

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 and sign it. 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, 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 it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it 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 that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- 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 e-mail at openmeeting@state.ma.us.

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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: John Last Name: Dilworth

Address: _____

City: Concord State: MA Zip Code: 01742

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): Concord Select Board

Specific person(s), if any, you allege committed the violation: Cameron McKennitt, Mark Howell, Kerry Lafleur

Date of alleged violation: 20-22 Jan 2026

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.

The Select Board of Concord was due to consider a Proclamation on Antisemitism on January 26 (subsequently postponed until January 27). They violated Open Meeting Law by making the following private deliberations beforehand (among others):

The first draft of the proclamation, prepared by Mr McKennitt with Ms Lafleur, was privately circulated by Ms Lafleur (on Mr Howell's suggestion) to the other members of the Select Board prior to public disclosure. As this draft represented the opinion of Mr McKennitt, sharing it with the whole Board prior to public disclosure constituted a private deliberation. Open Meeting Law is clear that members of a public body cannot use staff as proxies for deliberation.

Ms Lafleur solicited feedback to the draft and made edits based on that feedback before posting the proclamation in the meeting packet. This version was thus taken by Board members to represent their consensual view when shared in the public packet: Ms Lafleur referred to this in a subsequent email as "vetted," as did Mr Boehm, who also called it "de facto approved". Both used this supposed "vetted" status to argue against the acceptance of a later (also privately shared) amendment.

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.

Because the inertial status of this original document as "vetted" clearly disrupted the normal course of deliberations, nullification of the vote endorsing the proclamation is the appropriate response.

As the IHRA definition of antisemitism was the only controversial aspect of this proclamation, it would be appropriate for the Board to subsequently endorse a version of the proclamation that simply omits any mention of this definition.

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.

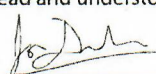
II. Consulting With a Private Attorney.

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: 2/27/26

<i>For Use By Public Body</i>	<i>For Use By AGO</i>
Date Received by Public Body:	Date Received by AGO:



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Your Contact Information:

First Name: John Last Name: Dilworth

Address: _____

City: Concord State: MA Zip Code: 01742

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): Concord Select Board

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

Date of alleged violation: 26 January 2026

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.

The Select Board of Concord was due to consider a Proclamation on Antisemitism on January 27. A draft of this proclamation was published in a "Meeting Packet" on the town website on January 23. Chair Mark Howell subsequently violated Open Meeting Law in the following manner:

On January 26, Mr Howell proposed an amended version of the proclamation, using language suggested by Professor Ben Eidelson that limited the effect of the proclamation's endorsement of the IHRA definition of antisemitism. Mr Howell proposed this amended version to the whole board via Ms Reichman (Executive Assistant to the Select Board), who wrote: "In response the feedback [sic] on the proclamation that is enclosed in the packet, Chair Howell is proposing the following amended proclamation." This amended version was never posted as part of the meeting packet, and was never explicitly mentioned during the discussion portion of the meeting.

Open Meeting Law issues were implicitly raised with Mr Howell and Ms Reichman by Mr McKennitt: "Are we planning on publishing this in the meeting packet online[?]... some people in the public may voice concern over seeing this for the first time in the meeting itself". Ms Reichman replied simply, "I do not believe that I have been asked to include it in the meeting packet". Mr Howell had an opportunity here to correct the OML violation by making his proposed amendment public, and did not do so, so it is reasonable to assume the violation was intentional.

In the public meeting, it became clear that at least one member (Ms Rovelli) thought that this amended version was being discussed and voted on, while others clearly thought the original version was under discussion. During discussion, Ms Rovelli stated, "I think some of the modifications we made to the proclamation help add some clarity to the definition and I think that's very helpful to the community." After the vote affirming the proclamation, Ms Rovelli in her role as Clerk read aloud the text, and included a full paragraph of the Eidelson text before being interrupted by Mr Boehm and Mr McKennitt, who insisted this was not the version that had been accepted.

While Mr Howell had been clear at the start of discussion that the text being considered was the version "in the packet", this is where the amended text should have been by law, and Ms Rovelli was not to have assumed her colleague was breaking the law by not publicizing his amended version. While Mr Boehm had been informed that the original version would be discussed first, and Mr McKennitt had been informed that the amended version was not in the packet, Ms Rovelli and Ms Hartman do not appear to have been informed of either.

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.

As this violation of Open Meeting Law undermined the deliberative process to such an extreme degree that Board members themselves were unaware which version they were discussing and voting on, the only suitable remedy is a nullification of the vote approving the proclamation.

The substance of this violation concerns the IHRA definition of antisemitism, so it would be appropriate for the Board to subsequently endorse a version of this proclamation that simply omits any mention of this definition.

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.

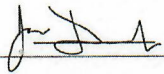
II. Consulting With a Private Attorney.

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.

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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: 2/23/26

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



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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): Concord Select Board

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

Date of alleged violation: 26-27 January 2026

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.

The Select Board of Concord was due to consider a Proclamation on Antisemitism on January 27. A draft had been published on the town website on January 23. On January 26 Chair Mark Howell privately proposed an amendment using language suggested by Professor Ben Eidelson that limited the effect of the proclamation's endorsement of the IHRA definition of antisemitism (this is the subject of a separate complaint against Mr Howell). Mr Boehm subsequently violated Open Meeting Law in the following manner:

Mr Boehm contacted a representative of Concord Carlisle Against Antisemitism (who had lobbied for this endorsement of the IHRA definition), to solicit counterarguments to free speech concerns that had been expressed alongside Prof Eidelson's proposed text. Mr Boehm then forwarded CCAA's reply to the whole board. He included an explicit declaration of his support for the originally drafted document: "As you know I fully support the proposed proclamation and have had a hand in its development."

Mr Boehm contacted Mr Howell and Mr McKennitt, on Jan 26 and 27, in separate emails, to express his opposition to the amended proclamation. He included similar arguments to both: that the original draft, published to the town's website 3-4 days earlier on Jan 23, had the "overwhelming support" of the local Jewish community; and that the original draft had been "vetted" through a collaborative editing process (which is itself the subject of another complaint). Mr Boehm's emails constituted a form of serial communication of his opinions, and thus a private deliberation among a quorum (3) of the Select Board's members.

Mr Boehm also wrote to Mr McKennitt: "There has been a lot of offline discussion. Give me a call if you want to discuss." This suggests there may have been further deliberations, before and after this email, that took place by phone and thus are not discoverable as public records.

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 appropriate remedy for the private email deliberations is the Select Board releasing all relevant correspondence to the public (suitably redacted to remove the name of the private individual with whom Mr Boehm corresponded).

Mr Boehm should sign an affidavit to the effect that he did not use phone conversations (text or call) to deliberate privately with other members of the Select Board on this proclamation.

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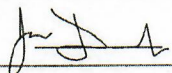
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By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____ 

Date: 2/23/26

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

DRAFT OML Complaint response.

The Select Board met on March 10, 2026 to review three OML Complaints received on February 23, 2026 regarding the development of a proclamation by the Select Board on January 27, 2026. The Board subsequently met on March 12 to review and approve this response. The complaints are referenced as they are ordered in those meeting packets.

In response to the first complaint, the board finds that in the course of sharing a document that was being prepared for the meeting there were inadvertent and unintentional violations of the Open Meeting Law. The Select Board intends to disclose the relevant emails and amend the minutes of the January 27, 2026 meeting to include those emails. A draft of the revised minutes will be developed and distributed for approval by the Select Board at the March 23, 2026 meeting.

In reviewing the first complaint in the March 10 meeting, Chair Howell noted: " Our normal practice, of course, is to review drafts at meetings and then submit edits or changes, discuss potential changes, and then bring the final to another meeting. In this case, we didn't do that, and I think that it's... it's very fair to say that one of the concerns here is that we put ourselves under a time constraint, and therefore, acted in ways that are against our normal practice." As a matter of practice, draft and final versions of documents to be discussed by the board at meetings are published in the "Meeting Documents" section of the Select Board's webpage.

The second complaint references the distribution of a proposed alternate version of the proclamation (referred to as an "amendment") that was prepared by a third party and sent via email to the Select Board. The Chair Howell re-distributed the proposed alternative, indicating via email to staff that it should be distributed with an additional document that was referenced in the proposed alternate but not attached. The full text of that instruction is included here:

"I am inclined to propose to the board that we consider adopting this modified version of the Proclamation with the additional modification that you made to the last paragraph added.

Can you prepare that and distribute it? Also, since it references the "Nexus Document" as an alternative to the IHRA definition. Let's distribute that as well. I'm attaching it. "

Note, the "additional modification that you made to the last paragraph added" refers simply to changing the date of the proclamation since the meeting had been rescheduled from January 26 to January 27 due to a major snowstorm.

Although the intention of Chair Howell was to provide relevant material to enable the Board members to consider the alternate version, the phrasing does imply support for the alternative and should not have been in a directive to distribute meeting materials. This implication was unintended and did cause confusion. A partial remedy was proposed at the time by a member of the Select Board, to include the proposed alternative in the meeting materials packet. However, Chair Howell did not direct staff to do this, which was an error. To correct this, these documents and the related emails will also be included in the revised minutes of the meeting.

The third complaint relates to additional email communications by a member related to consideration of the alternative version discussed in complaint two. Member Boehm has independently developed a response as he is the named party and it is included here:

Boehm Statement on OML Complaint #3

There are two parts to this complaint. In the first part the forwarding of an email from a community member, Ms. Jodi Sperber to the Select Board is considered as a violation of OML.

Mr. Boehm had solicited advice from Ms. Sperber and after receipt of her reply asked STAFF, with Ms. Sperber's permission, to forward her message to the other members of the Select Board. In doing so STAFF inadvertently sent the entire email string to the Select Board, which included Mr. Boehm's private comments to Ms. Sperber. In asking STAFF to forward the message, Mr. Boehm's sole intent was to share Ms. Sperber's comments, and not his private comments to Ms. Sperber. Instead his comments and private opinions were shared inadvertently with the other elect Board members.

The second part the complaint mentions two emails, one to Mr. Howell and the other to Mr. McKennitt. Though focused on a similar topic – the late introduction of an alternative version written by a 3rd party and introduced by Mr. Howell to the Board via STAFF – the messages differ in their content and intent. However, Mr. Boehm did share with Mr. Howell and Mr. McKennitt his opinion that the version drafted by Mr. McKennitt and Ms. Lafleur, Town Manager did have support from the community. This correspondence occurred in a fast-moving dynamic environment during which the Select Board continued to receive daily correspondence from community members. Nevertheless, the sharing of this opinion to two other Board members outside of a public meeting was careless and could be construed as sharing an opinion with a quorum of Select Board members.

Finally, the reference in the email to Mr. McKennitt of "a lot of offline discussion" was referring to community messaging and conversations and not to Select Board conversations or messaging. Mr. Boehm states that to the best of his knowledge all relevant emails have been provided by the Town Archivist in response to Mr. Dilworth's original Public Records Request and that Mr. Boehm did not use phone conversations (text or call) to deliberate privately with other members of the Select Board on this proclamation.

End of Statement

As with the other two complaints, the Select Board proposes to resolve this complaint through renewed focus on compliance with Open Meeting Law restrictions on email content and communications, taking additional care in the composition of message necessary for meeting preparation. As well as publishing the relevant email communications as part of the revised minutes of the January 27 meeting.

In its review of the complaint at a public meeting on March 10, the board recognized that the intent in including a reference to the IHRA definition to antisemitism in the proclamation of January 27 may have been unclear. Therefore, the board declared that it intends to schedule a public discussion of the purpose of that reference with an expectation that a clarifying statement or action may be taken at a future meeting. The Chair has proposed that as an agenda item for the April 13, 2026 meeting. The item will be noticed as "Discussion of the reference to the IHRA definition of antisemitism in the January 27th Select Board proclamation."