



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: _____ Last Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Ext. _____

Email: _____

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/
town, county or region, if applicable): _____

Specific person(s), if any, you allege
committed the violation: _____

Date of alleged violation: _____

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.

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.

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.

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: _____

*For Use By Public Body
Date Received by Public Body:*

*For Use By AGO
Date Received by AGO:*

Subject: RE: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Date: Wednesday, March 4, 2026 at 2:55:25 PM Pacific Standard Time
From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
To: Commonwealth Transparency <info@opencommonwealth.org>
CC: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>, Alicia McNeil <amcneil@CITYOFMALDEN.ORG>
Attachments: February 17.pdf, February 10.pdf

Bruce,

I have informed you that the minutes from February 10 and 17, 2026 executive sessions were approved for release in accordance with the completion of the post-judgement actions on each of the respective court cases which were discussed during those sessions. And they will be.

The link I provided is not broken.

I just tried it again myself and it is functioning just fine. If you need instruction on how to look up meeting minutes in the Legistar system, I am happy to offer guidance. In the meantime, I have attached PDF's of the regular session minutes to save you the trouble of retrieving them yourself.

Carol Ann

From: Commonwealth Transparency <info@opencommonwealth.org>
Sent: Tuesday, March 3, 2026 8:55 PM
To: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
Cc: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>; Alicia McNeil <amcneil@CITYOFMALDEN.ORG>
Subject: Re: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Importance: High

The minutes have not been provided as reported.

The minutes were not released, as declared buy the chair.

The link you provided below is broken and does not function.

The OML law requires that you provide the records to the requestor, and again you have failed to do so.

Regards,

Bruce Friedman

- OpenCommonwealth.org

From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
Date: Saturday, February 28, 2026 at 2:00 PM
To: Commonwealth Transparency <info@opencommonwealth.org>
Cc: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>
Subject: RE: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A

Bruce,

Please accept this email as response to your request for executive session minutes from February 10 and 17, 2026.

Communication: On February 19, 2026 a request was made by Bruce Friedman for the regular and executive session meeting minutes from the Malden City Council for the dates of February 10 and 17, 2026. Regular session minutes may be found in the Agenda Center of the City's website. In accordance with M.G. L. c. 30A, s. 22 (g) the public body's chair has conducted a review of the Executive Session minutes and has made the determination that those minutes from February 10 and 17 shall be released in accordance with the completion of post-judgment actions on each of the respective court cases which were discussed during these sessions.

Once the post-judgement actions are completed, the released minutes will be available at the following link:

<https://cityofmalden.legistar.com/Legislation.aspx>.

Thank you,
Carol Ann

From: Commonwealth Transparency <info@opencommonwealth.org>
Sent: Thursday, February 19, 2026 6:27 PM
To: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>; Amanda Linehan <alinehan@CITYOFMALDEN.ORG>
Subject: Re: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Importance: High

Greetings:

Under the Massachusetts Open Meeting Law (M.G.L. c. 30A, § 22), and under the Massachusetts Public Records Law (M.G.L. c. 66 §§ 10 -10A) OpenCommonwealth.org is hereby formally requesting ANY **teams/zoom or other audio and visual recordings of the meeting(s) and the draft and final minutes of the meeting(s), any notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the sessions,** for the following meetings and dates:

Date	Public Body/Meeting	Meeting Minutes Requested
February 10, 2026	City of Malden City Council Meeting	Regular and Executive Sessions
February 17, 2026	City of Malden City Council Meeting	Regular and Executive Sessions

For committee and executive sessions; All meeting notices, video of, transcripts from, and meeting minutes from the meetings themselves and all documents and other exhibits, photographs, recordings or maps, and votes taken by and/or used by the body any other part of the official record of the session(s). For any redactions, please cite the specific ongoing reason for continued redactions. For unsigned minutes, please state the reason for the minutes being unsigned and unattested to.

OpenCommonwealth reminds the Committee that under M.G.L. c. 30A, § 22 the public body must provide a response within 10 calendar days.

OpenCommonwealth reminds the committee of the attached determinations of the Division of Open Government and the Supervisor of Public Records regarding redactions and is specifically seeking the responsive records which comply with these determinations.

This request seeks all documents regardless of form, whether draft or approved/final, as specifically seeks all draft, and approved minutes.

Please provide all of the documents electronically, directly to the following email address: info@opencommonwealth.org

This request and all responsive documents are for express purposes of gathering information to promote citizen oversight and further the public understanding of the operation and activities of the City of Malden.

Kindest Regards,

OpenCommonwealth.org

OpenCommonwealth.org is a free and open public media organization. We serve the greater Massachusetts community with the goal to provide and empower citizen oversight of governmental operations and activities, help citizens understand how, why and where taxpayer dollars are expended, and to investigate, gather and report the facts in the online publications found on the webpages and social media accounts of OpenCommonwealth.org. OpenCommonwealth.org is a free service, is staffed only by volunteers, and all costs and expenses are borne by its creators. No person has ever paid OpenCommonwealth.org any monies, or any in-kind contributions for its reporting, or access to any of its files. It is the structural intent of OpenCommonwealth.org to maintain and persist as an absolutely free service to the entire public. Since its inception, OpenCommonwealth.org has been viewed by over 130,000 visitors between the website and social media, and has had over 20,000 external visitors view and/or download

records from our free and publicly available records repository. Currently OpenCommonwealth.org has over a 1.5 Terabytes of publicly available content published. This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you. Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any matters addressed herein.

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Subject: RE: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Date: Thursday, February 19, 2026 at 9:58:57 AM Pacific Standard Time
From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
To: Commonwealth Transparency <info@opencommonwealth.org>, Amanda Linehan <alinehan@CITYOFMALDEN.ORG>
CC: Alicia McNeil <amcneil@CITYOFMALDEN.ORG>

Bruce,

Please accept this email as response to your request for executive session minutes from February 3, 2026.

Communication: During the meeting of February 17, 2026, the Council voted by a 10-1 roll call vote to enter into Executive Session with legal counsel for the City, in accordance with Exemption Seven Massachusetts General Laws Chapter 30A Section 21(a)(7), to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, in order to act on the periodic review of those executive session minutes listed herein to determine if release of records is appropriate at this time.

February 3, 2026, 77-26

A motion was made by Councillor Sica, seconded by Councillor O'Malley, to release the February 3, 2026 Executive Session minutes whole and unredacted upon the court's acceptance of the proposed settlement agreement between Tufts Construction and the City of Malden. The motion passed by a unanimous roll call vote.

Once the agreement is accepted, the released minutes will be available at the following link: <https://cityofmalden.legistar.com/Legislation.aspx> using the legislation tab to search the above noted paper number.

Thank you,
Carol Ann

From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
Sent: Wednesday, February 11, 2026 5:38 PM
To: Commonwealth Transparency <info@opencommonwealth.org>; Amanda Linehan <alinehan@CITYOFMALDEN.ORG>
Cc: Alicia McNeil <amcneil@CITYOFMALDEN.ORG>; Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
Subject: RE: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A

Good evening,

Please accept this email as acknowledgement and response to your request for minutes from the executive session of February 3, 2026.

The ES minutes have not been released for public review.

Under the provisions of MGL c. 30A s. 22(g)(2) the Council will have to meet to perform a review of these records to fulfill your request. The date of that review is February 17.

The draft minutes from the regular council session of February 3 are not yet complete and will be posted for council review on the agenda of February 24, after which time, they will be posted on www.cityofmalden.org/agendacenter.

Thank you,
Carol Ann

From: Commonwealth Transparency <info@opencommonwealth.org>
Sent: Monday, February 9, 2026 10:26 AM
To: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>; Amanda Linehan <alinehan@CITYOFMALDEN.ORG>
Subject: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Importance: High

Greetings:

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OpenCommonwealth reminds the Committee that under M.G.L. c. 30A, § 22 the public body must provide a response within 10 calendar days.

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Subject: RE: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Date: Saturday, February 28, 2026 at 2:00:30 PM Pacific Standard Time
From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
To: Commonwealth Transparency <info@opencommonwealth.org>
CC: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>

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To: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>; Amanda Linehan <alinehan@CITYOFMALDEN.ORG>
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Commonwealth of Massachusetts

MIDDLESEX, SS.

MASSACHUSETTS LAND COURT
DOCKET NO.: 22MISC000076

Benevolent Botanicals LLC and
926 Eastern Avenue, LLC,
Plaintiffs

v.

City of Malden, et al.
Defendant.

Withdrawal of
Notice of Appeal

The Defendant, City of Malden, et al, hereby gives notice that it withdraws its notice of appeal filed on February 13, 2026, from the decision and judgment of this Court entered in the above-referenced matter on January 29, 2026.

Respectfully submitted

CITY OF MALDEN, et al
By its Attorney,

Alicia A. McNeil

Alicia McNeil, BBO #632134
City Solicitor
City of Malden
215 Pleasant St., Suite 420
Malden, MA 02148
Tel: 781-397-7106

Dated: March 1, 2026

CERTIFICATE OF SERVICE

I, Alicia McNeil, attorney for the City of Malden, certify that on March 1, 2026, I served the within Notice to counsel of record by emailing it to: Adam G. Gutbezahl agg@riw.com, Michael D. Rosen, mdr@riw.com, and Bradley L. Croft, blc@riw.com

Alicia A. McNeil

Alicia McNeil

RECEIVED
C

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

Superior Court
2181CV01248

_____)
Tufts Construction Inc.,)
Plaintiff,)
)
v.)
)
City of Malden and Yem Lip,)
Defendants.)
_____)

JOINT MOTION TO EXTEND NISI PERIOD

The parties hereby move this Honorable Court to extend the Nisi Period in the above action by 11 days, from February 19, 2026 to March 2, 2026. In support, the parties state that on January 20, 2026 this Court issued a Nisi Order that, in relevant part, stated that the Court may, in its discretion, enlarge the Nisi period. Said Order also stated that “[f]ailing the timely filing of an Agreement for Judgment or Stipulation of Dismissal, the parties are free to enforce their settlement agreement either in this Court by way of motion during the nisi period, or in a separately filed action for breach of contract.”

The parties state that they have been in the process of preparing a Settlement Agreement along with additional required documents but require additional time to determine whether a motion may be required to address matters relative to the resolution of this action.

Plaintiff,
Tufts Construction, Inc.
By counsel,

Defendant,
City of Malden and Yem Lip,
By counsel,

India L. Minchoff
India L. Minchoff (652456)
Law Offices of Russo & Minchoff
210 Union Wharf
Boston, MA 02109
617/740-7340
india@russominchofflaw.com

Jeffrey T. Blake
Jeffrey T. Blake (655773)
KP Law, P.C.
101 Arch Street
Boston, MA 02110
617/556-0007
jblake@k-plaw.com

2026 February 19
After review, motion allowed
Attest: *[Signature]*
(Dineault J.)