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City Solicitor



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Mark E. Rumley
Special Counsel

February 18, 2026

John Saia
37 Pierce Street
Malden, MA 02148

Re: Open Meeting Law Complaint — January 27, 2026, City Council Meeting

Dear Mr. Saia,

On January 30, 2026, you sent an email to the City Council president and City Clerk alleging that the Malden City Council violated the Open Meeting Law (OML) at its meeting on January 27, 2026. On February 2, 2026, you filed an OML complaint with the Attorney General.

Your complaint alleges that City Council “did not provide the public with sufficient notice of the substance or practical implications” of Order 72-26, which the Council discussed at its January 27th meeting. You further allege that “[t]he order used mandatory language with potentially significant operational effects, yet relied on broad, undefined terms that did not clearly describe what actions or policies were considered.” You also state that comments made by the Police Chief and City Councilors indicate that the order was vague and unclear, such that the public could not determine “what policy direction was being advanced.” *Id.*

Upon reviewing your complaint, and the January 27th meeting’s agenda and recording, we find that no Open Meeting Law violation occurred.

Facts

On January 22, 2026, at 2:08 PM, the agenda for the January 27th City Council meeting was posted on the City of Malden’s website. Under “Motions, Orders, and Resolutions,” the agenda listed “72-26” and with the following:

Order: That, as a diverse and immigrant-rich community, the limited resources of the City of Malden shall be fully dedicated to address the local needs and priorities of Malden’s residents, businesses and visitors. The goal of this order is to provide for a safe, livable and welcoming community for all. No city employees, departments, appointees, processes or representatives shall assist in fulfilling the unique and separate responsibilities of the Federal government, including immigration enforcement, or cooperate with any Federal agencies or policies contrary to the stated goal of this Order. This Order shall be followed to the maximum extent permitted by law,

provided that it shall not require the City to break pre-existing contracts or agreements with Federal entities.

See Exhibit 1, Agenda, Malden City Council, January 27, 2026.

At the January 27th City Council meeting, Order 72-26 was discussed at length. During public comment, a resident spoke in support of the order. See Exhibit 2, City Council Meeting Recording, 22:30.¹ The City Clerk noted that 36 emails were submitted regarding the order, of which 33 were in support, 2 were in support but recommended amendments, and 1 was in opposition. Id. at 24:13-24:31. The Clerk read some of these emails into the record, including one authored by you. Id. at 25:20-47:40.

The two sponsoring City Councilors spoke in support of the order. They stated that the order was in response to recent Federal immigration enforcement actions in Malden and throughout the country. Malden's Police Chief spoke against the order, arguing that its language required police officers to follow vague directives and jeopardized joint Malden and Federal law enforcement efforts. Other Councilors also spoke about the order, and one of the sponsoring Councilors clarified that the order was not intended to impede ongoing Malden Police Department law enforcement and criminal investigation efforts. See Exhibit 2, 48:00 – 1:34:00.

Following this discussion, a motion to refer Order 72-26 to the Public Safety Committee was approved. Exhibit 2, 1:34:00.

Analysis

The Open Meeting Law states that, prior to public meetings, “[n]otice shall be printed in a legible, easily understandable format and shall contain the date, time and place of the meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.” G. L. c. 30A, § 20(b). The Attorney General’s regulations further require that “[t]he list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(1)(b).

A topic is considered “sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body’s discussion.” OML 2024-155, Hadley Select Board. The sufficiency of a meeting notice is not determined “standing alone” but by “review[ing] what was actually discussed at the meeting to determine if the notice was sufficiently specific to make the public aware of the discussion topics.” Id.

That said, “[t]he Law does not require the chair of a public body to guess what will occur at a meeting.” OML 2022-100, Sudbury Board of Selectmen. “Where a public body’s discussion naturally flows from its consideration of the posted agenda topic, the notice was sufficient to inform the public of the discussion that occurred.” Id. See OML 2023-67, Manchester-by-the-Sea Select Board (“A public body need not list each and every detail about a topic in order to comply with the Law’s requirements.”).

Here, the agenda was sufficiently specific “to reasonably advise the public of the issues to be discussed at the meeting.” See 940 CMR 29.03(1)(b). The agenda provided the full language of Order 72-26. See OML 2024-155, Hadley Select Board (while “boilerplate topics or headings, without more detail, are generally insufficiently specific . . . the notice of the Board’s November 15 meeting included detailed topics beneath many of the headings”). The Order’s language stated its goal (“to provide for a safe, livable and welcoming community for all”); its directive (“No city employees . . . shall assist in fulfilling the unique and separate responsibilities of the Federal government, including immigration enforcement);

¹ The recording of the January 27, 2026 City Council meeting can be found online at <https://www.youtube.com/watch?v=FIewNfgfEHg&t=5644s>.

and made express that it was motivated by recent immigration enforcement actions (“including immigration enforcement”).

Council discussion stayed well within the bounds of the Order and its language, such that “the notice was sufficiently specific to make the public aware of the discussion topic[.]” See OML 2024-155, Hadley Select Board. City Council statements pertaining to Order 72-26 were focused on the import and impact of the Order’s language. Residents and the police chief also discussed the Order’s language, including its possible shortcomings. Thirty-six emails were sent to City Council relating to the Order. Clearly, the public was well aware of the topic being discussed.

You contend that the Order “was intentionally broad” and that “key elements of the proposal’s meaning and effect became apparent only through live discussion.” In short, your complaint takes issue with the Order itself, not with the meeting notice. Indeed, by providing the full language of the Order, the agenda sufficiently notified the public of your complaint’s central concern: the vagueness of the Order’s language.

Conclusion

For the reasons stated, the meeting notice was sufficiently clear to allow for a robust discussion on the agenda topic, “72-26” and City Council discussion from January 27, 2026, did not violate the Open Meeting Law.

/s/Prasanna Rajasekaran

Prasanna Rajasekaran
Assistant City Solicitor
215 Pleasant Street, Suite 420
Malden, MA 02148
prajasekaran@cityofmalden.org
Phone: 781-397-7106

cc: Attorney General’s Office (openmeeting@state.ma.us)
Alicia A. McNeil, City Solicitor

EXHIBIT 1



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Agenda - Final City Council

*Council President Amanda Linehan
Councillor at Large Karen Colon Hayes
Councillor Paul Condon
Councillor Peg Crowe
Councillor at Large Michelle Luong
Councillor at Large Carey McDonald
Councillor Ryan O'Malley
Councillor Jadeane Sica
Councillor Chris Simonelli
Councillor Ari Taylor
Councillor Stephen Winslow*

Tuesday, January 27, 2026

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

Watch the meeting with Teams: <https://tinyurl.com/22wdkxxv>

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE IN HONOR OF SERVICE MEMBERS

3. ROLL CALL

4. GUESTS, CITIZEN ACHIEVEMENT, AND ANNOUNCEMENTS

Representatives from Malden Reads will appear before the City Council to announce their One City, One Book reading selection for 2026.

5. PUBLIC COMMENT

6. CONSENT AGENDA

[42-26](#)

Minutes for the meeting of January 13, 2026

[43-26](#)

Minutes for the meeting of January 20, 2026

Recommendation is the previous Council minutes be approved

[44-26](#)

Mayoral Appointment: Kevin Charles of 93 Hubbard Street, Malden as a constable to serve process in the City of Malden, said term effective January 21, 2026 and to expire on January 21, 2027.

Attachments:

[Mayor's Appointment Letter - Kevin Charles](#)

Recommendation is the previous Appointment be placed on file

[45-26](#)

Petition: Class II: Frank's Auto Sales, 189 Highland Avenue, Malden, 5 cars (Renewal)

[47-26](#)

Petition: Livery Company: Bella Luxury Transportation, 19 Mt. Vernon Street, Malden, 1 vehicle (Renewal)

[48-26](#)

Petition: Livery Driver: Michael Checca, 19 Mt. Vernon Street, Malden (Renewal)

[49-26](#)

Petition: Livery Company: RubyLynn Transportation LLC, 259 Mountain Avenue, Malden, 1 vehicle (Renewal)

[50-26](#)

Petition: Livery Driver: Linda Dellolacono, 259 Mountain Avenue, Malden (Renewal)

[51-26](#)

Petition: Taxi Company: Malden Transportation Inc., 290 Eastern Avenue, Malden, 10 cabs (Renewal)

Recommendation is the previous six petitions be referred to the License Committee

[52-26](#)

Order: That the Finance Committee meet in conjunction with the Mayor's financial team to research the feasibility of submitting an application to the Massachusetts Department of Revenue, Division of Local Services' Financial Management Resource Bureau for a Financial Management Review of the City of Malden. The purpose of such a review shall be to evaluate municipal operations, financial practices, and organizational efficiency. Be it further ordered, that upon successful completion of the review the Finance Committee will come back to the Full Council to report on the Bureau's findings.

Sponsors:

Michelle Luong

[53-26](#)

Order: That the Finance Committee engage in discussions regarding the costs involved, and procedures required for, requesting the Office of the State Auditor to conduct a municipal audit on the City of Malden. The purpose of the audit shall be to identify any inefficiencies or irregularities in financial management within the city; to ensure that public funds are being used effectively and in accordance with Malden's goals and policies; to enhance transparency and public confidence; and for the State Auditor's Office to provide recommendations for improving financial controls and safeguarding against waste or loss while complying with relevant laws and regulations.

Sponsors:

Karen Colon Hayes

[54-26](#) Order: That Three Hundred Thousand Dollars (\$300,000) is appropriated from available water sewer enterprise fund retained earnings to fund a legal settlement between the City of Malden and Tufts Construction Inc.
Recommendation is the previous three Orders be referred to the Finance Committee

[55-26](#) Communication: Planning Board respectfully submits their board approved 2025 Annual Report.

Attachments: [Planning Board Annual Report - 2025](#)
Recommendation is the previous Communication be placed on file

7. APPOINTMENTS & ELECTIONS

[56-26](#) Council Reappointment: Lisa Cagno of 31 Quincy Street, Malden as Clerk of Committees, said term to commence upon confirmation by the City Council and to expire on January 31, 2028.

Attachments: [Council Reappointment Letter - Lisa Cagno](#)

[57-26](#) Mayoral Reappointment: Angie Liou of 35 Mount Vernon Street, Boston as a member of the Affordable Housing Trust Fund Board, said term to commence upon confirmation by the City Council and to expire on January 31, 2028.

Attachments: [Mayor's Reappointment Letter - Angie Liou](#)

[58-26](#) Mayoral Reappointment: Roxanne Reddington-Wilde of 35 Baincroft Road, Malden as a member of the Affordable Housing Trust Fund Board, said term to commence upon confirmation by the City Council and to expire on January 31, 2028.

Attachments: [Mayor's Reappointment Letter - Roxanne Reddington-Wilde](#)

[59-26](#) Mayoral Reappointment: Brian Slater of 195 Beech Avenue, Melrose as a member of the Affordable Housing Trust Fund Board, said term to commence upon confirmation by the City Council and to expire on January 31, 2028.

Attachments: [Mayor's Reappointment Letter - Brian Slater](#)

8. MOTIONS, ORDERS, AND RESOLUTIONS

[60-26](#) Order: That the City Council opt the City of Malden into in-person Early Voting for the 2026 Special Municipal Election, and to designate the City Clerk's Office, 215 Pleasant Street, Room 220 as the central early voting location during regular City Hall business hours from Monday, March 16 through Thursday, March 26.

Sponsors: Amanda Linehan

[61-26](#) Order: That the City Council designate the following locations as polling places for the entirety of the 2026 election cycle.

Sponsors: Amanda Linehan

[62-26](#) Order: That the City detail a minimum of one officer for each polling building, to be determined by the Chief of Police and the City Clerk, or their respective designees.

Sponsors: Amanda Linehan

[73-26](#) The Council will address the Open Meeting Law Complaint filed by Bruce Friedman of 8 Marvin Street on January 21, 2026, against the City Council related to the emergency meeting of January 20, 2026, which was posted under the provisions of M.G.L. c. 30A, 20(b).

Sponsors: Amanda Linehan

Attachments: [OML Complaint 1-20-2026](#)

[72-26](#) Order: That, as a diverse and immigrant-rich community, the limited resources of the City of Malden shall be fully dedicated to address the local needs and priorities of Malden's residents, businesses and visitors. The goal of this order is to provide for a safe, livable and welcoming community for all. No city employees, departments, appointees, processes or representatives shall assist in fulfilling the unique and separate responsibilities of the Federal government, including immigration enforcement, or cooperate with any Federal agencies or policies contrary to the stated goal of this Order. This Order shall be followed to the maximum extent permitted by law, provided that it shall not require the City to break pre-existing contracts or agreements with Federal entities.

Sponsors: Carey McDonald and Stephen Winslow

9. COMMITTEE REPORTS

[74-26](#) Committee Report: The Standing Committee on License to whom was referred Papers 2 through 15 and 27 through 29 Series of 2026, having considered the same make the following report: Committee recommends these petitions out favorably to the Full City Council.

[2-26](#) Petition: Amusement Machines: Flaming Grill & Buffet, 52 Broadway, Malden, 3 machines (Renewal)

[3-26](#) Petition: Class II: Auto Bazaar Corp., 17 Charles Street, Malden, 12 cars (Renewal)

[4-26](#) Petition: Class II: Quality Auto Sales Inc., 856 Eastern Avenue, Malden, 5 cars (Renewal)

[5-26](#) Petition: Class II: Rigano's Towing Service Inc., 1081 Fellsway, Malden, 17 cars (Renewal)

[6-26](#) Petition: Class II: Rigano's Towing Service Inc., 1176 Eastern Avenue, Malden, 10 cars (Renewal)

- [7-26](#) Petition: Livery Company: Malange Transportation, Inc., 27 Garland Avenue, Malden, 1 vehicle (New)
- [8-26](#) Petition: Livery Driver: Manuel Balanga, 27 Garland Avenue, Malden (New)
- [9-26](#) Petition: Livery Company: Boston Glide Transportation, 65 Lebanon Street, Malden, 1 vehicle (New)
- [10-26](#) Petition: Livery Driver: Mauricio A. Vasquez, 65 Lebanon Street, Malden (New)
- [11-26](#) Petition: Livery Company: Brandon Limo & VIP Transport Multi Services, LLC, 661 Main Street, Apt. 29, Malden, 1 vehicle (New)
- [12-26](#) Petition: Livery Driver: Pierre B. Jean Coute, 661 Main Street, Apt. 29, Malden (New)
- [13-26](#) Petition: Livery Company: HPL Group, LLC, 500 Broadway, Apt. 4139, Malden, 1 vehicle (Addition of 1 vehicle to existing license)
- [14-26](#) Petition: Livery Driver: Ali Abdirahaman Yassin, 3 Parkway Court, Apt. 10, Chelsea (New)
- [15-26](#) Petition: Taxi Driver: Anthony J. Ward, 156 Franklin Street, Malden (New)
- [27-26](#) Petition: Livery Company: Xing Zai T Service LLC, 15 Burr ridge Place, Malden, 1 vehicle (Renewal)
- [28-26](#) Petition: Livery Driver: Zhisheng Liang, 134 North Street, Lexington (Renewal)
- [29-26](#) Petition: Class II: Nick's Foreign Car Center, 121 Beach Street, Malden, 4 cars (Renewal)
- [75-26](#) Committee Report: The Standing Committee on Public Property to whom was referred Papers 16 through 20 Series of 2026, having considered the same make the following report: Committee recommends these orders out favorably to the Full City Council to sell all five properties listed pending judgement.
- [16-26](#) Order: The Council will vote on whether to sell or retain the property known as 141 Pierce Street, Unit 14, and by City Assessor's parcel identification number 091 773 302 14, as in accordance with tax title litigation and foreclosure action with the Massachusetts Land Court, Case Number 24 TL 000380.

[17-26](#)

Order: The Council will vote on whether to sell or retain the property known as 19 Murray Hill Park, and by City Assessor's parcel identification number 027 103 315, as in accordance with tax title litigation and foreclosure action with the Massachusetts Land Court, Case Number 24 TL 000371.

[18-26](#)

Order: The Council will vote on whether to sell or retain the property known as 109 West Street, and by City Assessor's parcel identification number 034 194 411, as in accordance with tax title litigation and foreclosure action with the Massachusetts Land Court, Case Number 22 TL 000342.

[19-26](#)

Order: The Council will vote on whether to sell or retain the property known as 157 Columbia Street, and by City Assessor's parcel identification number 137 800 003, as in accordance with tax title litigation and foreclosure action with the Massachusetts Land Court, Case Number 22 TL 000329.

[20-26](#)

Order: The Council will vote on whether to sell or retain the property known as 195 Beltran Street, and by City Assessor's parcel identification number 008 063 302, as in accordance with tax title litigation and foreclosure action with the Massachusetts Land Court, Case Number 13 TL 147156.

10. PERSONAL PRIVILEGE**11. ADJOURNMENT**

CAROL ANN DESIDERIO, CITY CLERK

If you would like to request a reasonable accommodation, please contact Maria Luise, ADA Compliance Coordinator at mluise@cityofmalden.org or 781-397-7000 Ext. 2005

For instructions on enabling live translated captions in Teams, please visit:
www.cityofmalden.org/captions

Description of alleged violation:

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.

I submit this complaint under the Massachusetts Open Meeting Law concerning the City Council's consideration of Order 72-26 and its referral to the Public Safety Committee.

The agenda and order language, as posted, did not provide the public with sufficient notice of the substance or practical implications of the matter. The order used mandatory language with potentially significant operational effects, yet relied on broad, undefined terms that did not clearly describe what actions or policies were being considered.

During the meeting, the Police Chief expressed concern that the order was unclear in intent and application and warned that it could impair critical public safety functions by leaving officers uncertain about required or prohibited conduct. Council discussion that followed acknowledged these concerns and included clarification and reframing of the proposal's intent that was not apparent from the posted materials.

Councilors also noted that the order was intentionally broad and that amendments had been discussed prior to the meeting. While referral to committee was intended to allow further refinement, the public could not reasonably determine—based on the notice—what policy direction was being advanced or what the committee would be asked to preserve or modify.

The Open Meeting Law requires that meeting notices reasonably inform the public of matters to be discussed or acted upon. In this instance, key elements of the proposal's meaning and effect became apparent only through live discussion, limiting the public's ability to understand or engage with the issue in advance.

For reference, the language is as follows:

"72-26 Order: That, as a diverse and immigrant-rich community, the limited resources of the City of Malden shall be fully dedicated to address the local needs and priorities of Malden's residents, businesses and visitors. The goal of this order is to provide for a safe, livable and welcoming community for all. No city employees, departments, appointees, processes or representatives shall assist in fulfilling the unique and separate responsibilities of the Federal government, including immigration enforcement, or cooperate with any Federal agencies or policies contrary to the stated goal of this Order. This Order shall be followed to the maximum extent permitted by law, provided that it shall not require the City to break pre-existing contracts or agreements with Federal entities."

Video recording of the 1/27/26 meeting is posted below:
<https://youtu.be/F1ewNfgfEHg?t=2904>

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.

The language of order 72-26 is not clear enough to constitute sufficient public notice, and it's not clear how it can be put on future agendas to amend that deficiency. Because of that, I request that Order 72-26 be abandoned and that its sponsors put forth a new proposal with language that will serve as appropriate public notice when posted.

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. However, the Attorney General's Office will not disclose your address, phone number or email address in response to a public records 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.

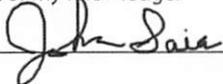
II. Consulting With a Private Attorney.

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: 2/2/26

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Carol Ann Desiderio

From: John Saia <j.saia.health@gmail.com>
Sent: Friday, January 30, 2026 11:13 AM
To: Amanda Linehan; Carol Ann Desiderio; Paul Condon
Subject: Open Meeting Law Complaint – Council Order 72-26

Dear Council President Linehan,

I am submitting this complaint pursuant to the Massachusetts Open Meeting Law regarding the City Council's consideration on Tuesday of Councilors McDonald and Winslow's Order 72-26 and its referral to the Public Safety Committee.

The agenda and order language, as posted, did not provide the public with meaningful notice of the substance, scope, or practical consequences of the matter on which the Council acted. Although the order employed mandatory, citywide language ("shall," "no city employees shall assist," "shall be followed"), it relied on broad and subjective terms that were not defined and carried significant operational implications. For example, the order states that "the goal of this order is to provide for a safe, livable and welcoming community for all," language that is inherently broad, nondescript, and could not reasonably inform the public of the actions or consequences contemplated.

During the meeting, the Police Chief stated that the order, as written, was unclear in its intent and application. He warned that it risked "intentionally impairing critical functions," placing the community "in the dark, out of touch, and in danger," because officers would be unable to determine what conduct would be required or prohibited. The Chief also observed that the order appeared to be drafted in response to more current events, further highlighting the disconnect between the posted language and the practical implications of its adoption. These statements indicate that the operative meaning and effect of the order could not be reasonably discerned from its text.

Video of the meeting suggests Councilor McDonald acknowledged that the intent of the proposal was not aligned with the negative outcomes described by the Police Chief. Additionally, it was noted that the order was deliberately broad, intended to encompass multiple issues of concern and to address separate of powers between the local and federal government. This breadth may have been strategic, but it further underscores the Open Meeting Law concern: the posted agenda and order language did not reasonably inform the public of the specific matters to be acted upon, leaving the scope and consequences of the order indeterminate.

The discussion preceding the vote included substantial clarification, qualification, and reframing of intent that was not evident from the posted materials. Councilor McDonald shared involvement of the mayor's office and was considering amendments before Tuesday's discussion even began. Open Meeting Law requires that the public be able to understand the substance of matters to be acted upon from the meeting notice itself, not only through live discussion at the meeting.

Although the Council voted to refer the order to the Public Safety Committee for further refinement, the referral advanced an item whose baseline purpose, limits, and effects were indeterminate. The scope of what the committee was being asked to refine or preserve was not clear from the noticed language, effectively deferring fundamental policy determinations beyond public view. Furthermore, if this order is

posted for consideration by the Public Safety Committee in the future, the same lack of clarity would likely create additional Open Meeting Law concerns, as the public may again be unable to understand the substance, scope, or consequences of the matter.

The Open Meeting Law (G.L. c. 30A, §§ 18-25) requires that meeting notices reasonably inform the public of the issues to be discussed or acted upon. In this case, the combination of vague language, subjective terms, intentional breadth, and reliance on clarifications during live discussion demonstrates that the public could not reasonably discern the substance or potential effects of the order from the posted agenda.

For these reasons, I believe the Council's action did not satisfy the Open Meeting Law's requirement that meeting notices reasonably inform the public of the matters to be acted upon. I respectfully request appropriate remedial action, including clearer notice prior to any further consideration of this matter.

Given the seriousness of this topic and the importance of maintaining public trust, I believe it is necessary to file this complaint and ensure transparent acknowledgment of any miscommunications.

If it would help, for reference, a link to last Tuesday's meeting is available below. Discussion of proposed order 72-26 begins 48 minutes and 25 seconds in:

<https://youtu.be/FlewNfgfEHg?t=2904>

Respectfully,

John Saia

37 Pierce Street

Malden, MA 02148

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