



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

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Peter F. Kilmartin, Attorney General

November 27, 2013

PR 13-25

OM 13-30

Mr. Benjamin C. Riggs, Jr.

Re: Riggs v. East Bay Energy Consortium

Dear Mr. Riggs:

The investigation into your complaint against the East Bay Energy Consortium (“EBEC”), which you allege violated both the Access to Public Records Act (“APRA”) and the Open Meetings Act (“OMA”) on several occasions, is complete.¹ For ease of reference, we analyze your APRA and OMA claims separately below.

At the outset, we note that in examining whether a violation of the APRA or the OMA has occurred, we are mindful that our mandate is not to substitute this Department’s independent judgment concerning whether an infraction has occurred or to examine the wisdom of a given statute, but instead, to interpret and enforce the APRA and the OMA as the General Assembly has written these laws and as the Rhode Island Supreme Court has interpreted its provisions.

¹ Respectfully, your various correspondences contain numerous allegations and name various entities, including the EBEC, the Economic Development Corporation (“RIEDC” or “EDC”), the Newport City Council, and the Town of Bristol. Many of these allegations fall outside the purview of the OMA and/or the APRA. In your email dated January 21, 2013, you state that part of your complaint “relates to the RIEDC and Town of Bristol and certain individuals who obtained and provided and spent public funds.” As we indicated in a letter dated February 27, 2013, your January 21, 2013 email did “not contain sufficient information to allege a violation of the Open Meetings Act against the Town of Bristol or the Economic Development Corporation.” We then provided you an opportunity to present more evidence on the issues pertaining to the Town of Bristol or the EDC, but no evidence as to those specific allegations was ever presented to this Department. Your subsequent correspondences then contained allegations against the EBEC, allegations which are the subject of this finding.

Furthermore, our statutory mandate is limited to determining whether the EBEC violated the APRA or the OMA. See R.I. Gen. Laws §§ 38-2-8 and 42-46-8. In other words, we do not write on a blank slate.

I. APRA Allegation.

By correspondence dated March 1, 2013, you allege that the EBEC violated the APRA by not listing its APRA procedures on its website. See R.I. Gen. Laws § 38-2-3(d). In response to your complaint, we received a substantive letter from legal counsel to the EBEC, Thomas V. Moses, Esquire. Attorney Moses states, in pertinent part:

1. According to R.I. Gen. Law[s] § 38-2-3(d)[,] ‘Each public body shall establish written procedures regarding access to public records...and a copy of these procedures shall be posted on the public body’s website if such a website is maintained.’

EBEC does have a website but it is not actively maintained. See Exhibit A Affidavit of Jeanne Napolitano. The last change EBEC initiated to its’ website was in the Spring of 2012 at the end of the Rhode Island legislative session. See Exhibit A. On October 10, 2012 the Town of Bristol withdrew from EBEC. Id. EBEC did not update the website to reflect this until it was forced to in February 2013 after the Bristol Town Council sent a written demand to do so. Id. Since the Spring of 2012, EBEC has created documents that would be appropriate for posting on the EBEC website, such as ‘Frequently Asked Questions’. Id. This information has not been added to the website as the website is not being actively maintained. Id.

Since EBEC’s website is no longer actively updated or maintained, and has not been actively updated or maintained since the Spring of 2012, the absence of EBEC’s [APRA] procedures from their website is not a violation of APRA.

Ms. Jeanne Napolitano, chairperson for the EBEC, confirms in her affidavit that the EBEC’s website is no longer actively updated or maintained:

3. EBEC does have a website but it is no longer actively updated or maintained.

4. Upon information and belief, the last change that EBEC initiated to its’ website was in the Spring of 2012 around the end of the Rhode Island legislative session.

7. After the Town of Bristol’s withdr[awal] from EBEC, the Bristol Town Council subsequently demanded that EBEC remove any and all references to the Town of Bristol from EBEC materials.

[8]. After receiving the Bristol Town Council's demand, EBEC did remove references to the Town of Bristol from all EBEC materials, including that references to the Town of Bristol were removed from EBEC's website in February 2013.

We acknowledge receipt of your reply to the EBEC's response.

The APRA states, in pertinent part:

Each public body shall establish *written* procedures regarding access to public records... These procedures must include, but need not be limited to, the identification of a designated public records officer or unit, how to make a public records request, and where a public record[s] request should be made, and a copy of these procedures shall be posted on the public body's website *if such a website is maintained* and be made otherwise readily available to the public. R.I. Gen. Laws § 38-2-3(d) (Emphases added).

This is a case of first impression. As part of the newly amended APRA, effective September 1, 2012, the General Assembly modified Rhode Island General Laws § 38-2-3(d) to include that a public body shall post its written APRA procedures on its website "if such a website is maintained." No Rhode Island court has addressed this issue per the newly amended statute, nor has this Department had an opportunity to address this specific provision until now. Because the APRA does not define the word "maintained," we must look to the plain language of the statute to properly analyze this provision. On numerous occasions, the Rhode Island Supreme Court has explained that "when the language of a statute is clear and unambiguous, [the] Court must interpret the statute literally and must give the words of the statute their plain and ordinary meaning in establishing and effectuating statutory intent." Accent Store Design, Inc. v. Marathon House, Inc., 674 A.2d 1223, 1226 (R.I. 1996). "[I]n interpreting a legislative enactment, it is incumbent * * * 'to determine and effectuate the Legislature's intent and to attribute to the enactment the meaning most consistent with its policies or obvious purposes.'" Brennan v. Kirby, 529 A.2d 633, 637 (R.I. 1987).

Here, we must decide whether the EBEC "maintain[ed]" a website at the time of your complaint. "Maintain" is defined as "to keep in an existing state," "to continue or persevere in," and "to support or provide for." See Merriam-Webster, <http://www.merriam-webster.com/dictionary/maintain>. Attorney Moses argues that the "EBEC's website is no longer actively updated or maintained, and has not been actively updated or maintained since the Spring of 2012." Attorney Moses' statement that the "EBEC's website is no longer actively updated or maintained" suggests that the EBEC does indeed maintain a website, accessible at <http://eastbayenergy.org/>.² Chairman Napolitano indeed confirms the existence of the EBEC's website, stating in her affidavit that "*EBEC does have a website* but it is no longer actively updated or maintained." (Emphasis added). Respectfully, the standard is not whether a website is "actively updated." The plain language of R.I. Gen. Laws § 38-2-3(d) states, in pertinent part,

² Such web address is in existence as of the date of this finding.

“[A] copy of these [written] procedures shall be posted on the public body’s website if such a website is *maintained* and be made otherwise readily available to the public.” (Emphasis added). The APRA does not distinguish between websites that are “actively maintained” with websites that are simply “maintained.” In its response, the EBEC also acknowledges that in February 2013 it did update its website at the request of the Town of Bristol. Accordingly, the EBEC violated the APRA when it failed to post its APRA procedures on its website.

II. OMA Allegations.

a. March 1, 2013 Letter.

In your letter dated March 1, 2013 to this Department, you allege the EBEC violated the OMA when: 1) the agenda for the March 4, 2013 meeting failed to specify the nature of the business to be discussed; 2) there were meetings held between the EBEC and the Economic Development Corporation (“EDC”), and/or their designated representatives, at which you contend financial decisions were made; and 3) there are no minutes for those meetings allegedly held between the EBEC and the EDC. See R.I. Gen. Laws §§ 42-46-3, 42-46-6(b) and 42-46-7.

In response, Attorney Moses states, in pertinent part:

2. The Complainant alleges that the agenda for the March 4, 2013 meeting failed to specify the nature of the business to be discussed.

Pursuant to R.I. Gen. Law[s] § 42-46-6(b)[,] meeting agendas must contain ‘a statement specifying the nature of the business to be discussed.’

The March 4, 2013 meeting agenda includes four items: ‘1) Call to Order; 2) Approval of February 2013 Meeting Minutes (10 Mins); 3) Discussion of Communications (50 Mins); and 4) Adjournment.’ ***

Mr. Riggs’ March 1st complaint appears to allege that the third item: ‘Discussion of Communications (50 Mins)’ is not sufficient. ***

Agenda item number three (3) states that there would be a ‘Discussion of Communications.’ In fact, the meeting minutes for March 4, 2013...indicate that EBEC’s Communications representative discussed at length, the progress they had made drafting EBEC’s Communications such as ‘Frequently Asked Questions.’

As this Agenda item was sufficiently clear to advise the public that EBEC’s Communications representatives would undertake a discussion at the March 4, 2013 meeting there has been no violation of the OMA and certainly no willful violation of the Act.

3. The Complainant alleges that there were meetings held between EBEC and the EDC, and/or their designated representatives, at which financial decisions were made and there are no minutes for those meetings allegedly held.

EBEC is unable to determine what alleged meeting(s) the Complainant is referring. EBEC is therefore unable to respond as to whether there are meeting minutes for the alleged meetings. EBEC denies any violation of the OMA has occurred and respectfully requests the Complainant provide whatever additional information that he may have about the alleged meetings between EBEC and the EDC such as the date, time, and/or place so that, if necessary EBEC may supplement this response.

We acknowledge receipt of your reply to the EBEC's response and note that, in response to Attorney Moses' request to provide additional information regarding this latter allegation, you state that "I have no way of knowing dates, places, etc. As I reported in my prior letter I believe both the Chair of EBEC and officials of the RIEDC would have that information in the form of notes, e-mails, and so on that I can't get access to.***"

The first issue for this Department to decide is whether the agenda item for the March 4, 2013 meeting was sufficient to inform the public of the nature of the business to be discussed. The agenda item at issue for the March 4, 2013 meeting stated:

(3) "Discussion of Communications."

You first raised this allegation in your March 1, 2013 letter to this Department, three days prior to the actual meeting. In a subsequent letter, you advised that based upon this agenda item "there was no way for the public to have any idea what this meeting would be about." Before we can reach the merits of your allegation, however, we must determine whether you are aggrieved.

The OMA provides that only "aggrieved" citizens may file a complaint with this Department. R.I. Gen. Laws § 42-46-8(a). In Graziano v. Rhode Island State Lottery Commission, 810 A.2d 215 (R.I. 2002), the Supreme Court examined the "aggrieved" provision of the OMA. In Graziano, an OMA lawsuit was filed concerning notice for the Lottery Commission's March 25, 1996 meeting wherein its Director, John Hawkins, was terminated. At the Lottery Commission's March 25, 1996 meeting, Mr. Hawkins and his attorney, Ms. Graziano, were both present. Finding that the Lottery Commission's notice was deficient, the trial justice determined that the Lottery Commission violated the OMA, and an appeal ensued. On appeal, the Rhode Island Supreme Court found that it was "unnecessary" to address the merits of the OMA lawsuit because "the plaintiffs Graziano and Hawkins ha[d] no standing to raise this issue" since "both plaintiffs were present at the meeting and therefore were not aggrieved by any defect in the notice." Id. at 221. The Court continued that it:

has held on numerous occasions that actual appearance before a tribunal constitutes a waiver of the right of such person to object to a real or perceived defect in the notice of the meeting. * * * It is not unreasonable to require that the

person who raises the issue of the defect in notices be in some way disadvantaged or aggrieved by such defect. While attendance at the meeting would not prevent a showing of grievance or disadvantage, such as lack of preparation or ability to respond to the issue, no such contention has been set forth in the case at bar. The burden of demonstrating such a grievance is upon the party who seeks to establish standing to object to the notice. Id. at 221-22. (Emphasis added).

In your March 14, 2013 letter, you state that you “had also noted that the meeting consisted of ‘discussion of communications’ as shown in the Notice, and that there was no way for the public to have any idea what this meeting would be about as required by the OMA.”³ As stated to you in our April 9, 2013 acknowledgement letter, it is our understanding that you attended the March 4, 2013 meeting, an assertion that has not been disputed. We further asked you to “provide evidence as to how you, and not the public at large, were aggrieved by the agenda’s alleged lack of specificity as to the nature of the business to be discussed at the March 4, 2013 meeting.” We then cited Graziano, stating that the case “require[ed] a person who raises an allegation of defect of notice to show how he was aggrieved by that defect.” The test is not whether the public is aggrieved, but whether you, as an individual, were aggrieved.

While we did receive a subsequent letter from you dated April 15, 2013, you failed to provide evidence that you, as an individual, are aggrieved. In pertinent part, you stated that with respect to this particular allegation, “I believe my letter of March 8th, with attachments, should address that sufficiently. If not, please let me know what additional information or documentation you would like.” It was clear from our letter to you dated April 9, 2013 that in order to establish standing pursuant to Graziano, you had to “provide evidence as to how you, and not the public at large, were aggrieved by the agenda’s alleged lack of specificity as to the nature of the business to be discussed at the March 4, 2013 meeting.” Respectfully, in light of the plain and clear language of our April 9, 2013 letter, and considering Graziano, you have provided no evidence showing how you were aggrieved. Therefore, we find that you were not aggrieved and thus do not reach the merits of your allegation.

The second OMA issue in your March 1, 2013 letter concerns alleged meetings between the EBEC and the EDC, meetings at which you allege financial decisions were made.⁴ Specifically, you allege that a “committee” had been formed to pay bills relating to EBEC. In our April 9, 2013 letter to you, we state this allegation to be “meetings held between members of EBEC and the Economic Development Corporation (“EDC”), and/or their designated representatives, at

³ To support this assertion, you cite Rainey v. Warren Town Council, OMA 99-01. There, we stated that “notice must advise the general public of the nature of the business to be discussed.” While certainly the “notice must advise the general public of the nature of the business to be discussed,” only a person who is aggrieved may bring a complaint alleging defect of notice. See Graziano v. Rhode Island State Lottery Comm’n, 810 A.2d 215, 222 (R.I. 2002) (requiring a person who raises an allegation of defect of notice to show how he was aggrieved by that defect).

⁴ Our analysis on this issue incorporates your third allegation, i.e., that no minutes from these alleged meetings are available.

which you contend financial decisions were made regarding the payment of certain bills for EBEC.” In your April 12, 2013 letter, you state that “a quorum of two people was created in October 2011” and you cite a letter dated June 13, 2012 from the Director of the Department of Community Development in Bristol in response to an APRA request to a third party to support your allegation that such a committee was formed. In pertinent part, the letter states that “the EBEC Board voted in October of 2011 to authorize that the Chairman, Treasurer and Project Manager review and approve invoices for payment rather than the entire Board as had been done up to that point.” For purposes of our analysis, we view the alleged committee as the Chairman, Treasurer and Project Manager of EBEC. In your March 1, 2013 letter, you state that “[a]s of September 7, 2012, all financial decisions were between the Chair and/or manager, and someone at the EDC.” Thus, as alleged in your complaint, one, and at most two, of the three members of the alleged committee appears to be involved with making such financial decisions.

The OMA is implicated only when a quorum of members of a public body meet to discuss matter over which it has control, supervision, jurisdiction, or advisory power. You state that “all financial decisions were between the Chair *and/or* manager, and someone at the EDC.” (Emphasis added). Your use of “and/or” is particularly unclear. If only the Chair of EBEC and a member of EDC met to discuss financial decisions, then no quorum of the committee is present. If both the Chair and the manager met with a member of the EDC, there may be a quorum of the committee present. There has been no evidence provided, however, to show that both the Chair *and* the manager (or for that matter, the Treasurer) met with someone at EDC.⁵ Further, you are unable to provide any dates or times as to where or when these alleged meetings took place. Indeed, your correspondences acknowledge that you have no way to support this allegation. See e.g., April 12, 2013 letter.

In In re Quonochontaug Central Beach Fire District/MacDougall v. Quonochontaug Central Beach Fire District, OM 13-24/PR 13-17/ADV OM 13-04, the complainant similarly alleged that the Fire District committed numerous violations of both the OMA and the APRA. Among his allegations, the complainant contended that certain committees convened meetings outside the public purview, but was unable to provide dates or times of these alleged meetings. We stated:

[I]n order for this Department to find a violation of the OMA, our attention must be directed to specific conduct that is contrary to the OMA...while you refer to this situation as a ‘Catch-22’ situation since ‘the dates of such meetings are unknown because the meetings are conducted behind closed doors and the meetings are unknown to the public because minutes are not prepared,’ others in

⁵ This Department has previously concluded that the convening of Fire District members to pay bills was a “meeting” since this action constituted a matter over which the Fire District had “control, supervision, jurisdiction, or advisory power.” See Schmidt v. Ashaway Fire District, OM 97-08. While a quorum of members of a public body convening to discuss or act upon a matter over which it has “control, supervision, jurisdiction, or advisory power” is a “meeting” as defined under the OMA, you present no evidence to conclude that a quorum of members of the committee did indeed meet to pay certain bills.

similar circumstances have been able to provide this Department with sufficient specificity to enable our review. (Internal citations omitted). Page 8.

We are unable to distinguish this matter from MacDougall, and as indicated, other complainants have been able to provide this Department with specifics regarding alleged meetings held outside the public purview to enable our review. See e.g., Mudge v. North Kingstown School Committee, OM 13-11; In re Foster Town Council, OM 06-54. Without such specifics, we are unable to address this matter.⁶ Lastly, it bears noting that your correspondences could be read as asserting that since EBEC has paid bills, a “meeting” must have occurred. This Department has never required a public body to convene a meeting in order to pay bills. Schmidt does not stand for this proposition, and it is quite obvious that many public bodies pay bills without convening into a meeting to do so. See e.g. MacDougall (a contract signed by a member of the Board of Governors does not, by itself, represent an OMA violation). Accordingly, the fact that EBEC has paid bills, by itself, is insufficient to support an OMA violation.

b. April 8, 2013 Letter.

In your letter dated April 8, 2013 to this Department, you allege the EBEC violated the OMA when: 1) the agenda for the February 4, 2013 meeting failed to convene a proper purpose for convening into executive session, and 2) before convening into executive session on February 4, 2013, the EBEC failed to hold an open call, record a vote, and state on the record the nature of the business to be discussed in executive session. See R.I. Gen. Laws §§ 42-46-4 and 42-46-5.

In response, Attorney Moses states, in pertinent part:

4. The Complainant alleges that the Agenda for the February 4, 2013 meeting failed to list a proper purpose for convening into executive session.

According to R.I. Gen. Law[s] § 42-46-5(a)(2) ‘A public body may hold a meeting closed to the public pursuant to § 42-46-4 for one or more of the following purposes: (2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.’

The February 4, 2013 Agenda [] clearly states that an executive session was planned to take place at approximately 9:15am, [p]ursuant to provisions of R.I.G.L...§ 42-46-5(a)(2) Litigation. ***

⁶ In a letter to this Department dated April 12, 2013, you reference copies of invoices from Moses Afonso Ryan wherein certain tasks such as “Attention to e-mails and telephone conferences” and reviewing certain correspondence connected with certain cases are referenced. This does not demonstrate that a quorum of members of a public body held a meeting to make financial decisions. Again, absent such evidence presented to us, we are unable to review this matter.

Pursuant to R.I. Gen. Law[s] § 42-46-5(a)(2) litigation is a proper purpose for conducting an executive session. Therefore, EBEC again denies any violation of the OMA.

5. The Complainant alleges that before convening into executive session on February 4, 2013, EBEC failed to hold an open call, record a vote, and state on the record the nature of the business to be discussed in executive session.

Pursuant to R.I. Gen. Laws § 42-46-4(a) ‘By open call, a public body may hold a meeting closed to the public upon an affirmative vote of the majority of its members. The vote of each member on the question of holding a meeting closed to the public and the reason for holding a closed meeting, by a citation to a subdivision of § 42-46-5(a), and a statement specifying the nature of the business to be discussed, shall be recorded and entered into the minutes of the meeting.’

Immediately prior to the Executive Session, the following was recorded in the February 4, 2013 Meeting Minutes: ‘Napolitano asked for any further discussion and upon hearing none moved to enter Executive Session. Forester seconded. Unanimous...[.]’ The Minutes then indicate that EBEC was moving into Executive Session pursuant to R.I. Gen. Law[s] § 42-46-5(a)(2) to discuss litigation. ***

Prior to the Executive Session taking place on February 4, 2013 it was clearly moved seconded and unanimously voted that EBEC enter into Executive Session, it was further recorded in the minutes (as on the Agenda, discussed above) that EBEC was moving into Executive Session pursuant to R.I. Gen. Laws § 42-46-5(a)(2) to discuss litigation. For these reasons, EBEC again denies any violation of the OMA.

First, we examine whether EBEC failed to convene into executive session for a proper purpose at the February 4, 2013 meeting. Pursuant to Rhode Island General Laws § 42-46-5, a public body may convene into executive session for one of ten (10) enumerated purposes, including “[s]essions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.” See R.I. Gen. Laws § 42-46-5(a)(2). The agenda for the February 4, 2013 meeting states, in part:

Executive Session 9:15am

Pursuant to provisions of R.I.G.L., Sections § 42-46-5(a)(2) Litigation

This Department is “cognizant that almost any matter could relate to litigation,” and therefore, each executive session must be reviewed on a case-by-case basis to ensure that any executive session discussion properly falls within the purview of R.I. Gen. Laws § 42-46-5(a)(2). See The Barrington Times v. Barrington School Committee, OM 09-10; see also Scituate Democratic Town Committee v. Scituate Town Council, OM 08-50 (emphasis in original). After an *in*

camera review of the executive sessions minutes and an *in camera* review of an affidavit submitted in support of what was discussed in executive session, we find that the EBEC did not violate the OMA by convening into executive session under the litigation exception.⁷ Thus, we find no violation.⁸

Second, we examine whether, before convening into executive session on February 4, 2013, EBEC failed to hold an open call, record a vote, and state on the record the nature of the business to be discussed in executive session. Rhode Island General Laws § 42-46-4(a) states:

By open call, a public body may hold a meeting closed to the public upon an affirmative vote of the majority of its members. A meeting closed to the public shall be limited to matters allowed to be exempted from discussion at open meetings by § 42-46-5. The vote of each member on the question of holding a meeting closed to the public and the reason for holding a closed meeting, by a citation to a subdivision of § 42-46-5(a), and a statement specifying the nature of the business to be discussed, shall be recorded and entered into the minutes of the meeting. No public body shall discuss in closed session any public matter which does not fall within the citations to § 42-46-5(a) referred to by the public body in voting to close the meeting, even if these discussions could otherwise be closed to the public under this chapter.

This Department has reviewed the open session minutes of the February 4, 2013 meeting. After our review, it is clear that Chairwoman Napolitano “moved to enter Executive Session.” The minutes reflect that the move was seconded and that there was a “unanimous” vote to convene into executive session. The minutes also reference the fact that the executive session was convened to discuss litigation pursuant to Rhode Island General Laws § 42-46-5(a)(2). Accordingly, we find no violation.

Based upon our investigation and analysis above, this Department finds that the EBEC committed an APRA violation when it failed to post its APRA procedures on its website. Upon a finding of an APRA violation, the Attorney General may file a complaint in Superior Court on behalf of the Complainant, requesting “injunctive or declaratory relief.” See R.I. Gen. Laws § 38-2-8(b). A court “shall impose a civil fine not exceeding two thousand dollars (\$2,000) against a public body...found to have committed a knowing and willful violation of this chapter,

⁷ Because the executive session minutes from the February 4, 2013 meeting are sealed, we are hindered in our ability to discuss their substance. Even though almost any matter could relate to litigation, the EBEC and all public bodies do not have a blank check to use such exemption in every instance. We caution the EBEC that this exception is not to be cited generously.

⁸ Because the evidence presented shows that the executive session convened to discuss potential litigation, the agenda item listing “Litigation,” without more, appears to be sufficient. See Graziano v. Lottery Commission, OM 99-06 (“[W]here the matter to be discussed in executive session is not yet public, the public body may limit its open call to the nature of the matter, such as ‘litigation’ or ‘personnel.’”); see also Novak v. Western Coventry Fire District, OM 12-11.

and a civil fine not to exceed one thousand dollars (\$1,000) against a public body found to have recklessly violated this chapter***." See R.I. Gen. Laws § 38-2-9(d).

We note this is an issue of first impression. There has been no evidence presented of a knowing and willful, or reckless, violation. We do, however, direct the EBEC to post its APRA procedures on its website per Rhode Island General Laws § 38-2-3(d) within thirty (30) business days from the date of this finding. If, after this thirty (30) business day timeframe, you believe the EBEC has not complied, you may submit evidence of the EBEC's noncompliance and we will review it.

Although the Attorney General will not file suit in this matter, nothing within the APRA or the OMA prohibits an individual or entity from obtaining legal counsel for the purpose of instituting injunctive or declaratory relief in Superior Court. See R.I. Gen. Laws §§ 38-2-8(b) and 42-46-8. The OMA allows the complainant to file a complaint 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 your file as of the date of this letter. We do, however, reserve the right to reopen this file if you provide evidence to this Department that the EBEC did not post its written APRA procedures on its website within thirty (30) business days from the date of this letter.

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

Very truly yours,



Maria R. Corvese
Special Assistant Attorney General

MRC/pl

Cc: Thomas V. Moses, Esquire