



STATE OF RHODE ISLAND  
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*Peter F. Neronha*  
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**VIA EMAIL ONLY**

September 4, 2025  
OM 25-30

Mr. Stephen Moffitt  
smoffitt11@yahoo.com

Mr. Jon M. Anderson, Esquire  
janderson@brcsm.com

**Re: Moffitt v. Chariho School Committee**

Dear Mr. Moffitt and Attorney Anderson:

We have completed our investigation into the Open Meetings Act (“OMA”) Complaint filed by Mr. Stephen Moffitt (“Complainant”) against the Chariho School Committee (“Committee”). For the reasons set forth herein, we find the Committee did not violate the OMA.

Background

The Complainant takes issue with an “annotated agenda” or “script” provided to Committee members in their meeting packets prior to their March 3, 2025 meeting.

The Committee submitted a substantive response to the instant Complaint through its legal counsel Jon M. Anderson, Esq. The Committee first argues that the Complainant presents no evidence to suggest that the annotated agenda was used to coordinate a collective discussion or circumvent the OMA. Second, the Committee argues that the Superintendent’s distribution of the annotated agenda does not satisfy the “meeting” requirement in the OMA as the Superintendent is not a member of the Committee. Third, the Committee argues that even if the distribution of the annotated agenda could constitute a violation of the OMA, the posted agenda for the meeting included a statement specifying the nature of the business to be discussed as required by the OMA. Finally, the Committee explains that the “annotated agenda” in question is prepared by the Superintendent and not approved by the Committee Chair. The “annotated agenda” is a “supplemental guide to the public agenda for members” of the Committee and provides those members with “useful information for the conduct of the meeting.” It includes “details such as which member of the School Committee is going to announce which award goes to which student” and “can also include an explanation as to why a particular item was placed on the agenda.”

Relevant Law and Findings

When we examine an OMA complaint, our authority is to determine whether a violation of the OMA has occurred. *See* R.I. Gen. Laws § 42-46-8. In doing so, we must begin with the plain language of the OMA and relevant caselaw interpreting this statute.

The OMA requires that all meetings of every public body “shall be open to the public.” R.I. Gen. Laws § 42-46-3. For the OMA to apply, however, a “quorum” of a “public body” must convene for a “meeting” as these terms are defined by the OMA. *See Fischer v. Zoning Board of the Town of Charlestown*, 723 A.2d 294 (R.I. 1999). Under the OMA, a “meeting” is defined as “the convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.” R.I. Gen. Laws § 42-46-2(1). A “quorum” is defined as “a simple majority of the membership of a public body.” R.I. Gen. Laws § 42-46-2(4). All three of these elements — a quorum, a meeting, and a public body — must be present in order for the OMA to apply; the OMA is not applicable when one or more of these elements is absent. *See Sirios v. Gloucester Town Council*, OM 20-50.

A quorum may be created, and a meeting “convened,” by a “rolling” or “walking” quorum, where a majority of the members of a public body attain a quorum by a series of one-on-one conversations or interactions. *See, e.g., In Re: South Kingstown School Committee Electronic Mail Policy*, OM 04-01 (a series of email communications among a quorum of a committee would satisfy the quorum requirement and implicate the OMA). Our findings have centered on the nexus between these one-on-one conversations and whether they serve as a chain of communication sufficient to constitute a collective discussion. *See Finnegan v. Scituate Town Council*, OM 20-22; *Guarino, et al. v. Rhode Island Atomic Energy Commission*, OM 14-07

Here, the Complainant alleges that the distribution of an “annotated agenda” or “script” by the Superintendent to Committee members violated the OMA. Our review of the “annotated agenda” or “script” in question reveals that it consisted of the posted meeting agenda with additional annotated remarks, such as reminding the Chair that a motion, second, and vote are needed to go into executive session, recommendations for approval of homeschooling requests, identifying which members are to read certain reports, and announcements/recognitions to be read aloud.

Our precedent is clear that a non-member of a public body may send communications to members of a public body outside of an open meeting so long as a quorum of the public body do not have a meeting through collective discussion following an initial transmission. *See Katz v. Tiverton Board of Trustees*, OM 20-33 (finding no OMA violation where a third party sent email communications to a public body as a whole and members of that public body replied individually to the third party such that a quorum was never formed); *see also In re: South Kingstown School Committee Electronic Mail Policy* (finding that “list serves” do not violate the OMA because the receipt of information alone, even if a quorum of the public body receives that information, does not constitute a “convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power”). We recently addressed whether a “script” agenda distributed by the Chair of a school committee to just two other

members of the committee violated the OMA in *Ahlquist v. Middletown School Committee*, OM 25-10. We found that the distribution of the script agenda did not violate the OMA as “[t]he evidence indicate[d] that the Chair drafted a ‘script’ for the meeting and sent that script to two other members, but there [was] no evidence that a quorum of members then engaged in further discussion of the script of the topics listed therein.”

Here, the situation is even more clear cut as it involves an “annotated agenda” or “script” distributed to all Committee members by a non-Committee member (the Superintendent). Nothing within the OMA prohibits a non-committee member from distributing information to members of a committee. Moreover, the record contains no evidence that any members of the Committee participated in a collective discussion of the “annotated agenda” or “script” outside of an open meeting, nor does the Complainant allege that the Committee members used the non-Committee member Superintendent as a go-between to engage in a rolling quorum. Accordingly, we do not find sufficient evidence that a quorum of the Committee engaged in collective discussion or took action outside the public purview in violation of the OMA.

Conclusion

Although the Office of the Attorney General will not file suit in this matter, nothing within the OMA prohibits an individual from instituting an action for injunctive or declaratory relief in Superior Court. *See* R.I. Gen Laws § 42-46-8(c). The OMA allows the Complainant to file a complaint within ninety (90) days from the date of the Attorney General’s closing of the complaint or within one hundred eighty (180) days of the alleged violation, whichever occurs later. *See id.* Please be advised that we are closing this file as of the date of this letter.

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

Sincerely,

PETER F. NERONHA  
ATTORNEY GENERAL

By: /s/ Patrick Reynolds  
Patrick Reynolds  
Special Assistant Attorney General