



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

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One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Christine Last Name: Tosti

Address: _____

City: _____

Phone Number: _____

Email: _____

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):

Massachusetts State Rehabilitation Advisory Council

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

Joe Bellil, Chair of State Plan Committee

Date of alleged violation: 8/7/23

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.

This complaint is regarding agenda requirements, specifically "a listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c.30A, §20(b).

On 6/1/23, an email titled "SRC Executive Committee Meeting June 1, 2023 - Draft SRC recommendations to review" was sent in preparation for a public meeting that same day. During the meeting, members learned that a fellow colleague, Cheryl Scott, posed several questions about the recommendation process in advance of the meeting. The questions were not included on the agenda provided. After the meeting that same day, Joe Bellil sent members of the state plan committee an email titled "Re: SRC- Questions to answer about your recommendation at the SRC Quarterly Meeting on June 22nd" instructing anyone who brought forward recommendation ideas to come prepared to discuss Cheryl's questions at the SRC Quarterly meeting on June 22nd 2023.

On 6/8/23 an email titled "Agenda and materials for June 22nd Quarterly Meeting" was sent to the SRC. The same day, I sent members of the State Plan Committee my written responses to Cheryl's questions in a document titled "Christine Tosti recommendations" and asked for the document to be included in the materials posted in advance of the June 22nd public meeting. I did not get a response. On June 9th, 2023, I emailed the SRC the document containing my recommendations in preparation for the June 22nd meeting. It still does not appear in the list of materials for this meeting nor is it mentioned in the agenda.

On Friday August 4th 2023, Joe Bellil sent the SRC meeting materials in preparation for a public meeting to be held on Wednesday August 9th 2023. My recommendations were still not included. On Saturday August 5th 2023, I emailed Joe Bellil, Toni Wolf, and Kate Biebel the document titled "Christine Tosti recommendations" and explained that the agenda does not include time for a discussion on recommendations I brought forward. On August 7th, Joe replied stating that the topics would be covered during agenda item "Other input from committee members". The agenda was not updated with the specific topic of racism nor is the document of recommendations listed under meeting materials.

The SRC has had multiple opportunities to accurately document topics for discussion on agendas and posted materials. I believe the SRC is violating the Open Meeting Law by failing to include the topics members bring forward on agendas and failing to post all meeting materials within the 48 hour requirement

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.

Please be specific on agendas and allow for discussions about how racism is impacting disabled people in Massachusetts

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.

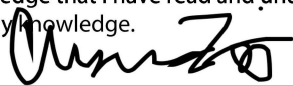
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

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: _____

8/9/23

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO: