

DANIEL J. NARDO
POST OFFICE BOX 216
HINGHAM, MASSACHUSETTS 02043-0216

TEL: 617 378 7948
EMAIL: DNARDO@NARDOASSOCIATES.COM

September 1, 2020

Delivered via electronic mail to Rebecca.murray@sec.state.ma.us and pre@sec.state.ma.us

Rebecca S. Murray, Supervisor of Records
The Commonwealth of Massachusetts
Public Records Division
One Ashburton Place, Room 1719
Boston, Massachusetts 02108

Re: **Public Records Request Dated August 12, 2020, to Town of Hingham**

Dear Ms. Murray:

On August 12, 2020, I submitted a Public Requests Request to the Town of Hingham, in accordance with G. L. c. 66, § 10A and 950 C.M.R.32.08(1), for three categories of records concerning the Hingham Fire Department. I am satisfied with the Town of Hingham's response to category one and category two.

In category three, I requested "any and all contracts, agreements, reports, documents, and financial records concerning the Town of Hingham's work with Ms. Regina Ryan and/or Discrimination and Harassment Solutions in relation to the Hingham Fire Department or Hingham Firefighters Local 2398 since January 1, 2020." Category three concerns documents that prove the abuse of public financial resources. The Hingham Board of Selectmen have launched a politically motivated and retaliatory inquiry in to three firefighters concerning the display of a flag on a fire truck that flew to honor fallen Weymouth Police Sergeant Michael Chesna.

The Town of Hingham seeks to withhold the response to category three under G.L. c.4 §7(26)(f), citing, "the Town of Hingham considers this matter under investigation by Ms. Ryan until further notice and all documents relating to this matter are being withheld."

The Town of Hingham has failed to meet the burden of proof to withhold these records. G.L. c.4 §7(26)(f) defines a category of public records, which are, "investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest." Ms. Ryan is not a law enforcement or other investigatory official and the disclosure of the requested materials would not so prejudice the possibility of effective law enforcement, since the investigation is not being conducted by law enforcement and is not criminal in nature. Moreover, the disclosure would be in the public interest. As taxpayers, we have a right to know how our tax dollars are being spent, and for what reason.

DANIEL J. NARDO

Ms. Rebecca S. Murray

Re: **Public Records Request Dated August 12, 2020, to Town of Hingham**

September 1, 2020

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As you know, The Public Records Law strongly favors disclosure by creating a presumption that all government records are public records. G. L. c. 66, § 10A(d); 950 C.M.R. 32.03(4). "Public records" is broadly defined to include all documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any town of the Commonwealth, unless falling within a statutory exemption. G. L. c. 4, § 7(26). Since the public records I have requested do not fall under a statutory exemption, I ask that you order the Town of Hingham to release the records immediately

Sincerely,

A handwritten signature in dark ink, appearing to read 'Daniel J. Nardo', with a stylized, cursive-like flourish at the end.

Daniel J. Nardo

Enc: (1) August 12, 2020, PRR to Town of Hingham

Cc: T. Mayo, Hingham Town Administrator
M. Monsegur, Hingham Assistant Town Administrator
E. McCracken, Hingham Town Clerk, and RAO

TOWN OF HINGHAM

OFFICE OF THE SELECTMEN

Mary M. Power, Chair
Joseph M. Fisher
William C. Ramsey



Tom Mayo, Town Administrator
Michelle Monsegur,
Assistant Town Administrator

August 31, 2020

Daniel J. Nardo
P.O. Box 216
Hingham, MA 02043
Via email: dnardo@nardoassociates.com

RE: Public Records Request Received on August 17, 2020

Dear Mr. Nardo:

I am writing in response to your public records request received on August 17, 2020 (see attached copy for reference). In your letter, you requested the following documents:

1. "Any and all documents or correspondence concerning a Hingham Firefighters Local 2398 Vote of No Confidence on Chief Murphy;
2. Any and all documents or correspondence concerning safety concerns brought to the Town of Hingham's attention by Hingham Firefighters Local 2398 since January 1, 2020;
3. Any and all contracts, agreements, reports, documents, and financial records concerning the Town of Hingham's work with Regina Ryan and/or Discrimination and Harassments Solutions, LLC in relation to the Hingham Fire Department or Hingham Firefighters Local 2398 since January 1, 2020."

Please see the enclosed records located by the Town in response to item #1 above.

Regarding item #2, an initial search of all electronic communications from January 1, 2020 to the date of your request containing the word "safety" returned over 39,000 results. The Town is writing to request that you consider modifying the scope of your request to enable the Town to produce the requested records more efficiently and affordably. We can then provide a reasonable estimate of the staff time required to search for and compile responsive documents, along with an estimate of the fee associated with producing the requested records.

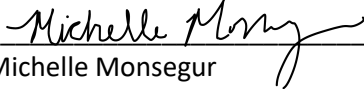
Regarding item #3, the Town of Hingham considers this matter under investigation by Ms. Ryan until further notice and all documents relating to this matter are being withheld under M.G.L. c. 4, § 7(26)(f).

To the extent that any of the requested records qualify for an exemption from the public records law under M.G.L. c. 4, § 7(26)(c) and (f) and all other applicable exemptions (including but not limited to the

attorney client/work product privilege), the Town reserves the right to redact and/or withhold those records.

You are hereby advised of your remedies under 950 CMR 32.08 and M.G.L. c. 66, § 10(b)(ix) to the extent applicable.

Sincerely,


Michelle Monsegur
Assistant Town Administrator

cc: Eileen McCracken, Town Clerk and RAO

DANIEL J. NARDO
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HINGHAM, MASSACHUSETTS 02043-0216

TEL: 617 378 7948
EMAIL: DNARDO@NARDOASSOCIATES.COM

August 12, 2020

Delivered via Electronic Mail to mayot@hingham-ma.gov

Tom Mayo
Town Administrator
Town of Hingham
210 Central Street
Hingham, Massachusetts 02043

RE: **PUBLIC RECORDS REQUEST: Hingham Fire Department**

Dear Mr. Mayo:

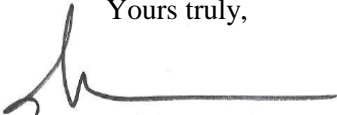
In accordance with Massachusetts Public Records Law, MGL Ch. 66 § 10, please provide me with a copy of the following records as soon as possible:

1. Any and all documents or correspondence concerning a Hingham Firefighters Local 2398 Vote of No Confidence on Chief Murphy;
2. Any and all documents or correspondence concerning safety concerns brought to the Town of Hingham's attention by Hingham Firefighters Local 2398 since January 1, 2020;
3. Any and all contracts, agreements, reports, documents, and financial records concerning the Town of Hingham's work with Regina Ryan and/or Discrimination and Harassments Solutions, LLC in relation to the Hingham Fire Department or Hingham Firefighters Local 2398 since January 1, 2020.

I recognize you may charge a reasonable cost for copies; I will remit payment promptly.

Massachusetts Public Records law requires you to provide me with a written response withing ten business days. If for some odd reason you cannot comply with my request, you are statutorily required to provide me with an explanation in writing.

Considering the COVID-19 Pandemic, please communicate regarding my request via electronic mail to dnardo@nardoassociates.com.

Yours truly,

Daniel J. Nardo