



City of Boston
Law

July 15, 2026

Brian McCarter
6 Liberty Square PMB 9194
Boston, MA 02109
mccarter.brian.j@gmail.com

Via mail and email

Dear Mr. McCarter,

The Boston City Council (the “Council”) received your Open Meeting Law Complaint on June 24, 2026. The Council has authorized the City of Boston Law Department to respond on its behalf. Please accept the attached as the Council’s formal response to the Complaint, pursuant to [940 CMR 29.05](#).

Sincerely,

A handwritten signature in blue ink, appearing to read "m firestone".

Mike Firestone
Corporation Counsel

Cc: Boston City Council
Boston City Clerk
Massachusetts Attorney General’s Office, Division of Open Government



July 15, 2026

Dear Mr. McCarter,

The Boston City Council (the “Council”) received your Open Meeting Law complaint on June 24, 2026. See Open Meeting Law Complaint of Brian McCarter (the “Complaint”). On July 8, 2026, the Council authorized the City of Boston Law Department (the “Department”) to respond on its behalf.

Response

The Council received the Complaint on June 24, 2026. On July 8, 2026, the Council reviewed the complaint and referred to the Law Department an allegation that the Open Meeting Law was violated during a May 6, 2026 meeting. The Complaint alleges that during the “open session a member of the public who was videorecording the meeting was removed from the chamber and excluded for about twenty minutes solely because he was recording...” See Complaint. The Complaint further alleged that the public meeting minutes are inaccurate and incomplete because they do not reflect this person’s removal. See Complaint.

As a preliminary matter, your Complaint was not filed within the statutorily allowed time period. You state that the public was only made aware of the alleged violation on June 22, 2026. This is not consistent with the State’s standard for late filings. “If the alleged violation could not reasonably have been known at the time it occurred, then the complaint must be filed within 30 days of the date it should reasonably have been discovered. 940 CMR 29.05(4). When an alleged violation occurs in open session, the alleged violation can reasonably be discovered at the time it occurs. See OML 2024-2; OML 2014-85; OML 2012-52.” OML 2025-186. Here, the alleged



violation occurred in open session, meaning it could have reasonably been discovered at the time it occurred. Furthermore, the video recording of the meeting was available on YouTube long before June 22, 2026. Therefore, your complaint is not timely. However, to the extent your Complaint requires a response, the City Council responds as follows.

Your Complaint alleges that Boston police removed a member of the public (Mr. Shawn Nelson) who was recording a meeting without adequate warning, and that City Council allowed Mr. Nelson to return and continue filming around twenty minutes later. See Complaint. The Complaint acknowledges that the alleged violation was “cure[d]” within approximately twenty minutes. See Complaint.¹ The complaint also alleges that the approved meeting minutes are inaccurate because they list only a “Recess” and do not provide a reason. See Complaint.² Chapter 30A, section 22(a) requires “A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” With respect to the recess addressed in your Complaint, the required information is contained in the meeting minutes for the May 6, 2026 meeting such that an

¹ Regarding the allegation that Mr. Nelson was improperly removed from the City Council Chamber, there was no action by the public body. The officers were under the impression that Mr. Nelson was violating a “No Trespass” order put in place in 2022 as the result of a previous disruptive incident. Officers escorted Mr. Nelson outside the chamber as Mr. Nelson continued to record. Officers then checked with staff from City Property Management, who confirmed that Mr. Nelson’s “No Trespass” order had been lifted and that he was free to remain on the premises. At that point, officers relayed to Mr. Nelson that he was free to re-enter the session and record it so long as he did not cause a disruption. “[T]he Division of Open Government’s review concerns compliance with the Open Meeting Law, G.L. c. 30A, §§ 18-25; we do not review whether a public body has complied with other laws or rules, including the body’s own rules. See OML Declination 9-19-2025; OML 2020-41 (“Because our review concerns only compliance with the Open Meeting Law, we decline to review and offer no opinion on allegations that the Committee violated other laws or its own policy.”).” OML 2025-183.

² The recess was not called for the purpose of removing Mr. Nelson, as is alleged in the Complaint. A full video of the meeting is available here: <https://www.youtube.com/watch?v=tXj4tzoq4Bk&t=5855s>.



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individual reading them could understand what occurred – additional information regarding a reason for the recess, which was not provided at the meeting, is not required.

Remedial Actions

Please accept this letter as an acknowledgment that members of the public may record open sessions in accordance with the provisions cited above. Councilors have been reminded by Council staff that members of the public are allowed to record in the chamber. Additionally, the Council is already scheduled to receive training on the Open Meeting Law in Fall 2026, and that training will include information about the public's ability to record open sessions with the permission of the Chair.

Sincerely,

A handwritten signature in blue ink, appearing to read "m firestone".

Mike Firestone
Corporation Counsel