



THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

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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 submit the following report to the Commission summarizing the activities of the Division of Open Government (the “Division”) from January 1, 2025, through December 31, 2025. As detailed further below, the Division saw an increase from last year in the number of complaints filed with our office for review (395 compared to 364) and continued to issue a larger number of determination and declination letters, as well as provide training and guidance to individuals and public bodies throughout the Commonwealth. Above all, the Division remained committed to ensuring that the public bodies empowered to act on the public’s behalf conduct business transparently and remain accountable to the people they serve.

The Division underwent a leadership change in the fall, with Director Carrie Benedon departing for the Cannabis Control Commission, and Assistant Attorney General Elizabeth Carnes Flynn taking on the role of Acting Director.¹ Presently, the Division consists of the Acting Director, two 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.”²

¹ Elizabeth has served as an Assistant Attorney General in the Division since 2019. Immediately prior to stepping into the role of Acting Director, Elizabeth was appointed as the Division’s first Deputy Director.

² “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;

Complaints

During 2025, 395 OML complaints were filed with the Division for review; 9 of those 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 OML. In total, the Division received notice of 703 complaints filed with public bodies in 2025.³

In 2025, the Division issued 215 determination letters, resolving 254 separate complaints. In addition, the Division issued 49 declination letters resolving 52 complaints, for a total of 264 determinations and declinations resolving 306 complaints. Consistent with past practices, the Division did not convene any hearings in 2025 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 in approximately 56% of the complaints reviewed. Furthermore, many complaints allege multiple separate violations of the OML. When considering each alleged violation separately, the Division found a violation in approximately 46% of alleged violations reviewed.

The most frequent violations found were: 1) insufficiently specific meeting notice; 2) inaccurate or insufficiently detailed meeting minutes; 3) deliberation outside of a posted meeting; 4) convening in executive session for an improper purpose; and 5) meetings not accessible to the public.

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

Out of 144 determinations finding a violation of the OML in 2025, the Division issued 6 determinations finding intentional violations. Those determinations are as follows:

- OML 2025-37 (Wayland Zoning Board of Appeals): The Board failed to timely approve open session meeting minutes. We found the violation intentional where we twice previously found the Board in violation for the same reason and where, during

(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.”

³ Public bodies are required to notify the Attorney General when they receive an OML complaint. G.L. c. 30A, § 23(b). Additionally, some complainants copy the Division when initially filing an OML complaint with a public body. However, a complaint is not considered filed with our office until the complainant requests further review of the complaint by our office, which typically occurs after the public body has responded to the complaint, and cannot occur until 30 days have passed from the date the complaint was filed with the public body. *Id.* In 2025, the Division received notice of 703 OML complaints being filed with public bodies. Of those 703 complaints, 395 were formally filed with the Division for further review.

the meeting in which the Board reviewed but chose not to approve the minutes, the Board expressly acknowledged that failure to approve the minutes at that time would violate the OML.

- OML 2025-72 (Royalston Building Committee): The Committee posted a meeting notice with an incorrect start time for the meeting (the notice listed the meeting start time as 7:00 p.m. but the meeting was instead held at 10:00 a.m.). We found the violation intentional where the Committee was warned during the meeting of the incorrect start time listed on the notice but chose to proceed with the meeting anyway and where we found the Committee to have violated the OML in the same way in 2021.
- OML 2025-80 (Barre Department of Public Works Commission and Administrative Assistant Search Committee): The Search Committee selected a single finalist for the position of the Department of Public Works administrative assistant in executive session. We found the violation intentional where the Search Committee was comprised of members of the Commission and the Commission made almost the identical mistake several months earlier and had acknowledged the error prior to formation of the Search Committee. We found the Search Committee's failure to familiarize itself with the requirements for screening candidates in executive session to constitute deliberate ignorance of the Law.
- OML 2025-144 (Ashland Select Board): The Board failed to list in meeting minutes a document used at a meeting. We found the violation intentional where we had previously found the Board to have violated the OML in the same way in 2023.
- OML 2025-156 (Shutesbury Select Board): The Board failed to include a list of appointments and re-appointments on a meeting notice. We found the violation intentional where we had previously found the Board to have violated the OML in the same way just seven months prior.
- OML 2025-173 (Chicopee City Council): The Council included an insufficiently specific topic on a meeting notice. We found the violation intentional where in 2023 we found that the Council violated the OML when it included a substantially similar topic on its meeting notice.

In 2025, the Attorney General's Office received a total of \$1,350 in fines related to findings of intentional violations of the OML. Specifically, the Wayland Zoning Board of Appeals and the Georgetown Conservation Commission paid fines of \$200 and \$400, respectively, for intentional violations found in 2024, and the Royalston Building Committee and Barre Administrative Assistant Search Committee paid fines of \$250 and \$500, respectively, for intentional violations found in 2025.

As for the 49 declination letters issued in 2025, the most frequent reasons for declining to review a complaint were that: 1) the complaint did not allege a violation of the OML; 2) the complaint was not timely filed with the public body; and 3) the complaint lacked sufficient specificity.

Challenges to Division Determinations

No public bodies filed actions for judicial review of Division determinations during 2025. However, in 2024 the Malden Public Library Board of Trustees filed an action in superior court challenging the Division of Open Government's determination OML 2024-210, in which the Division concluded that the Malden Public Library Board of Trustees is a public body subject to the OML and violated the Law by failing to respond to a request for meeting minutes. *Malden Public Library Board of Trustees v. Campbell*, Middlesex Superior Court, Civil Action No. 2481CV03173. This matter is ongoing.

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 2025, the Division directly trained more than **1,220** 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** webinars in 2025, at varying times of day, during both daytime and evening hours. In addition, the Division provided direct training, both virtual and in person, on the OML to professional associations and state public bodies and presented an MCLE seminar. The Division 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 helpline. In 2025, the Division received and responded to approximately **1,482** 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 OML 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 2026.

Sincerely,



Elizabeth Carnes Flynn
Assistant Attorney General
Acting Director, Division of Open Government

cc: Andrea Joy Campbell, Attorney General