated the oath aloud. Each board member signed the appropriate form memorializing and confirming the oath. All signed forms were collected by DCJIS at the end of the meeting.

Discussion of Board Governing Authority, Purpose, and Mission:

The second matter on the agenda was a discussion of the Board's governing authority, the Board's purpose, and the Board's mission. This information was presented by Attorney Melander. Attorney Melander advised board members that although the name of the board has changed, the Firearm Control Advisory Board (FCAB), has a similar mission to that of the former Gun Control Advisory Board (GCAB). Attorney Melander read M.G.L c. 140, § 131 ½, which provides the governing language for the FCAB. Attorney Melander reminded the members that the GCAB's primary function was to review test reports submitted by independent labs in the Commonwealth to determine what can legally be sold by firearm dealers within the Commonwealth. While the governing language for the mission of FCAB is similar to GCAB, FCAB differs to the extent that the governing language for FCAB is broader. The language for FCAB expressly states that the Board will advise EOPPS regarding training needs. The Board must also compile a roster of prohibited assault style weapons. Ultimately, FCAB is intended to be an advisory resource for the Executive Office of Public Safety and Security.

State Ethics Commission Training:

The third matter on the agenda was a presentation by Eve Slattery, General Counsel and Legal Division Chief of the State's Ethics Commission. Ms. Slattery began by providing a handout to all board members. She then discussed the Massachusetts Conflict of Interest Law as it applies to board members. Ms. Slattery advised that board members are considered special state employees for purposes of the conflict-of-interest laws. Ms. Slattery went on to address gifts, nepotism and self-dealing, the code of conduct, the duty of loyalty, financial interests in contacts with state agencies, and responsibilities of prohibitions related to former state employees.

Open Meeting Law:

The fourth matter on the agenda was discussion of the Open Meeting Law presented by Attorney Melander. Attorney Melander advised that the purpose of the Open Meeting law is to promote transparency within state and local government and to foster a relationship of trust with the public. Attorney Melander stated that pursuant to the open meeting law the public has the right to be a part of board discussions. Additionally, the Board must post notice of all meetings at least 48-hours prior to the meeting, along with a meeting agenda, which includes all matters to be discussed at the meeting. Accommodations to individuals with disabilities must be made upon request. The Board also must give the public an opportunity to be heard. Public comment is not open to dialogue. The Board Chairperson is responsible for setting appropriate restrictions, such as time limits, in association with public comment. Attorney Melander instructed that board members are prohibited from conducting board business outside of public meetings. As such, if there is a quorum (4 or more members), the members cannot discuss board business. Attorney Melander also discussed serial communications, advising that email is an appropriate means of communication by Board Members, however, members must be careful to ensure that no board business is discussed by email or any other means outside of the public. Generally, public bodies are to meet in person. However, Governor Baker signed an extension permitting virtual public meetings that remains in effect until March 2025. The FCAB will meet in person for at least the next few meetings. Virtual meetings may be considered at a later time. All Board Members signed the acknowledgement of receipt of open meeting law and the Attorney General's regulations. Signed forms were collected upon the close of the meeting.

Matters for Immediate Discussions:

The fifth matter on the agenda was a discussion of immediate issues requiring the Board's attention. This discussion was led by Board Chairperson Michaela Dunne. The first issue addressed was the status of the current roster. Attorney Melander advised that under the prior statute, the secretary of EOPPS has authority to amend or approve the roster on demand and the same language exists in the new firearms law. Relying on that authority, the secretary of public safety and security approved the existing rosters in their current form. As such, the firearm rosters as they existed when the GCAB had their last meeting has been approved by the secretary. Those rosters are posted and will serve as a baseline for FCAB. The next issue addressed was the potential need to create a new roster or amend the current roster to include rifles and shotguns. Attorney Melander explained that the recently enacted firearms law amended the definition of a firearm. Given the new definition, the Board may be obligated to either amend the current roster or create a new roster for long guns. Board members pointed out the testing procedures utilized to determine whether a firearm should be placed on the roster are designed for handguns and are not necessarily applicable to long guns. Discussion commenced regarding whether long guns must be included on a roster and if so, what safety procedures and processes need to exist for the Board to advise the secretary as to which long guns should be included on a roster. At present, firearm dealers have been instructed that they can continue to sell long guns as

they did prior to the enactment of the new law so long as the long guns are not otherwise prohibited in Massachusetts, and wait to receive additional guidance from the Board. Chief Glidden discussed the origin of the roster, (namely, M.G.L. c. 140, § 123). Chief Glidden reminded Board members that the language of § 123 has not changed and that § 123 doesn't appear to contemplate testing firearms other than handguns (pistols and revolvers) include. Board Members suggested that the current roster may simply need to be renamed. Members intend to review the language of the new firearms law as it relates to the rosters in preparation for further discussion regarding long guns. Chief Glidden noted that it's clear from the statute that there must be a roster of assault-style weapons that are prohibited. Members recognized that given changes in the law, the CMR may need to be modified.

Next Meeting:

The sixth matter on the agenda is discussion of future meeting dates. The Board agreed that the next meeting date will be on Friday, December 6th at 10AM in Chelsea, Massachusetts. Topics for discussion at the next meeting will include whether long guns must be included on the roster, frames and receives, and a review of the CMR.

There were no additional member comments.

No members of the public attended the meeting, so there were no public comments.

The Board Meeting was adjourned 11:17AM.