



THE COMMONWEALTH OF MASSACHUSETTS
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March 1, 2022

OML 2022 – 36

Janelle M. Austin, Esq.
KP Law, P.C.
101 Arch Street
Boston, MA 02110

By email only: [REDACTED]

RE: Open Meeting Law Complaint

Dear Attorney Austin:

This office received a complaint from Michael Beattie on December 6, 2021, alleging that the Winthrop Board of License Commission (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on September 21, 2021, and you responded, on behalf of the Board, by letter dated November 1, 2021, following an extension of time granted by this office.¹ In his complaint, Mr. Beattie alleges that the Board violated the Open Meeting Law by: (1) posting an insufficiently specific notice for a meeting held on August 23; (2) failing to provide notice to abutters that the Board planned to discuss a specific liquor license application during its August 23 meeting; and (3) failing to consider the requirements of G.L. c. 138, § 16, in granting a liquor license near a religious institution.

Following our review, we find that the Board did not violate the Open Meeting Law. We resolve this complaint by **informal action** in accordance with 940 CMR 29.07(1). In reaching this determination, we reviewed the original complaint, the Board’s response to the complaint, the complainant’s request for further review, and the notice of the Board meeting held on August 23.

The Open Meeting Law requires that “a public body shall post notice of every meeting at least 48 hours prior to such meeting.” G.L. c. 30A, § 22(a). Public bodies are required to post notices that “shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics.” G.L. c. 30A, § 22(b). A public body must

¹ Unless otherwise specified, all dates refer to 2021.

post notice that include “a listing of topics that the chair reasonably anticipates will be discussed at the meeting.” G.L. c. 30A, § 20(b). We generally consider a topic to be sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body’s discussion. See OML 2016-167, OML 2016-90; OML 2015-196; OML 2014-155; OML 2011-11.²

The complaint alleges that the notice for the Board meeting held on August 23 lacked sufficient specificity because it failed to list the address of the establishment seeking a liquor license. The Board duly posted notice of the August 23 meeting notice, which included the following topic: “Continued Public Hearing” “Application for Wine and Malt Liquor License Off Premises / DTJ Inc. (D&T Market).” Although including street addresses may be useful to the public, such detailed specificity is not necessary if the Board sufficiently identifies the establishments with the specific types of license renewals. See OML 2017-33. Here, we find that the notice included sufficient specificity where it contained the name of the establishment and the type of license under consideration, such that a reasonable member of the public could determine the anticipated nature of the public body’s discussion. See OML 2016-90; OML 2011-11. Therefore, we find that the Board did not violate the Open Meeting Law.

The complaint further alleges that the Board violated the Open Meeting Law by failing to provide specific notice to abutters that the Board planned to discuss the liquor license application on August 23. The Open Meeting Law does not require public bodies to provide additional notice of meetings to specific individuals or groups of individuals for topics discussed during a meeting. See OML 2019-17; OML 2013-41. Because the Board duly posted notice of the August 23 meeting and included, as a topic on the notice, the consideration of an application for a liquor license for D&T Market, we find the Board complied with the requirements of the Open Meeting Law and find no violation. See OML Declination 1-18-19 (Lanesborough Conservation Commission).

Finally, the complaint alleges that the Board “failed to take into consideration” whether the establishment requesting the liquor license was 500 feet away from a religious institution as required by G.L. c. 138 § 16. The Division of Open Government’s review concerns compliance with the Open Meeting Law, G.L. c. 30A, §§ 18-25. Therefore, even if true, this allegation would not constitute a violation of the Open Meeting Law. As such, we decline to review this particular matter. See OML Declination 1-25-16 (Nahant Housing Authority Board of Commissioners); OML Declination 5-21-12 (Hampden-Wilbraham Regional School Committee). We offer no opinion on whether any actions taken by the Board could be a violation of some other law or regulation outside the scope of the Division’s review.

For the reasons stated above, we find that the Board did not violate the Open Meeting Law. 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 the Division at (617) 963 - 2540 if you have any questions.

² Open Meeting Law declinations and determinations may be found at the Attorney General’s website: <https://www.msos.gov/the-open-meeting-law>.

Sincerely,



Kerry Anne Kilcoyne
Assistant Attorney General
Division of Open Government

Assisted by: Lakshmi Swami, Legal Intern, Division of Open Government

cc: Michael Beattie (via email: [REDACTED])
Winthrop Board of License Commission c/o Clerk Denise Quist (via email:
[REDACTED])

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.