

Subject: Civil Action 2581 CV 00740

Date: Monday, May 5, 2025 at 5:06:56 PM Eastern Daylight Time

From: Maria Luise

To: Bruce Friedman

Mr. Friedman,

Unfortunately, I was not able to respond to your email on Friday or over the weekend.

As to the email you sent, there are no documents responsive to your request for emails or text messages. To further clarify, there are no records responsive to the request for a signed copy of any check deposited. I am glad you agree that the total funds received for the purposes of supporting nonprofits in the amount of \$668,300 are accounted for. This is a substantial divergence from your prior claims that there "should be between \$800,000 and \$1,000,000' received." As you well know, that had led to public representations that funds were missing, unaccounted for, or otherwise misused. As far as the rest of the email, all representations you made about intentionally thwarting public oversight, checks intercepted, funds converted etc. are false and without merit.

It is also very clear that we've accounted for all expenditures of funds, which also has been the source of representations that somehow these funds were used for purposes inconsistent with the intent of the funding.

I understand that you disagree with the entire handling of these funds. That's fine, even reasonable people can disagree. Any representation that the manner prescribed for the handling of these funds was designed to facilitate the usage of them in an inappropriate manner is of course put to rest by the now well documented record of how they have actually been used. We set about to meet the clear mission that the Surrounding Community Agreement had established, and the Controller did so with guidance from and being informed by DOR and other cities. Whether there were other options or not, whether or not you would have set it up that way, doesn't matter. Had the special revenue fund option been available at that time, that would have likely been the option chosen.

Much of your email looks to reconcile the timing of funds sent to the Malden Community Fund (MCF) and by the City. That certainly is something that you can pursue through the Controller's Office. MCF accounted for all funds it received and provided you ALL bank statements. Additionally, as the reconciliation proves, at the end of the day ALL funds are accounted for and now in the City's control without a single dollar unaccounted for.

I will highlight two important points that need highlighting. You mention that the City Council has not met, docketed, or discussed any of the funds from Encore/Wynn. This is false. All of the funds, except those designated for the Community Fund, are and were appropriated as part of the annual budget process. The notion that there should be a separate council process for these funds is simply incorrect.

The changing of the law allowing the use of a special revenue fund for these funds going forward in fact reinforces the fact that the state recognizes that cities should be able to use funds provided for a specific purpose for that purpose without further appropriation. Whether you agree with it or not, the setting up of MCF was done to accomplish the same. It was done for no other purpose, it benefited no one personally, and nobody associated with the City or MCF exploited this setup in any manner whatsoever.

We are now well beyond the scope of your court action which is to obtain documents from requests dated May 29, 2024 and June 12, 2024 and to declare the MCF a public entity subject to public records laws. We have gone to absolutely extraordinary lengths to provide you information and records, well beyond what is required and outside the scope of the original request. At this point, I suggest we wait on clarity from the Court as to my representation of the parties and then we will move forward with our Motion to Dismiss.

Best,

Maria Luise

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