

Protocol for December 5, 2023 Meeting with Chair Shannon P. O'Brien

Date of Meeting: December 5, 2023

Location of Meeting: Office of the Treasurer and Receiver General of the Commonwealth of Massachusetts, 1 Ashburton Place, 12th Floor Conference Room, Boston, MA 02108

Time Allotted: 1:00 pm to 5:00 pm

Permitted Attendees at the Meeting:

- Deborah B. Goldberg, Treasurer and Receiver General of the Commonwealth of Massachusetts (“Treasurer”)
- Shannon P. O’Brien, Chair, Cannabis Control Commission (“Chair”)
- Counsel for the Office of the Treasurer and Receiver General of the Commonwealth of Massachusetts
- Counsel for the Chair
- Pre-disclosed Witnesses
- Meeting Officiant
- Stenographer

Officiant: Thomas Maffei

Stenographer: Booked by Treasury

Agenda:

- Officiant opening statement – purpose of meeting, guidelines
- Chair opportunity to address statement of reasons for removal.

Pre-Meeting and Meeting Processes:

The Officiant shall direct the meeting, including ensuring that the information the Chair presents to the Treasurer is done so in a fair and orderly manner, understanding that the rules of evidence shall not apply, within the time allotted for the meeting.

The Chair:

- Shall be provided with an updated statement of reasons for continuing suspension with pay and potential removal, if necessary, at least one week before the meeting.
- May be represented by counsel.
- May make a statement on her own behalf at the meeting.
- May have counsel make a statement on her behalf at the meeting.
- Shall submit any written statements to the Treasurer via her counsel at Morgan Lewis at least one week before the meeting.
- Shall submit any written statements of witnesses to the Treasurer via her counsel at Morgan Lewis at least one week before the meeting.

- May cross-examine the investigators whose reports have been reviewed by the Treasurer.
- May present witnesses, including the Chair herself, live or by written statement, provided the names of the witnesses, together with the narrative or a summary of their presentations, are provided to the Treasurer via her counsel at Morgan Lewis at least one week before the meeting.
- May submit documentary evidence into the record; except to the extent it is presented in response to information not disclosed to the Chair at least one week before the meeting, such evidence must be provided to the Treasurer via her counsel at Morgan Lewis at least one week before the meeting.

The Treasurer:

- May be represented by counsel.
- May consider information in writing or presented orally, including without limitation, by written witness statements, investigatory reports, or in person oral statements or testimony provided at the meeting.
- Shall notify the Chair at least one week before the meeting of any documents on which the Treasurer bases in whole or in part any of the reasons set forth in any updated statement of reasons for continuing suspension with pay and potential removal and of any witnesses scheduled to testify or to make written or in person oral statements and, if the Chair so requests, the witness(es) identified by the Treasurer shall appear and be subject to cross-examination at the meeting.
- May examine or cross-examine, either herself or by her counsel, any witness who appears at the meeting, and ask and have answered written questions of any witness who presents a written statement or who testifies to the Treasurer.

At the Conclusion of the Meeting:

- Within a reasonable time period that will be specified by the Treasurer after the meeting concludes, the Chair may submit any further written information or written argument.
- The Treasurer will consider all information submitted by the Chair in accordance with this protocol.
- The Treasurer may request additional information, if necessary.
- The Treasurer may provide the Chair with an updated statement of reasons and further opportunity to be heard, if necessary.
- After reaching a decision on whether the Chair will be removed, the Treasurer will provide a written statement explaining the basis for any decision to remove the Chair.