



*Deborah B. Goldberg*  
*Treasurer and Receiver General*

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March 20, 2024

*Via Email c/o Max Stern, Esq. (mdstern@toddweld.com)*

Shannon O'Brien, Chair  
Commonwealth of Massachusetts  
Cannabis Control Commission  
[REDACTED]

Dear Chair O'Brien:

I write this letter in my capacity as an appointing authority under Massachusetts General Laws Chapter 10, § 76(a), concerning your potential removal as a commissioner and the Chair of the Cannabis Control Commission ("Commission"). Pursuant to Section 76(d) of Chapter 10, and in accordance with the protocol approved by the Superior Court (Squires-Lee, J.) in its December 22, 2023 Order in *O'Brien v. Goldberg*, Civil Action No. 2384CV02183 (the "Protocol") (attached as Tab A),<sup>1</sup> I am providing you with an updated statement of reasons for your potential removal as a commissioner of the Commission. This letter supersedes all prior communications, including the letters that I sent to you dated October 4, 2023, and November 22, 2023.

The Commission, through its outside counsel, engaged two firms, the "First Investigator" and the "Second Investigator,"<sup>2</sup> to investigate serious allegations concerning your conduct as the Chair of the Commission.

The results of the two investigations have been set forth in two separate reports (each a "Report" and together the "Reports"), which have been provided to me by the Commission. These reports, attached hereto at Tab B (the "First Report" by the First Investigator) and Tab C (the "Second Report" by the Second Investigator), respectively, are incorporated herein by reference.

I will not recount here all of the conclusions or supporting findings in the Reports in detail, as the Reports are incorporated herein in their entirety. Nor will I repeat the investigators' analyses as to whether your conduct violated the Commission's Employee Handbook or Enhanced Code of Ethics, though I may rely upon any or all of the foregoing in considering your removal.

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<sup>1</sup> With the exception of updating the document date, filling in the dates of the meeting, and adding the Investigators' counsel as permitted attendees at the meeting, the Protocol is identical to the revised protocol that the Superior Court, in its December 22, 2023 order, found to satisfy the requirements of § 76(d) and Constitutional due process.

<sup>2</sup> The "First Investigator" and "Second Investigator" are "Investigator 1" and "Investigator 2," respectively, as referenced in your filings with the Superior Court.

With that said, the conduct in which you engaged that may warrant your removal, as described in detail in the Reports, includes:

- As found by the First Investigator, you made rude and disrespectful comments, remarks, statements, and presumptions to Commission staff and colleagues that were or were perceived to be race-based or, at minimum, to be racially, ethnically, and culturally insensitive.
- As found by the Second Investigator, you made comments about the parental leave of the Commission's Executive Director that deprived him of assurances that he could exercise his rights to take additional job-protected parental leave, and those statements, combined with other conduct described in the Second Report, created a hostile work environment.
- As found by the Second Investigator, you communicated with and about the Commission's Executive Director in a threatening, abusive, and humiliating manner that, in combination with the totality of behavior described in the Second Report, constituted bullying.
- You were evasive and not credible in some of your communications with the Investigators, including during a meeting at which your counsel was present.

The conduct described in the Reports may warrant your removal as a commissioner on the basis of one or more of the first four grounds enumerated in G.L. c. 10, § 76(d).

Accordingly, pursuant to § 76(d), you will be provided with an opportunity to be heard as to these matters commencing on April 10, 2024, at 1:00 pm, and continuing on April 11, 2024, at 1:00 pm. As set forth in the Protocol, these meetings will be held at One Ashburton Place, 12th Floor. Pending our meeting and my decision, you will remain suspended with pay from your position as Chair of the Commission.

In accordance with the Protocol, through outside counsel, I will be providing you, under separate cover, documents and other materials on which I may rely in deciding whether to remove you as a commissioner. Beyond those documents, I intend to consider both Reports in their entirety, subject to the possibility of also questioning the investigators after any cross-examination of them by you. In that regard, and in accordance with the Protocol, please advise by April 3, 2024, whether you would like either or both investigators to be available for you to cross-examine during our meeting. The First Investigator can be available on April 11, 2024 and the Second Investigator can be available on April 10, 2024.

Sincerely,



Deborah B. Goldberg  
Treasurer & Receiver General

cc: Max D. Stern, Esq.  
Howard Cooper, Esq.  
William Gildea, Esq.