



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

November 1, 2024

OML 2024 – 204

VIA EMAIL ONLY

James Donnelly
Murphy, Hesse, Toomey & Lehane, LLP
jdonnelly@mhtl.com

RE: Open Meeting Law Complaint

Dear Attorney Donnelly:

This determination addresses 17 complaints filed with our office by Bruce Friedman, on behalf of OpenCommonwealth.org.¹ The complaints allege that the Malden School Committee (the “Committee”) and its Superintendent Search Committee (the “Search Committee”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. This determination reviews the public bodies’ obligations to comply with the Open Meeting Law’s requirements with respect to meeting minutes, responding to requests for meeting minutes, and executive sessions.

The chart attached to this determination summarizes the separate allegations raised in each of the 17 complaints and specifies whether we found a violation of the Open Meeting Law and, when a violation was found, the remedial action taken. Because of the volume of complaints, many raising the same or similar issues, we review the applicable law below and present our specific findings on the allegations in the attached chart. After review, we find that the Committee and Search Committee violated the Open Meeting Law in some respects and not in others, and we decline to review many of the allegations raised in the seventeen complaints for the various reasons explained below.

¹ Between February and May of 2024, the Complainant filed 22 Open Meeting Law complaints with our office alleging that the Malden School Committee and its Superintendent Search Committee violated the Open Meeting Law. The Complainant numbered almost all of the complaints when he filed his requests for further review with our office. This determination resolves the following complaints, as numbered by the Complainant: unnumbered complaint dated February 26, and Complaints 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20. The other complaints were previously resolved in separate determinations.

In reaching our determinations, we reviewed the Open Meeting Law complaints, the bodies' responses, the requests for further review, various documents provided to our office by the Complainant, notices and minutes for various meetings, and the City of Malden's website, www.cityofmalden.org, which is its official notice posting location.

As an initial matter, we note that for each violation found here, as reflected in the attached chart, the Committee had already taken appropriate remedial action prior to the complaint being filed with our office for further review. In instances where a public body acknowledges a violation and all appropriate corrective action has been taken, we urge complainants not to consume resources by filing complaints where the transparency purpose of any such complaint has already been addressed by the corrective action taken. See OML 2012-46; OML 2017-191; OML 2023-113; OML 2024-20. Pursuing such complaints, especially several complaints raising the same legal issues, consumes scarce state and local resources without advancing the Open Meeting Law's goal of improved governmental transparency.

DISCUSSION

Allegations We Decline to Review

We decline to review many of the allegations raised in the complaints for one or more of the following reasons described below.

Allegations that are untimely or were not raised in a complaint filed with the public body

To begin, we decline to review allegations that were not timely raised. To be considered timely, an Open Meeting Law complaint must be filed with the public body within 30 days of the alleged violation, or, if the alleged violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. G.L. c. 30A, § 23(b); 940 CMR 29.05(4). When reviewing the timeliness of a complaint we consider when the action that is alleged to have violated the Open Meeting Law was reasonably discoverable, not when an individual complainant became aware of the action or of the requirements of the Open Meeting Law. See OML 2022-188; OML Declination 2-8-22 (Milton Select Board); OML Declination 12-18-20 (Pembroke Board of Health).² Events that occur during an open session meeting are reasonably discoverable at the time they occur. See OML Declination 8-1-2018 (Essex Board of Selectmen). In general, allegations regarding the sufficiency of a meeting notice are discoverable on the date of the meeting. See OML Declination 10-9-2012 (Templeton Municipal Light and Water Plant Board of Commissioners); OML 2023-17.

A complaint challenging the propriety of an executive session must be filed within 30 days of the date that the substance of the executive session discussions was reasonably discoverable. See OML Declination 2-18-2014 (Easton Board of Selectmen); OML 2015-123, n.1. Likewise, an allegation regarding the sufficiency of executive session meeting minutes must be raised within 30 days of the date that such minutes are made available to the public. See OML

² Open Meeting Law determinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.

Declination 6-2-2022 (Marblehead Board of Selectmen); OML Declination 9-5-2024 (Milford School Committee).

Finally, we decline to review allegations that were not raised in a complaint filed with the public body and instead were raised for the first time in a request for further review filed with this office. See G.L. c. 30A, § 23(b); OML 2013-99.

Allegations that are insufficiently specific

We decline to review allegations that are insufficiently specific. Open Meeting Law complaints must allege violations with a degree of specificity, as our office will not conduct broad audits of public bodies based on generalized allegations. See OML 2016-57; OML 2014-119; OML 2012-106. For example, nine of the complaints addressed by this determination allege that 24 sets of executive session meeting minutes are insufficiently detailed and fail to list documents that were used during the meetings; however, the complaints do not identify any particular insufficiency, nor any particular documents alleged to have been used but not listed in the minutes. Instead, each of the nine complaints includes the identical or nearly identical generic language that follows:

The minutes of the aforementioned executive session minutes are insufficiently detailed and fail to include a list of the documents used at the executive sessions. 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.

A few of the complaints additionally state, “[s]pecifically, documents are referenced in the Executive meeting minutes which are not provided, have never been provided, have never been posted or released to the public.”

Because of the volume of complaints, the number of meeting minutes involved, and the lack of specificity with respect to the allegation that minutes are insufficient, we find that the Complainant seeks precisely the kind of broad audit that we decline to perform. Therefore, we decline to review whether the Committee’s executive session minutes are, in general, insufficient.

Allegations that, even if true, would not constitute a violation of the Open Meeting Law

Because the Division’s statutory authority concerns compliance with the Open Meeting Law, G.L. c. 30A, §§ 18-25, we decline to review any allegations that, even if true, would not constitute a violation of the Open Meeting Law. For example, an allegation that records other than meeting minutes were not provided in response to a request concerns a public body’s compliance with the Public Records Law, not the Open Meeting Law. The Open Meeting Law provides that documents and exhibits used by a public body at an open or executive session meeting “shall, along with the minutes, be part of the official record of the session.” G.L. c. 30A, § 22(d). Furthermore, the Law provides that, with two exceptions, “[t]he minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not

exempt from disclosure pursuant to any of the exemptions under” the Public Records Law. G.L. c. 30A, § 22(e). Although the Open Meeting Law clarifies that the above materials are public records, it only provides a mechanism for requesting meeting minutes. Moreover, in explaining that various materials are public records and are not exempt from disclosure under the Public Records Law, the Open Meeting Law makes clear that requests for such records are subject to the Public Records Law. See G.L. c. 30A, § 22(c), (g)(2). Finally, we have long explained that requests for records other than meeting minutes are governed by the Public Records Law, not the Open Meeting Law. See G.L. c. 66, § 10(a-b); 950 CMR 32.05(2); OML 2015-199; OML 2016-94; OML 2022-216.

Likewise, assertions regarding redactions made to executive session minutes based on a claim of the attorney-client privilege or an exemption to the Public Records Law do not allege a violation of the Open Meeting Law. See OML 2012-27. Although the Open Meeting Law requires a public body to release executive session minutes once the executive session purpose has expired, a public body may still redact or withhold minutes subject to the Public Records Law, G.L. c. 4, § 7, or where discussions may be protected by the attorney-client privilege. G.L. c. 30A, § 22(f). Review of such redactions, however, falls outside the Division’s purview. See OML 2012-41 (explaining that the Division may not review an allegation that the attorney-client privilege does not apply); OML 2020-120 (finding that the executive session purpose had been served but noting that “we offer no opinion as to whether the attorney-client privilege or an exemption to the Public Records Law may allow the Committee to continue to redact all or portions of the minutes at issue”); OML 2024-119.

Additionally, as our office has consistently explained, the Open Meeting Law does not require that public bodies post meeting minutes or other documents to a website or elsewhere; therefore, failure to post minutes and other documents to a website does not violate the Open Meeting Law. See, e.g., OML Declination 1-14-2013 (Board of Boiler Rules); OML 2015-43, n.1; OML 2018-86; OML 2023-203.

Finally, allegations that a public body violated municipal rules or policies, violated an individual’s constitutional rights, did not allow for public comment, or limited public comment, even if true, do not allege violations of the Open Meeting Law and we therefore decline to review them. See OML Declination 9-4-2012 (Cambridge Historical Commission) (declining to review whether the Commission violated its own policies); OML Declination 1-19-2016 (Southborough Zoning Board of Appeals) (declining to review whether town bylaws or public hearing laws were violated); OML 2013-135, n.2 (declining to review whether constitutional rights were violated); OML Declination 4-25-2024 (Westwood Charter Review Committee) (explaining that “we do not review allegations concerning restrictions on public comment or compliance with the United States or Massachusetts constitutions”).

Allegations We Review

As outlined below, we review several allegations raised in the complaints. These allegations relate to the sufficiency of meeting minutes, responding to requests for open session minutes, withholding executive session minutes, responding to requests for executive session minutes, and holding executive sessions. Below we discuss the requirements of the Open

Meeting Law with respect to each of these topics. In the chart attached to this determination, we detail our specific findings with respect to these allegations as raised in each complaint.

Sufficiency of Meeting Minutes

The Open Meeting Law requires that a public body “create and maintain accurate minutes of all meetings, including executive sessions.” G.L. c. 30A, § 22(a). Meeting minutes must include “the date, time and place [of the meeting], 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.” *Id.* When reviewing minutes for compliance with the Open Meeting Law, we look for substantial compliance with the accuracy requirement. *See* OML 2016-105; OML 2013-64. By substantial compliance, we mean that the 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. While minutes must include a summary of the discussion on each topic, a transcript is not required, and the minutes do not need to include every remark or opinion presented. *See* OML 2012-29; OML 2011-55. Executive session minutes must include the same elements as open session minutes and are held to the same standard as open session minutes with respect to the accuracy requirement. *See* OML 2022-189.

Responding to a Request for Open Session Minutes

The Open Meeting Law requires that “the minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.” G.L. c. 30A, § 22(c). If the minutes do not yet exist at the time of a request, the public body is still required to respond to the request within ten days, explaining that the minutes do not exist. *See* OML 2018-98; OML 2017-50; OML 2016-71; OML 2015-173.

Withholding Executive Session Minutes

Executive session minutes may be withheld from disclosure to the public “as long as publication may defeat the lawful purposes of the executive session, but no longer.” G.L. c. 30A, § 22(f). Once the purpose for a valid executive session has been served, the minutes and any documents or exhibits used at the session must be disclosed unless the attorney-client privilege or an exemption to the Public Records Law applies to withhold them, in whole or in part, from disclosure. *See id.* The burden of justifying continued nondisclosure of executive session minutes lies with the public body. *See Foudy v. Amherst-Pelham Regional Sch. Comm.*, 402 Mass. 179, 184 (1988); OML 2017-151.

Public bodies are required to review executive session minutes at reasonable intervals to determine if continued non-disclosure is still warranted. G.L. c. 30A, § 22 (g)(1). The public body must announce the result of this review at its next meeting and record the announcement in the minutes of that meeting. *Id.* Although the Open Meeting Law does not define “reasonable intervals,” we have found that quarterly reviews or reviews every six months satisfy the Law. *Compare* OML 2015-166 (finding a six-month review sufficient) and OML 2024-64 (finding a three-month review sufficient), *with* OML 2024-82 (finding a nine-month review insufficient). A

public body's obligation to review executive session minutes for possible release is ongoing. If a public body reviews executive session minutes and determines that the purpose for the executive session remains ongoing, it must continue to review those same executive session minutes at reasonable intervals until it determines that the reason for secrecy has expired. See OML 2019-133. Finally, we note that even if a contract or collective bargaining agreement has been finalized, there may be circumstances where the executive session purpose of protecting the public body's negotiating position remains ongoing such that the public body may continue to withhold the executive session minutes, in whole or in part, under the Open Meeting Law. See OML 2012-41 (noting, however, that the minutes "may not be withheld indefinitely. At some point, the public interest in transparency will outweigh the potential for harm to the public body's future collective bargaining position."); OML 2015-97.

Responding to a Request for Executive Session Minutes

Upon receipt of a request for executive session minutes, a public body must respond to the requester within ten days. G.L. c. 30A, § 22(g)(2). If the public body has recently performed the review required under G.L. c. 30A, § 22(g)(1), then it should respond to the requester within ten days providing any minutes it determined should be released and explaining if any minutes continue to be withheld. See OML 2013-105; OML 2013-99. If, however, at the time of a request the public body has not recently conducted a periodic review of its executive session minutes, then the body must review the requested minutes to determine if the minutes must be released. G.L. c. 30A, § 22(g)(2). This review must be performed by the body's next meeting or within 30 days, whichever occurs first. Id. In such circumstances, the body must still respond to the requester within ten days and should notify them that the body is conducting a review of the requested executive session minutes. See OML 2013-99.

Executive Session

All meetings of a public body must be open to the public unless a lawful executive session has been convened. G.L. c. 30A, §§ 20(a), 21. A public body may convene in executive session for any one or more of ten purposes enumerated in the Open Meeting Law. See G.L. c. 30A, § 21(a). These ten exceptions to the general rule that meetings must be open are narrowly construed. See *McRea v. Flaherty*, 71 Mass. App. Ct. 637, 641 (2008). Public bodies are responsible for ensuring that when convened in executive session, they discuss only matters that are appropriate for executive session and for which they have provided notice to the public. We acknowledge that managing the flow of conversation can be difficult. Nevertheless, it is incumbent upon the public body to carefully monitor its executive session discussions to ensure that they do not stray from the lawful purpose for which the executive session was called. See OML 2010-6; OML 2021-80.

One lawful purpose for convening in executive session is "[t]o discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual." G.L. c. 30A, § 21(a)(1) ("Purpose 1"). Our office has unequivocally stated that public bodies may meet in executive session under Purpose 1 to review Open Meeting Law complaints against the body because an Open Meeting Law complaint is by its nature a "complaint[] . . . brought against a public officer," namely, the

members of the public body. See OML 2021-21; OML 2019-170; OML 2019-163; OML 2019-34; OML 2015-105; OML 2013-82; OML 2012-119; OML 2011-6. The individual filing a complaint does not have a right to be present during the executive session discussion but may attend at the discretion of the public body. See OML 2019-64; OML 2013-50.

Another permissible purpose for convening in executive session is to “conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.” G.L. c. 30A, § 21(a)(2) (“Purpose 2”). When convening in executive session under Purpose 2, public bodies should identify, both in their notice and in the open session announcement, the name of the specific nonunion personnel or bargaining unit that is the subject of discussion, unless doing so would compromise the public body’s negotiating position. See OML 2015-193; OML 2016-70. The scope of Purpose 2 is limited to the discussions, negotiations, and deliberations that occur prior to the execution of a contract. See OML 2023-78. A public body may reach an agreement on the terms of a contract in executive session under Purpose 2 but it must subsequently vote to approve or ratify such an agreement in open session. See OML 2023-78; OML 2021-187; OML 2011-44. Discussing the resignation of an employee may be appropriate for executive session if the discussion relates to the negotiation of a separation agreement, but not if the discussion relates simply to the resignation itself. Compare OML 2018-146 (discussion of “separation agreement fit within the parameters of executive session Purpose 2, as the discussions related to strategy in preparation for contract negotiations”), with OML 2014-90 (discussion of whether to accept resignation and process for replacing employee was not appropriate for executive session).

An additional permissible reason to convene in executive session is “[t]o discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.” G.L. c. 30A, § 21(a)(3) (“Purpose 3”). The Open Meeting Law does not require that a public body make any specific showing of a potential detrimental effect prior to entering the executive session, beyond the chair’s declaration, see G.L. c. 30A, § 21, and in such circumstances, we defer to the public body’s reasonable belief that holding its discussions in open session may have a detrimental effect on its bargaining or litigating position. See Town of Hull, Bd. of Selectmen v. Healey, 2017 WL 8160437, at *5–6 (Mass.Super.).

With respect to litigation, Purpose 3 offers the narrow opportunity to discuss strategy regarding litigation that is pending or clearly and imminently threatened or otherwise demonstrably likely; the mere possibility of litigation is not sufficient to invoke Purpose 3. See Doherty v. Sch. Comm. of Boston, 386 Mass. 643, 648 (1982); Perryman v. Sch. Comm. of Boston, 17 Mass. App. Ct. 346, 352 (1983); OML 2012-05. With respect to collective bargaining, Purpose 3 limits discussion to those topics that directly correlate to collective bargaining negotiations, rather than broader policy or budgetary matters. See OML 2017-54; OML 2019-170 (finding that discussion of outsourcing custodial services was not appropriate for executive session). A public body should identify the litigation matter or collective bargaining unit to be discussed, if doing so will not compromise the lawful purpose for secrecy. See OML 2016-12; OML 2013-97; OML 2022-148; OML 2015-87.

Next, a public body may convene in executive session “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.” G.L. c. 30A,

§ 21(a)(7) (“Purpose 7”). Typically, when a public body enters executive session under Purpose 7, it must cite, both on the meeting notice and in the announcement prior to convening in executive session, the specific general or special law, or federal grant-in-aid requirement, that requires confidentiality or requires the public body to meet behind closed doors. See OML 2011-34 (“Because the Board did not provide any law or grant-in-aid requirement to justify their executive session under Purpose 7, it was not appropriate for the Board to employ Purpose 7.”); OML 2015-55; OML 2023-207. We have consistently held that a public body may convene in executive session to review and approve executive session minutes under either the original purpose for the executive session or under Purpose 7, citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g). See OML 2013-199; OML 2019-81; OML 2020-120.

Finally, a preliminary screening committee may convene in executive session “[t]o consider or interview applicants for employment or appointment . . . if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants.” G.L. c. 30A, § 21(a)(8) (“Purpose 8”). However, Purpose 8 is not applicable “to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening.” Id. Purpose 8 is limited in scope and allows public bodies to convene in executive session to undertake two activities—to consider or to interview applicants for employment or appointment. The selection process or the development of interview questions are not appropriate topics for discussion in executive session. See OML 2019-48 (finding that discussions related to the selection process and conflict of interest concerns were improper for executive session because they “did not specifically involve the consideration or interview of applicants”); OML 2019-7 (finding a violation where the public body discussed interview questions in executive session).

Intentionality

Finally, we must determine whether the Committee’s and Search Committee’s violations were, as the Complainant urges, intentional. See G.L. c. 30A, § 23(c). An intentional violation is an “act or omission by a public body or a member thereof, in knowing violation of [the Open Meeting Law].” 940 CMR 29.02. An intentional violation may be found where the public body acted with deliberate ignorance of the Law’s requirement or has previously been advised that certain conduct violates the Open Meeting Law. Id.

As detailed in the chart attached to this determination, we find that the Search Committee violated the Open Meeting Law by failing to timely respond to requests for meeting minutes and by discussing a topic in executive session that was not appropriate for executive session. Because we have not previously warned the Search Committee against the violations found here, we decline to find that the Search Committee intentionally violated the Open Meeting Law. Next, as detailed in the attached chart, we find that the Committee violated the Open Meeting Law by failing to timely respond to requests for meeting minutes, failing to periodically review executive session minutes for release, and discussing a topic in executive session that was not appropriate for executive session. The complaints allege that the Committee’s failure to timely respond to requests for meeting minutes constitutes an intentional violation of the Open Meeting Law. We have previously warned the Committee of its obligation to respond to a request for meeting minutes made under the Open Meeting Law within ten calendar days. OML 2023-95. However, because of the volume of requests for minutes and other records made by the Complainant in a

relatively short period of time, less than one month, and the Committee's efforts to respond to the many requests, we decline to find an intentional violation here. We additionally note that for each violation found, as detailed in the chart, remedial action had already been taken prior to the complaints being filed with our office for further review.

CONCLUSION

Attached to this determination is a chart listing each of the seventeen complaints addressed by this determination and our declination or findings with respect thereto. Where we do find a violation of the Open Meeting Law, we order immediate and future compliance with the Open Meeting Law and caution that similar future violations may be considered evidence of an intent to violate the Law and may result in the imposition of a civil penalty of up to \$1,000 per violation. See G.L. c. 30A, § 23(c); 940 CMR 29.02; 940 CMR 29.07(3). Although we find that the Committee and Search Committee violated the Open Meeting Law by failing to timely respond to requests for meeting minutes, failing to periodically review executive session minutes for release to the public, and discussing topics in executive session that were not appropriate for executive session, we order no further remedial action because appropriate remedial action has already been taken.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Committee, Search Committee, or our office. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Elizabeth Carnes Flynn
Assistant Attorney General
Division of Open Government

Assisted by Rebecca Wood, Legal Intern

cc: Mayor Gary Christenson, Chair, Malden School Committee
(via email: mayor@cityofmalden.org)
Jennifer Spadafora, Vice Chair, Malden School Committee and Co-Chair, Superintendent
Search Committee (via email: jspadafora@maldenps.org)
Carol Ann Desiderio, Malden City Clerk (via email: cdesiderio@cityofmalden.org)
Bruce Friedman, OpenCommonwealth.org (via email: [REDACTED])

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

Date of Complaint	Number Assigned by Complainant	Allegation	Determination
2/26/2024	Unnumbered	Failure to timely respond to a February 5, 2024, request for meeting minutes.	Violation. Response to request provided; no further action required.
1/16/2024	Complaint 3	Failure to “release, disclose and publish” 20 sets of executive session minutes.	Decline: Allegation insufficiently specific/not a violation of Open Meeting Law.
1/16/2024	Complaint 4	Failure to periodically review 20 sets of executive session minutes, including failure to periodically review redactions made under the Open Meeting Law to some of the minutes.	Violation. Remedial action taken; no further action required.
1/30/2024	Complaint 5	Meeting minutes and other records not posted online. ¹	Decline: Does not allege a violation of the Open Meeting Law.
		Failure to timely respond to a January 12, 2024, request for meeting minutes.	Violation. Response to request provided; no further action required.
		Executive session minutes insufficiently detailed, fail to list documents used.	Decline: Allegation insufficiently specific, requesting broad audit, and untimely.
		“[f]ailed to properly notice and lawfully enter executive session.”	Decline: Allegation insufficiently specific and untimely. ²
		Five executive sessions held for improper purposes.	Decline: Allegations regarding meetings held on August 24, September 14, and December 7, 2020, and February 1, 2021, are untimely. Meeting held on June 7, 2021: No violation.
		Failure to periodically review executive session minutes for release. ³	Decline: Allegation insufficiently specific.
		Redactions to executive session minutes improper.	Decline: Redactions made under

¹ Other complaints addressed by this determination raise the same allegation. We decline to review those allegations as well and do not address them further.

² Other complaints addressed by this determination raise the same allegation with respect to other executive sessions. We decline to review those allegations as well and do not address them further.

³ Other complaints addressed by this determination raise the same allegation. We decline to review those allegations as well and do not address them further.

			attorney-client privilege or exemption to Public Records Law. ⁴
1/19/2024	Complaint 7	Failure to timely respond to a January 8, 2024, request for meeting minutes. ⁵	Violation. Response to request provided; no further action required.
1/22/2024	Complaint 8	Failure to timely respond to a second, identical, request for meeting minutes made on January 12, 2024.	See Complaint 5 above.
1/26/2024	Complaint 9	Executive session minutes insufficiently detailed, fail to list documents used. ⁶	Decline: Allegation insufficiently specific, requests broad audit.
		July 1, 2021, ⁷ executive session improper.	No violation.
		Minutes of the July 29, 2021, executive session improperly redacted.	No violation.
		Document mentioned during executive session not made public and not provided in response to request. ⁸	Decline: Does not allege violation of the Open Meeting Law.
		Minutes of July 29, 2021, executive session insufficient.	No violation
1/23/2024	Complaint 10	March 6, 2023, executive session improper. ⁹	No violation.
		Minutes of the March 6, 2023, executive session	Decline: Redactions made under the Public

⁴ Concerns about the propriety of redactions made under the attorney-client privilege or an exemption to the Public Records Law should be directed to the Public Records Division in the Secretary of the Commonwealth's Office. See OML 2021-143; OML 2020-120; OML 2024-139.

⁵ Additional complaints addressed by this determination raise the same allegation. We do not address this allegation further.

⁶ Other complaints addressed by this determination raise the same allegation regarding other sets of executive session minutes provided in response to the January 8, 2024, request. We decline to review those allegations as well and do not address them further.

⁷ The complaint references an executive session held on July 1, 2021, and an executive session held on July 29, 2021. Based on the alleged violation date and the attachments included with the complaint, we understand the complaint to concern the executive session held on July 1, 2021, not July 29, 2021.

⁸ Other complaints addressed by this determination raise similar allegations about additional documents and records. We decline to review those allegations as well and do not address them further.

⁹ The complaint references an executive session held on January 9, 2023, and an executive session held on March 6, 2023. Based on the attachments included with the complaint, we understand the complaint to concern the executive session held on March 6, 2023, not January 9, 2023.

		improperly redacted.	Records Law.
1/23/2024	Complaint 11	January 9, 2023, executive session improper.	Violation: Executive session topic number 4 was improper where there was no discussion of contract negotiations. All other executive session topics were proper. Minutes capturing improper discussions have been released to the public; no further action required.
		Minutes of January 9, 2023, executive session improperly redacted.	Decline: Redactions made under the Public Records Law.
1/23/2024	Complaint 12	Complaint 12 is identical to Complaint 10.	See Complaint 10 above.
1/23/2024	Complaint 13	September 12, 2022, executive session improper.	No violation.
		Minutes of September 12, 2022, executive session improperly redacted.	Decline: Redactions made under claim of attorney-client privilege.
1/23/2024	Complaint 14	Minutes of the October 3, 2022, executive session improperly redacted.	Decline: Redactions made under claim of attorney-client privilege.
1/23/2024	Complaint 15	Minutes of the October 17, 2022, executive session improperly redacted.	Decline: Redactions made under claim of attorney-client privilege.
1/31/2024	Complaint 16	Failure to timely respond to a January 20, 2024, request for meeting minutes.	Violation. Requested minutes provided; no further action required.
2/5/2024	Complaint 17 (Search Committee)	Failure to timely respond to three requests for meeting minutes made on January 22, 2024.	Violation. Response to requests provided; no further action required.
		Open session minutes from January of 2021 are insufficient.	Decline: Allegation untimely.
		Minutes of the January 27, 2021, executive session are insufficient.	Decline: Allegation insufficiently specific, requests broad audit.

		January 27, 2021, executive session improper.	Violation: Discussion of candidate profile process and interview questions not appropriate for executive session. Minutes capturing improper discussions have been released to the public; no further action required.
		Minutes of the January 27, 2021, executive session improperly redacted.	Decline: Redactions made under the Public Records Law.
2/5/2024	Complaint 18	Failure to respond to a January 19, 2024, request for meeting minutes.	Violation. Response to request provided; no further action required.
		Refusal to provide draft executive session minutes.	Decline: Does not allege a violation of the Open Meeting Law.
3/4/2024	Complaint 20	Failure to comply with Committee policies and procedures.	Decline: Does not allege a violation of the Open Meeting Law and is untimely.
		Violation of constitutional right to free speech.	Decline: Does not allege a violation of the Open Meeting Law and is untimely.
		Minutes of the January 8, 2024, open session meeting are insufficient where they do not include specific statements.	No violation.