



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
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ATTORNEY GENERAL

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August 18, 2025

OML 2025 – 125

VIA EMAIL

J. Elliott Koch, Esq.
Driscoll & Driscoll, P.C.
Post Office Box 301457
Boston, MA 02130

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RE: Open Meeting Law Complaint

Dear Attorney Koch:

This office received a complaint from John Adams on April 21, 2025, alleging that the Mashpee Housing Authority Board of Commissioners (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Board on February 21, and you responded, on behalf of the Board, by letter dated March 11. The complainant alleges that he has been denied access to Board meetings in violation of the Open Meeting Law.

Following our review, we find that the Board violated the Open Meeting Law by barring the complainant from attending open meetings in person without providing an alternative means of attendance. In reaching this determination, we reviewed the original complaint, the Board’s response to the complaint, and the complainant’s request for further review. We also reviewed notices of Board meetings held on March 13 and April 10, and Mashpee Police incident reports and call logs forwarded by Mr. Adams. Finally, we communicated with you and with the complainant by email. We also spoke with Mr. Adams by telephone.

FACTS

We find the facts as follows. There is a history of friction between the complainant and the Mashpee Housing Authority (the “Housing Authority”), including its Executive Director, Kimberly Conn. The Housing Authority alleges threatening or destructive behavior on the part of Mr. Adams, including slashing the tire of a Housing Authority employee and throwing

¹ All dates in this letter refer to the year 2025.

furniture. The complainant denies these allegations and maintains that he has never been violent at the Housing Authority and has never threatened staff or residents. For example, he has explained to us that he was breaking down a bookshelf to throw it in the dumpster when he was accused of throwing furniture. The Board also asserts that on May 25, 2023, the complainant became upset at the main office of the Housing Authority, when Executive Director Conn was not available to speak with him. As a result of the interaction that day between the complainant and the Housing Authority, Executive Director Conn called the Mashpee Police Department and a no trespass notice was issued. The no trespass notice prohibits Mr. Adams from entering Housing Authority properties, including Asher's Path apartments where Board meetings are held. In September 2024, Executive Director Conn reported to the police that during an encounter at a gas station, the complainant said to her "people are coming for you," which she interpreted as a threat. Mr. Adams has denied these allegations; no charges were filed.

On two occasions, after issuance of the no trespass notice, Mr. Adams arrived at an open meeting of the Board but was unable to attend because Board members told him to leave and called the Mashpee Police Department or threatened to do so. He left the meetings when told to do so, before police arrived.² In its response to the complaint, dated March 11, the Board committed that at its next meeting, it would discuss adding a video option so that members of the public, including Mr. Adams, could attend meetings remotely. However, notices of the Board's next two meetings, held on March 13 and April 10, did not include the topic of remote access. Those meetings were held in-person only, according to the notices. The Board has never communicated with Mr. Adams about remote attendance.

DISCUSSION

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based." Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). The law requires that meetings of a public body be properly noticed and open to members of the public, unless an executive session is convened. See G.L. c. 30A, §§ 20(a)-(b), 21. Access to a meeting must include the opportunity to be physically present, as well as to see and hear what is being discussed by the members of the public body. See OML 2025-68; OML 2023-52; 2017-135.³

There is no more basic requirement of the Open Meeting Law than that meetings be open to the public. See OML 2024-178; OML 2022-143; OML 2020-7. Nonetheless, a public body must be able to take reasonable steps to ensure the safety and good order of public meetings. By "good order," we mean protection against violent, threatening or abusive behavior, and not merely behavior that may disrupt a meeting. See OML 2022-41; OML 2019-87; OML 2015-92. Disruptive behavior should be addressed by removing the person from the meeting. See G.L. c. 30A, § 20(g). Exclusion of individuals from an open meeting must be based on specific

² These two meetings were held in 2023. If Mr. Adams alleged that it was only these meetings he was unable to attend, his complaint would be untimely, as it was filed more than 30 days after the alleged violations. See G.L. c. 30A, § 23(b). However, the complainant alleges, and the Board does not dispute, that he continues to be denied access to meetings.

³ Open Meeting Law determinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.

incidents of physical aggression, violence, actual threats of harm, or other conduct that could reasonably place public body members or attendees in imminent fear for their personal safety. See OML 2018-77.

Mr. Adams does not allege that Board meetings are inaccessible to the general public. Instead, we review to determine whether Mr. Adams individually has been able to access the meetings. The complainant alleges that he has been unable to attend Board meetings because the Board has issued a no trespass notice prohibiting from entering the location where the Board meetings are held. It is not within our purview to determine whether issuance of the no trespass notice was warranted. See OML 2019-87 (noting that “we do not second guess the Commission’s judgment in issuing the Notice of No Trespass generally”). The Board has described specific incidents (although strongly disputed by the complainant) to support its concern that the complainant’s personal attendance may pose a threat to public safety. That concern satisfies the Law’s requirement that exclusion from a meeting occur only in the face of a reasonable and imminent fear for personal safety. However, the Board has made no effort to provide remote access to the complainant, even after committing to discuss such alternative access at a meeting. For this reason, we find that the Board violated the Open Meeting Law. See OML 2019-87 (finding that public body violated Open Meeting Law where it made no effort to resolve security concerns in manner that would allow complainant to attend public meetings until several months after denying access).⁴

Finally, we emphasize that the complainant may not be deprived indefinitely of the opportunity to attend Board meetings in person. The Board must reassess circumstances regularly and decide whether ongoing prohibition from meetings is warranted. A no trespass order must be “drawn as narrowly as possible to avoid unnecessarily excluding individuals from posted meetings of public bodies.” See OML 2019-14. Once good order is no longer at risk, the complainant must be allowed to attend meetings in person. See OML 2019-87 (noting that remote access is contrary to the Law’s guaranty to be “physically present” absent special circumstances).

CONCLUSION

For the reasons stated above, we find the Board violated the Open Meeting Law when it denied John Adams physical access to its meetings without providing alternative access. We order immediate and future compliance with the Open Meeting Law, and caution that similar violations in the future may be considered evidence of intent to violate the Law. 940 CMR 29.02. We also order the Board to provide remote access to the complainant to all open Board meetings held more than 30 days after the date of this letter.⁵ The complainant shall be provided with comparable access to the meetings as those attending in person, including the ability to participate in public comment if public comment is available to those attending in person.

⁴ We decline to review allegations that fall outside of the Open Meeting Law, including the allegation that Executive Director Conn has “weaponized” security cameras at the Housing Authority.

⁵ We do not order the Board to provide remote access to the public at large, as public bodies are not required to provide multiple means of access to their meetings. Nonetheless, we encourage public bodies to provide multiple means of access when possible. See OML 2025-68; OML 2023-293; OML 2021-148.

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

Sincerely,



Matthew Lindberg
Assistant Attorney General
Division of Open Government

cc: John Adams (via email: [REDACTED])
Mashpee Town Clerk (via email: jcolpitts@mashpeema.gov)

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.