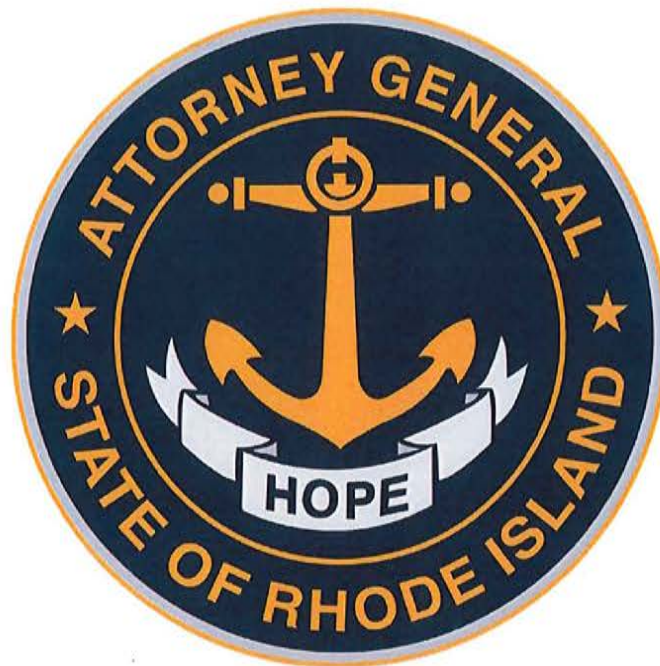
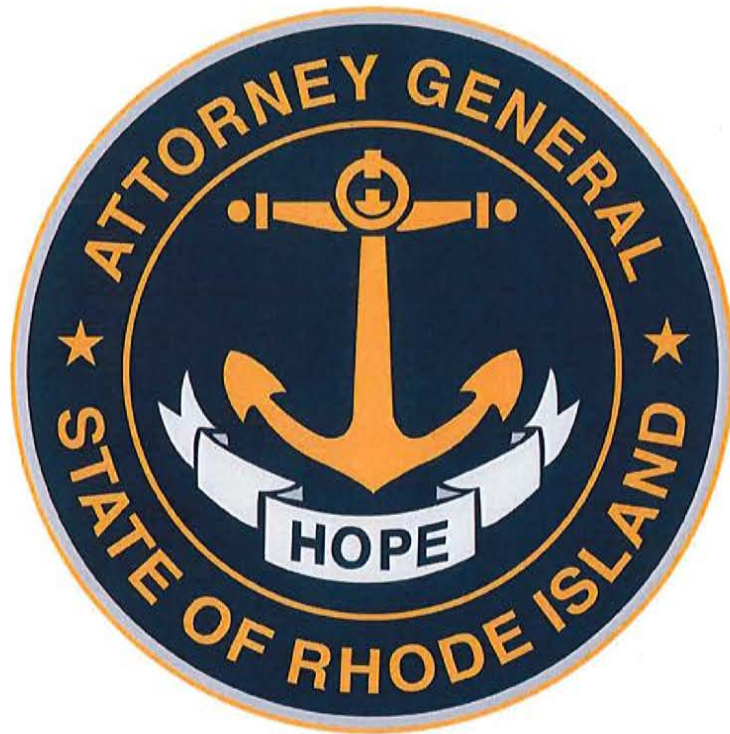


**STATE OF RHODE ISLAND**  
**OFFICE OF ATTORNEY GENERAL**



**2022 ANNUAL REPORT**  
**OPEN MEETINGS ACT**  
**AND**  
**ACCESS TO PUBLIC RECORDS ACT**  
**ATTORNEY GENERAL PETER F. NERONHA**

# OPEN MEETINGS ACT



ANNUAL REPORT 2022

**ATTORNEY GENERAL'S ANNUAL  
REPORT OF COMPLAINTS RECEIVED  
PURSUANT TO  
RHODE ISLAND GENERAL LAWS SECTION 42-46-1, *ET*  
*SEQ.*, THE OPEN MEETINGS ACT**

Rhode Island General Laws Section 42-46-11 requires the Office of Attorney General to submit an annual report to the Legislature summarizing the complaints received pursuant to the Open Meetings Act, including the number of complaints found to be meritorious and the action taken by the Office of Attorney General in response to those complaints. On occasion, complaints will be resolved by the parties without the issuance of a finding, or the Office of Attorney General will issue one finding in response to multiple similar complaints, resulting in a discrepancy between the number of complaints received and findings issued. Additionally, sometimes findings are issued in a different calendar year than when a complaint was received. In cases where this Office finds a violation and determines that injunctive relief is necessary, oftentimes this Office is able to obtain voluntary compliance from the public body without needing to initiate litigation.

The Office of Attorney General is pleased to submit the following information concerning the calendar year 2022.

**STATISTICS**

<b>OPEN MEETINGS ACT COMPLAINTS RECEIVED:</b>	46
<b>FINDINGS ISSUED BY THE ATTORNEY GENERAL:</b>	64
<b>VIOLATIONS FOUND:</b>	33
<b>WARNINGS ISSUED:</b>	33
<b>LITIGATION INITIATED:</b>	0
<b>WRITTEN ADVISORY OPINIONS:</b>	
<b>REQUESTS RECEIVED:</b>	3
<b>ADVISORY OPINIONS ISSUED:</b>	0

## VIOLATIONS FOUND/WARNING ISSUED

The Office of Attorney General issued warnings in the following cases where the Office found violations of the Open Meetings Act:

- OM 22-1 Chiaradio v. Westerly School Committee
- OM 22-2 Stewart v. West Greenwich Planning Board
- OM 22-3 Keep Metacomet Green! v. East Providence City Council
- OM 22-5 Solas v. R.I. State Council on the Arts
- OM 22-7 Keep Metacomet Green! v. City of East Providence Planning Board
- OM 22-10 Piccirilli v. Council on Elementary and Secondary Education
- OM 22-14 Childs v. Bonnet Shores Fire District
- OM 22-15 Durand v. Pawtuxet River Authority
- OM 22-16 LeClair v. Woonsocket Housing Authority
- OM 22-17 Barrett v. Council on Education
- OM 22-20 Solas v. Westerly School Committee Health and Wellness Subcommittee
- OM 22-21 Mayer v. Central Coventry Fire District:
- OM 22-23 Lapierre et. al v. Woonsocket Housing Authority
- OM 22-24 Solas v. North Kingstown School Department  
Solas v. Chariho NEA ESP Negotiation Subcommittee
- OM 22-27 Langseth v. Warwick City Council
- OM 22-28 Solas v. South Kingstown School Committee
- OM 22-29 Langseth v. Buttonwoods Fire District
- OM 22-30 Lema v. Narragansett Town Council
- OM 22-32 Solas v. South Kingstown School Building Committee
- OM 22-35 Aiello v. Westerly Town Council
- OM 22-37 Fandetti v. Bonnet Shores Fire District
- OM 22-40 Pierson v. Coventry Town Council
- OM 22-41 Lapierre v. Woonsocket Housing Authority
- OM 22-46 Solas v. R.I. Commission on Prejudice & Bias
- OM 22-47 Altabef v. Lincoln Town Council
- OM 22-52 Solas v. North Kingstown School Committee



- OM 22-54     Aiello v. Westerly Town Council
- OM 22-57     Touchette v. Johnston Town Council
- OM 22-58     Solas v. Coventry School Committee
- OM 22-60     Aiello v. Westerly Town Council
- OM 22-61     Figgis v. Gloucester EDC
- OM 22-62     Quay v. Middletown Town Council
- OM 22-64     FabCity Cigar Lounge v. Pawtucket City Council, in its capacity as  
Board of License Commissioners

\* \* \*

Summaries of all findings/written advisory opinions issued are included below.

## OPEN MEETINGS ACT FINDINGS – 2022

### **OM 22-1 Chiaradio v. Westerly School Committee:**

The Complainant alleged that the Westerly School Committee violated the OMA when it did not provide proper notice of the nature of the business to be discussed and/or acted upon at its August 11, 2021 meeting and its October 27, 2021 meeting. Regarding the August 11, 2021 meeting, the Complainant argued that an agenda item titled “School Committee By-Laws” did not fairly inform the public that the Committee would specifically discuss potentially changing a particular aspect of the By-laws. Based on the totality of the evidence before us, we determined that the agenda item in question did not adequately notify the public as to the nature of the business to be conducted. Regarding the October 27, 2021 meeting, the Complainant argued that an agenda item titled “First Reading: Library Media Department Policy 6130 Update” and other similar items did not fairly inform the public of the nature of the business that was discussed and carried out at the meeting under those agenda items. Based on the totality of the evidence before us, we determined that the agenda items in question adequately notified the public as to the nature of the business to be conducted and reflected what actually transpired at the meeting. The Complainant also alleged that the Committee violated the OMA at both of these meetings when the Committee did not permit members of the Committee to substantively respond to comments made by the public during public comment. Guided by the language of the OMA, we found that there was no violation because the OMA permits but does not require that public body members be able to respond to public comment. We did not find the sole violation identified above to be willful or knowing, and we did not find injunctive relief to be necessary as no action was taken.

VIOLATION FOUND.

### **OM 22-2 Stewart v. West Greenwich Planning Board:**

The Complainant alleged that the Board failed to timely post minutes for one of its meetings. The Board acknowledged its failure and argued that the violation was not willful or knowing. This Office found that the Board violated the OMA but did not find the violation to be willful or knowing. This Office noted that the Board must take measures to ensure that it does not repeat a similar violation.

VIOLATION FOUND.

### **OM 22-3 Keep Metacomet Green! v. East Providence City Council:**

The Complainant alleged that the East Providence City Council failed to timely post meeting minutes for two meetings. The City Council acknowledged its failure to timely post meeting minutes for its June 15, 2021 and July 20, 2021 meetings. This conduct violated the OMA. *See* R.I. Gen. Laws § 42-4-7(d). We determined that injunctive relief was not appropriate here because the City Council had since posted the meeting minutes and we declined to find the violation to be willful or knowing, but warned the City Council that its conduct violated the OMA and should not be repeated.

VIOLATION FOUND.



- OM 22-4**      **Leasca v. South Kingstown Town Council:**  
The Complainant alleged that the Council violated the OMA by taking action outside of the public purview regarding deciding not to pursue criminal charges relating to a release of student information. Based on the totality of the circumstances and the record before us, we did not find sufficient evidence that the Council discussed the matter outside of a noticed meeting, and accordingly found no violation.
- OM 22-5**      **Solas v. R.I. State Council on the Arts:**  
The Complainant alleged that the Council failed to timely post minutes for nine of its meetings. The Council acknowledged its failure. This Office found that the Council violated the OMA but did not find the violation to be willful or knowing. The Council noted that it has since posted the minutes and has also taken measures to ensure that it does not repeat a similar violation.  
VIOLATION FOUND.
- OM 22-6**      **Da Silva and Moglia v. East Providence School Committee:**  
The Complainants alleged that the School Committee violated the OMA by not convening a meeting until some people who were not wearing masks had left. Based on the record presented to this Office, we found that the School Committee did not prevent anyone from attending the meeting and that, in the particular circumstances of this case, it was reasonable for the School Committee to delay the start of the meeting. We accordingly found no violation.
- OM 22-7**      **Keep Metacomet Green! v. City of East Providence Planning Board:**  
The Complainant alleged that the East Providence Planning Board failed to timely post meeting minutes for four meetings. The Board acknowledged its failure to timely post meeting minutes on the Secretary of State's website for its May 10, 2021, June 14, 2021, June 29, 2021, and July 12, 2021 meetings. Accordingly, this Office found that the Board violated the OMA. However, we did not find sufficient evidence of a willful or knowing violation, nor did we find injunctive relief appropriate.  
VIOLATION FOUND.
- OM 22-8**      **Solas v. Narragansett Inclusion, Diversity, Equity, and Awareness Committee:**  
The Complainant alleged that the Committee failed to file minutes for three of its meetings. The Committee noted that it has posted minutes for the majority of its meetings in the interest of transparency but asserted that it is an advisory public body and thus not required to post its meeting minutes pursuant to R.I. Gen. Laws § 42-46-7(d). Based on the record and the totality of the circumstances, this Office found that the Committee is solely advisory in nature and therefore, pursuant to R.I. Gen. Laws § 42-46-7(d), is not required to post its meeting minutes. Consequently, it did not violate the OMA.

- OM 22-9**      **Hopkins v. Chariho Tri-Town Task Force:**  
The Complainant alleges that the Chariho Tri-Town Task Force violated the OMA by limiting its September 13, 2021 and October 18, 2021 meetings to virtual attendance only following the expiration of Executive Order 21-72. The Task Force denied that it is a public body. Based on the record and the totality of the facts presented to this Office, we do not find sufficient evidence that the Task Force is a “public body” under the OMA. Therefore, on this record we conclude that the OMA does not apply to the Task Force, and we find no violation with respect to its September 13, 2021 and October 18, 2021 meetings.
- OM 22-10**      **Piccirilli v. Council on Elementary and Secondary Education:**  
The Complainant alleged that the Council violated the OMA at its August 17, 2021 meeting by voting on an issue without providing proper notice. This Office determined that the Council violated the OMA because it did not provide notice of the vote on the agenda and the vote did not fall within the statutory parameters for taking action under R.I. Gen. Laws § 42-46-6(d). We determined that injunctive relief was not appropriate and we did not find sufficient evidence of a willful or knowing violation.  
VIOLATION FOUND.
- OM 22-11**      **Hopkins v. Chariho Anti-Racism Task Force:**  
The Complainant alleged that the Task Force failed to timely file meeting minutes for several meetings. Based on the record before us, we concluded that assuming the Task Force is a public body under the OMA, its responsibilities are strictly advisory in nature. As such, pursuant to R.I. Gen. Laws § 42-46-7(d), it is not required to file meeting minutes. Accordingly, we found no violation.
- OM 22-12**      **Farinelli v. Pawtucket Mayor's Community Board:**  
The Complainant alleged that the Board failed to timely file meeting minutes for several meetings. Based on the record before us, we concluded that the Board’s responsibilities are strictly advisory in nature. As such, pursuant to R.I. Gen. Laws § 42-46-7(d), it is not required to file meeting minutes. Accordingly, we found no violation.
- OM 22-13**      **Jenkins v. Bonnet Shores Fire District:**  
The Complainant alleged that the Annual Meeting of the Fire District did not comply with the OMA. Applying *Pine v. McGreavy*, 687 A.2d 1244 (R.I. 1997), this Office determined that the OMA did not apply to the Annual Meeting, and accordingly we did not find a violation.
- OM 22-14**      **Childs v. Bonnet Shores Fire District:**  
The Complainant alleged that the Nominating Committee was subject to the OMA but did not adhere to various requirements of the OMA. The District argued that the Nominating Committee is not subject to the OMA. Based on the record, this Office concluded that the Nominating Committee is subject to the OMA and violated the OMA. In the particular circumstances of this case, we did not find injunctive relief appropriate and did not find the violation to be willful or knowing.  
VIOLATION FOUND.



OM 22-15

**Durand v. Pawtuxet River Authority:**

The Complainant alleged the Pawtuxet River Authority (PRA) violated the OMA by providing inadequate executive session notice in advance of an executive session pertaining to job performance and real estate issues. In a separate Complaint, the Complainant alleged that the PRA violated the OMA by taking action outside of the public purview to appoint an alternate member. Based on the totality of the circumstances and the record before us, we found that the PRA violated the OMA by providing inadequate executive session notice as to the real estate topic. We did not find sufficient evidence of a willful or knowing violation, nor did we find injunctive relief appropriate. We did not find sufficient evidence that the PRA took action outside of a noticed meeting to appoint an alternate member, and accordingly found no violation as to that Complaint.

VIOLATION FOUND.

OM 22-16

**LeClair v. Woonsocket Housing Authority:**

In two separate Complaints, the Complainant alleged that the Woonsocket Housing Authority (WHA) failed to timely post meeting minutes for its September 2021 (11.18.21 Complaint) and October 2021 (11.23.21 Complaint) meetings. The Board acknowledged its failure to timely post meeting minutes on the Secretary of State's website for its September meeting and subsequently posted those minutes. As to its October 2021 meeting, the WHA presented undisputed evidence that its minutes were timely filed. Accordingly, this Office found that the Board violated the OMA as to the Complainant's November 18, 2021 Complaint but did not violate the OMA as to the November 23, 2021 Complaint. We did not find sufficient evidence of a willful or knowing violation, nor did we find injunctive relief appropriate.

VIOLATION FOUND.

OM 22-17

**Barrett v. Council on Education:**

The Complainant alleged the Council violated the OMA at its August 17, 2021 meeting by not providing adequate notice regarding two items that were discussed and/or acted upon. This Office determined that the agenda did not provide adequate notice and that the Council violated the OMA with regard to both items. We did not find sufficient evidence of a willful or knowing violation and did not find injunctive relief to be appropriate.

VIOLATION FOUND.

OM 22-18

**Weaver vs. Warwick Sewer Authority:**

Complainant alleged that the Warwick Sewer Authority violated the OMA when it failed to post notice of a September 16, 2021 meeting held by the Mayor and the Authority staff members. Based on the undisputed evidence, we found that no quorum of the Authority was present and thus the OMA was not implicated. Accordingly, we found no violation.

- OM 22-19**     **Solas v. Council on Elementary and Secondary Education:**  
**Solas v. Barrington School Committee Diversity, Equity and Inclusivity**  
**Committee:**  
**Solas v. Commission for Health Advocacy and Equity:**  
In three separate Complaints, the Complainant alleged that the Council on Elementary and Secondary Education (Council), the Barrington School Committee Diversity, Equity and Inclusivity Committee (DEI Committee), and the Commission for Health Advocacy and Equity (Commission) failed to timely post meeting minutes for various meetings throughout 2021. As to the Council, we determined that the relevant meetings in question were actually attributable to two of the Council's subcommittees. Based on the record before us, we concluded that each entity's responsibilities are strictly advisory in nature. As such, pursuant to R.I. Gen. Laws § 42-46-7(d), these entities are not required to file meeting minutes. Accordingly, we found no violation as to these entities.
- OM 22-20**     **Solas v. Westerly School Committee Health and Wellness Subcommittee:**  
The Complainant alleged that the Subcommittee failed to timely post minutes for its September 28, 2021 meeting. The Subcommittee acknowledged its failure. This Office found that the Subcommittee violated the OMA but did not find the violation to be willful or knowing. The Subcommittee noted that it has since posted the minutes. Accordingly, no injunctive relief is appropriate.  
VIOLATION FOUND.
- OM 22-21**     **Mayer v. Central Coventry Fire District:**  
The Complainant alleged that the Fire District violated the OMA at an October 14, 2021 meeting by not adequately providing notice of the business that was to be discussed and acted upon. The Complainant alleged that the Fire District violated the OMA at a December 23, 2021 meeting by entertaining public comment without providing notice on the agenda. Based on the totality of the evidence before us, we found a violation as to the October 14, 2021 meeting but did not find that the Fire District acted on the business discussed, and accordingly did not find that injunctive relief was appropriate. We also did not find this violation to be willful or knowing. We did not find a violation as to the December 23, 2021 meeting.  
VIOLATION FOUND.
- OM 22-22**     **McGwin v. North Kingstown School Committee:**  
The Complainant alleged that the School Committee violated the OMA by convening the public portions of a meeting on a sidewalk directly adjacent to and outside of the location specified in the supplemental notice. Based on the record presented to this Office, we found that the public portions of the meeting were held in very close proximity to the noticed location and easily observable to the public such that, in the particular circumstances of this case, it did not violate the OMA for the School Committee to convene the public portion of the meeting as it did. We also found insufficient evidence to demonstrate that the School Committee privately met in advance of this meeting regarding the meeting location. We accordingly found no violation.



- OM 22-23**     **Lapierre et. al v. Woonsocket Housing Authority:**  
Three Complainants alleged that the Woonsocket Housing Authority failed to post supplemental notice for its October 28, 2021 meeting in two physical locations, as required by the OMA. The WHA acknowledged its failure and cited staffing changes at the time of the issue as grounds for the oversight. Accordingly, this Office found that the WHA violated the OMA. However, we did not find sufficient evidence of a willful or knowing violation, nor did we find injunctive relief appropriate.  
VIOLATION FOUND.
- OM 22-24**     **Solas v. North Kingstown School Department:**  
**Solas v. Chariho NEA ESP Negotiation Subcommittee:**  
The Complainant alleged that the Department and the Subcommittee violated the OMA by failing to timely post meeting minutes. The Department conceded the School Committee failed to post its meeting minutes for one meeting (February 16, 2021) but provided undisputed evidence that it did not meet on the other meeting dates referenced in the Complaint. The Subcommittee acknowledged its failure to post minutes for the date specified in the Complaint. This Office found that both the Department and the Subcommittee violated the OMA, but we did not find the violations to be willful or knowing. Both entities noted that they have since posted the minutes in question. Accordingly, no injunctive relief is appropriate.  
VIOLATION FOUND.
- OM 22-25**     **Solas v. South Kingstown BIPOC Advisory Committee:**  
The Complainant alleged that the BIPOC is a public body and is not complying with the OMA. Based on the totality of the circumstances, we concluded that the BIPOC is not a public body, and accordingly is not subject to the OMA.
- OM 22-26**     **Solas v. RIDE's LEAP Task Force:**  
The Complainant alleged that the Task Force violated the OMA in several respects. Guided by Rhode Island Supreme Court precedent and previous findings, we concluded based on the totality of the evidence that the Task Force is not a public body under the OMA. Accordingly, we found no violations.
- OM 22-27**     **Langseth v. Warwick City Council:**  
The Complainant alleged that the Council and various subcommittees violated the OMA by failing to timely post meeting minutes. The Council acknowledged its failure to post certain minutes as alleged in the Complaint. This Office found that the Council violated the OMA, but we did not find the violation to be willful or knowing. The Council has since posted the minutes in question. Accordingly, no injunctive relief is appropriate.  
VIOLATION FOUND.



OM 22-28

**Solas v. South Kingstown School Committee:**

**Solas v. South Kingstown School Committee – Wellness Subcommittee:**

**Solas v. South Kingstown School Committee – DLI Subcommittee:**

**Solas v. South Kingstown School Committee – Sustainability Subcommittee:**

The Complainant alleged that the Committee and the named subcommittees violated the OMA by failing to timely post meeting minutes. The Committee provided undisputed evidence that it did not convene on August 5, 2021. It acknowledged that it did not post meeting minutes for the August 2, 2021 and August 4, 2021 meetings but argued that those meetings were Town Council meetings that merely involved Committee participation. We found that the Committee participation at to these two meetings met the definition of a “meeting” under the OMA, and as such the Committee violated the OMA by not timely posting minutes. We did not find these violations to be willful or knowing. The Committee has since posted the minutes in question. Accordingly, no injunctive relief is appropriate. Additionally, the named subcommittees argued that they are advisory in nature and are thus not required by the OMA to post meeting minutes. This Office found, based on the record before us, that the subcommittees are advisory in nature and thus were not required to post minutes and did not violate the OMA.

VIOLATION FOUND.

OM 22-29

**Langseth v. Buttonwoods Fire District:**

Complainant alleged the Fire District violated the OMA and/or the Governor’s COVID-19 Executive Orders modifying certain provisions of the OMA by failing to provide adequate, alternative means of public access for several meetings, failing to provide all requisite information on the Fire District’s annual meeting notice, and failing to post supplemental agenda notice of several meetings in two physical locations. The Fire District conceded these allegations and we found that the Fire District violated the OMA and/or COVID-19 Executive Orders in place at the time of the meetings. The Complainant also alleged that the Fire District failed to post its annual meeting notice in two physical locations. As this is not a requirement within the OMA, we did not find a violation regarding this allegation. Given the particular factual record and violations in this matter, this Office determined that injunctive relief was not appropriate, nor were the violations found to be willful or knowing. Because the Fire District has had several recent OMA violations, the Fire District was directed to attend training on the OMA and provide proof of that training to this Office.

VIOLATION FOUND.

OM 22-30

**Lema v. Narragansett Town Council:**

The Complainant alleged that the Council violated the OMA by failing to provide proper notice that a vote on Town Beach measures would occur at an October 12, 2021 work session, and for failing to subsequently publicly post the result of the vote. The Complainant also alleged that the Council failed to timely post the minutes for this work session. We found no violation as to the “vote” issue, as the record demonstrated that no vote transpired. The Town, however, conceded that it failed to timely post the work session minutes. We found a violation as to that



allegation. We did not find this violation to be willful or knowing and we did not find injunctive relief to be appropriate since the minutes were subsequently posted. VIOLATION FOUND.

**OM 22-31 Schuler v. Johnston School Committee:**

The Complainant alleged that the Committee violated the OMA by meeting outside of the public purview in advance of the public portion of its meeting on November 9, 2021. Based on the totality of the circumstances and the record before us, we did not find sufficient evidence that a quorum of the Council collectively discussed or acted upon any matters over which they had supervision, control, jurisdiction, or advisory power during this timeframe. Accordingly, we found no violation.

**OM 22-32 Solas v. South Kingstown School Building Committee  
Solas v. South Kingstown School Committee – Policy Subcommittee:**

The Complainant alleged that the Building Committee and the Policy Subcommittee violated the OMA by failing to timely post meeting minutes for certain meetings. The Building Committee provided undisputed evidence that the April 7, 2021 and April 28, 2021 meetings constituted presentations that did not involve a quorum of the Building Committee, and as such we found that those meetings did not implicate the OMA. The Building Committee acknowledged that it did not post meeting minutes for the April 28, 2021 meeting but argued that this meeting was a School Committee meeting that merely involved Building Committee participation. We found that the Building Committee participation at this meeting met the definition of a “meeting” under the OMA, and as such the Building Committee violated the OMA by not timely posting minutes. We did not find this violation to be willful or knowing. The Building Committee has since posted the minutes in question. Accordingly, no injunctive relief is appropriate. Additionally, the Policy Subcommittee argued that it is advisory in nature and is thus not required by the OMA to post meeting minutes. This Office found, based on the record before us, that the Policy Subcommittee is advisory in nature and thus was not required to post minutes and did not violate the OMA. VIOLATION FOUND.

**OM 22-33 Cienki v. Rhode Island Special Commission on Reapportionment:**

The Complainant alleged that the Rhode Island Special Commission on Reapportionment violated the OMA. Citing constitutional arguments, the Commission asserted that the OMA did not apply to it, notwithstanding that the enabling Act creating the Commission provided that the Commission would be subject to the OMA. This Office declined to reach the constitutional issues of first impression related to whether the Commission was subject to the OMA and concluded that, even assuming the Commission was subject to the OMA and violated the statute, no relief was appropriate in these circumstances.

**OM 22-34 Greene v. Ashaway Fire District:**

The Complainant alleged that the Fire District violated the OMA when it failed to timely post monthly meeting minutes on the Secretary of State’s website for various meetings over three years. The Fire District conceded that a number of meeting minutes spanning from 2018 to 2021 were not posted on the Secretary of State’s



website and, accordingly, we found a violation. Noting that the Fire District was found to have committed this same violation previously, this Office directed the Fire District to provide a supplemental response regarding, among other points, whether the violation was willful or knowing.

**OM 22-35 Aiello v. Westerly Town Council:**

The Complainant alleged that the Council failed to report out an executive session vote regarding “Land Disposition” upon reconvening into open session and failed to record in the meeting minutes three other executive session votes listed by individual member in connection with the Council’s December 6, 2021 meeting. Based upon the record before us, we found the Council did not take any action with respect to the “Land Disposition” executive session item and thus did not violate the OMA in that instance. We did, however, determine that the Council failed to report in its publicly posted minutes the individual-member votes for the three other executive session items, thereby violating the OMA. We directed the Council to amend their December 6, 2021 minutes to reflect the individual votes. We did not find sufficient evidence of a willful or knowing violation.  
VIOLATION FOUND.

**OM 22-36 Solas v. Diversity, Equity, and Inclusivity Committee:**

The Complainant alleged that the DEI Committee failed to file minutes for November 3, 2021 and November 17, 2021. Consistent with this Office’s precedent, we determined that the DEI is “solely advisory in nature” and therefore exempt from posting meeting minutes on the Secretary of State’s website. As such, we found that the DEI did not violate the OMA.

**OM 22-37 Fandetti v. Bonnet Shores Fire District:**

The Complainant alleged that the District violated the OMA by failing to timely post minutes on the Secretary of State’s website for its April 20, 2022 meeting and by providing insufficient notice of business conducted at the December 15, 2021, January 19, 2022, and May 18, 2022 meetings. The District conceded that it did not timely file its minutes due to a technical error and the holiday. Additionally, this Office determined that the agenda items failed to adequately specify the nature of business to be discussed at the December 15, 2021, January 19, 2022, and May 18, 2022 meetings. Accordingly, the District violated the OMA. We did not find injunctive relief appropriate regarding posting minutes because the District posted the minutes on the Secretary of State’s website shortly after the Complaint was filed. We directed the District to take remedial measures regarding the agendas and business conducted at the December 15, 2021, January 19, 2022, and May 18, 2022 meetings. We did not find sufficient evidence of a willful or knowing violation.  
VIOLATION FOUND.

**OM 22-38 Solas v. Trustees of the South Kingstown School Funds:**

The Complainant alleged that the Trustees failed to file minutes for the October 20, 2021 meeting. The Trustees argued that the OMA does not apply to it because it is not a “public body.” Nonetheless, the Trustees filed the relevant minutes one day after receiving the Complaint and indicated an intent to continuing filing minutes in accordance with the OMA. We therefore found it unnecessary for us to



consider whether Trustees violated the OMA because we did not find the remedies of injunctive relief and/or civil fines appropriate.

OM 22-39

**Palazzo v. West Warwick Town Council:**

The Complainant alleged that the Council violated the OMA when the agenda notice for an executive session discussion was not sufficiently specific. Based upon the undisputed evidence before us, we determined that the executive session discussion involved a non-public criminal matter and that a more specific agenda item would compromise the confidential nature of the discussion. Accordingly, we found no violation.

OM 22-40

**Pierson v. Coventry Town Council:**

The Complainant alleged that the Town Council provided inaccurate notice for its April 4, 2022 meeting as the agenda notice listed two (2) separate, in-person locations for the meeting. Based upon the evidence provided, we determined that the agenda notice was misleading as to the meeting's location and the Council violated the OMA. Accordingly, we directed the Council to reconsider and re-vote on any matter which it voted on during its April 4, 2022 meeting during a future, properly noticed and convened meeting.

VIOLATION FOUND.

OM 22-41

**Lapierre v. Woonsocket Housing Authority:**

The Complainant alleged that the WHA violated the OMA when it failed to post complete meeting minutes and when it failed to upload amendments it had made to past minutes to the Secretary of State's website. Based upon the evidence provided, we found the WHA violated the OMA when its minutes failed to include a record of individual votes taken to enter into an executive session but did not violate the OMA in any other instance. Injunctive relief was not appropriate here as the WHA already posted amended minutes disclosing the individual votes, nor were we presented with evidence of a willful or knowing violation.

VIOLATION FOUND.

OM 22-42

**Solas v. South Kingstown School Committee Policy Subcommittee:**

The Complainant alleged that the Subcommittee failed to timely file meeting minutes with the Secretary of State for one meeting. Based upon the undisputed evidence, the Subcommittee is solely advisory in nature and thus exempt from filing meeting minutes with the Secretary of State. *See* R.I. Gen. Laws § 42-46-7(d).

OM 22-43

**Noordzy v. South Kingstown Town Council:**

The Complainant alleged that the Council impermissibly discussed and voted on an agenda item without providing advanced notice to the public in violation of R.I. Gen. Laws § 42-46-6(b). Based upon the undisputed evidence, the Council voted to amend the agenda after a matter was introduced by a member of the public during an open forum session and the Council voted to refer the matter to another Town official, pursuant to R.I. Gen. Laws § 42-46-6(b). In accordance with the plain language of the statute and the Council's un rebutted evidence, we found no violation.

- OM 22-44**     **Solas v. Westerly School Committee Policy Sub-Committee:**  
The Complainant alleged the Subcommittee violated the OMA by failing to timely post minutes for several meetings allegedly occurring in 2021. The Subcommittee provided undisputed evidence that it was disbanded by the School Committee in 2019 and did not convene any meetings in 2021. Accordingly, we found no violation.
- OM 22-45**     **Solas v. RIDE’s Educators of Color Committee:**  
The Complainant alleged the Committee violated the OMA by failing to conduct open meetings, post agendas, and file meeting minutes with the Secretary of State. Based upon the undisputed evidence provided, we determined that the Committee was not a “public body” under the OMA.
- OM 22-46**     **Solas v. R.I. Commission on Prejudice & Bias:**  
The Complainant alleged that the Commission violated the OMA when it failed to timely file minutes for its January 14, 2020 and December 18, 2020 meetings. It was undisputed that the Commission did not meet on January 14, 2020, therefore we found no violation in connection with that meeting. The Commission conceded that it did not timely post minutes for its December 18, 2020 meeting, but the minutes had been posted as of the date of the Commission’s response to the Complaint. Accordingly, we found a violation in connection with the December meeting. We determined that there was insufficient evidence to support a willful or knowing violation and that injunctive relief was unnecessary as the minutes had already been posted.  
VIOLATION FOUND.
- OM 22-47**     **Altabef v. Lincoln Town Council:**  
The Complainant alleged the Council violated the OMA when it failed to timely file minutes for several meetings on the Secretary of State’s website, which the Council conceded. Accordingly, we found a violation. Injunctive relief was not appropriate as the minutes have already been filed with the Secretary of State and we were not presented with sufficient evidence to find a willful or knowing violation.  
VIOLATION FOUND.
- OM 22-48**     **Sorrentino et al. v. South Kingstown School Committee:**  
The Complainants alleged the School Committee violated the OMA at its January 20, 2022 meeting when an agenda item related to the Redistricting/Reconfiguration Plan failed to fairly inform the public of the nature of the business to be discussed. Based upon the totality of the evidence presented, we found that the agenda item in question met the OMA standard of “statement specifying the business to be discussed.” R.I. Gen. Laws § 42-46-6(b). Accordingly, we found no violation.
- OM 22-49**     **Piccirilli v. Barrington School Committee:**  
The Complainant alleged the School Committee violated the OMA at its October 14, 2021 meeting by improperly discussing the implementation of a COVID-19 vaccine mandate and exemption request in executive session under the exemption for litigation and potential litigation. Based upon the totality of the evidence



presented, we determined that the October 14 executive session discussion on the COVID-19 policy was related to reasonably anticipated litigation and thus fit within our precedent and the OMA as a permissible matter for executive session discussion pursuant to R.I. Gen. Laws § 42-46-5(a)(2). Accordingly, we found no violation.

**OM 22-50 Solas v. Rhode Island Board of Education:**

The Complainant alleged the Board violated the OMA because the Board is a public body not listed on the Secretary of State's website and does not post meeting minutes. The undisputed evidence revealed the Board is in fact listed on the Secretary of State's website as a public body and posts its meeting minutes. Accordingly, we found no violation of the OMA.

**OM 22-51 Akers v. Woonsocket Housing Authority:**

The Complainant alleged that the Authority violated the OMA by failing to provide adequate, alternative means of public access for its January 2022 meeting when she accessed the meeting via the Zoom link provided on the agenda and heard "hold music" until 5pm when she disconnected. The Authority provided undisputed evidence that it provided alternative means of access, but experienced technical difficulties. Those technical difficulties were resolved, and the meeting commenced after 5pm when the meeting was scheduled to start at 4:30. Based upon the undisputed evidence that the Authority provided virtual means to access its January meeting, including Complainant's statement that she was able to access the same, we found no violation.

**OM 22-52 Solas v. North Kingstown School Committee:**

The Complainant alleged that the Committee failed to timely post meeting minutes for four meetings. The Committee conceded the Committee failed to post its meeting minutes for one meeting (January 12, 2021) but provided undisputed evidence that it did not meet on the other meeting dates referenced in the Complaint. This Office found that the Committee violated the OMA, but we did not find the violation to be willful or knowing. The Committee noted that they have since posted the minutes in question. Accordingly, no injunctive relief is appropriate.  
VIOLATION FOUND.

**OM 22-53 Cushman v. Warwick City Council Finance Committee:**

The Complainant alleged that the Committee violated the OMA by engaging in a non-public meeting and/or a rolling quorum prior to its May 3, 2021 meeting. Based on the record before us, we did not find sufficient evidence that the Committee discussed the matter outside of a noticed meeting, and accordingly found no violation.

**OM 22-54 Aiello v. Westerly Town Council:**

The Complainant alleges that agenda item 3(b) from the Council's April 11, 2022 meeting failed to fairly inform the public that the Council would be voting to close the Bradford Street School, sell the property, and relocate a Town department. Based upon the record before us, we determined that the Council's agenda item did not fairly inform the public of the nature of the business to be discussed and acted upon. Accordingly, we found the Council violated the OMA and directed the



Council to re-notice, re-consider and re-vote on item 3(b) at a properly posted future meeting with an agenda item that complies with the requirements of R.I. Gen. Laws § 42-46-6(b). We did not find sufficient evidence of a willful or knowing violation.  
VIOLATION FOUND.

PR 22-25

OM 22-55

**Mayer v. Central Coventry Fire District:**

The Complainant filed two complaints against the District. The first alleged that the District violated the APRA when it failed to timely respond to his APRA request. The District conceded its failure to respond and provided undisputed representations that it did not maintain any documents responsive to Complainant's request. Accordingly, although the District violated the APRA, injunctive relief was not appropriate and we did not find evidence of a willful and knowing, or reckless violation. The second complaint alleged the District failed to timely file unofficial meeting minutes with the Secretary of State in accordance with R.I. Gen. Laws § 42-46-7(b)(2). Based upon the record before us, we found the meetings in question were not "regularly scheduled meetings" of the District, and there was no violation.

OM 22-56

**Rose v. Warwick School Committee:**

In two separate Complaints, the Complainant alleged that at its April 28, 2022 meeting, the Warwick School Committee convened a non-public quorum and failed to provide proper executive session notice on the agenda. As to the alleged non-public quorum, we determined that although a quorum was formed there was no evidence on the record before us that substantive public business was discussed. We further concluded that executive session notice in this instance fairly informed the public based on the totality of the circumstances and the nature of the business conducted in executive session. Accordingly, we found no violation.

OM 22-57

**Touchette v. Johnston Town Council:**

Complainant alleged the Council violated the OMA when it failed to timely post minutes for several meetings. Based upon the record before us, we determined the Council failed to timely post official and/or approved minutes for four (4) meetings and thus violated the OMA. Injunctive relief was not appropriate as the minutes have already been posted with the Secretary of State and we were not presented with sufficient evidence that the violation was willful or knowing.  
VIOLATION FOUND.

OM 22-58

**Solas v. Coventry School Committee:**

Complainant alleged the Committee violated the OMA when it failed to timely post meeting minutes for four (4) meetings. The Committee conceded that it failed to timely post minutes for three (3) meetings and thus violated the OMA. Those meeting minutes have since been posted with the Secretary of State. The Committee provided undisputed evidence that the fourth meeting was a Financial Town Meeting exempt from the OMA's requirements under *Pine v. McGreavy* and we found no violation in connection with that meeting.  
VIOLATION FOUND.

OM 22-59

**Solas v. Covid-19 Equity Council:**

The Complainant alleged that the Council failed to file several meeting minutes. Based on the record before us, we determined that the Covid-19 Equity Council is the same entity as the Governor's State Equity Council. Consistent with this Office's precedent, we determined that the Covid-19 Equity Council was not a public body and therefore is not required to post meeting minutes on the Secretary of State's website. As such, we found that the Council did not violate the OMA.

OM 22-60

**Aiello v. Westerly Town Council:**

Complainant alleged the Council violated the OMA when an agenda item on its June 6, 2022 meeting agenda failed to fairly inform the public of the nature of the business to be discussed or acted upon. Based on the record before us, we determined the agenda item provided insufficient notice to the public of the Council's discussions and actions. We did not find injunctive relief appropriate, nor did we find sufficient evidence of a willful or knowing violation.

VIOLATION FOUND.

OM 22-61

**Figgis v. Gloucester Economic Development Commission**

The Complainant alleged the EDC violated the OMA by failing to timely post meeting minutes on the Secretary of State's website for three of the public body's meetings. The EDC conceded that it was tardy in posting two sets of meeting minutes. As to the third, the EDC argued that it was unable to post those minutes because it did not meet within 35 days to approve the prior minutes, so those minutes could not be posted. We found that the EDC violated the OMA by failing to timely post its minutes and noted that a public body should post some official version of its minutes within 35 days of a meeting, regardless of whether they have been "approved." We did not find injunctive relief appropriate, as the minutes have since been posted, nor did we find sufficient evidence of a willful or knowing violation.

VIOLATION FOUND.

PR 22-45

OM 22-62

**Quay v. Middletown Town Council:**

The Complainant alleged that the Council violated the APRA by denying her request for executive session meeting minutes pertaining to the Council's investigation of the tax assessment of a property owned by a Councilwoman. The Complainant further alleged violations of the OMA for: 1) failure to provide proper notice as to executive sessions concerning the aforementioned investigation and, 2) failure to disclose in open session a vote to hire outside counsel that took place in executive session. We found no APRA violation, as the subject minutes were properly sealed under the OMA and were thus rendered non-public under R.I. Gen. Laws § 38-2-2(4)(J). We found no violation under the OMA as to the alleged failure to disclose an executive session vote, because our *in camera* review of the executive session minutes revealed that no such vote ever took place. However, we did find that executive session notice was inadequate because the matter to be discussed therein was public knowledge and therefore required more substantive notice. We



did not find injunctive relief appropriate because no action was taken in executive session, nor did we find sufficient evidence of a willful or knowing violation.  
VIOLATION FOUND.

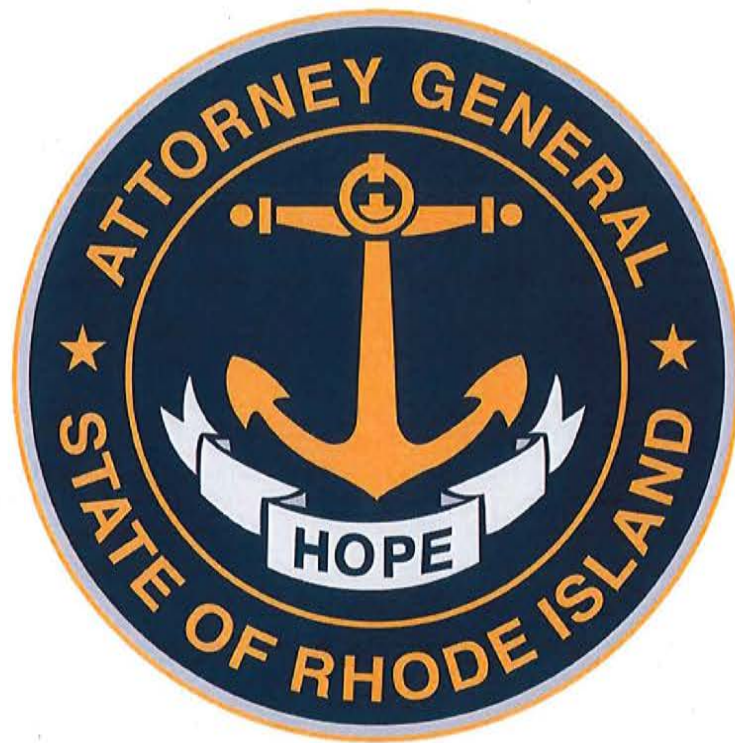
**OM 22-63**     **Aiello v. Westerly Town Council**

Complainant alleged the Council violated the OMA at its June 6, 2022 meeting when it discussed an improper topic in executive session and when that same executive session agenda item failed to inform the public of the nature of business to be discussed and/or acted upon. Based upon the record before us, we determined that the agenda item did fairly inform the public of the Council's intended discussion and action and that the discussion was an appropriate topic for executive session within the OMA. Accordingly, we found no violations.

**OM 22-64**     **FabCity Cigar Lounge v. Pawtucket City Council, in its capacity as Board of License Commissioners**

The Complainant alleged that the board violated the OMA by having a discussion and taking action about the Lounge without providing proper notice. The evidence indicated that the Board discussed and voted on matters not on its agenda involving the Lounge. Because an unnoticed discussion and vote occurred, we found that the Board violated the OMA. *See* R.I. Gen. Laws § 42-46-6(b). However, we did not find evidence of a willful or knowing violation, nor did we find injunctive relief appropriate.  
VIOLATION FOUND.

ACCESS TO PUBLIC RECORDS  
ACT



ANNUAL REPORT 2022



**ATTORNEY GENERAL'S ANNUAL  
REPORT OF COMPLAINTS RECEIVED  
PURSUANT TO  
RHODE ISLAND GENERAL LAWS SECTION 38-2-1, ET  
SEQ., THE ACCESS TO PUBLIC RECORDS ACT**

Rhode Island General Laws Section 38-2-15 requires the Office of Attorney General to submit an annual report to the Legislature summarizing the complaints received pursuant to the Access to Public Records Act, including the number of complaints found to be meritorious and the action taken by the Office of Attorney General in response to those complaints. On occasion, complaints will be resolved by the parties without the issuance of a finding or the Office of Attorney General will issue one finding in response to multiple similar complaints, resulting in a discrepancy between the number of complaints received and findings issued. Additionally, sometimes findings are issued in a different calendar year than when a complaint was received. In cases where this Office finds a violation and determines that injunctive relief is necessary, oftentimes this Office is able to obtain voluntary compliance from the public body without needing to initiate litigation.

The Office of Attorney General is pleased to submit the following information concerning the calendar year 2022.

**STATISTICS**

<b>ACCESS TO PUBLIC RECORDS ACT COMPLAINTS RECEIVED:</b>	79
<b>FINDINGS ISSUED BY THE ATTORNEY GENERAL:</b>	51
<b>VIOLATIONS FOUND:</b>	21
<b>WARNINGS ISSUED:</b>	21
<b>LITIGATION/CIVIL PENALTIES SOUGHT:</b>	0
<b>WRITTEN ADVISORY OPINIONS:</b>	
<b>REQUESTS RECEIVED:</b>	0
<b>ADVISORY OPINIONS ISSUED:</b>	0
<b>APRA REQUESTS TO THE ATTORNEY GENERAL:</b>	168

## VIOLATIONS FOUND/WARNING ISSUED

The Office of Attorney General issued warnings in the following cases where the Office found violations of the Access to Public Records Act:

- PR 22-6            Aubin v. Cranston Police Department
- PR 22-7            Hoff v. Town of Charlestown
- PR 22-9            Bosscher v. University of Rhode Island Police Department
- PR 22-19          Murray v. Coventry Town Council
- PR 22-22          Levitt v. South Kingstown School District
- PR 22-23          Jackson v. R.I. Commission on Prejudice and Bias
- PR 22-24          Cooper v. Coventry Police Department and R.I. State Police
- PR 22-25          Mayer v. Central Coventry Fire District
- PR 22-29          Legal Insurrection Foundation v. Foster-Glocester Regional School District
- PR 22-30          Novak v. R.I. Department of Health
- PR 22-31          Solas v. South Kingstown School Department
- PR 22-33          Levitt v. Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals
- PR 22-34          RI Watchdawgs v. Portsmouth Police Department
- PR 22-35          Pontarelli v. R.I. Department of Education
- PR 22-36          Angell v. Town of Lincoln
- PR 22-40          Nunes v. South Kingstown School Department
- PR 22-41          Doe v. Central Falls Detention Facility Corporation
- PR 22-44          Hanson v. Department of Public Safety and Department of Administration
- PR 22-45          Sherman v. Office of the Governor:
- PR 22-47          Quay v. Middletown Town Council
- PR 22-48          Providence Journal v. R.I. Department of Transportation

\*   \*   \*

Summaries of all findings/written advisory opinions issued are included below.



## ACCESS TO PUBLIC RECORDS ACT FINDINGS – 2022

PR 21-21B

**Filippi v. New Shoreham Tourism Council:**

The Complainant alleged that the Council violated the APRA by failing to adequately respond to five parts of his six-part APRA request. This Office previously issued a finding, PR 21-21, which found that the Council failed to meet its burden of demonstrating that it does not maintain the requested records and that its denial of access to the requested records was permissible under the APRA. This Office required the Council to provide the Complainant with documents responsive to his request, at no charge, and to provide supplemental submissions to this Office as described in PR 21-21. After reviewing the numerous supplemental submissions, which included providing additional responsive documents to the Complainant and attestations from the Councilmembers that no other responsive documents exist, this Office determined that injunctive relief was not appropriate and that there was insufficient evidence of a willful and knowing or reckless violation. We did, however, direct the Council to undergo training on the APRA by viewing this Office's Open Government Summit training video and certify to this Office that such training occurred.

PR 22-1

**Threeboys v. South Kingstown School Department:**

The Complainant alleged that the South Kingstown School Department provided unreasonable prepayment estimates for completing APRA requests seeking email correspondence between various Department employees. The evidence provided to this Office supported the Department's contention that it would take significant time to review (and potentially redact) the requested documents and that the Department needed to review the documents prior to producing them to determine whether certain information was permitted or required to be redacted under the APRA and/or applicable confidentiality laws. Accordingly, this Office found that the Department's estimates in these circumstances were supported by the record and did not violate the APRA. This Office also found that this dispute likely came about due to differing interpretations of the Complainant's requests, and that Department did not err in its interpretation of the requests as it was the Complainant's responsibility to frame the requests with sufficient particularity.

PR 22-2

**Provost v. Narragansett Police Department:**

The Complainant alleged the Department violated the APRA when it denied her request for certain records involving herself that did not result in an arrest. Based on the evidence, including our *in camera* review, we concluded that the privacy interests implicated by disclosing the withheld records outweigh any public interest, and therefore the Department did not violate the APRA by withholding those records.

PR 22-3

**Burke v. City of Warwick:**

The Complainant alleged the City violated the APRA when it withheld documents responsive to his APRA request pursuant to R.I. Gen. Laws § 38-2-2(4)(a)(I)(b). We were not provided with evidence that disclosure would further the public interest. Based on this Office's *in camera* review and applicable precedent, we concluded that the City permissibly withheld the requested documents, which

related to an employment issue involving a particular person. Accordingly, we found no violation.

PR 22-4

**Calabro v. City of Providence:**

The Complainant alleged the City violated the APRA by redacting certain information on email communications between the City and a consultant it engaged. Based upon the undisputed evidence, and after conducting an *in camera* review of the records, we found the City did not violate the APRA because the redactions were permissible pursuant to the deliberative process privilege and Exemption (E).

PR 22-5

**Callaci v. R.I. Department of Health:**

The Complainant alleged RI DOH violated the APRA by withholding responsive records in their entirety. Based upon the record before us, including our *in camera* review, we determined that the records were permissibly withheld under Exemptions (a)(I)(a) or (K) and that no violation occurred.

PR 22-6

**Aubin v. Cranston Police Department:**

The Complainant alleged the Department violated the APRA when it denied his request for arrest warrants and the supporting affidavit related to an incident involving the Complainant that involved him being arrested. Based on the evidence, including our *in camera* review, we concluded that the public interest implicated by disclosing the documents outweighed any privacy interest in the circumstances of this case where an arrest was involved. This Office found that the Department violated the APRA by withholding the record and determined that the Department should provide Complainant with the withheld record within ten business days. We found insufficient evidence of a willful and knowing, or reckless violation.  
VIOLATION FOUND.

PR 22-7

**Hoff v. Town of Charlestown:**

The Complainant alleged that the Town violated the APRA with regard to three APRA requests. The Complainant first alleged the Town violated the APRA when it did not produce a list of attendees for the Town's virtual meetings. The Town indicated and the evidence supported that the Town did not maintain a list of attendees. As such, we found no violation. Additionally, Complainant alleged that the Town's request for an extension and request for prepayment in connection with a different multi-part APRA request violated the APRA. We found that the Town did not violate the APRA by extending the time to respond to the Complainant's request or by assessing prepayment. The Complainant also alleged that the Town improperly withheld documents responsive to a different APRA request. We found that the Town permissibly withheld a portion of the document containing handwritten notes as "notes" and "work products" under the APRA. *See* R.I. Gen. Laws § 38-2-2(4)(K). However, the Town violated the APRA by withholding a different portion of the document. We required the Town to provide the portion of the withheld record that this Office found to be public but did not find that the violation was willful and knowing, or reckless.  
VIOLATION FOUND.



PR 22-8

**Lardner v. Wyatt Corporation:**

The Complainant alleged the Corporation violated the APRA by denying his request for records related to a specific incarcerated individual, citing personal privacy reasons. Based on the record before us, we determined that the privacy interest implicated by disclosure of the records outweighed any public interest in disclosure and the Corporation's denial of the APRA request was permissible under these circumstances.

PR 22-9

**Bosscher v. University of Rhode Island Police Department:**

The Complainant alleged that the Department violated the APRA by not responding to his request. Based on the undisputed record, including the Department's acknowledgment of its error, we found that the Department failed to timely respond to the request and thus violated the APRA. The Department represented and provided evidence that it did not maintain responsive records. As such, we found that the Department did not violate the APRA by not providing records and we found no need for injunctive relief. As the Department provided evidence that its initial failure to respond to the request was inadvertent, we did not find that violation to be willful and knowing or reckless.

VIOLATION FOUND.

PR 22-10

**Azar v. Town of Lincoln:**

The Complainant alleged that the Town violated the APRA by failing to provide her with all the Probate Court recordings she requested. The Town stated that it provided the Complainant with 2020 recordings, but that after conducting a reasonable search, it concluded that it did not possess 2019 recordings. Because the undisputed evidence in the record presented to us supported the Town's assertions that it had conducted a reasonable a search and that all responsive documents maintained by the Town were provided to the Complainant, we found no violation.

PR 22-11

**Borkowski v. City of Warwick:**

The Complainant alleged that the City violated the APRA by not providing him with a document responsive to a portion of his request, which sought a spreadsheet that was maintained by a vendor commissioned by the City to create a report. Although, it was undisputed that the City did not possess the spreadsheet, the Complainant argued that it was incumbent upon the City to obtain the document and provide it to him. The City asserted that the spreadsheet constituted the vendor's work product and the vendor did not provide the document in response to the City's inquiry asking if the document could be produced to the Complainant. Based on the record before us, we found that the third party in possession of the spreadsheet was not acting on behalf of or in place of the City such that it was a public body subject to the APRA. Nor did we find sufficient evidence that the spreadsheet belonged to the City or that the City had a right to obtain it from the vendor and/or an obligation to produce it for the Complainant. We thus found that the City did not violate the APRA.

PR 22-12

**Damon v. Town of Middletown:**

The Complainant alleged that the Town violated the APRA by improperly denying her August 3, 2021 APRA request seeking documents relating to the hiring and engagement of outside counsel to investigate an issue raised at an open meeting. In response, the Town argued that the documents were exempt as investigatory records of a public body. After reviewing the parties' submissions, this Office requested that the Town either provide two withheld emails to the Complainant or file an additional response as to why these emails are exempt from public disclosure in light of this Office's analysis in the finding. Based on the record before us, this Office declined to determine whether the Town's non-production of an engagement letter amounted to an APRA violation, as the letter had already been provided to the Complainant and the initial non-production, even assuming it violated the APRA, did not amount to a willful and knowing or reckless violation of the APRA. Consequently, we found no APRA violation or need for injunctive relief at this juncture, pending the further submissions as described above.

PR 22-13

**Caldwell v. City of Providence:**

The Complainant alleged that the City violated the APRA by withholding records responsive to his requests. The City made the uncontested assertion that the records pertained to a criminal case that had been expunged and that the requested records fell within the ambit of the expungement statute. As the APRA exempts from disclosure records that are made confidential by law, we found that the City did not violate the APRA by not providing the records.

PR 22-14

**Caldwell v. Rhode Island College:**

The Complainant submitted three separate complaints alleging that RIC violated the APRA by failing to provide documents responsive to three (3) APRA requests. Based upon the evidence provided, this Office determined that RIC did not violate the APRA in two instances where it was undisputed that RIC did not maintain documents responsive to two (2) of the Complainant's requests. That left only the second APRA request. The undisputed evidence demonstrated that RIC provided Complainant with the documents requested in his second APRA request; as such, any request for injunctive relief is moot. Additionally, we were provided with no evidence that RIC's initial denial of the second request, even assuming it was improper, would have constituted a willful and knowing, or reckless, violation. Accordingly, we declined to further address the merits of the Complainant's APRA allegation regarding his second request.

PR 22-15

**Caldwell v. Executive Office of Health and Human Services:**

The Complainant submitted two complaints against EOHHS alleging EOHHS violated the APRA by failing to provide documents responsive to two APRA requests he submitted. Based upon the undisputed evidence, EOHHS did not maintain documents responsive to either of Complainant's requests. Accordingly, because the APRA does not require public bodies to provide documents that do not exist, we found no violation in either instance.



PR 22-16

**Hanson v. Rhode Island Supreme Court:**

The Complainant alleged the Court violated the APRA by failing to provide records responsive to his request for certain CCTV footage and for failing to respond to his administrative appeal. Based upon the undisputed evidence presented, the Court did not maintain records responsive to Complainant's request and the Court never received an administrative appeal from the Complainant. Accordingly, we found no violation.

PR 22-17

**Kuffrey v. Cumberland Police Department:**

The Complainant alleged the Department violated the APRA when it denied his request for an incident report related to himself where no arrest occurred. Based on the evidence, including our *in camera* review, we concluded that the privacy interests implicated by disclosing the incident report outweigh any public interest, and therefore the Department did not violate the APRA by denying the request.

PR 22-18

**Caldwell v. City of Providence:**

The Complainant filed two complaints against the City. The first alleged that the City violated the APRA by failing to timely respond to his APRA request. Based upon the undisputed evidence, the City invoked the twenty (20) business day extension provided in the APRA and the Complainant filed his Complaint before the expiration of the extension period. Accordingly, we found no violation. The second Complaint alleged the City violated the APRA by failing to provide all records responsive to an APRA request for certain police officer cell phone information. The City provided un rebutted evidence that it conducted a reasonable search for the requested records and that it did not maintain anything responsive to the request, beyond a call log the City provided to the Complainant. Accordingly, we found no violation in connection with the second complaint.

PR 22-19

**Murray v. Coventry Town Council:**

The Complainant alleged that the Town violated the APRA when it provided a PDF of an Excel spreadsheet when Complainant sought the Excel in its native form—with all formulae included—that had been presented at an open meeting of the Town Council. The Town argued that the spreadsheet in its entirety constituted employee work product and was thus exempt from disclosure under R.I. Gen. Laws § 38-2-2(4)(K). Based upon the record before us, we determined that the spreadsheet and live manipulation of its data at a public meeting constituted a “submission” of the document and thus fell within the exception to Exemption (K). Accordingly, we found a violation and directed the Town to provide the native Excel spreadsheet in its entirety to the Complainant. We did not find sufficient evidence of a willful and knowing, or reckless violation.

VIOLATION FOUND.

PR 22-20

**Kleinman v. South Kingstown School Committee:**

The Complainant alleged the Committee violated the APRA when it failed to respond to his APRA request submitted by email to the Assistant Superintendent. Based upon the undisputed evidence and this Office's prior findings, the Complainant did not submit his request in accordance with the Committee's

established APRA procedures and thus the request was not deemed received by the Committee. Accordingly, we found no violation.

**PR 22-21**

**Humes v. South Kingstown School District:**

The Complainant alleged that the District violated the APRA when it failed to provide all records relating to the sharing of student directory information with third parties. The District provided undisputed evidence that it did not maintain records responsive to the request either at the time of the request or at the time of the Complaint. The District acknowledged that after the request was processed, it learned that a District employee did share directory information with a third-party, but had not disclosed that information to the District, nor could the District locate any records related to that sharing. Accordingly, based upon the evidence provided, we found no violation.

**PR 22-22**

**Levitt v. South Kingstown School District:**

The Complainant alleged the District failed to timely respond to her APRA request. The District conceded its untimely response, stating that it was due to an error in their tracking system. It is undisputed that the District has now provided the Complainant with the records sought. Accordingly, injunctive relief is not appropriate, nor were we presented with evidence of a willful and knowing, or reckless violation.

VIOLATION FOUND.

**PR 22-23**

**Jackson v. R.I. Commission on Prejudice and Bias:**

The Complainant alleged the Commission failed to properly respond to her APRA request in a number of ways. Based upon the record before us, we determined that the Commission violated the APRA by failing to provide a response in writing and failing to indicate whether all responsive documents were provided or whether it withheld, redacted, or had no responsive documents. We directed the Commission to provide a response to the Complainant that complies with the APRA within ten (10) business days and also to undergo training on the APRA's requirements.

VIOLATION FOUND.

**PR 22-24**

**Cooper v. Coventry Police Department and R.I. State Police:**

Complainant submitted one APRA complaint against both the Department and the State Police. Complainant alleged the Department violated the APRA by failing to include administrative appeal procedures in its response to his request and that it denied his request without citing an APRA exemption to withhold the documents. Based upon our review, we found the Department violated the APRA by failing to include its appeal procedures. We determined injunctive relief was unnecessary and there was insufficient evidence to support a willful and knowing, or reckless violation. As against State Police, the Complainant alleged the State Police violated the APRA when it failed to respond to his request. Based upon the record before us, we determined the State Police did not receive Complainant's request. Accordingly, we found no violation against the State Police.

VIOLATION FOUND.



OM 22-55

PR 22-25

**Mayer v. Central Coventry Fire District:**

The Complainant filed two complaints against the District. The first alleged that the District violate the APRA when it failed to timely respond to his APRA request. The District conceded its failure to respond and provided undisputed representations that it did not maintain any documents responsive to Complainant's request. Accordingly, although the District violated the APRA, injunctive relief was not appropriate and we did not find evidence of a willful and knowing, or reckless violation. The second complaint alleged the District failed to timely file unofficial meeting minutes with the Secretary of State in accordance with R.I. Gen. Laws § 42-46-7(b)(2). Based upon the record before us, we found the meetings in question were not "regularly scheduled meetings" of the District, and there was no violation.

VIOLATION FOUND.

PR 22-26

**Solas v. South Kingstown School Department:**

The Complainant alleged that the Department provided an unreasonable prepayment estimate of \$15.00 for completing her APRA request. Based upon the record before us, Complainant's first free hour had already been utilized on other APRA requests Complainant had filed with the Department within the previous thirty (30) days and the Department estimated approximately one hour to search and retrieve documents responsive to her request. Accordingly, we found no violation.

PR 22-27

**WPRI v. Rhode Island Department of Education:**

Complainant alleged RIDE violated the APRA by failing to cite an APRA exemption when it denied its request for information related to teacher certifications. Based upon the record before us, we found that the Complainant did not submit a request for records under the APRA, but rather something that resembled a request for information or answers to questions. Accordingly, we found no violation.

PR 22-28

**Fargnoli v. Pawtucket School Department:**

Complainant alleged the Department violated the APRA by denying his request for records of incidents involving his minor children on the basis that disclosure of the records would constitute a clearly unwarranted invasion of personal privacy. Based upon the totality of the evidence, as well as Rhode Island Supreme Court precedent and prior findings issued by this Office, we found that the Department did not violate the APRA by denying Complainant's request for minor-student records. We make no determination whether Complainant is entitled to these records outside of the APRA.

PR 22-29

**Legal Insurrection Foundation v. Foster-Glocester Regional School District:**

The Complainant alleged that the District failed to timely respond to its APRA request. The District conceded its untimely response, stating that it was due to a clerical oversight. It is undisputed that the District has now provided the Complainant with the records sought. Accordingly, injunctive relief is not

appropriate, nor were we presented with evidence of a willful and knowing, or reckless violation.

VIOLATION FOUND.

PR 22-30

**Novak v. R.I. Department of Health:**

The Complainant alleged that the Department violated the APRA in responding to the Complainant's APRA request when it allegedly withheld responsive records, failed to adequately cite a reason for its denial, failed to provide appeal procedures, and failed to state that no reasonably segregable portion of responsive records could be provided. The Department provided evidence that it did not have records responsive to the request. Based upon our review, we found that the Department violated the APRA by failing to include appeal procedures in its response. We determined injunctive relief was unnecessary and there was insufficient evidence to support a willful and knowing, or reckless violation.

VIOLATION FOUND.

PR 22-31

**Solas v. South Kingstown School Department:**

The Complainant filed three (3) total complaints against the Department. The Complainant alleged that the Department failed to produce all documents responsive to two (2) separate APRA requests and alleged that the Department improperly withheld documents responsive to a third request. The Department stated that it had provided Complainant with all responsive documents within its possession relative to the first two requests, and properly denied the third request because the documents in question were exempt under R.I. Gen. Laws § 38-2-2(4)(A)(I)(b) (containing personal individually identifiable information about minors). We determined that there were no violations as to two of the complaints but found a violation as to the May 19, 2021 Complaint because the Department did not initially provide Complainant with all responsive records within its possession. We did not find sufficient evidence of a willful and knowing, or reckless violation.

VIOLATION FOUND.

PR 22-32

**Milkovits v. City of East Providence:**

The Complainant alleged that the City violated the APRA by denying release of a police report involving the investigation and arrest of a local lawyer on New Year's Day of 2022. Both parties agreed that the Complainant filed an APRA Complaint three (3) business days after submitting the initial APRA request to the City. Consequently, we found no violation because the statutory timeframe to respond had not elapsed and because the City eventually responded to the request in a timely manner. Although the Complainant argued that the City improperly redacted the report, because this issue was raised for the first time on rebuttal, we declined to address this issue, consistent with our policy and precedent.

PR 22-33

**Levitt v. Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals:**

The Complainant argued that BHDDH violated the APRA by improperly redacting all of the columns in the requested timesheets of an employee with the exception of those showing the total hours worked. BHDDH argued that these redactions were



appropriate, because by showing how the employee discharged time the Complainant could determine how much sick time was discharged (in violation of HIPAA and state healthcare confidentiality laws). BHDDH also argued that disclosure of this information would implicate the employee's personal privacy interests. We determined that healthcare confidentiality laws are not implicated when only the amount of sick time discharged is disclosed, and that the public interest in disclosing this information outweighed the personal privacy interests. We therefore found that BHDDH violated the APRA by redacting this information. We did not find sufficient evidence of a willful and knowing, or reckless violation, however.

VIOLATION FOUND.

**PR 22-34**      **RI Watchdaws v. Portsmouth Police Department:**

The Complainant argued that the Portsmouth Police Department violated the APRA by improperly redacting columns reflecting compensatory time for individual employees for the years 2020 and 2021. Although the Department provided these figures in the aggregate, it argued that as attributed to individual employees, this information was not explicitly public, and disclosure of the same would constitute an unwarranted invasion of personal privacy. We determined that the public interest in disclosing this information outweighed any potential invasion of the employees' personal privacy. We therefore found that the Department violated the APRA by redacting this information. We did not find sufficient evidence of a willful and knowing, or reckless violation.

VIOLATION FOUND.

**PR 22-35**      **Pontarelli v. R.I. Department of Education:**

The Complainant alleged that RIDE violated the APRA by not having its chief administrative officer review his initial appeal to RIDE and by providing inaccurate and incomplete responses to his APRA request. As to the Complainant's former allegation, we found that a public body has discretion to delegate a chief administrative officer's review to subordinates, but the public body must promulgate this potential delegation as part of its written APRA procedures. By failing to do so, we found that RIDE violated the APRA. As to the allegation that its responses were inaccurate or incomplete, this Office declined to determine whether RIDE violated the APRA because, based on the record before us, the Complainant was provided with all responsive records and there was no evidence of a willful and knowing or reckless violation of the APRA.

VIOLATION FOUND.

**PR 22-36**      **Angell v. Town of Lincoln:**

Complainant alleged the Town violated the APRA by failing to respond to two (2) separate APRA requests made on the same day. After being sent the copy of the APRA complaint and this Office's investigatory demand, we did not receive a substantive response within ten (10) business days from the Town. On or about March 4, 2022, the Town advised that the Complainant was provided documents pursuant to one (1) APRA request, but the Town was unaware of the second APRA request. Subsequent to this update, this Office attempted on three (3) separate occasions to obtain a formal response from the Town regarding the allegations. The



Office did not receive a substantive response. Based on the record before us and lack of a formal substantive response, we find that the allegations are un rebutted, and that the Town violated the APRA by failing to respond to Complainant's request. We directed the Town to provide a response to the Complainant that complies with the APRA within ten (10) business days, and also to undergo training on the APRA's requirements.

VIOLATION FOUND.

**PR 22-37**

**Gonzalez v. City of Warwick:**

The Complainant alleged that the City violated the APRA by exempting from public disclosure records pertaining to a "cell site simulator," which is used locate or identify mobile devices. In response, the City argued that the records are exempt from production because the records would reveal techniques and procedures employed in connection with active criminal investigations. Based on the evidence, including the Complainant's own admissions relative to the records sought and their usage, we found that the City did not violate the APRA.

**PR 22-38**

**Andrade v. City of East Providence:**

The Complainant alleged that the City violated the APRA by failing to provide all documents responsive to her request for records related to the Kettle Point Park and Pier project. In response, the City stated that it had attempted to communicate with the Complainant for clarification but had been unable to reach her (the Complainant conceded that she did not take the City's call). The City argued that it provided all responsive records but provided little detail as to the adequacy of its search. Based on the record before us, we declined to make a determination as to whether the City's actions were proper under the APRA, but instead directed the parties to confer and potentially resolve this matter. To the extent that a dispute remains after this conference, the parties are directed to submit supplemental filings.

**PR 22-39**

**St. Angelo v. South Kingstown School District:**

The Complainant alleged the District violated the APRA when it denied his request for certain documents related to a PR firm on the grounds that no documents responsive to the Complainant's request existed. The District provided undisputed evidence in affidavit form that it does not possess any documents evincing a relationship between the District and the PR firm or any monies paid by the District to the PR firm. Accordingly, as the APRA does not require a public body to disclose records that do not exist, we found no violation.

**PR 22-40**

**Nunes v. South Kingstown School Department:**

The Complainant alleged that the Department violated the APRA by denying his request for video footage pertaining to an incident at South Kingstown High School and by failing to state that no portion of the responsive footage was reasonably segregable. We determined that the records were nonpublic in full because the privacy interests of the students involved outweighed the asserted public interest and because the Department lacked the technology to adequately redact the record. Nevertheless, we found that the Department violated the APRA by failing to state in writing that no reasonably segregable portion of the footage existed.

VIOLATION FOUND.



PR 22-41

**Doe v. Central Falls Detention Facility Corporation:**

The Complainant alleged that the Corporation failed to respond to their APRA request within ten (10) business days. The Corporation acknowledged that it did not timely respond to the request due to having limited contact information for the requester. Accordingly, the Corporation violated the APRA by failing to timely respond. Injunctive relief was not appropriate as the Corporation did respond to the request after receiving further communication from the requester, nor did we find evidence of a willful and knowing, or reckless violation.

VIOLATION FOUND.

PR 22-42

**Machado v. City of Providence:**

The Complainant alleged that the City violated the APRA by denying her request for body-worn camera footage and police reports involving the pursuit and arrest of three teens in the City of Providence in July of 2021. The City subsequently made the subject records available to the public at large. Based on the City's representation that it relied on this Office's past findings in denying the Complainant's request, we determined that the City's initial denial of the request did not constitute a willful and knowing, or reckless, APRA violation. Because the records have since been made publicly available, this Office declined to determine whether the City violated the APRA because neither injunctive relief nor civil fines are necessary or appropriate in this instance.

PR 22-43

**Hanson v. Department of Public Safety and Department of Administration:**

The Complainant alleged that both DPS and DOA violated the APRA when these agencies denied his multiple requests for certain CCTV footage of the Sixth District Courthouse for a specific date in 2017. Both agencies provided un rebutted evidence that they did not maintain the requested records. Accordingly, we found no violation against either DPS or DOA.

PR 22-44

**Hanson v. Department of Public Safety and Department of Administration:**

The Complainant alleged that DPS violated the APRA when it denied his request for emails stating that DOA was the proper agency to submit his request to. The Complainant also alleged the DOA violated the APRA when it too denied his request for the same emails and stated that he must submit his request to DPS. Both DPS and DOA submitted seemingly contradictory briefings to this Office. Upon further inquiry, DPS submitted un rebutted evidence that, at the time the Complainant submitted his APRA request, DPS did not maintain the records sought and, in order to obtain those records, DOA required DPS to submit an APRA/e-discovery form for DOA approval and processing. DPS elected to follow that procedure, submit the APRA/e-discovery form to DOA, obtain all records responsive to both of Complainant's requests to DPS and DOA, and respond to the Complainant. DOA did not dispute that it required DPS to follow this procedure to obtain the records nor did it dispute DPS's contention that DOA was the agency that maintained the records sought by Complainant at all times relevant to this matter. Accordingly, we found that DPS did not violate the APRA, but DOA did violate the APRA when it told Complainant that it did not maintain the requested records. Injunctive relief was not appropriate as DPS provided un rebutted evidence



that the Complainant is now in possession of all public, responsive records. Nor did we find sufficient evidence of a willful and knowing, or reckless violation by DOA. VIOLATION FOUND.

**PR 22-45**      **Sherman v. Office of the Governor:**

The Complainant alleged that the Governor's Office violated the APRA by withholding a record that the Governor's Office contended was not subject to the APRA. Based on our review of the document and the relevant legal standards, we concluded that the record is subject to the APRA but that it was permissible for the Governor's Office to withhold the record based on privacy interests and the deliberative process privilege. As such, the Governor's Office violated the APRA by initially citing an invalid reason for withholding the record, but we did not find sufficient evidence of a willful and knowing or reckless violation and did not find that injunctive relief was appropriate. VIOLATION FOUND.

**PR 22-46**      **Froehlich v. Rhode Island Airport Corporation:**

The Complainant alleged that the Rhode Island Airport Corporation violated the APRA by failing to provide him with video footage responsive to his three (3) APRA requests. Because the undisputed evidence in the record presented to us supported the Corporation's assertions that it had conducted a reasonable search, and that all responsive documents and video footage maintained by the Corporation were provided to the Complainant, we found no violation.

**PR 22-47**      **Quay v. Middletown Town Council**

The Complainant alleged that the Council violated the APRA by denying her request for executive session meeting minutes pertaining to the Council's investigation of the tax assessment of a property owned by a Councilwoman. The Complainant further alleged violations of the OMA for: 1) failure to provide proper notice as to executive sessions concerning the aforementioned investigation and, 2) failure to disclose in open session a vote to hire outside counsel that took place in executive session. We found no APRA violation, as the subject minutes were properly sealed under the OMA and were thus rendered non-public under R.I. Gen. Laws § 38-2-2(4)(J). We found no violation under the OMA as to the alleged failure to disclose an executive session vote, because our *in camera* review of the executive session minutes revealed that no such vote ever took place. However, we did find that executive session notice was inadequate because the matter to be discussed therein was public knowledge and therefore required more substantive notice. We did not find injunctive relief appropriate because no action was taken in executive session, nor did we find sufficient evidence of a willful or knowing violation. VIOLATION FOUND.

**PR 22-48**      **Providence Journal v. R.I. Department of Transportation:**

The Complainant alleged RIDOT violated the APRA when it withheld documents in their entirety that were responsive to its request for records related to the East Bay Bike Path. Based upon the record before us, as well as our *in camera* review of the withheld documents, we determined that the RIDOT violated the APRA by failing to release reasonably segregable portions of the withheld documents and/or



affirmatively state that no reasonably segregable portions exist. We determined injunctive relief was not appropriate as it was undisputed that the Complainant received the requested documents in response to a different APRA request. Nor did we find sufficient evidence of a willful and knowing, or reckless violation.  
VIOLATION FOUND.

**PR 22-49**

**Grundy v. R.I. National Guard:**

The Complainant alleged RING violated the APRA when it failed to respond to four (4) APRA requests. RING provided undisputed evidence that it never received any APRA request from the Complainant and that, even if it had, RING no longer maintains the records sought by the Complainant due to its administrative records destruction policy. Accordingly, we found no violation.

**PR 22-50**

**Cianci v. R.I. Department of Health:**

The Complainant alleged that DHS violated the APRA by assessing prepayment relative to his request for records related to DHS' "Corrective Action Plan" to provide reimbursements to residents of the Rhode Island Veterans Home. We found that DHS did not violate the APRA by assessing prepayment for retrieval and review because legal precedent allows for the same. We also found DHS's search and retrieval process comported with the APRA. Finally, although not specifically raised by the Complainant, we found DHS' estimated search and retrieval rate and overall prepayment amount to be reasonable based on the record before us.

**PR 22-51**

**Solas v. RI Department of Education:**

The Complainant alleged that RIDE violated the APRA by providing a nonresponsive document to her request for an accounting of all monies paid to a third-party vendor over a period of five years. RIDE submitted undisputed evidence that the information Complainant contended was not included in the document provided was, in fact, clearly present in the document under Column K. Accordingly, we found no violation.