

Subject: Re: SPR24-1754 Appeal Acknowledgment
Date: Wednesday, June 12, 2024 at 10:46:43 PM Eastern Daylight Time
From: Maria Luise <mluise@CITYOFMALDEN.ORG>
To: Angelica, Nicole (SEC) <Nicole.Angelica@sec.state.ma.us>
CC: Commonwealth Transparency <info@opencommonwealth.org>, SEC-DL-PREWEB <SEC-DL-PREWEB@sec.state.ma.us>

Dear Attorney Angelica,

The City FOIA response coordinator responded because it was unclear if the requestor was asking what records the City of Malden had, or was asking an organization that is not a public entity (The Malden Community Fund) to produce records under the Public Records Law. As such, out of an abundance of caution, the City responded with what the City of Malden would have as responsive, while clarifying that other records specific to the Malden Community Fund were not public records.

By way of background, the City of Malden receives funding annually from a surrounding community agreement with Encore Casino. That agreement called for the City to setup a separate committee to receive funds and to distribute them to worthwhile non profit entities. The Malden Community Fund was established with the Commonwealth of Mass for that purpose, with paperwork filed with the secretary of state. I would like to note that other cities such as Everett have setup a similar organization in order to handle these funds in compliance with municipal finance regulations. Funds are held in a bank account registered to the organization and without involvement of the City Treasurer. It is our position that the records of this organization are not subject to public records laws. If being the recipient of funds were to subject a legally organized entity to public meeting and record laws, the impact would extend to countless organizations. A good parallel is our local cable access channel, Urban Media Arts. They are of course closely associated with the City in many ways, and receive funding, but are a separate legal entity and not subject to public record or meeting laws.

Please let me if you have any other questions,

Maria Luise

Maria Luise, Special Assistant to Mayor Gary Christenson
City of Malden – Office of the Mayor
215 Pleasant Street, Malden, MA 02148
P: 781-397-7000 – Ext. 2005

From: Angelica, Nicole (SEC) <Nicole.Angelica@sec.state.ma.us>
Sent: Wednesday, June 12, 2024 11:24 AM
To: Maria Luise <mluise@CITYOFMALDEN.ORG>
Cc: info@opencommonwealth.org <info@opencommonwealth.org>; SEC-DL-PREWEB <SEC-DL-PREWEB@sec.state.ma.us>

PREWEB@sec.state.ma.us>

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Dear Records Custodian,

Please be aware, this office has received an appeal relating to your entity's response to a request for public records. Attached are further details concerning this appeal. If you have any questions or wish to provide further information relating to this matter, please contact the Public Records Division at pre@sec.state.ma.us or 617-727-2832.

Given that the Supervisor of Records must issue a determination within 10 business days of receipt of the appeal petition, please provide any additional information to this office as soon as possible.

Thank you,

Nicole Angelica (she/her)
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Public Records Division
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