



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
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August 2, 2019

VIA E-MAIL ONLY

Ava Sasani
Through MuckRock
76077-87491204@requests.muckrock.com

Re: **Your Public Records Request**

Dear Ms. Sasani:

I write in further response to your public records request made pursuant to the Massachusetts public records law, G.L. c. 66, § 10, which was originally received by the Office of the Attorney General (AGO) on June 27, 2019. On July 12 we provided you with a good faith cost estimate to process your request as written.¹ In a July 18 e-mail, which was received on July 19,² you "temporarily amend[ed]" your original request to only seek "documents related to the investigation into Winchester's Green Life Janitorial ... [to] include all files between March 2019 related to Green Life Janitorial's Fair Labor Division files." You further elaborate that you think such files "should include" the following:

1) How much did Green Life pay after their first two citations in 2019? On 3/20/2019, Green Life was cited for Non-Payment of Wages Failure to Furnish True and Accurate Records to the AGO (assessed at \$5,400.00 and \$7,500.00, respectively). The citation number for these two 2019 complaints are 18-02-48590-003 and 18-02-48590-004. According to the AGO's publicly available data set (linked below) neither of these citations were paid in full. <https://www.mass.gov/service-details/fair-labor-division-data> The documents I am requesting should include the AGO's record of how much Green Life paid for either of those citations.

2) All communications, email or otherwise, between the Attorney General's Office and Green Life Janitorial (or the Silvas themselves or their attorneys) between 3/20/2019 and 7/15/2019.

¹ Your original request was submitted via e-mail to the AGO Records Access Officer mailbox in a series of three (3) consecutive requests between 4:09 and 4:12 p.m. on June 26, all of which were related to AGO Fair Labor Division/Wage Theft matters. In our July 12 response, we fully responded to two of the three requests and provided the above-referenced cost estimate in conjunction with your (third) request for four (4) Wage Theft cases, one of which was the Green Life case.

² See Supervisor of Records Regulations at 950 CMR 32.03(3). See also 950 CMR 32.02 and 950 CMR 32.06(2)(e).



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3) All intake data and records relating to the receipt of the above 2019 complaints against Green Life Janitorial. If the employees filing the complaint used the online FLD form, I would like that. If the employees called the Fair Labor Hotline to report their complaints, I would like the FLD intake coordinator's documentation of that phone call.

As a preliminary matter, we note that the public records law provides only for the identification, review, and disclosure of existing records. It is not designed for the purpose of answering questions or responding to requests styled as interrogatories that require the creation of a narrative or record in order for the response to be complete.³

We have identified one hundred sixty-four (164) pages of records that may be responsive to your request and are subject to disclosure under the public records law, G.L. c. 66, § 10 and G.L. c. 4, § 7, cl. 26. Some of these records have been redacted in accordance with G.L. c. 4, § 7, cl. 26, insofar as they contain: (c) information relating to specifically named individuals, including the names and identifying information of complaints, names of certain third parties, and financial information, the disclosure of which may constitute an unwarranted invasion of personal privacy.⁴ Further, G.L. c. 4, § 7, cl. 26(f) also applies to withhold the names and identifying information of the complainants, as such disclosure would cause a "chilling effect" on such complainants to speak candidly with law enforcement.

Please be advised that two (2) additional records responsive to your request are being withheld under G.L. c. 4, § 7, cl. 26(f), as they consist of internal memoranda that are not subject to disclosure, as they are materials that wholly reflect confidential investigative techniques, procedures, and sources of information that are necessarily compiled out of the public view, the disclosure of which would so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest.

As you know, the public records law permits a custodian of public records to charge requesters for certain costs associated with responding to public records requests. See G.L. c. 66, § 10(d); and 950 CMR 32.07. The actual cost of responding to this amended request is \$137.50. This total accounts for: two and one half (2.5) hours already expended for staff to search for, retrieve, and prepare all responsive records for review; two and one half (2.5) hours for qualified staff to review the Green Life Janitorial (Green Life) records, and redact certain protected information⁵ and otherwise segregate the records; and one half (0.50) hour for an attorney to further review the Green Life records for protected information, for a total labor expenditure of five and one half (5.5) hours at the rate of \$25.00 per hour. However, G.L. c. 66, § 10(d)(ii)(B) provides that no fees shall be charged for the first four (4.0) hours of labor required to respond to a request. Therefore, the total amount of chargeable labor is one and one half (1.5) hours at the rate of \$25.00 per hour (\$37.50).

³ See G. L. c. 66 § 6A(d); 32 Op. Atty. Gen. 157, 165 (May 18, 1977).

⁴ See also G.L. c. 66A, § 2(c); 940 CMR 11.04(1).

⁵ The names of complainants, employees, and certain third parties require redaction in accordance with G.L. c. 4, § 7, cl. 26(c), as disclosure of this information would constitute an unwarranted invasion of personal privacy. See also G.L. c. 66A, § 2(c) and 940 CMR 11.04(1)(b)(1).

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We will send you the requested records as outlined above upon receipt of \$37.50. Please make your check or money order payable to the Commonwealth of Massachusetts, noting on the check that it concerns a public records request, and send it to my attention at the above address.

You have the right to appeal this response to the Supervisor of Records pursuant to G.L. c. 66, § 10A(a), and to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under G.L. c. 66, § 10A(c).

Very truly yours,



Lorraine A.G. Tarrow
Assistant Attorney General & Records Access Officer
General Counsel's Office