Arlington Finance Committee

Date: Thursday, September 28, 2023.
Time: 7:30-10:00pm.
Location: Conducted via Remote Participation – Zoom Meeting.

Agenda

1. Virtual Open Meeting Law Protocol and Roll Call.
2. For discussion and approval: Response to the Open Meeting Law Complaint of Corey Spaulding including:
    a. *The September 18, 2023 Open Meeting Law Complaint of Ms. Spaulding (attached);*
    b. *The September 19, 2023 Memorandum from Town Counsel with Draft Response and Request for Authorization to file Response with the Division of Open Government (attached).*
3. Adjourn.

Register in advance for this meeting: https://town-arlington-ma-us.zoom.us/meeting/register/tZApdeuorjMuE9ZVI5Ari4XyOBFLKeSR4MUi

After registering, you will receive a confirmation email containing information about joining the meeting.

Members of the public are asked to send written comments to tbradley@town.arlington.ma.us

Documents regarding agenda items will be made available via the Town's website.

Information regarding Order Suspending Certain Provisions of the Open Meeting Law: https://www.mass.gov/info-details/updated-guidance-on-holding-meetings-pursuant-to-the-act-extending-certain-covid-19-measures

By Christine Deshler, Finance Committee Chair

Reference 1: September 18, 2023 Open Meeting Law Complaint – Corey Spaulding
Reference 2: September 19, 2023 Memorandum from Town Counsel with Draft Response and Request for Authorization to file Response with the Division of Open Government

Reference 1

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:

- Fill out the attached two-page form completely. Sign and date the second page. 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.
- To file the complaint:
  - 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.
  - For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
  - Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- 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:

- The chair must disseminate the complaint to the members of the public body.
- The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- 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 the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- 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:

- If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- 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.
- 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 email at openmeeting@state.ma.us.

Reference 1

OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Corey Last Name: Spaulding

Address: 230 Prospect Street

City: Framingham State: MA Zip Code: 01701

Phone Number: 508-654-8455 Ext.

Email: CSpaulding5@gmail.com

Organization or Media Affiliation (if any): n/a

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): School Committee, Select board, Financ

Specific person(s), if any, you allege committed the violation: Ms. Ampe, Mr. Helmuth, Ms.Deshler

Date of alleged violation: 8/11-9/06

Description of alleged violation:

Reference 1

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.

See attached -
In Jan. 2020 I had exposed fraud in Arlington via email to FinCom Chair Allen Tosti; the matter was never made public.
Since 2018 I had repeatedly questioned the school committee regarding fraud, the matter was never made public.
August 11, 2023 I corresponded via email with Select Board Chair Eric Helmuth who was aware of the fraud "which fraud."
I requested the matter be placed on an upcoming agenda for public discloure of the ongoing fraud.
On August 14, I attended the Select Board meeting and spoke during public comment. I stated that I was an accidental whistleblower, that there was ongoing fraud in Arlington, Allen Tosti was aware and retaliation by Christine Deshler, as the Assistant Counsel of the Board of Bar Overseers.
Ms. Deshler closed out numerous valid complaints against attorneys who were complicit with the fraud which is systemic in the state and beyond. I followed up with an email to School Committee Chair K.Allison-Ampe who required I send all details to her and the town counsel and they would decide what further action to take. I followed up with Mr. Helmuth on September 12 about being placed on the agenda to discuss the fraud publicly as well as inquired about a rough draft of the minutes to verify accuracy of my statement during public comment. I received a response from Mr. Helmuth and

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.

I am respectfully requesting the Spaulding Matter (exposure of fraud in Arlington, retaliation abuse of power, continued cover up from public disclosure) be placed on an upcoming agenda or public hearing to allow for questions to be asked and discussion for the voters to be informed of the fraud by elected officials and they ongoing cover up involving local, state and federal agencies.

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:** 9/18/2023

For Use By Public Body	*For Use By AGO*
Date Received by Public Body:	*Date Received by AGO:*

In Jan. 2020 I had exposed fraud in Arlington via email to FinCom Chair Allen Tosti; the matter was never made public.
Since 2018 I had repeatedly questioned the school committee regarding fraud, the matter was never made public.
August 11, 2023 I corresponded via email with Select Board Chair Eric Helmuth who was aware of the fraud "which fraud."
I requested the matter be placed on an upcoming agenda for public discloure of the ongoing fraud. On August 14, I attended the Select Board meeting and spoke during public comment. I stated that I was an accidental whistleblower, that there was ongoing fraud in Arlington, Allen Tosti was aware and retaliation by Christine Deshler, as the Assistant Counsel of the Board of Bar Overseers.
Ms. Deshler closed out numerous valid complaints against attorneys who were complicit with the fraud which is systemic in the state and beyond. I followed up with an email to School Committee Chair K.Allison-Ampe who required I send all details to her and the town counsel and they would decide what further action to take. I followed up with Mr. Helmuth on September 12 about being placed on the agenda to discuss the fraud publicly as well as inquired about a rough draft of the minutes to verify accuracy of my statement during public comment. I received a response from Mr. Helmuth and the minutes which did not mention the fraud. The failure to accurately report my public comments and the failure to address my request to be placed on an upcoming agenda, the actions of Christine Deshler to abuse her power and conspire with the BBO/OBC to keep the widespread systemic fraud which involves Rep. Katherine Clark, Sens. Warren and Markey, State and local representatives is intentional to prevent liability and consequences.

Town of Arlington
Legal Department

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Select Board, School Committee, Finance Committee

Cc: James Feeney, Town Manager
Dr. Elizabeth Homan, Superintendent
Michael Cunningham, Deputy Town Counsel

From: Douglas W. Heim, Town Counsel

Date: September 19, 2023

Re: September 18, 2023 Open Meeting Law Complaint

Members of the Select Board, School Committee, and Finance Committee, I write to you with respect to the September 18, 2023 Open Meeting Law Complaint of Ms. Corey Spaulding. In short, Ms. Spaulding alleges that each of your respective boards and committees violated the Open Meeting Law, chiefly by declining to put her on your respective agendas an item to discuss her allegations of systemic fraud throughout the Commonwealth particularly with respect to public schools and alleged "ongoing cover up involving local, state, and federal agencies" and several members of the United State Congress. There is an additional allegation regarding the sufficiency of the Select Board's draft minutes in relating her comments during an open forum portion of their August 14, 2023 meeting. You should have received a copy of Ms. Spaulding's

Complaint, which you should review for yourselves. However, given the nature of the Complaint and the unusual circumstance of a single complaint filed against three public bodies simultaneously, I have provided to you a single draft response for your review and, as you deem appropriate, authorization to submit on behalf of the Select Board, School Committee and/or Finance Committee. You have the right to submit your own individualized response if you prefer.

With respect to the Complaint, in brief, public bodies are not required to place any item on their agendas for discussion. Similarly, you are not required to detail every opinion or comment of the public in your minutes. As such, the allegations in the Complaint do not present a colorable claim under the Open Meeting Law. Moreover, some of the allegations may be time-barred. A draft response from all three boards and committees subject to the Complaint is provided below. A vote should authorize this Office to: 1) file a response on your behalf; and 2) detail whether or not you would like to submit the draft response provided jointly or separately with your fellow pubic bodies. You may of course, request a different response, edit the draft response, or submit an individualized response.

Please feel free to contact my office should you have any questions.

DRAFT RESPONSE

September ____, 2023

By First Class Mail
Carrie Benedon, Esq.
Office of the Attorney General
Division of Open Government
One Ashburton Place
Boston, MA 02108

Re: September 18 Open Meeting Law Complaint Against the Arlington Select Board, School Committee and Finance Committee

Dear Director Benedon,

In accordance with G.L. c. 30A, § 23(b), and 940 C.M.R. 29.05(5), I write on behalf of the Arlington [insert board or committee] ("Respondent/s") to [jointly] respond to and oppose the above-referenced complaint of Ms. Corey Spaulding ("Complaint"), a copy of which is enclosed as Attachment "A." Ms. Spaulding alleges *inter alia* since 2018 she exposed alleged systemic fraud to the Arlington School Committee and members to the Arlington Finance Committee, as well as a wider conspiracy with the Board of Bar Overseers, U.S. Representative Katherine Clark and Sens. Ed Markey and Elizabeth Warren; and further that the Arlington Select Board, School Committee, and Finance Committee have violated the Open Meeting Law by declining to place her allegations on their respective agendas and/or insufficiently detailing her allegations in minutes for a meeting in which she spoke during an open forum segment For the reasons set forth fully herein, the [insert board or committee] respectfully submit/s the Complaint is untimely, that no violations of the Open Meeting Law have occurred, and meeting minutes as drafted are sufficient.

A. Time-Barred Allegations & Claims

As an initial matter, while Respondent/s does/do not concede any violations of the Open Meeting Law (or systemic fraud or conspiracy between state, local and federal officials) to the extent Complainant seeks redress regarding meetings or conduct from 2018 or 2020 or the August 14, 2023 Select Board Meeting, the Complaint is time-barred. Pursuant to G.L. c. 30A §23(b) a complaint under the Open Meeting Law is to be filed with the public body within thirty (30) days of the alleged violation. In matters where the alleged violation could not have been known at the time it occurred, the complaint must be filed with the public body within thirty (30) days of the date on which the alleged violation could have *reasonably been discovered*. 940 CMR 29.05(3)(emphasis added). Here, the timeline of events as the Complainant alleges them is somewhat ambiguous, but to the extent she claims the Select Board, School Committee, or Finance Committee violated the Open Meeting Law in any way prior to August 19, of 2023, Respondents submit such complaints are time-barred with the exception of the draft minutes for the August 14, 2023 Select Board Meeting. Ms. Spaulding knew or should have known that she was not on the agenda for any of the public bodies at issue before such meetings even took place in 2018, 2020 and in the more recent months of 2023.

B. Public Bodies Are Not Required to Place Items on the Agenda

The crux of the Complaint as Respondent/s understand/s it is that each of the subject boards and committees refused to place Ms. Spaulding's allegations on an agenda for discussion. However public bodies are under no obligation whatsoever to place any item on an agenda for discussion under the Open Meeting Law. c. 30A § 20(b) requires a public body post timely notice for meetings, listing all topics the chair reasonably anticipates will be discussed. *See also* 940 CMR 29.03(l)(b). However the Open Meeting Law does not require a public body to discuss any matters. *See* OML 2015-73; OML 2014-98; OML 2013- 64; OML 2012-23.

While Respondent/s do not credit the allegations as true, as referenced in the Complaint itself and to Respondent/s' general understanding, Complainant has reported her allegations to a variety of state and federal authorities and personnel with more appropriate authorities to investigate alleged fraud and conspiracy between Arlington town boards and committees, and state and federal authorities including two United States senators. The Arlington Select Board, the Finance Committee and the School Committee are simply not required to use their time at business meetings to further examine her claims as an agenda item. Ms. Spaulding may of course speak in open forum settings to the extent a public body opts to host open forums subject to content-neutral limitations such as time limits. Indeed, as acknowledged in the Complaint, Ms. Spaulding was afforded time at the August 14 Select Board meeting under that body's "open forum" wherein she presented her allegations in live-broadcast and video recorded meeting. Accordingly, the conduct complained of by Ms. Spaulding, even as alleged, does not violate the Open Meeting Law.

C. Minutes Do Not Need to Reflect the Complainant's Comments

Finally, Respondent/s respectfully submit that they are not required to repeat Complainant's open forum allegations in meeting minutes given that they were not part of a duly noticed discussion of the Board, and as the Division of Open Government has repeatedly held, meeting minutes of public bodies need not reflect "every remark or opinion presented" at a meeting. *See* OML 2022 – 130; citing OML 2012-29; OML 2011-55. The Open Meeting Law requires a public body "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). Meeting minutes should contain enough detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. See OML 2012-106. Minutes must include a summary of the *discussion* on each topic, but a transcript is not required, and the minutes do not need to include every remark or opinion presented. OML 2022 – 130 (emphasis added).

In this matter, the draft minutes of the August 14, 2023 Select Board meeting read in relevant part as follows:

> *OPEN FORUM*
>
> *Corey Spaulding, a resident from Framingham, Massachusetts appeared before the Board to request that the Board place an item on a future agenda.*

Respondent/s respectfully submit/s that further detail on allegations made in an open forum, which were not noticed or discussed by the Board are not necessary to comply with c. 30A § 22(a), particularly because the purpose of minutes is to understand matters discussed and decisions made *by a public body*. Further, while not necessary under the Open Meeting Law, the meeting was both broadcast and recorded by local television access providers and readily available for viewing by any interested members of the public. As such, Ms. Spaulding was able to make her allegations known to the public and the Board properly and briefly summarized the very complaint before the Division of Open Government here – that she was not put on the agenda for the Select Board's meeting – an ammeter that was not noticed for discussion and on which no decision was rendered by the Select Board.

Conclusion

For the reasons set forth herein, Respondent/s respectfully submit/s that any allegations predating August 19, 2023 are time-barred; and further that none of the allegations set forth in the September 18, 2023 Complaint present violations of the Open Meeting Law. As such Respondent/s respectfully request the Complaint be dismissed.

Respectfully Submitted,

The [Insert Board]
By Its/Their Attorney,
Douglas W. Heim
Arlington Town Counsel

cc: Ms. Corey Spaulding
230 Prospect Street
Framingham, MA 01701

Mr. James Feeney
Town Manager
Dr. Elizabeth Homan
Superintendent of Schools