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INVESTIGATORY SUMMARY REPORT FOR THE
CANNABIS CONTROL COMMISSION REGARDING CHAIR SHANNON O'BRIEN
and CHIEF COMMUNICATIONS OFFICER CEDRIC SINCLAIR

This law firm, Athena Legal Strategies Group, was engaged by Morgan, Brown and Joy LLP to conduct an internal investigation on behalf of the Cannabis Control Commission (“Agency” or “CCC”) regarding cross-complaints and allegations made by and against Chair Shannon O’Brien (“Chair O’Brien”) and by and against Chief Communications Officer Cedric Sinclair (“Mr. Sinclair”) that each was subjected to harassment, bullying and discriminatory treatment, among other contentions, by the other individual.

Additionally, during the investigatory process regarding the cross-complaints and allegations raised by and between the Chair and the Chief Communications Officer, Commissioner Nurys Camargo as well as other Agency employees also filed complaints against Chair O’Brien that raised similar concerns to those reported by Mr. Sinclair. As a result, the undersigned investigator was asked to investigate those complaints as well.

The investigation was conducted by Kimberly Y. Jones, Esq., of Athena Legal Strategies Group, at the request and direction of Morgan, Brown and Joy, which serves as outside counsel to the Agency regarding this matter. This Investigatory Summary Report describes the investigatory process, outlines the allegations made by Chair O’Brien and Mr. Sinclair as well as other Agency affiliated individuals, and sets forth the findings and conclusions of the undersigned investigator regarding this matter.

I. Fact-Finding Process: The fact-finding process consisted principally of the undersigned investigator interviewing relevant witnesses and reviewing pertinent documents provided by the Agency as well as documents provided by some of the individuals interviewed. At the inception of each interview, the undersigned investigator explained her role as an impartial, neutral

factfinder – independent of the Agency – engaged to explore the issues raised by Chair O’Brien and Mr. Sinclair regarding their allegations of harassment, bullying and discrimination as well as workplace concerns raised by other Agency affiliated individuals. In addition, the undersigned investigator also discussed privacy with each witness, requesting cooperation to preserve the integrity of the investigatory process regarding the interview and the matters involved.

The undersigned investigator further informed the witnesses that, in accordance with Agency policies as well as under the law, no one can be retaliated against for their cooperation or participation in the investigation, nor should they themselves engage in any retaliatory conduct toward anyone involved in the investigation, and that if any person experienced any such retaliation to immediately notify their supervisor, Human Resources or the undersigned investigator.

A. Witness interviews: Nine (9) individuals were interviewed (some on more than one occasion) as part of the investigatory process, including Chair O’Brien, Mr. Sinclair, staff, management and a Commissioner. During their respective interviews, several individuals expressed fear of retaliation from Chair O’Brien for participating and cooperating in the investigation because she is described as “holding grudges and retaliates quietly.” As a result, many individuals requested anonymity to articulate their concerns regarding the problematic conduct, behavior and comments they observed, experienced or that were made by Chair O’Brien during her interactions and communications with various Agency staff, colleagues and management.

The undersigned investigator found witnesses’ concerns of fear of retaliation for reporting complaints against Chair O’Brien regarding the problematic behavior, conduct and interactions they directly experienced or personally observed to be credible and compelling. Therefore, to protect the privacy, anonymity and identifiable information of the individuals interviewed, when possible, witnesses’ statements and observations contained herein are presented in the aggregate based on available investigatory materials and documentation.

In addition to the anonymized Agency staff and management referenced above, the following individuals were also interviewed during the investigation.

1. Shannon O’Brien, Chair and Commissioner;
2. Nurys Camargo, Commissioner;
[REDACTED] and
4. Cedric Sinclair, Chief Communications Officer.

Furthermore, it is noted by the undersigned investigator that Chair O’Brien identified a current employee in the Office of the State Treasurer and General Receiver (“Office of the State Treasurer”) who she asserts may have information relevant to this investigation. However, the Office of the State Treasurer respectfully declined to permit the individual to participate in this investigation, stating there were other witnesses who were privy to any conversations in which

the individual participated. To that end, the undersigned investigator interviewed other individuals who were also familiar with many of the relevant issues pertaining to this investigation.

In addition, a certain Agency staff member was also identified as a person who may have information relevant to this investigation. However, despite requesting an opportunity to interview the individual, the Agency staff member declined, without explanation, to participate in this investigation. This investigator did, however, interview other individuals who were familiar with the relevant issues regarding this investigation.

Witnesses were afforded the opportunity to produce relevant emails, notes, memorandum and other documentation prior to the conclusion of the investigation. Some witnesses, including Chair O'Brien and Mr. Sinclair, exercised the opportunity to voluntarily provide documents to the undersigned investigator regarding this investigation.

Furthermore, throughout the interviews with Chair O'Brien, the undersigned investigator observed the Chair, at times, avoided directly answering questions and, instead, read from prepared notes, rather than respond to the queries presented.

B. Document Review: The undersigned investigator received, reviewed and analyzed various documents, email communications, Teams chats, memorandum, notes, media interviews, news articles, and other materials relative to this investigation, including the Agency Employee Handbook; the Equal Employment, Anti-Harassment, and Discrimination policies; and the Standards of Conduct policy as well as the Enhanced Code of Ethics, which is applicable to "all Commissioners and employees of the Commission."

II. Background

The Massachusetts Cannabis Control Commission ("Agency" or "CCC") is the state agency charged with the mandate and mission to safely, equitably, and effectively implement and administer the laws enabling access to medical and adult use cannabis in the Commonwealth of Massachusetts.

The Cannabis Control Commission, as noted in its Employee Handbook, is an equal employment opportunity ("EEO") employer. The Agency EEO policy is applicable to "all employment practices including, but not limited to, hiring, promotion, demotion, transfer, recruitment/recruitment advertising, layoff or termination, rates of pay or other compensation, and training. All other personnel actions including compensation, benefits, transfers, layoffs, recalls from lay-offs, training, education, tuition assistance, and recreation programs will be administered without regard to race, color, religion, sex, age, national origin or ancestry, disability, military or veteran status, genetic information, pregnancy or pregnancy-related condition, sexual orientation, gender identity or expression or any other protected status, in

accordance with appropriate law. Employment and promotion decisions will be based on merit and the principle of furthering equal opportunity.”

The Employee Handbook also notes, “It is the goal of the Commission to promote a workplace that is free of unlawful harassment. Sexual harassment, or harassment because of or about an individual’s membership in a protected class, (i.e., one’s race, color, age, disability, national origin, ancestry, religion, gender, sexual orientation, genetic information, veteran’s or active military status, gender identity or expression or any other characteristic protected by federal, state or local law) (“unlawful harassment”), occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. . . The Commission is actively committed to providing a safe and collegial work environment based on mutual respect, allowing all employees to carry out their work free from discrimination or harassment.”

Additionally, as set forth in the Employee Handbook, “Discrimination of any type, including retaliation against an individual filing a charge or making a complaint, is not tolerated and is cause for disciplinary action, including termination... Any retaliation against any individual who has complained about unlawful harassment or retaliation against individuals for cooperating with an investigation of a complaint of unlawful harassment is similarly unlawful and will not be tolerated.”

The Agency Employee Handbook further states, “Please note that while this policy sets forth our goals of promoting a workplace that is free of unlawful harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment.”

On or about August 30, 2022, State Treasurer Deborah Goldberg publicly announced the appointment of Shannon O’Brien as the new Chair of the Cannabis Control Commission.¹ Ms. O’Brien identifies as White/Caucasian.

A virtual swearing-in ceremony was scheduled for Thursday, September 1, 2022, commemorating the fifth anniversary of the founding of the Agency. An in-person ceremonial swearing-in was subsequently scheduled for Wednesday, September 7, 2022, at the State House.

It is important to note the highly publicized and sensitive external media, social and political environments may have contributed to how individuals were personally affected and how individuals may have reacted during the series of events, notwithstanding their own personal matters that required attention.

Specifically, in the days surrounding the announcement of Shannon O’Brien as the new Chair of the CCC, there were also noteworthy events that occurred at the Agency. In the few days prior to the public announcement that Shannon O’Brien would succeed Interim CCC Chair Sarah Kim, the Director of Communications, [REDACTED]

¹ Ms. O’Brien succeeded Ms. Sarah Kim, who served as the Interim CCC Chair, following the resignation of the inaugural Chair Steven Hoffman in April 2022.

Therefore, [REDACTED] was unavailable as a resource to assist with Shannon O'Brien's transition into her new role as CCC Chair. [REDACTED]

[REDACTED] identifies as White/Caucasian and reports to Mr. Cedric Sinclair, Chief Communications Officer.

[REDACTED]

[REDACTED] Mr. Sinclair identifies as Black/African American and reports to Mr. Shawn Collins, the Executive Director.

Due to limited Agency Communications human capital resources, a junior member of the Communications team, although an experienced communications professional, was assigned to assist Shannon O'Brien with her transition and preparation for the swearing-in ceremony that was scheduled to occur within forty-eight (48) hours of the public announcement that she had been named the next CCC Chair. Mr. Sinclair informed Chair O'Brien that, under the circumstances, the Agency Communications team did not have sufficient time to prepare her for the swearing-in ceremony. Mr. Sinclair recalled to this investigator, "The Chair wanted me to physically accompany her to the swearing-ceremony, but [REDACTED]."

In the interim, the Agency Communications team and the Communications team for the Treasurer's Office were in contact with each other regarding preparations for the swearing-in ceremony as well as how to navigate and respond to media inquiries regarding Chair O'Brien's experience in the cannabis industry, including her affiliation with a CCC licensee. As witnesses noted to the undersigned investigator, "In her announcement, it mentioned her [Shannon O'Brien's] illustrious career, but it did not mention she was a licensee and had consulted with cannabis companies." [Former Treasurer O'Brien to chair Cannabis Commission | WWLP](#); [She's back: Shannon O'Brien rejoins Mass. government as top marijuana regulator \(boston.com\)](#); [Former treasurer Shannon O'Brien picked to lead cannabis board - Commonwealth Magazine](#); [Former Massachusetts treasurer, Easthampton lawmaker Shannon O'Brien to lead cannabis commission \(nepm.org\)](#).

The Agency Communications team "advised the Treasurer's [Communication] team we were concerned there were not enough answers to the questions [regarding the Chair's affiliation with a licensee] to set up press." A witness explained to the undersigned investigator, "We were made aware she [Chair O'Brien] had a relationship with a licensee but were still trying to understand and perform the due diligence the Agency has an obligation to do."

It was determined between the two entities that the Treasurer's Communications team would manage the Chair's initial press engagements prior to her swearing-in ceremony. Afterwards, the Agency Communications team would manage Chair O'Brien's media engagements following the swearing-in ceremony.

As memorialized in the email communication dated September 1, 2022, the Treasurer's Office and Agency Communications teams collaboratively agreed and affirmed "neither of our teams had plans to host a press conference [with Chair O'Brien] today. However, [the junior Communications team member] is stepping up to support the media avail that you [Treasurer's Office] organized [with Boston Globe reporter Dan Adams after the swearing-in ceremony]."

At that time, the junior Agency Communications team member informed Chair O'Brien that most incoming Commissioners generally did not take press interviews during their first few weeks or months on the job. Consequently, the Treasurer's Office as well as the Agency Communications team were surprised to learn that Chair O'Brien also granted an interview to CommonWealth Magazine, as documented in email communications dated September 2, 2022.

Further complicating matters were multiple press and public inquiries regarding the unresolved status of Chair O'Brien's affiliation with CCC licensee Greenfield Greenery. The Chair contends that she terminated all her equity and ownership interest in said licensee in or about December 2021 by signing an attestation to that effect. Chair O'Brien, during her interview, told this investigator that counsel for Greenfield Greenery stated her attestation would be filed with the Agency, along with the Change of Control application, prior to Christmas 2021. Chair O'Brien asserts she was under the impression that she was fully and completely extracted from all equity and ownership interests regarding CCC licensee Greenfield Greenery as of December 2021. However, the facts and related documentation are less clear in that regard, as various Agency witnesses, including Chair O'Brien herself, acknowledged.

Chair O'Brien informed the undersigned investigator that her departure from CCC licensee Greenfield Greenery was contentious and commented during her interview, "If I could stab him in the eye and make him go bankrupt, I'd be happy." Chair O'Brien recalled to this investigator that her former Greenfield Greenery colleague told her, "You should be worried about your reputation in the court of public opinion because you care [about your reputation] and I don't."

During her interview, Chair O'Brien told this investigator she was later notified that, although she executed the attestation in or about December 2021 relinquishing all her interest and control in CCC licensee Greenfield Greenery, counsel for the company did not timely file the complete or requisite documentation to effectuate the Chair's removal from the license.

As a result, the uncertainty and unresolved status of Chair O'Brien's affiliation with CCC licensee Greenfield Greenery generated much scrutiny and attention from the press, the public at large and within the cannabis industry generally when she was publicly announced as the new CCC Chair.

Mr. Sinclair, Chief Communications Officer, informed the undersigned investigator, "The Chair was making demands that the Communications team absolve her regarding Greenfield Greenery. . . She wanted us to make [public] statements on her behalf regarding her status on the license."

Tensions escalated, particularly between Chair O'Brien and Mr. Sinclair, following email exchanges and conversations that, at various times, also entangled members of the Agency Communications team, the Investigations and Enforcement team, Agency staff and fellow Commissioners regarding various matters, including the unresolved status the Chair's affiliation with CCC licensee Greenfield Greenery.

Throughout the investigatory process, credible witnesses reiterated, "From the outset, the majority of these disagreements have begun over tensions related to Greenfield Greenery. A matter that she [Chair O'Brien] ultimately recused herself from and yet she continues to pressure staff on how to manage their work related to the licensee."

During her interview with the undersigned investigator, Chair O'Brien alleged that Mr. Sinclair is sexist and does not like women. However, witnesses disagreed and disputed Chair O'Brien's contention that Mr. Sinclair is sexist, stating that a majority (75%) of Mr. Sinclair's direct reports are women.

When asked by the undersigned investigator to provide the basis for her contention that Mr. Sinclair is sexist and/or interacted with her differently on the basis of her gender, Chair O'Brien said, "I feel he harmed me and failed to allow me to explain my position [regarding licensee Greenfield Greenery.] ... Because I have been kept away from members of the press, I am unhappy with the way the Communications team functions."²

Over the past several months, there has been much discussion, disagreement and debate regarding Chair O'Brien's assertions that Mr. Sinclair and the Agency Communications team have precluded or prevented the Chair from speaking publicly regarding her prior affiliation with, and the timing of the relinquishment of her equity and ownership interest in, CCC licensee Greenfield Greenery.

One of the issues Chair O'Brien raised, and that continues to shape her current perception, is related to the press coverage regarding her appointment as CCC Chair. Chair O'Brien has alleged, "Cedric's lack of respect began even before I started. . . Cedric refused to support me during the press announcement of my appointment ... The situation around the [Boston] Herald inquiry and article regarding my previous ownership in a cannabis company and how I was not only left to fend for myself but was also actively discouraged by staff to not disclose the honest details of my giving up ownership in Greenfield Greenery in December of 2021. For eight months, Cedric and his staff failed to set up a press availability for me, never consulted me about public responses to crises, and have not coordinated with me in any way so I can play a public role as Chair – despite communications from Shawn [Collins, Executive Director]."

² It is noted by the undersigned investigator that in her email correspondence to [REDACTED] dated November 29, 2022, Chair O'Brien explicitly stated, "I do **not** wish to file a formal complaint," and "I am **not** interested in taking any action." Moreover, and of significance, in that email Chair O'Brien did **not** allege that Mr. Sinclair was sexist or otherwise treated her differently because of her gender.

Chair O'Brien asserts that because the Agency Communications team, in her perception, failed to support her regarding press inquiries related to CCC licensee Greenfield Greenery, some media outlets ran "negative" stories she alleges defamed her professional reputation.

Members of the Agency Communications team repeatedly stated to the undersigned investigator that they did not individually or collectively discourage, dissuade or otherwise deny Chair O'Brien any opportunities to address her prior professional affiliation with CCC licensee Greenfield Greenery and noted, as one witness stated, "Any commissioner can speak in their individual capacity. It happens all the time."

Contrary to the assertions made by Chair O'Brien during the investigatory process, she did have access to and, in fact, utilized media contacts and connections to speak with, for example, CommonWealth Magazine "after her swearing in about her prior cannabis experience and her priorities for the marijuana regulatory agency."

On the date of her virtual swearing-in ceremony, in the September 1, 2022, CommonWealth Magazine article, reporter Shira Shoenberg wrote, "With Greenfield Greenery, O'Brien became a partner in the venture and is listed on its license application as a manager, with an equal financial interest to [Randy] Facey. The company has obtained a provisional license, but still needs a final license to begin operations. ***O'Brien said she withdrew her involvement about a year ago because it was not a good fit and she wanted to do other things. But there was a delay in the company filing paperwork with the commission to get her removed from the license application, which is now in process.***" (emphasis added). The CommonWealth Magazine article continued and quoted Chair O'Brien as stating, "'I have not been involved or spoken to anybody on that team for at least 10, 11 months,' O'Brien said, adding that she has no ongoing relationship or promise of payment from either company. O'Brien said she will recuse herself from any company she has worked with." ([New CCC chair consulted for cannabis companies - CommonWealth Magazine, September 1, 2022](#)).

Yet again, in an interview on or about October 2, 2022 with WCVB Channel 5 "On the Record," Chair O'Brien seized the opportunity to clarify and address concerns regarding her professional affiliation with CCC licensee Greenfield Greenery as well as to clarify her experience within the cannabis industry. During the interview, Chair O'Brien explained, "***The fact is, I haven't been an owner of a licensee since December of 2021.*** I did work with some cannabis applicants, looking to get their HCA -- their host community agreement -- and to get their provisional license," she said. "***And I was the co-owner and CEO of a group called Greenfield Greenery. In December [2021] this past year, I signed an attestation, I basically gave up all ownership equity and control in that company.***" (emphasis supplied).

Furthermore, analysis and review of internal email communications confirmed and corroborated that Chair O'Brien is regularly invited and has opportunities, if she so chooses, as do all the Commissioners, to participate in pre-public meeting press preparation as well as the post-public meeting press scrum, which is offered to the Commissioners based on an alphabetical rotation. Additionally, Chair O'Brien affirmed to this investigator, "Cedric doesn't come to my press prep anymore. He only came to my press prep once."

Accordingly, the Chair’s assertions that she was precluded or prevented from speaking publicly, in her personal capacity, regarding her professional affiliation and disengagement from CCC licensee Greenfield Greenery are inconsistent with public information, media coverage and other documentary evidence.

The Chair also insists that Mr. Sinclair is “badmouthing” her and is “talking to people at the State House,” causing anonymous individuals to contact the Chair’s husband to notify her of these alleged actions.

During his interview, the undersigned investigator inquired if Mr. Sinclair “badmouthed” or made any disparaging, or otherwise negative, comments regarding Chair O’Brien to individuals associated with the State House, as Chair O’Brien alleged. Mr. Sinclair, in response to this investigator, denied making any such remarks and stated he has not physically been to the State House since the 2020 pandemic.

Mr. Sinclair further commented that he has had *virtual* conversations with legislators and meetings with other communications staff, but stated that in those instances non-Chair commissioners, legislators, the Agency Executive Director, Matt Giancola [Agency Director of Government Affairs and Policy] and/or legislative aides are present. Mr. Sinclair stated to this investigator that he does not meet with legislators alone, virtually or otherwise, and denied making any disparaging comments regarding the Chair.

Because the individuals that Chair O’Brien alleges contacted her and/or her husband to inform her that Mr. Sinclair allegedly “badmouthed” her have repeatedly declined to participate in the investigation or to otherwise disclose their identity in support of the Chair, the undersigned investigator is unable to definitively corroborate or refute whether Mr. Sinclair made negative statements to legislators or State House staff, as Mr. Sinclair has denied the allegations and Chair O’Brien has offered no witnesses to corroborate her statements.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Chair O'Brien has also alleged that [REDACTED], has attempted to harm her professional reputation. [REDACTED] identifies as White/Caucasian and reports to Maryalice Curley, Director of Communications. [REDACTED] also identifies as White/Caucasian.

Asked by this investigator to provide substantive examples to support her allegation, Chair O'Brien asserted that [REDACTED] failed to submit a written statement the Chair prepared in response to a press inquiry from the Boston Herald ("the Herald") on or about September 27, 2022 regarding Greenfield Greenery and Claremont Farm Works; two CCC licensees with which the Chair had a professional affiliation. However, review of relevant email correspondence confirms that [REDACTED] prepared and submitted a draft statement to Chair O'Brien for her review at 3:50 pm on the date in question, with a message that read, in pertinent part, "[W]e have drafted the below response which will go to the reporter before 6 PM today," which was the reporter's deadline. (emphasis supplied).

The draft statement prepared by the Agency Communications team reads, "*The Cannabis Control Commission (Commission) is aware of Chair O'Brien being listed on the two license applications. Greenfield Greenery submitted a Change of Ownership request to the Commission in May, which is still pending agency approval... Attached is a spreadsheet that identifies Marijuana Establishment applicants and licensees, by location, and where they are in the state's licensing process as of August 12. . . Please note: In regard to license applications listed with a status of "submitted application," the Commission is not making any representations regarding their accuracy or completeness. In other words, an applicant has at least submitted their required application, but the information within is not necessarily complete, and the application is still under review.*" (emphasis supplied).

On that same date, at 5:43 pm – 17 minutes before the press deadline – Chair O'Brien sent an email to [REDACTED] regarding the prepared draft statement and inquired, "Is it possible to include the fact that I severed all relationships with these two entities in December 2021? I hate this context not being included. I gave up all equity ownership and control over Greenfield then. Further, I stopped being paid for consulting services in about May of 2021 for Claremont Farmworks."

A short while later, at 5:51 pm, [REDACTED] promptly responded to Chair O'Brien, via email, and wrote, "Apologies for missing your call. The beginning of your voicemail broke up a

bit, but it sounds like you may have spoken with [Executive Director] Shawn [Collins] about including your personal statement with the response. *If the ED is comfortable with that approach, please feel free to send me what you would like to include and I can send it to the reporter.*" (emphasis supplied)

Later that evening, at 6:44 pm, well beyond the press deadline, Chair O'Brien sent an email to ██████████ that contained a substantially revised statement for submission to the Herald that read as follows, "I stopped actively working for Greenfield Greenery and Charlemont Farmworks in or about September of 2021. In December of 2021 I signed an attestation wherein I gave up all equity, interest and control in Greenfield Greenery LLC. I was told the principals at Greenfield Greenery would file the application for change of ownership by the last week in December. The ownership of the LLC was properly filed with the Secretary of State's office, but apparently the parties did not file the change of ownership application in the time frame I was promised. I have spoken with the State Ethics Commission, and while I currently have no ownership or potential benefit from this business, I made a determination that out of an abundance of caution, I will recuse myself from any deliberations regarding this business."

The following morning, the Herald article noted Chair O'Brien did not provide a statement. Consequently, Chair O'Brien contacted Ms. Smith at 6:49 am, in email correspondence dated September 28, 2022, and wrote, "Hi ██████████, The Herald notes that I didn't provide a statement. *Did it arrive too late?*" because, as the Chair had previously been informed, the press deadline was at 6:00 pm the prior day. (emphasis supplied).

██████████ responded to Chair O'Brien that same morning, via email, and wrote, "I apologize for the delay in getting back to you. I plan to follow up with the Herald to address two corrections: they never asked for a statement from you so there was nothing to decline, and as far as we can tell your email on the website works properly³. *Regarding the statement, I did hold it last night because of the timing and I didn't have the ability to give appropriate staff the heads up about it as it is very specific in nature.* The story that ran is fairly neutral other than the above, and I would be concerned that sending this would lead to additional questions and press inquiries on the subject. At this time, *my recommendation would be that we hold the statement and make some edits to it in the event of future inquiries and/or your press introductions.*" (emphasis supplied).

Chair O'Brien replied to ██████████, via email, that same afternoon on September 28, 2023 ██████████), and wrote, "*I apologize to both you and Cedric for interrupting your personal time away from the office.*" (emphasis supplied).⁴

³ The Boston Herald article commented that "the email listed on the agency's website for the commission chair doesn't work."

⁴ Mr. Sinclair was out ██████████

Chair O'Brien's email correspondence continued, "In the future, if my name is mentioned, I ask for a quick heads up at the same time you run it up the flag pole with others. ***This story was about me, not about the Commission.*** . . . If you were not going to send out my statement as I thought we agreed upon, I wish you had given me that information. ***I believe I handled this issue very well when I did my first interviews with the Globe and Commonwealth magazine.*** . . . And ***while the story is not a big deal for the Commission*** the fact that it leaves even the slightest scent of me doing something that implies any conflict is troubling to me. **So it IS a big deal to me personally and to my reputation.** (emphasis added).

Executive Director Shawn Collins, who was copied on the email correspondence, replied and offered clarity regarding the matter, and in email correspondence on that same date wrote, "Good afternoon, Chair, **I spoke with [REDACTED] yesterday evening and agreed with the approach she took on this.**" (emphasis supplied).

Furthermore, Executive Director Shawn Collins noted in the email correspondence to Chair O'Brien, "***There are going to be instances where the Commission's interest may not align with those of individual Commissioners, including yours. It is obviously my hope that when those situations arise, we have an opportunity to collaborate and respect one another's positions.*** I am grateful that you are inclined to collaborate, and in that spirit, would welcome the opportunity to talk with you further about this interaction, but perhaps more importantly, any future interactions. I trust our staff to be both professional and strategic, and am sure you'll find them to continue serving as valuable partners in the future." (emphasis supplied).

Although Chair O'Brien insisted throughout the investigatory process that the Agency Communications staff actively discouraged and prevented her from sharing details regarding the relinquishment of her ownership and equity interests in CCC licensee Greenfield Greenery in 2021, in that same email dated September 28, 2022, in response to Executive Director Shawn Collins, Chair O'Brien stated, relative to the Herald article, "Just wish I had the opportunity to go it alone **as I did successfully with the [Boston] Globe and Commonwealth [magazine], in which I was able to easily portray all that I did to avoid any legal or ethical problems.**" (emphasis supplied).

Moreover, a few days later, on or about October 2, 2022, Chair O'Brien publicly stated that her attestation ***is to be filed with the CCC. Chair O'Brien told WCVB "On The Record" she did not know why her former company has still not filed the document*** and commented, "Because I have no ownership and control, I have no conflict," she said. "But, out of an abundance of caution, anything to do with any group that I've worked with, I will recuse myself in the future." ([O'Brien goes On The Record about past pot business interests \(wcvb.com\), October 2, 2022](#)). (emphasis supplied).

Chair O'Brien also alleged that Mr. Sinclair influenced reporters, bloggers and media outlets to publish negative articles about her and her affiliation with CCC licensee Greenfield Greenery, which Mr. Sinclair has denied.

Yet, while Chair O'Brien decried what she perceived to be negative media attention attributable to, and created by, Mr. Sinclair, Chair O'Brien, during her interview told the

undersigned investigator, “*I’m not most Commissioners. I don’t mean to sound arrogant, but Shannon O’Brien alone is newsworthy...* There’s going to be press because I’m Shannon O’Brien. One headline read, ‘There’s Shannon O’Brien. She’s back.’” Chair O’Brien continued and further stated to the undersigned investigator, “If I want to be on Rachel Maddow, I’ll figure out how to get there!” (emphasis supplied).

Consistent with her own statements to the undersigned investigator, Chair O’Brien, by her own admission, is a “newsworthy” public figure, who has held high visibility political and state government positions. Therefore, it is reasonable that the media, the general public, constituents and others affiliated with the cannabis industry would be interested in her appointment as the new CCC Chair as well as her experience in the cannabis industry. Consequently, as with many and most public figures, that interest, at times, can result in unfavorable as well as favorable press coverage. Accordingly, Chair O’Brien offered no plausible evidence that Mr. Sinclair is responsible for what she perceives as negative media coverage related to her role as CCC Chair.

Mr. Sinclair also reported that he experienced tension and negative interactions with Chair O’Brien since the inception of their professional relationship working together at the Agency. Specifically, Mr. Sinclair, in his interview with the undersigned investigator, alleged that Chair O’Brien repeatedly bullied and attempted to influence and pressure Mr. Sinclair and the Agency Communications team to make public statements regarding the status of her affiliation with CCC licensee Greenfield Greenery in 2022 when the status, from the Agency’s perspective, was still unresolved.

Furthermore, Mr. Sinclair also alleged that Chair O’Brien defamed and intentionally undermined him and his team’s work, internally as well as externally in public forums, when the Chair repeatedly stated the Agency Communications team did not allow or prevented her from speaking with the media and making a personal statement regarding her affiliation with CCC licensee Greenfield Greenery.

As previously noted herein, it is indisputable that documentary evidence as well as media interviews and news articles confirm Chair O’Brien, on several occasions, spoke publicly and to the press regarding her affiliation, status and process of disengagement and relinquishment of her ownership and equity interests in CCC licensee Greenfield Greenery. Nonetheless, throughout the investigatory process, Chair O’Brien lamented to the undersigned investigator that Mr. Sinclair and the Agency Communications team “refused” to support her as Chair by not issuing a public statement that exonerated her, personally, and further affirmatively stated the Chair was no longer on the Greenfield Greenery license.

For several weeks and many months, Chair O’Brien and Mr. Sinclair debated whether it was appropriate for the Agency Communications team to issue a public statement regarding Chair O’Brien’s affiliation with a CCC licensee due to an actual, perceived or potential conflict of interest. The discussions, at base, also implicate the scope of authority and accountability of Agency staff to the Agency Executive Director, the Chair and all five Commissioners. As Executive Director Shawn Collins, in his September 28, 2022 email to Chair O’Brien during the

first month of her tenure with the Agency, noted, “There are going to be instances where the Commission’s interest may not align with those of individual Commissioners, including yours.”

Both Chair O’Brien and Mr. Sinclair have engaged in protracted email exchanges debating their differing perspectives and opinions in this regard. The emails between Chair O’Brien and Mr. Sinclair often involve both copying other Agency staff, management and leadership on their communications, which contributes to their continuous power dynamic wherein each person wants to be “right,” and simultaneously wants to also prove the other person “wrong.”

However, in 2022, Mr. Sinclair ceased participation in press preparation with Chair O’Brien. Instead, Mr. Sinclair delegated that responsibility to the Director of Communications and the Senior Press Secretary to minimize his interactions and friction with the Chair.

In an effort to improve the professional engagement and interactions between Chair O’Brien and Mr. Sinclair, both individuals stated they were amenable to facilitated mediation, which commenced in or about January 2023. Ultimately, the facilitated mediation was unsuccessful, with both parties complaining about the behavior and conduct of the other during the sessions. Therefore, mediation was discontinued because it was deemed unproductive.

For the Chair, although the status of her affiliation with CCC licensee Greenfield Greenery was finally and affirmatively resolved, as reflected in a report published on the CCC website in February 2023. However, throughout the investigatory process, witnesses reiterated and reaffirmed to the undersigned investigator that Chair O’Brien’s continued perception that the Agency Communications team prevented her from disclosing the details regarding the relinquishment of her ownership and equity interests in CCC licensee Greenfield Greenery – despite documentary evidence to the contrary – currently persists and has contributed to an unhealthy work environment at the Agency.

A. During the pendency of the investigation, CCC Commissioner Camargo also filed a complaint regarding Chair O’Brien’s workplace conduct.

In addition to the above noted matters, Commissioner Camargo also filed a formal complaint against Chair O’Brien in which she alleged Chair O’Brien engaged in conduct that made Commissioner Camargo “personally and professionally uncomfortable, due to Chair Shannon O’Brien’s (who I believe identifies as a white woman) comments, behavior, false narratives – and at times, statements made that I believe have racial motives and biases.” Commissioner Camargo identifies as a woman of color.

By way of example, Commissioner Camargo stated that Chair O’Brien has repeatedly intimated that Commissioner Camargo and Mr. Sinclair, Chief Communications Officer, have a “special relationship.” Commissioner Camargo recounted to the undersigned investigator that

Chair O'Brien has on several occasions, including in the presence of Agency colleagues, said to her, "Cedric is your buddy" and "I know Cedric is your buddy."

Commissioner Camargo told this investigator that, in response, she reiterated and informed Chair O'Brien that Mr. Sinclair is simply a work colleague with whom she developed a professional working relationship while at the Agency. Commissioner Camargo told the undersigned investigator that she repeatedly asked Chair O'Brien to cease referring to Mr. Sinclair as her "buddy." However, Chair O'Brien continued to do so, despite Commissioner Camargo's request.

Likewise, on several occasions throughout the investigatory process, Chair O'Brien made similar statements to the undersigned investigator and said, "Cedric and Commissioner Camargo are *very* close and have a close relationship. . . They are very much in sync with each other and support each other." Commissioner Camargo, during her interview, in discussing the "buddy" comments made by Chair O'Brien stated to this investigator, "As Black and Brown people, she [Chair O'Brien] pairs us together. . . Basically, putting all Black people together in the same bucket."

The undersigned investigator asked Chair O'Brien if she referred to Mr. Sinclair as Commissioner Camargo's "buddy." The Chair admitted, "I don't dispute that I said that 'I know Cedric's your buddy.'"

Yet, later in her interview, Chair O'Brien disclosed to the undersigned investigator, "[Commissioner] Kim Roy is *my friend*. . . *I've become very closely aligned with [Commissioner] Kim Roy. She has my back, and I have her back.*" (emphasis supplied). This investigator is informed Commissioner Roy identifies as White/Caucasian.

Commissioner Camargo also stated that during conversations Chair O'Brien will often identify or reference other individuals who the Chair perceives to share the same or similar ethnic or racial background as the person with whom Chair O'Brien is speaking.

For example, Commissioner Camargo recalled to this investigator, "Chair O'Brien said to me, 'I don't know [State Senator] Lydia Edwards, but you probably know her.'" Commissioner Camargo explained, "I never made any mention to the Chair that I knew or had any affiliation with Ms. Edwards (who I believe identifies as African American). I believe this statement by the Chair was an assumption motivated by racial bias (assuming all people of color know one another)."

Chair O'Brien engaged in similar conduct with the undersigned investigator during her interview, often referencing high visibility politicians, business leaders and other influential individuals the Chair perceived to share the same demographic background as this investigator. Having directly experienced similar comments and behavior by the Chair, the undersigned investigator finds Commissioner Camargo's allegations credible.

Commissioner Camargo further alleged that Chair O'Brien frequently referred to fellow Commissioner Ava Callendar Concepcion as "the good lawyer," which Commissioner Camargo perceived as Chair O'Brien suggesting that Commissioner Concepcion is "the good Black

person” while Commissioner Camargo⁵ is “the not so good Black person.” Asked to explain what she meant by the statement, Chair O’Brien stated, “Commissioner Concepcion is the ‘good lawyer’ versus me, ‘the not a good lawyer’ because I’m not going to take my own advice. I am extremely self-deprecating. My husband gets upset when I say I’m not a good lawyer because he thinks it undermines my Yale undergraduate degree and my BU Law degree.” The explanation offered by Chair O’Brien does not suggest the Chair’s comments are attributable to Commissioner Camargo’s race.

Additionally, Commissioner Camargo alleged she felt “belittled” and “dehumanized” by Chair O’Brien when the Chair made “disparaging remarks about my professional qualifications.” Commissioner Camargo contends that Chair O’Brien made statements “both in a public setting via media and once in our Governance meeting that candidates that applied for the Chair position were not qualified. When she [Chair O’Brien] made the statement, she was aware that Commissioner Ava Concepcion and I had applied for the Chairmanship at the Commission.”

In support of her allegations, Commissioner Camargo referenced the interview of Chair O’Brien conducted by journalist Grant Smith Ellis entitled, “Part 1, CCC Chair Says No Publicly Declared Candidates (all Black or Brown) Were Qualified for Appointment To Her Position.” [Grant Smith Ellis on X: "Today, I asked @MA_Cannabis Chair Shannon O'Brien today why she felt the other candidates who applied for Chair \(including Nurys Camargo, Ava Concepcion, Aaron Goines and Kim Napoli\) were not qualified. She told me to read the law. I did and it says nothing of the sort. https://t.co/PoYg5VDuuZ" / X \(twitter.com\).](https://t.co/PoYg5VDuuZ)

During her interview, the undersigned investigator inquired whether Chair O’Brien publicly stated or suggested that Commissioner Camargo, or other candidates, were not qualified for the CCC Chair position. Chair O’Brien did not directly answer the question nor explicitly deny that her remarks may have created the impression that she thought Commissioner Camargo, as well as other CCC Chair candidates, were not qualified for the role. Rather, Chair O’Brien stated, “I suggested he [journalist Grant Smith Ellis] look at the enabling statute. . . Language in the enabling statute requires that the Treasurer’s appointee have experience working in business with corporations, working in banking and working in finance. You could have any one of those things. I’ve actually done all three and literally checked all the boxes.”

However, during a subsequent interview with the undersigned investigator, Chair O’Brien stated, “Commissioner Camargo *never* would have been appointed as [CCC] Chair, but *maybe* Commissioner Concepcion would.” It is, therefore, plausible that Commissioner Camargo, as did the journalist noted above, perceived Chair O’Brien as stating that Commissioner Camargo was not qualified for the role of CCC Chair.

⁵ Based on Commissioner Camargo’s bio posted on the CCC website, she is not an attorney.

- [Redacted]

[Redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

[REDACTED]

[Redacted text block]

- [Redacted list item]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

IV. Conclusions

A. Chair O’Brien’s allegations against Chief Communications Officer Cedric Sinclair [REDACTED]

Chair O’Brien, who identifies as White/Caucasian, alleged she was subjected to bullying and harassment by Mr. Cedric Sinclair, Chief Communications Officer, based on her gender and further asserted Mr. Sinclair does not like women and is sexist. Mr. Sinclair identifies as Black/African American. However, as noted herein, Chair O’Brien’s allegations of bullying, harassment and discrimination based on her gender are not substantiated by any competent evidence and, further, are contradictory with consistent statements of multiple credible witnesses.

[REDACTED]

Moreover, witnesses dispute the Chair’s assertions that Mr. Sinclair and [REDACTED] are sexist or do not like women, noting that both Mr. Sinclair and [REDACTED] manage and lead gender diverse teams.

B. Chief Communications Officer Cedric Sinclair’s claims against Chair O’Brien.

Additionally, Mr. Sinclair alleged that Chair O’Brien has also engaged in bullying behavior, intimidation, defamation and efforts to intentionally undermine him and his team based on his race. However, the investigatory process demonstrated that - although Mr. Sinclair and Chair O’Brien have widely divergent opinions regarding the enabling statute as well as their respective roles and authority within the Agency – Mr. Sinclair’s allegations are not corroborated or supported by any credible witness statements or documentary evidence.

Several witnesses stated to the undersigned investigator that they believe staff, management and even other Commissioners have become collaterally embroiled in the tension and controversy between Chair O’Brien and Mr. Sinclair to the detriment of the Commission.

Because the professional working relationship between Chair O’Brien and Mr. Sinclair has been damaged, there is a lack of trust on both sides.

Moreover, press inquiries and continuous media scrutiny regarding the Commission, its new Chair and the Chair’s prior professional affiliation with a CCC licensee likely exacerbated circumstances at the Agency.

The culmination of circumstances at the Agency since fall 2022 is, as witnesses repeatedly described to the undersigned investigator, “causing turmoil internally” because “the

Chair doesn't seem to want to work with anyone here. She wants to boss [around] everyone here." As a result, it has created a challenging environment in which to foster cohesion within the Agency.

C. Commissioner Camargo's complaints against Chair O'Brien.

Commissioner Camargo also reported that Chair O'Brien often referred to Mr. Cedric Sinclair, who also identifies as Black/African American, as Commissioner Camargo's "buddy," which she perceived to be racially motivated.

Chair O'Brien, during her interview, admitted to repeatedly referring to Mr. Sinclair as Commissioner Camargo's "buddy" and further suggesting "they have a very close relationship" even, at times, in the presence of other Agency employees as well as other Commissioners.

Furthermore, Commissioner Camargo asserted that she felt "belittled" and "dehumanized" when Chair O'Brien made public statements during a media interview with journalist Grant Smith Ellis that she perceived, and which created, the impression that Commissioner Camargo, and other diverse candidates, were not qualified for the CCC Chair position.

During her interview with the undesigned investigator, although Chair O'Brien said she told the journalist to "look at the enabling statute" in response to his question whether she thought the other candidates were not qualified for the role, the Chair O'Brien also stated to this investigator, "Commissioner Camargo *never* would have been appointed as [CCC] Chair," giving further credence to Commissioner Camargo's assertions that the Chair's comments were professionally inappropriate.

Also, Commissioner Camargo contended that Chair O'Brien often referred to Commissioner Concepcion, who also identifies as Black/African American, as the "good lawyer," which Commissioner Camargo perceived as the Chair suggesting that Commissioner Concepcion is the "good Black person," while Commissioner Camargo is the "not good Black person." However, Chair O'Brien, during her interview, reasonably explained that she frequently described herself as "not a good lawyer," because she often does not adhere to her own advice.

D. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Agency Employee Handbook and the Enhanced Code of Ethics, which is applicable “to all Commissioners and employees of the Commission,” sets forth general information regarding the policies and procedures that govern expectations regarding “Standards of Conduct and Disciplinary Action” as well as “the propriety of their [each Commissioner and employee] past, present or future conduct.”

The Employee Handbook at Section 3 provides, “The Commission is actively committed to providing a safe and collegial *work environment based on mutual respect*, allowing all employees to carry out their work free from discrimination or harassment.” (emphasis supplied). Chair O’Brien, by her own admission, and further as corroborated by documentary evidence and credibly compelling witness statements, on various occasions made rude and disrespectful remarks as well as racially, ethnically and culturally inappropriate statements and presumptions in the workplace. Based on established business best practices, Chair O’Brien’s racially, ethnically and culturally insensitive statements and conduct in the workplace could reasonably be found to be inconsistent with the expectations, values and standards of appropriate professional workplace conduct.

V. Closing

In sum, the investigation found, through witness interviews, in conjunction with the review of organizational documentation, that Chair O'Brien was not subjected to bullying, harassment or discriminatory treatment based on her gender by Mr. Cedric Sinclair, the Agency or its employees as a result of the matters that were the subject of this investigation.

Additionally, the investigation found, as corroborated by witness statements and analysis of Agency documents, that Chair O'Brien also was not subjected to discriminatory treatment based on her gender by [REDACTED], the Agency or its employees as a result of the matters that were the subject of this investigation.

Likewise, the investigation similarly found, through witness interviews, coupled with the review of organizational documents, that Mr. Cedric Sinclair, Chief Communications Officer, was not subjected to bullying, defamation or discrimination based on his race by Chair O'Brien as a result of the matters that were the subject of this investigation.

The investigation also found - as admitted and confirmed by the Chair herself - that Chair O'Brien repeatedly made inappropriate remarks regarding the professional work relationship between Commissioner Camargo and the Chief Communications Officer. The investigation further found, as corroborated by documentary evidence – and as affirmed by statements the Chair made during the investigatory process – that Chair O'Brien made public statements that could reasonably be perceived as creating the impression that Commissioner Camargo, and other diverse candidates, were not qualified for the CCC Chair role.

[REDACTED]

The undersigned investigator hereby provides this summary report to the Agency and respectfully defers to the Agency to determine whether the behavior, conduct and statements described herein attributable to, or acknowledged by, the Chair, or any other individual affiliated with the Agency, implicates or is violative of any applicable policies.

Respectfully Submitted,

Kimberly Y. Jones
Athena Legal Strategies Group