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August 3, 2026

SENT VIA CERTIFIED MAIL AND EMAIL

The Honorable Deborah B. Goldberg
Treasurer and Receiver General
Office of the State Treasurer
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Boston, Massachusetts 02108
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Cannabis Control Commission
Attn: General Counsel, Kajal Chattopadhyay and
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***Re: Notice under M.G.L. c. 149, § 185; Personnel-Record Request; and
Preservation Demand on behalf of Chair Shannon O'Brien***

Dear Treasurer Goldberg and Counsel:

This office represents Shannon O'Brien, former Chair of the Massachusetts Cannabis Control Commission (the "Commission" or "CCC"). This letter provides formal written notice under the Massachusetts Whistleblower Act, M.G.L. c. 149, § 185; requests Chair O'Brien's complete personnel record under M.G.L. c. 149, § 52C; and demands preservation of evidence relevant to her protected disclosures, the retaliation that followed, and the resulting damages she has incurred.

The retaliatory removal of our client from her position as Chair of the Commission has already been judicially decided and invalidated by the Superior Court. On September 2, 2025, after reviewing an administrative record of nearly 3,000 pages, Justice Robert B. Gordon of the Suffolk Superior Court held that the Treasurer's decision to remove our client from office was unsupported by substantial evidence and affected by material errors of law. The Court vacated

the removal decision and ordered Chair O'Brien's immediate reinstatement for the balance of her statutory term, together with all back pay and benefits. The Treasurer subsequently abandoned her appeal from Judge Gordon's decision, but only after a failed attempt before the Appeals Court to stay the Superior Court's order of immediate reinstatement. While the Superior Court judgment corrected the unlawful removal of our client from her position, it did not remedy the retaliatory campaign, dissemination of damaging false allegations against her, the professional and reputational injury, emotional harm, or other financial losses caused by the conduct described below.

This notice is directed to both the Treasury and to the Commission as anticipated named Defendants. Chair O'Brien performed compensated public service for the Commonwealth and the Commission. The Treasury exercised actual and asserted authority over her appointment, suspension, compensation, benefits, working status, and removal. The Commission controlled or materially affected her workplace, access to agency information and resources, personnel relationships, and ability to perform her statutory responsibilities. Accordingly, the Treasury and the Commission each acted as an employer, joint employer, agent of an employer, or entity exercising supervisory and corrective authority for purposes of § 185 and related additional claims.

FORMAL NOTICE AND OPPORTUNITY TO CORRECT UNDER M.G.L. c. 149, § 185

This correspondence constitutes the written notice contemplated by M.G.L. c. 149, § 185(c)(1). Chair O'Brien hereby brings the activities, policies, and practices described below to the attention of each person and entity possessing supervisory or corrective authority and affords the Treasury and the Commission a reasonable opportunity to investigate, correct, and prevent their continuation. Nothing in this notice concedes that additional notice was required under the statute. Chair O'Brien previously reported and objected to these matters to persons with supervisory and corrective authority, and her protected conduct also included providing information in connection with public inquiries and objecting to conduct she reasonably believed unlawful or dangerous, within the protections of § 185(b)(2) and (b)(3).

During her tenure, Chair O'Brien disclosed, objected to, and sought corrective action concerning conduct she reasonably believed violated Massachusetts law, regulations promulgated under G.L. c. 94G, the Commonwealth's conflict-of-interest requirements, Commission rules and formally adopted policies, and legal duties governing the administration of an independent state regulatory agency. She also reasonably believed that the reported conduct posed concrete risks to public health and safety by permitting potentially unregulated cannabis activity to evade proper investigation and enforcement.

In June 2023, whistleblower Matt Dunkum provided Commissioners Concepcion, Camargo, Stebbins, Roy and O'Brien with information alleging that Greatest Hits, a Commission licensee, operated an unlawful grow, used underage individuals to roll cannabis products, and distributed unregulated cannabis to the public. Chair O'Brien promptly asked then-Executive Director Shawn Collins to investigate these allegations. Executive Director Collins did not disclose to Chair O'Brien, nor did he file any written disclosure that the licensee's general counsel, Attorney Nicholas Adamopoulos, was a close personal friend. Chair O'Brien later

received information indicating that Collins had intervened to prevent, delay and/or obstruct this investigation. She reasonably believed that the apparent conflict, the failure to properly investigate these allegations, and any preferential treatment of a licensee violated the Commission's statutory and regulatory responsibilities and threatened consumer safety and the integrity of the Commonwealth's cannabis licensing and enforcement system. Our client also subsequently notified the Office of the Inspector General of this information. The IOG later referred information concerning the misconduct of Greatest Hits for federal criminal review. Significantly, after two years from the receipt of the initial complaint, and just two weeks *after* Chair O'Brien was restored to her position in September 2025, the Commission filed a criminal complaint regarding the Greatest Hits to the Office of the Massachusetts Attorney General.

Chair O'Brien has also reported systemic management and compliance failures to Treasurer Goldberg and senior Treasury officials. In or around late April or early May 2023, she advised Treasurer Goldberg, Chief of Staff Chandra Bork, and then-General Counsel Sarah Kim that Executive Director Collins was neglecting critical responsibilities, actively pursuing other employment, and as a consequence allowing serious Commission matters to go unaddressed. During ongoing update meetings, she raised concerns about agency dysfunction, public-watchdog findings, regulatory failures, concealment or withholding of material information from Commissioners, data-security and governance issues, misuse of confidential human-resources information, manipulation of workplace investigations, inconsistent treatment of anonymous information and witnesses, conflicts of interest, disparate treatment, and misuse of authority. She continued pressing for disclosure, investigation, accountability, and corrective action through communications with Commissioners, Commission counsel, Treasury officials, human-resources personnel, and others authorized to investigate or remedy the misconduct.

Chair O'Brien made these reports in good faith and in furtherance of her statutory obligation to oversee an independent regulatory agency. Her objections were not ordinary policy disagreements. They concerned reasonably perceived violations of legal and ethical duties, failures to enforce laws and regulations governing a controlled substance, risks to public health and safety, gross mismanagement, abuse of authority, and threats to the integrity and independence of the Commission.

RETALIATORY ACTIONS AND CAUSAL CONNECTION

After Chair O'Brien made and pursued these disclosures, Commission personnel and Treasury officials engaged in a sustained course of conduct intended to discredit her, pressure her to resign, remove her from office, and prevent further scrutiny of the matters she had reported and otherwise objected to. Evidence presently available indicates that Commission personnel organized, solicited, or encouraged additional workplace complaints against our client after the original HR cross-complaints involving Cedric Sinclair were reportedly found to lack merit. This "investigation" occurred when Mr. Collins at the time was both Executive Director and Acting General Counsel for the Commission. This investigation relied substantially on anonymous accusations and speculation, omitted and/or failed to interview material exculpatory witnesses identified by Chair O'Brien, and declined to accept information offered in support of her own complaint. Confidential HR allegations and investigative information was then disclosed outside proper channels and used to damage our client publicly, politically and professionally.

According to evidence developed in the Superior Court proceedings, on or about July 14, 2023, Treasurer Goldberg told Ed Farley the former Director of Marketing at the State Lottery that she (Treasurer Goldberg) was in possession of confidential HR information and that Chair O'Brien faced allegations of racism and would be "humiliated" if she did not step down. On or about August 4, 2023, Treasurer Goldberg again contacted Mr. Farley, directed him to view and then delete a video concerning a Commission meeting, and communicated that Chair O'Brien should leave her position with the Commission. Chair O'Brien's efforts to correct false public reporting, defend herself, reopen the compromised HR investigation, and present favorable evidence were obstructed or disregarded.

Chair O'Brien was wrongfully placed on paid suspension on September 14, 2023, and formally removed from office on September 2, 2024. She was deprived of her position, compensation, benefits, and ability to discharge her statutory responsibilities. Our client suffered substantial reputational, professional, financial, and emotional harm from the actions taken against her. Chair O'Brien's exclusion from the Commission also predictably chilled further scrutiny of the Greatest Hits allegations and the conduct of senior Commission management.

The inference of retaliation rests on substantially more than temporal proximity. Chair O'Brien's disclosures and vocal objections implicated senior Commission personnel, exposed a potential conflict involving Executive Director Collins, and threatened renewed scrutiny of a sensitive licensing and enforcement matter. The solicitation or escalation of complaints against our client, the selective reliance on anonymous accusations, exclusion of favorable evidence, disclosure of confidential allegations, threats of public humiliation, suspension, and removal supplied a mechanism to neutralize the official pressing for investigation. The Superior Court's determination that the resulting removal decision was unsupported by substantial evidence and affected by material legal error materially reinforces the inference of retaliation and that the stated reasons were pretextual.

The Superior Court specifically found that statements attributed to anonymous Commission staff in the Jones Report lacked adequate indicia of reliability and trustworthiness. It found no evidence that Chair O'Brien exhibited racial animus. The Court likewise observed that the undisputed evidence demonstrated Chair O'Brien's commitment to the Commission's social-equity mission, concluded that her treatment of Collins did not constitute gross misconduct, and rejected the Treasurer's construction of "unable to discharge" as inconsistent with the Legislature's protection of the Commission's independence. Judge Gorton's findings provide objective support for Chair O'Brien's position that the removal process was not only retaliatory, but also unreliable and the asserted grounds for removing her were pretextual.

REQUEST FOR CORRECTIVE ACTION

Chair O'Brien requests that the Treasury and the Commission designate an independent decision-maker with no involvement in the underlying events to investigate the reported regulatory failures, the handling of the Greatest Hits allegations, any obstruction or delay of enforcement activity, the use and disclosure of confidential HR information, and the conduct of the workplace investigations involving Ms. O'Brien. She further requests that the recipients of

this review access and audit logs; correct, remove, or appropriately annotate inaccurate or retaliatory personnel information; prevent further disclosure or misuse of confidential material; and confirm that no further retaliatory action will be taken against our client.

Please identify the official responsible for receiving and acting upon this notice and provide a substantive written response within fourteen calendar days describing the corrective action that will be undertaken. We are available to meet promptly with the designated official and counsel. Chair O'Brien expressly reserves all rights and remedies under M.G.L. c. 149, § 185 and all other applicable law.

PERSONNEL-RECORD REQUEST UNDER M.G.L. c. 149, § 52C

Chair O'Brien requests a complete copy of every personnel record maintained by the Treasury, the Commission, their Human Resources or People Operations functions, or any person or entity contractually retained to maintain or supply such records. Chair O'Brien's request includes her complete official and unofficial personnel files; appointment and onboarding records; compensation, benefits, leave, payroll, and back-pay records; performance materials; complaints made by or against her; intake records; interview notes and recordings; witness statements; investigative reports and drafts; exhibits; correspondence with investigators; disciplinary or removal recommendations; suspension and removal records; reinstatement records; and every document used, considered, transmitted, or maintained in connection with an employment, disciplinary, suspension, removal, reinstatement, compensation, or workplace decision concerning her.

This request extends to duplicate, parallel, working, investigative, executive, confidential, and separately maintained personnel files. To the extent either recipient contends that Chair O'Brien's status as a statutory appointee affects the application of § 52C, please identify that position in writing and nevertheless produce all records to which she is entitled as an employee, former employee, appointee, subject of an employment investigation, or participant in a workplace process. If any responsive record is withheld or redacted, please identify its date, author, recipients, general subject matter, and the specific legal basis for withholding it. Personal information concerning third parties may be appropriately redacted, but its presence does not justify withholding otherwise responsive portions of a personnel record.

Please provide the requested records within five business days after receipt, as required by § 52C. Chair O'Brien reserves her statutory right to seek correction or removal of inaccurate information and, if agreement cannot be reached, to submit a written statement that must be maintained with the disputed information and included whenever that information is transmitted to a third party.

PRESERVATION OF EVIDENCE

The Treasury and the Commission must immediately preserve documents, electronically stored information, tangible evidence, and data from January 1, 2023 through the present concerning Chair O'Brien's protected disclosures; the Greatest Hits and Greenfield Greenery matters; Executive Director Collins; workplace complaints and investigations; communications

with Ed Farley; Chair O'Brien's suspension, removal, reinstatement, compensation, and damages; and the disclosure or use of confidential HR or investigative information. This is a demand for preservation, not immediate production, and includes potentially privileged material without seeking disclosure of privileged content at this time.

The principal custodians of this information include Treasurer Goldberg, Chandra Bork, Sarah Kim, Shawn Collins, Cedric Sinclair, Justin Shrader, Kimberly Jones, Jaclyn Kugell, Nurys Camargo, Ava Callender Concepcion, Bruce Stebbins, Steve Hoffman, Ed Farley, Debbie Hilton-Creek, Matt Dunkum, Nicholas Adamopoulos, Eddie Guardiola, and each complainant, witness, investigator, attorney, consultant, or decision-maker materially involved in the events described above. Relevant sources include agency and personal accounts or devices used for public business, including email, text and encrypted messaging, Microsoft Teams chats and channels, voicemails, call logs, recordings, calendars, notes, drafts, shared drives, cloud platforms, audit and access logs, backup media, and associated metadata.

The preservation obligation includes all versions of complaints, witness statements, interview materials, investigative reports, suspension and removal documents, press or public-relations materials, and communications concerning the selection, scope, methods, or conclusions of any investigator. It also includes the complete administrative record assembled in O'Brien v. Goldberg, Suffolk Superior Court No. 2484CV03009-C, together with native-source documents, exhibits, recordings, transcripts, indices, materials omitted from or added to the filed record, and the appendix struck from the record on January 21, 2025. Records concerning any instruction or request to delete evidence, including the July 14 and August 4, 2023 communications with Mr. Farley, must be preserved.

Please suspend routine deletion, auto-delete, ephemeral-messaging, device-replacement, account-closure, backup-rotation, and document-destruction practices affecting relevant information. Relevant former officials, employees, investigators, consultants, and vendors should be notified of the hold, and custodial sources should be secured before access is terminated or information is overwritten. Please confirm within five business days that an appropriate litigation hold has issued, relevant custodians and third-party agents have been notified, auto-deletion functions have been suspended, and reasonable preservation steps have been implemented.

Nothing in this letter is intended as a complete recitation of Chair O'Brien's facts, claims, defendants, damages, or legal theories. No omission should be construed as a waiver. All rights and remedies are expressly reserved.

Very truly yours,

A handwritten signature in black ink that reads "Timothy M. Burke". The signature is written in a cursive, slightly slanted style.

Timothy M. Burke

Cc: Christopher Harding, Chair (via email only)