





# The Commonwealth of Massachusetts Asian American Commission

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Vira Douangmany  
Cage\*

### Vice Chairperson

Mabel Lam\*

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Ying Wang\*

### Executive Director

Jenny Chiang

One Ashburton Place

12th Floor

Boston, MA 02108

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- Danielle reaffirms Vira's interpretation of an OML violation complaint.
- Betty disagrees with Danille as a matter of opinion based on the Attorney General's Office. Reminds the Commission that her complaints were brought to the Executive Committee three weeks prior to this meeting in hopes for the AAC to self-regulate and self-correct but the Executive committee failed to present the OML complaints beforehand.
- Vira recognized that the OML complaint's response due dates were given an extension to respond by October 29, 2020.
- Danielle emphasizes her interpretation of the OML complaints are against the AAC body not individuals.
- Betty stresses that the purpose of her complaints is for transparency, open government and democratic process.
- Philjay emphasizes that discussing these complaints in this current meeting is in compliance with OML. To discuss with the commission privately would be a violation.
- Mary L. questions why we cannot just get an opinion from the OML office.
- Vira doesn't foresee us spending \$1000 but we should vote today to be sure we respond properly.
- Pralhad believes we should discuss this outside of a monthly meeting privately on a call because we spend.
- Philjay states that we cannot discuss this privately because we have to follow OML.
- Vira clarifies that the Commissioner's complaints were responded to but the Commissioner was unhappy with the response thus the OML complaints were filed and now the Commission must respond.
- Mary questions who the retained attorney will be representing.
- Vira responds the attorney would defend the Commission not the individuals.
- Mary L. emphasizes there is a COI and defers to Commissioner Ying Wang.
- Mabel recognizes that Mary L.'s letter is mentioned in the OML complaint therefore she is involved as well.
- Ying questions what's the Commission's ultimate goal and mentions a potential COI for a Commissioner to sue the entire Commission.
- Betty said the Executive Board did not respond to her complaints.
- Danielle clarifies that the Commission has an obligation to respond to the OML complaint and an attorney would be retained to respond to the complaint.
- Betty states the goal is to deliberate the complaints as a body where the mistakes were made and make corrective actions. The purpose is for open government, to learn about the rules and how to properly abide by them and exercise the democratic process.
- Sam recognizes that the complaint is against the Commission, mentions specific individuals including staff therefore sees the complaints as an attack against certain members and the Commission as a whole.
- Danielle points out that the OML complaints are seeking \$1000 fines per violation (\$3000 total)
- Ying agrees that an attorney should be hired to respond because of the financial implications.
- Betty points out that this is a public legal matter, Commonwealth vs. The Executive Committee of the Commission, my personal lawyer can sue the Commission.
- Mabel believes the Commission is trying to follow the AGO's rules.



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- Vira states that hiring an attorney is in the best interest of the commission.
- Mary L. questions who will pick the attorney.
- Vira states that voting on the motion will empower the Executive Committee to make that decision. Opens the attorney selection process to the Commission.
- Pralhad states this should have been discussed with the Commission when the complaint was received.
- Danielle motions to approve “proposal to approve expenditure up to \$1,000 to retain an attorney to respond to OML complaints submitted by Betty Lim King Cuyugan against the AAC”.
- Sam emphasizes that this needs to discuss the complaint further.
- Betty laws were violated based on the statutes and discusses the alleged OML violations.
- Sam states that is a matter of an opinion asks Betty what is her desired outcome?
- Betty states the Commission has to address the corrective actions.
- Philjay questions that the Commission needs to give \$3000.
- Betty states that’s up to the AGO to decide and demands that the minutes mentioning her are removed from public record.
- Vira asks Betty if there was an executive session during the monthly meetings
- Betty clarifies that the proposed executive session was a potential violation therefore she called the AGO office to prevent the executive session from happening with good intent not maliciously. Betty further points out that she was not aware the Executive Director is the administrator of the AAC email accounts and her complaints are about the procedural matters of running an executive session.
- Mary L. questions why is there a discussion about alleged violation of privacy in emails.
- Vira clarifies that was the reason why an executive session was going to happen - to discuss Betty’s concerns.
- Betty said that the proposed executive session was a retaliation to her complaint that her privacy was violated by the Executive Director
- Mabel reiterates the purpose of the motion on the floor against the Commission, not just the Executive Committee.
- Betty questions Mabel if she is willing to reimburse the public
- Sam welcomes the Commission to decide on who we hire as an attorney and urges that the Commission reflect on their conduct as a public body.
- Mary C. states that many Commissioners like herself are left out of the loop with what is happening within the Commission. Suggests that what’s been going within the Commission should not be discussed vaguely.
- Mary L refuses to take part in the vote and selection of an attorney because there is a COI.
- Sam asks to clarify.
- Mary L. responds that she feels an attorney could not represent the Commission as whole because there are internal conflicts.
- Philjay asks to clarify her statement.
- Mary L. responds that an attorney may be in violation of ethics based on the COI.
- Philjay clarifies the motion that we are seeking an attorney to respond to the complaint and we need an attorney to determine if there is an COI and who the complaint is actually against individuals named or the Commission.



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- Ying acknowledges an COI but agrees with Philjay that we need an attorney to make the assessment and a response needs to be submitted soon and questions who can respond to the complaint.
- Betty clarifies that anyone can respond. If the Commission seeks to have an attorney then so bet it but the concern is that the money used will be tax payers money. Are the individuals willing to reimburse if they violated OML.
- Danielle emphasises we should seek an attorney to respond, not a Commissioner to ensure the legalities.
- Sam suggests we should vote to seek out a consultation first.
- Pralhad agrees.
- Vira points out that such a consultation would not be free.
- Philjay even if we do get a consultation - we then need to vote either way through an emergency meeting to expedite the process so we can abide the deadline requirement. This vote is to approve a potential \$1000 limit retainer, not to automatically give \$1000 once the vote passes.
- Mabel points out that the \$1000 is not from the state budget account it is from the non-profit account.
- Betty questions if its ethical to use public donations to hire an attorney.
- Sam reminds that Betty is the reason for the OML complaints which we are seeking an attorney to respond to.
- Vira affirms that she will follow with State Ethics Commission on where the money will be pulled out of before paying an attorney.
- Mary wants confirmation first.
- Vira states not necessary
- Philjay mentions that we need liability insurance moving forward after the OML complaints are resolved.
- Mabel recognizes that we cannot get liability insurance at the moment because of Betty's OML complaints.
- Vira closes debate and moves to vote.

### Vote:

Yes: Vira, Sam, Mabel, Philjay, Ying, Danielle,

No: Mary C., Betty, Pralhad

Abstain: Mary L.

Motion Passes

Staff member Jessicas Wong emphasizes that Agenda #5, Lily Tang - Work Study Extension Proposal should come to a vote before the meeting closes.

Vira seeks any objections to Jessica Wong's request

No objections.

Mabel motions to extend Monthly Meeting an extra 10 minutes.

### Vote

Yes: Vira, Danielle, Sam, Ying, Philjay, Mabel, Betty

No: Mary L. and Pralhad

Motion Passes

## 3. Executive Committee & Staff Reports

\*No discussion\*



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#### 4. Annual Election Procedures \*Discussed after Agenda #5\*

- Review of Election Policy

#### 5. Lily Tang – Work Study Extension Proposal – VOTE

- Review of Intern Report
- Betty requests where the budgeted money for intern, Lily Tang came from.
- Jessica states that AAC is only obligated to pay 25% of her work study pay in collaboration with UMass Amherst's work study program. Seeking to extend her internship from October 26, 2020 through May 21, 2021. Budget to come from the non-profit account.
- Sam acknowledges the numerous programming and events planned by intern, Lily in which her value and contributions has exceeded the pay she has received.
- Betty asks where the original budget came from.
- Jessica answers that it came from state appropriation for a total of \$500 between June - August 31. The proposed pay rate would be hourly at \$17/hr - 15hr/week. Total amount: \$6,630.
- Vira acknowledges that having a work study student is unprecedented and monetarily beneficial to the Commission for labor cost purposes.
- Mabel motions
- Danielle acknowledges that staff member Sheila's pay rate should be mirrored to Lily's in a future discussion.
- Ying requests clarification of a remaining \$500 to pay Lily.
- Jessica clarifies that \$500 would be subtracted from the estimated \$6,630.
- Ying asks if Lily is eligible to apply for another work study.
- Lily says no. Once this work study amount is depleted, she can no longer request an additional work study for the '20-'21 academic year.

#### Vote

Yes: Vira, Mabel, Philjay, Ying, Danielle

No:

Abstain: Betty

Motion Passes

#### 6. Annual Election Procedures

- Mabel states that policies need to be modified to cater to online voting and change of Monthly meeting date to reflect appropriate timeline of election procedures. Urges Commissioners to make sure their Zoom application is working to take a proper anonymous vote online. Unclear whether or not Exec. Director will see who the Commissioners vote for but certain that votes will be registered per position.
- Philjay clarifies voting on Zoom will identify who has not yet voted but will not disclose who a Commissioner votes for.
- Vira will follow up with the Ethics Commission of method of voting.

#### 7. Meeting adjourned

- Danielle motions to close. Second by Ying
- Yes: Sam, Mabel, Danielle, Ying, Philjay, Vira
- Abstain: Betty