



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

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*Peter F. Kilmartin, Attorney General*

**VIA EMAIL ONLY**

September 16, 2014

OM 14-30

Rhonda Lee Fortin

**Re: Fortin v. Bristol Warren Regional School District**

Dear Ms. Fortin:

The investigation into your Open Meetings Act (“OMA”) complaint filed against the Bristol Warren Regional School District (“BWRSD”) is complete. By email correspondence dated July 18, 2014, you alleged that the BWRSD violated the OMA when it failed to post notice of its July 14, 2014 School Committee meeting at the Warren Town Hall.

Ms. Kimberly Aguiar, Assistant to the Superintendent of the Bristol Warren Regional School District, provided a substantive response. Ms. Aguiar’s affidavit states, in pertinent part:

“3. That I personally filed a copy of the Meeting Notice with the Rhode Island Secretary of State on July 10, 2014.

4. That I personally posted a copy of the Meeting Notice in the BWRSD Administration Building on the public bulletin board and on the front door (151 State St., Bristol, RI) on July 10, 2014.

5. That I personally posted a copy of the Meeting Notice on the BWRSD website on July 10, 2014.

6. That I ensured that the Meeting Notice was posted at the BWRSD high school. I did this by electronic submission to the high school secretary. Confirmation of receipt and posting was received via email.

7. That on July 11, 2014, I sent via courier, copies of the Meeting Notice to be posted at both the Bristol Town Hall and Warren Town Hall. However, I cannot personally attest to the fact that they were actually posted at this location as they are simply delivered to the respective Town Halls.

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9. Pursuant to R.I. Gen. Laws §42-46-6(c), notice was posted with the Secretary of State, at the principal office of the BWRSD (Admin. Building), as well as at the High School (a prominent place within the BWRSD), on the District's website and delivered to the respective town halls."

At the outset, we note that in examining whether a violation of the OMA has occurred, we are mindful that our mandate is not to substitute this Department's independent judgment regarding whether an infraction has occurred, but instead, to interpret and enforce the OMA as the General Assembly has written this law and as the Rhode Island Supreme Court has interpreted its provisions. Furthermore, our statutory mandate is limited to determining whether the BWRSD violated the OMA. See R.I. Gen. Laws § 42-46-8. In other words, we do not write on a blank slate

With respect to the posting of supplemental public notice, the OMA provides that:

"Written public notice shall include, but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting, or if no principal office exists, at the building in which the meeting is to be held, and in at least one other prominent place within the governmental unit, and electronic filing of the notice with the secretary of state pursuant to subsection (f)." R.I. Gen. Laws § 42-46-6(c).

Based on the evidence presented, as well as the OMA, we find no violation. First, the evidence shows that the BWRSD complied with the OMA requirements by posting notice of the July 14, 2014 meeting with the Secretary of State, at the BWRSD Administration Building ("the principal office of the public body"), and the BWRSD high school ("one other prominent place within the government unit"). Id. Additionally, while not required by the OMA, the BWRSD also posted notice on the BWRSD website. While we certainly understand your position that you were distressed and inconvenienced when the School Committee's notice was not posted in its "usual" location, i.e., the Warren Town Hall, as described above, the School Committee's postings complied with the OMA.<sup>1</sup>

Although the Attorney General will not file suit in this matter, nothing in the OMA precludes an individual from pursuing an OMA complaint in the Superior Court. The complainant may do so

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<sup>1</sup> While we have concerns over whether you were "aggrieved" pursuant to R.I. Gen. Laws § 42-46-8 because you attended the meeting in question, we find it unnecessary to make that determination based upon our conclusion that the School Committee did not violate the OMA.

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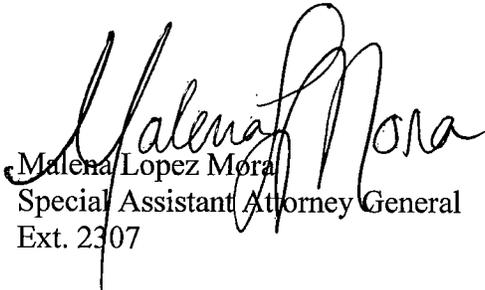
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within ninety (90) days from the date of the Attorney General's closing of the complaint or within one hundred eighty (180) days of the alleged violation, whichever occurs later. R.I. Gen. Laws § 42-46-8. Please be advised that we are closing our file as of the date of this letter.

Thank you for your interest in keeping government open and accountable to the public.

Very truly yours,



Malena Lopez Mora  
Special Assistant Attorney General  
Ext. 2307

Cc: Andrew D. Henneous, Esq.