

Subject: Response to : Open Meeting Law complaint by B. Friedman on July 22, 2024 & Request for Mediation
Date: Tuesday, August 13, 2024 at 11:42:56 AM Eastern Daylight Time
From: Zaheer Samee <zsamee@CITYOFMALDEN.ORG>
To: Commonwealth Transparency <info@opencommonwealth.org>
CC: OpenMeeting (AGO) <openmeeting@state.ma.us>
Attachments: image001.png, OML complaint friedman 22 Jul 2024.pdf

The Malden licensing Board met yesterday to discuss the complaint under the open meeting Law submitted by Mr. Friedman on July 22, 2024 and assigned to my office the task of responding to the complaint.

This is the response to the complaint on behalf of the body.

Request for Mediation – Pursuant to the Open meeting Law regulations, we request mediation of your open meeting Law complaint, to be selected by the Atty. Gen.'s office.

1. The licensing Board will provide all meeting notices, agendas, and minutes for the period 2010 through the date of the original request, July 9, 2024. On July 19, 2024, a link was provided to Mr. Friedman making available agendas and minutes available online from April 2016 to the present; see <https://www.cityofmalden.org/agendacenter/licensingboard-7>. For the years 2010 to 2016, the public body will search and identify any notices, agendas, and minutes and seek to provide them within 30 days. At the moment, it is unclear where these records are exactly; they be archived offsite, for example. They must be searched for.
2. As for the request for "documents and other exhibits, photographs, recordings or maps" used by the body and forming part of the official record of the licensing Board, these items cannot be adequately identified without first reviewing the minutes. The board requests that Mr. Friedman narrow his request to identify with reasonable particularity the meeting minutes for which the exhibits or documents are being sought, and we will attempt to produce them, with any appropriate redactions, if necessary. The search for such records spanning many years could take months if the scope of the request is not narrowed.
3. As for Mr. Friedman's request that minutes be amended, again, it is not possible to identify what if any amendments would be required or necessary without reviewing specific minutes and identifying with reasonable particularity any alleged deficiency. It is unclear which particular minutes from a period of covering 8 years or more are alleged to be deficient. It is not possible to respond or act without more specific information. Furthermore, any deficiency in minutes would have been reasonably discoverable within 30 days the minutes were available. Any complaint about such minutes more than 30 days after they were available is not properly the subject of an open meeting law complaint.

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