



THE GENERAL COURT OF MASSACHUSETTS  
STATE HOUSE, BOSTON 02133-1053  
JOINT COMMITTEE ON TRANSPORTATION

August 6, 2019

Secretary Stephanie Pollack  
Department of Transportation  
10 Park Plaza, Suite 4160  
Boston, MA 02116

Re: Production of RMV Oversight Records

Dear Madame Secretary:

We are writing to express the Committee's serious, overall frustration and deep concern with the with the level of cooperation in the document production process thus far. Below you will find details of these concerns on our part and an addendum with updated requests.

While the Committee has been in receipt of partial responses from your office, no additional documents or electronic files have been provided to the Transportation Committee since July 29, 2019. No explanation for this inaction in completing the response has been provided. The Committee's intention to conduct a thorough and complete oversight of the RMV has been made clear several times over the last few weeks; the failure to complete our pending requests with additional production from MassDOT lacks justification. This is the last time the Committee will respectfully request these documents.

We are especially concerned from the public record available to us that other items responsive to our email requests in particular have not been provided so far. In particular, the Committee learned of an email written by Donna Brennan, an employee of the Merit Rating Board, dated May 31, 2016, and reported recently in the *Boston Herald*. We believe that that email and its contents fall within the description of items sought in our original letter of July 17, 2019 in item #3. The fact that this email in particular was not disclosed by you to the Committee, candidly, affects our confidence that responsive materials are being provided to the General Court in full, without exception or qualification.

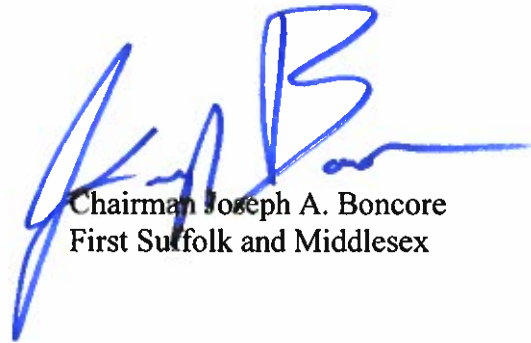
The Committee notes again that for the purposes of clarity, these document requests are in addition to those described in our original letter of July 17, 2019. We want to be clear that the Committee's requests for documents includes documents on personal electronic devices and emails to/from private email accounts used by any officer and employee of the Commonwealth in the exercise of their official duties. As demonstrated at both the hearing and in the attached addendum, we now have strong reason to conclude that the responses are incomplete. The Committee is losing confidence in the Administration's willingness to cooperate fully.

Thank you for your immediate attention.

Sincerely,



Chairman William M. Straus  
10<sup>th</sup> Bristol District



Chairman Joseph A. Boncore  
First Suffolk and Middlesex

## **Addendum**

In light of the witness testimony provided to the Committee on July 30, 2019, the materials already in possession of the Committee, and additional information the Committee has discovered, we request the following supplemental information. Some of the items identified below are within the pending requests, but to the extent you consider these supplemental, they should also now be provided to the Committee.

If you believe materials in our request may be otherwise privileged from disclosure for some reason, please state expressly for each of those items which you are withholding from disclosure to the Committee whether a claim of privilege is being made, the type of privilege relied upon by you and a description of the nature of the documents, communications or tangible things not produced or disclosed. Exemption from the Public Records Law is not viewed by the Committee as a privilege which can be asserted to preclude production.

The pending document requests, including the email item, should also reflect these non-RMV employees who were identified during witness testimony:

--Steven Kadish, Mindy d'Arbeloff, James Logan, Robert Garrity, William Pitman, Margaret Gleason, Nicholas Kintzler, John Tatum and Ben Goodman.

Requests should also be inclusive of the following people at the RMV during the period January 1, 2016 through August 5, 2019:

--Nicole Spriggs, Amy Seto, Colleen Ogilvie, Sara Lavoie, Keith Costantino, Scott Freeman, Thomas Bowes, Caroline Quan, Susan Crispin, Donna Brennan, Frederick Apel, Donna Cabey, Taylor Koon, Alan MacDonald, Steven Evans.

Requests should also be inclusive of the following positions within the RMV during the period January 1, 2016 through August 5, 2019:

--Registrar, Deputy Registrar, Chief of Staff, Chief Administrative Officer, Chief Operating Officer, Executive Assistant to the Registrar.

We wish to note again that the Committee's requests include documents on personal electronic devices and emails to and from private email accounts. For that reason, please identify by name and title any officer or employee of the Commonwealth covered by this request who utilizes or who have previously utilized private electronic devices and/or private email in the exercise of their official duties.

In addition to the documents previously requested, the Committee requests the production of the following documents:

1— for the period January 1, 2016 to the present, any and all written reports, documents and presentations submitted to or given before the MassDOT Board of Directors concerning the Merit Rating Board, "Atlas I" or the Registry of Motor of Vehicles.

2—All emails, letters, memoranda and other communications relative to the Special projects Audit of the RMV's Merit Rating Board conducted by Brie-Ann Dwyer from its initiation and into 2019, including but not limited to, any such documents relative to the scope of the audit and its preliminary findings as well as those created after the completion of the Preliminary Findings document previously provided to the Committee.

3—for the period January 1, 2016 to the present, meeting calendars for all of the individuals listed above.

Further, relative to our initial request of July 17, 2019, documents sought under item #8 should be understood to include reviews and reports upon which the Registrar, Merit Rating Board, Driver Control Unit, or other officials relied upon with respect to the decision to transfer citation processing responsibilities from DCU to MRB, including but not limited to reports produced by Accelare as described by Keith Costantino in his testimony before the Committee on July 30, 2019.

On this matter, the Committee has learned that typical audit protocols and procedure throughout state government call for the creation of a scoping document prior to the initiation of the audit. Since it is likely that such a document would have been created in the case of this particular audit, its absence from your disclosures to date, also raises concerns for the Committee about the lack of full disclosures to date.