



## 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: Richard Last Name: Cohen

Address: 732 North Main Street, PO Box 1689

City: Lanesborough State: MA Zip Code: 01237

Phone Number: 413-442-09 Ext.

Email: xtrarich@gmail.com

Organization or Media Affiliation (if any): resident of Lanesborough, MA

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): Superintendency Union 71 (representing Lanesborough, MA and Williamstown, MA)

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

Date of alleged violation: 2/24/14

## 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.

During open session of the 2/24/14 Superintendency Union 71 (SU71) meeting, a committee member, Robert Barton, intentionally and repeatedly violated the OML prohibition against discussing charges and complaints against an SU71 employee without providing 48 hours notice. Mr. Barton stated the employee's name twice and then proceeded to repeat, and expanded upon, these charges and complaints, even after the committee's legal counsel, Fred Dupure, warned him three times that he had violated the OML.

During the first warning, Mr. Dupure stated (at 1:05:54 of the video available at <http://willinet.org/>) "if there were a charge or complaint against a district employee, then as you know, there is a protocol that needs to be followed with 48 hours notice in advance." The words, "as you know," indicate that Mr. Dupure had reason to believe that Mr. Barton was already well aware of the OML requirements, despite Mr. Barton's apparent attempt to appear ignorant of the law. Moments later, after Mr. Barton's next violation of the OML, Mr. Dupure made a clear and unqualified determination, declaring, "I think that is a charge or complaint." And yet, Mr. Barton continued to further violate the OML, expanding upon his charges and complaints.

Throughout this discussion, there was never any question about the identity of the person Mr. Barton was criticizing. As evidence of this fact, near the end of the discussion, another committee member referenced "the clerk", and the person in question is the only "clerk" employed in the SU71 office.

Mr. Barton used various rhetorical devices in an attempt to circumvent the OML prohibitions -- e.g., "no names, no names [laughs]" after he spoke the name of the person he was criticizing (1:04:57), and "I don't mean to criticize any specific individual, but there is a big chunk of money that Lanesborough could recover or could save if we could get to the bottom of these things" (1:11:48). However, the OML makes no exception for such apophysis.

I have been told that more extensive violations of OML by Mr. Barton occurred during the Executive Session that followed and that Mr. Barton has repeatedly violated the OML in his email correspondence with other committee members.

These blatant and unrestrained violations of the OML have a corrosive effect on the public's confidence that Mr. Barton, a member of the SU71 School Committee and current chair of the Lanesborough Elementary School Committee (a member organization of SU71), respects and complies with the OML.

A partial transcript of the open session of the 2/24/14 SU71 meeting is attached to this complaint. A video of the entire open session is available at <http://willinet.org/>, the Williamstown cable TV organization.

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.

Mr. Barton should issue an immediate and public apology.

The Chair of the SU71 committee should immediately appoint an independent person or agency to interview participants in the 2/24/14 Executive Session to determine if violations of the OML occurred during Executive Session.

The Superintendent's office in SU71 should review all of Mr. Barton's email communications that are on file at SU71 and determine if they contain any violations of the OML and/or any warnings to Mr. Barton about whether he was violating the OML. The findings of these inquiries should be made public and forwarded to the AG's office for further action, including determination of whether fines should be imposed on Mr. Barton for intentional violation of the OML.

## Review, sign, and submit your complaint

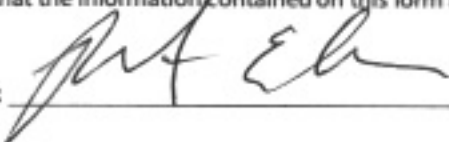
### Read this important notice and sign your complaint.

Under most circumstances your complaint will be considered a public record and be available to any member of the public upon request.

I understand that when I submit this complaint the Attorney General's Office cannot give me legal advice and cannot act as my personal lawyer.

I certify that the information contained on this form is true to the best of my knowledge.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

2/28/14

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:

## Partial Transcript of Superintendent Union 71 meeting on 2/24/14

Complete video is available at

<http://www.willinet.org/content/lanesborough-williamstown-school-union-71-committee-meeting-022414>

### Key

*Bob Barton's charges and complaints about Ginni Ranzoni in open session*

Repeated warnings by Fred Dupure, legal counsel, about violating open meeting law by making charges and complaints about a district employee in open session and without providing proper notification.

### Context

Superintendency Union 71 provides a school superintendent and shared school administration staff, including administration clerk, Ginni Ranzoni, to three school districts (1) Lanesborough Elementary School, (2) Williamstown Elementary School, and (3) Mt Greylock Regional High School. The latter two entities have complained that the former, under the chairmanship of Bob Barton, has taken up 80% of the time of the shared staff, even though it pays only about a fifth of the costs.

### Transcript

Valerie Hall: (1:03:20) As the chair of the Williamstown School Committee, and looking at this letter of concern from the Mount Greylock School Committee as well as the charts of data, and information, questions, emails, and percentage of time that has been spent by the superintendent and the clerk on the issues from our Lanesborough partner, I do have a serious concern with how all of our work is getting done, and some of it not getting done, base upon the volume that has been coming from the Lanesborough Committee.... So I would like to ask the chair of LES if he has perhaps considered his activities or modified his patterns upon receiving this note of concern and what response he might have.

Bob Barton: (1:04:30) Well I'd be happy to respond, but maybe let me just start with a question. Or a couple or three questions. Val, has your... you know, I guess I want to say for starters that I believe all committee members have been very pleased with *Ginni Ranzoni's work* over the past several months, and on into the past.

Regina Delego: Bob [Bob's arm to get his attention]

Fred Dupure: (1:04:53) **We shouldn't get into discussion of any particular...**[cut off]

Bob Barton: ... *No names. No names.* [Laughs] [Turns to Valerie Hall] *Have you had issues with tri-district staff not performing or not coming to meetings or being unprepared or...* [cut off]

Fred Dupure: **You can't address that...** [cut off]

Bob Barton: Can't address that? Okay, so what we are dealing with here is this letter which does talk about

specific individuals, and [facing Fred Dupure] that's okay?

Fred Dupure: (1:05:28) **The problem is if you're saying something critical about a public employee...** [cut off]

Bob Barton: Well, I was trying to give a complement to **Ginni**, maybe that's critical.

Valerie Hall: **But you are asking me if I had a complaint.**

Fred Dupure: Yes.

Valerie Hall: That's the problem.

Fred Dupure: It sounded like you were going to ...

Bob Barton: Okay.

Fred Dupure: ... bring up other issues, which you didn't delve into further (1:05:54) **but if there were a charge or complaint against a district employee, then as you know, there is a protocol that needs to be followed with 48 hours notice in advance and so forth. If the issue here is time demands on administration and whether or not there is an equalization based upon percentage contribution to the salary by each of the three entities, that discussion could occur. But a discussion about how individuals are performing their jobs couldn't occur, and whether they are efficient in their jobs or not efficient in their jobs and so forth.**

Valerie Hall: So I'm sorry but I did state a question, so just I want to make sure that that question is on the recoRegina Delego and I'm not sure what direction you're going but would appreciate an answer to my question.

Bob Barton: I will answer. I want to share a few things that are part of my answer. We obviously do have an issue. I am pushing hard to solve some important issues for Lanesborough School, and I recognize -- and stop me counselor please if I get out of bounds [turns to Fred Dupure].

Fred Dupure: You're good so far.

Bob Barton: Okay. And Rose is feeling overwhelmed by my initiatives, but I want to describe them in the hopes that at least one or two of you may think that I'm not an unreasonable person. (1:07:31) **Number one, we've learned that for five years, the tri-district office** [Regina Delego looks at Fred Dupure for response] **missed the fact that a certain vendor was overbilling Lanesborough.**

Fred Dupure: (1:07:46) **I think that is a charge or complaint.**

Bob Barton: Against an unnamed vendor?

Fred Dupure: It isn't the vendor. It's at district personnel.

Bob Barton: We collectively -- can I go there? -- missed the fact that a certain vendor was overbilling Lanesborough.

Fred Dupure: Well...

Bob Barton: Is that alright.. collectively?

Fred Dupure: That may be a litigation issue. I don't think we should be getting into that in open session.

Jim Moriarty: Point of order. Would it be appropriate for us to go into executive session at this time. And the reason why is that as Fred is saying we cannot collectively get into aspects, I think, of what Bob is trying to address -- things that I would like to address. And I think that maybe the Executive Session portion of our meeting should happen now. Would it be appropriate for me to make a motion to table this and to move into Executive Session? And if so, I will make that motion.

Regina Delego: Let me just clarify something with Fred first. [She points to something on a piece of paper.]

Fred Dupure: [Speaking softly to Regina Delego] Well, it could happen from the perspective of the contracts and the interpretation of the contracts, and what's expected out of the contracts. So I think that the discussion could be [garbled] in Executive Session. [Turning toward Regina Delego the center of the room and raising his voice to be heard by whole committee] But **even in Executive Session, we can't talk about charges and complaints against public officials. And the reason is notifications haven't been served pursuant to the statutes. So you could have discussions about the shared contracts and agreements -- what they mean, and those types of things in Executive Session, but charges and complaints can't be discussed in Executive Session.**

Jim Moriarty: I don't intend to do that. Certainly, you'll be there to make sure that I don't, and I will appreciate that, but I think at this point, given where we are in our meeting, I think that it would be in our all best interest to do that. If it appropriate for me to make that motion, I will so make it now.

...

Valerie Hall: I don't think the answer to my question depends upon anything that needs to be discussed in [Executive Session]... [To Bob Barton] Have you modified your behaviors in response to these requests by our partner in the contract?

Bob Barton: Our partner in the contract?

Valerie Hall: Mount Greylock [Regional High School].

Bob Barton: Ah. (1:10:52) ***I have identified about \$400,000 worth of overbillings or errors or omissions. And I believe that the sort of shock of recognition is part what was so distracting to the Tri-district staff.*** But I think I have worked effectively with members of the staff since identifying these issues to move toward resolution. Have I modified my behavior? No. (1:11:48) ***I am still working to solve \$400,000 worth of errors and omissions, and I don't mean to criticize any specific individual, but there is a big chunk of money that Lanesborough could recover or could save if we could get to the bottom of these things.***

Valerie Hall: So for example when **the clerk** says that she has had, as of today's date, eight separate agenda revisions from you, all of which she's had to incorporate into her system, whatever she does, that seems to have no relationship to any financial problem. That's an ongoing issue that she has identified.

Bob Barton: That is something we'd have to do in Executive Session, I think. (1:12:44) ***I have been trying to focus the agendas on the issues and there is some reluctance to do that.*** I don't want to get into specifics, but.. [cut off]

Dan Caplinger: I throw in my opinion before we call the vote. To me the question doesn't have very much to do with personalities or efficiencies, because we are all dealing with the same shared staff. It is a question of the amount of use of that staff's time and whether it is proportional to the amount that each of the three districts is paying for it...