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Superior Court - Suffolk
Docket Number

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss. SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.

SHANNON O'BRIEN,	)
Plaintiff,	)
	)
v.	)
COMMONWEALTH OF MASSACHUSETTS,	)
acting by and through the OFFICE OF THE STATE	)
TREASURER AND RECEIVER GENERAL;	)
CANNABIS CONTROL COMMISSION; and	)
DEBORAH B. GOLDBERG, individually;	)
Defendants.	)

COMPLAINT AND JURY DEMAND

Plaintiff Shannon O'Brien ("Chair O'Brien" or "O'Brien"), by and through her attorneys, brings this action against the Commonwealth of Massachusetts acting by and through the Office of the State Treasurer and Receiver General (the "Treasury"), the Cannabis Control Commission (the "Commission" or "CCC"), Deborah B. Goldberg ("Goldberg"), and alleges as follows:

NATURE OF THE ACTION

1. This case concerns what happened after Shannon O'Brien did the job she was appointed to do. Following her appointment as Chair, Ms. O'Brien confronted entrenched management failures at the Cannabis Control Commission, insisted that credible allegations of regulatory misconduct be investigated, and opposed conduct she reasonably believed violated Massachusetts law and endangered the public. The retaliatory response was swift: pressure to resign, misuse of confidential personnel processes, suspension, and ultimately removal from office.

2. Defendant Deborah Goldberg recruited Ms. O'Brien to lead an agency already struggling with management failures, regulatory delay, blurred lines of authority, internal retaliation, and threats to the integrity of the Commonwealth's regulated cannabis market. Goldberg's own words captured the assignment: she asked, in substance, "who better than Shannon O'Brien" to fix the problems at the Cannabis Control Commission.

3. O'Brien took that mandate seriously. She demanded accurate information, competent management, evenhanded enforcement, and meaningful investigation of serious allegations—including that a favored licensee was cultivating and distributing unregulated cannabis, using an

underage person to help manufacture cannabis products, and receiving preferential treatment from Commission personnel.

4. Those efforts threatened senior Commission officials whose performance, conduct, and relationships O'Brien had begun to scrutinize. Rather than address the problems she identified, they used the Commission's personnel machinery to discredit the Chair and drive her from office.

5. Defendant Goldberg did not remain neutral. Before the principal workplace investigation was complete, she disclosed confidential accusations against O'Brien to a longtime political associate, predicted that O'Brien would be humiliated, and discussed replacing her with a commissioner who was a woman of color. Only weeks later, Goldberg pressured O'Brien to resign even though the "confidential" investigation was unfinished and had not been discussed with O'Brien.

6. Ms. O'Brien refused to surrender her office or abandon the work she had undertaken. Goldberg suspended her on September 14, 2023, and wrongfully removed Ms. O'Brien from her position as Chair on September 9, 2024.

7. On September 2, 2025, after reviewing an administrative record of nearly 3,000 pages, the Superior Court vacated the removal decision made by Defendant Goldberg as unsupported by substantial evidence and affected by material errors of law. The Court ordered O'Brien immediately reinstated with back pay and benefits, referring to the allegations against Ms. O'Brien as a house of cards and "thin gruel."

PARTIES

8. Plaintiff Shannon O'Brien is a resident of Massachusetts. She is a former Massachusetts State Treasurer and was appointed Chair of the Cannabis Control Commission for a five-year statutory term beginning September 1, 2022.

9. Defendant Commonwealth of Massachusetts, acting by and through the Office of the State Treasurer and Receiver General, is a public employer within the meaning of G.L. c. 149, § 185. O'Brien performed compensated public service as Chair. The Treasury exercised actual or asserted authority over her appointment, suspension, compensation, benefits, working status, and removal, including the authority it ultimately exercised to suspend her from the performance of her duties and remove her from compensated service.

10. Defendant Cannabis Control Commission is an independent public commission created by statute and a public employer within the meaning of G.L. c. 149, § 185. The Commission controlled O'Brien's workplace, agency access and resources, personnel relationships, and the day-to-day conditions and practical means by which she performed her compensated statutory duties.

11. Defendant Deborah B. Goldberg was at all relevant times the Treasurer and Receiver General of the Commonwealth. Goldberg is sued in her individual capacity on Counts II and III.

JURISDICTION AND VENUE

12. This Court has jurisdiction under G.L. c. 149, § 185(d), G.L. c. 12, §§ 11H and 11I, G.L. c. 214, § 1B, and G.L. c. 212, § 4.

13. Venue is proper in Suffolk County because the Treasury is located in Suffolk County; Goldberg performed material acts alleged in this Complaint in Suffolk County; and a substantial part of the events and injuries giving rise to these claims occurred in Suffolk County.

14. O'Brien claims a jury trial on all issues triable to a jury.

FACTUAL ALLEGATIONS

A. O'Brien Was Appointed to Lead and Reform an Independent Commission

15. The Commission regulates the Commonwealth's adult-use and medical cannabis industries. Its responsibilities include licensing, enforcement, product testing, seed-to-sale tracking, and protection of consumers from contaminated, unregulated, or fraudulently labeled cannabis products.

16. The Commission was established as an independent entity. During O'Brien's tenure, G.L. c. 10, § 76 charged the Chair with "exercising supervision and control over all the affairs of the Commission" and authorized the Chair's removal only for specifically enumerated grounds following notice and an opportunity to be heard.

17. Goldberg knew the Commission was deeply troubled when she recruited O'Brien. In August 2022, Goldberg told Edward J. Farley, a longtime political associate and senior Lottery official, in substance, "who better than Shannon O'Brien" to fix the problems at the Cannabis Control Commission. Upon her appointment as Chair, Defendant Goldberg stated the following regarding Ms. O'Brien:

"I am confident that her financial background, experience in corporate governance, executive management, and business development, combined with outstanding leadership skills and an acute knowledge of the legislative process, will help the Massachusetts cannabis industry be fairly regulated, equitable, and successful."

18. O'Brien accepted the appointment and began her five-year term on September 1, 2022. She reasonably understood her mandate to include demanding competent management, lawful and evenhanded regulation, transparency, and protection of public health and safety.

19. Shawn Collins was the Commission's Executive Director. Before joining the Commission, he had worked for Goldberg and played a central role in establishing the new

agency. He remained personally close to Goldberg and to Deputy Treasurer and General Counsel Sarah Kim; Goldberg was invited to his December 2021 wedding.

B. O'Brien Identified Regulatory, Management, and Public-Safety Failures

20. Soon after taking office, O'Brien encountered resistance from senior Commission personnel, including Shawn Collins and then-Chief Communications Officer Cedric Sinclair, when she sought accurate information, appropriate public communications, and accountability.

21. Ms. O'Brien also learned that material information concerning the death of a cannabis-industry worker had not timely been provided to Commissioners, impairing their ability to address a serious health and safety issue.

22. O'Brien raised concerns about delays in license processing; failures in the Commission's social-equity mission; inconsistent and disparate enforcement among licensees; data-security breaches; failures to implement statutory reforms; the absence of, or inadequacy of product-testing oversight; and concealment of information necessary for Commissioners to perform their duties.

23. O'Brien also learned of practices suggesting that internal personnel processes and strategic disclosures to the press were used to harm officials or employees whom senior managers perceived as adversaries.

24. Collins told O'Brien that he tracked Commissioner Kimberly Roy's travel reimbursements and contemplated disclosing them to the press to embarrass Ms. Roy.

25. O'Brien also had reason to believe confidential HR information concerning former Chair Steven Hoffman had been disclosed outside appropriate channels before his resignation.

26. These events informed O'Brien's reasonable belief that confidential complaints and investigations could be manipulated or leaked to remove officials who challenged senior Commission personnel.

27. The dysfunction that O'Brien encountered was not a post hoc justification for her conduct. Commissioner Kimberly Roy later testified that Commission staff viewed Sinclair, rather than Collins, as running the agency; that Collins deserved the lowest possible rating for management; and that senior management had described a toxic culture in which human-resources complaints were weaponized against officials who were trying to improve the Commission, including Ms. O'Brien.

28. Defendant Goldberg later appointed a neutral hearing officer, Attorney Thomas Maffei, to preside over the removal proceedings she convened following O'Brien's suspension and to make written findings on the disputed factual issues. Defendant Goldberg determined, however, that she would act as the ultimate decision-maker. The hearing officer likewise found that the Commission needed direction and leadership; that concerns about Collins's management

predated Ms. O'Brien's arrival; and that other commissioners shared concerns about his management, communication, delegation, and failure to hold staff accountable.

C. O'Brien Reported Collins's Management Failures and Conflicts

29. By early 2023, Collins had advised O'Brien and others that he was pursuing other employment and intended to leave the Commission. At the same time, the Commission faced vacancies in senior legal and human-resources roles, regulatory deadlines, and serious operational failures. By April 2023, Collins was serving as both the Executive Director and was the Acting General Counsel who should have been coordinating HR investigations with the Commission's outside Labor Counsel, Jackie Kugell.

30. By late April or early May 2023, O'Brien reported directly to Goldberg, Kim, and Treasury Chief of Staff Chandra Bork that Collins was neglecting critical responsibilities, pursuing other employment, and allowing serious Commission matters to go unaddressed.

31. O'Brien explained that, if Collins would not perform the job or left as he had repeatedly said he intended to do, the Commission would need a leadership transition to meet its legal and regulatory obligations.

32. Kim reacted angrily and told O'Brien, in substance, that she could not remove Collins because he was about to have a baby. The response focused on concerns regarding protecting Collins, not on the operational and regulatory failures Ms. O'Brien had reported.

33. During the later removal proceedings of Ms. O'Brien, neither Goldberg nor Kim offered testimony contradicting O'Brien's account of this particular meeting. Both chose not to testify. The hearing officer therefore ruled that O'Brien's account of her discussions with them concerning Collins was to be credited as true.

34. The hearing officer further found that Collins was friendly with both Defendant Goldberg and Kim, that he played a leading role in the events culminating in Ms. O'Brien's suspension, and that their relationships permitted an inference that they were favorably inclined toward Collins and unhappy that O'Brien might require him to leave in an attempt to advance the interests of the Commission.

35. O'Brien continued to report to the Treasury that the Commission's management failures, senior vacancies, concealment of material information, and lack of regulatory follow-through threatened the lawful operations and public health and safety.

D. The Greatest Hits Allegations

36. In June 2023, whistleblower Matt Dunkum provided the five Commissioners with information alleging serious misconduct involving Greatest Hits, a Commission licensee.

37. The allegations included that Greatest Hits conducted unlawful cultivation, used an underage person to help roll cannabis products, and distributed substantial quantities of unregulated and untested cannabis to the public.

38. Ms. O'Brien promptly directed the allegations to Collins for investigation and enforcement. She reasonably believed the allegations, if substantiated, implicated Massachusetts cannabis laws and regulations and posed serious risks to consumers and the integrity of the regulated market.

39. Mr. Collins did not disclose to Ms. O'Brien, in writing or otherwise, that Greatest Hits' general counsel, Attorney Nicholas Adamopoulos, was his personal friend, law-school classmate, groomsman, and later business associate. Nor did Collins disclose that the head of Greatest Hits Compliance was an individual named Ed Guardiola, who had previously worked at the Commission under Collins' direction.

40. O'Brien later received information that Collins had intervened in or obstructed the investigation of Greatest Hits; that assigned investigators had been replaced; and that meaningful enforcement action was delayed while evidence could be removed.

41. O'Brien also learned of a Commission Teams communication in which Collins allegedly thanked investigative personnel for "helping our friends."

42. O'Brien reasonably believed that the apparent conflict, failure to investigate, obstruction or delay of enforcement, and preferential treatment of a licensee violated the Commission's statutory and regulatory obligations and threatened public health and safety.

43. On or about July 11, 2023, Commissioner Sinclair sent a communication to Collins and other Commission personnel expressly raising Collins's conflict of interest regarding Greatest Hits.

44. Ms. O'Brien alleges that, by this point, exposure of the Greatest Hits matter threatened Collins personally and professionally and supplied him with a powerful personal motive to discredit and remove Ms. O'Brien, as the Chair who was pressing for completion of the Greatest Hits investigation.

E. Workplace Complaints Were Escalated and Used Against O'Brien

45. In January 2023, Sinclair filed a workplace complaint against O'Brien. Ms. O'Brien denied these allegations and promptly asked that her prior reports submitted in October 2022 concerning Cedric Sinclair and other managers be treated as a cross-complaint.

46. Attorney Kimberly Jones conducted the first investigation. Although Ms. O'Brien identified five witnesses with favorable and material information in her defense, Jones and the Commission's internal team decided not to interview any of them. Attorney Jones conducted no witness interviews after Ms. O'Brien's final interview on July 26, 2023.

47. By contrast, the later report of allegations against Ms. O'Brien relied substantially upon anonymous accusations and speculation adverse to O'Brien which had been provided by persons who reported directly to Cedric Sinclair.

48. Despite the failure to interview Ms. O'Brien's identified witnesses, Attorney Jones found that Cedric Sinclair's allegations that O'Brien discriminated against him because of race were unsupported by credible witnesses or documentary evidence. She likewise found that the original cross-complaints did not establish that either side had violated the other's protected workplace rights.

49. The conclusions reached by Attorney Jones in the first report relied heavily on five unnamed Commission employees. Commission counsel had authorized Jones to promise them anonymity, leaving Ms. O'Brien unable to learn who accused her, what interests or reporting relationships they had, whether they coordinated their accounts, or what context surrounded the statements attributed to them.

50. Attorney Thomas Maffei, as the subsequent hearing officer appointed by Defendant Goldberg, also struck those anonymous statements. He also found that they lacked the reliability and trustworthiness necessary to protect Ms. O'Brien's due-process rights, that numbering anonymous witnesses did nothing to make their accusations reliable, and that the Commission's "turmoil, turf battles and backbiting" made motive and context especially important.

51. The second investigator, Attorney Tracey Spruce, also rejected material parts of Collins's account. Spruce found that O'Brien did not try to force Collins to resign, that Collins already wanted and planned to resign, that O'Brien's efforts to have him announce those plans violated no Commission policy, and that nothing O'Brien did caused his resignation.

52. Attorney Spruce credited Ms. O'Brien—not Collins—concerning the truth of their July 27 discussion. She further found that the three incidents' Collins characterized as "bullying" did not individually violate Commission policy and resorted instead to the "totality" of events and relied upon proposed Massachusetts legislation that had never been enacted, and in the alternative pointed toward a California law which required actual malice which Spruce noted was lacking.

53. In July 2023, counsel for Ms. O'Brien sought completion of the original cross-complaints. Those complaints were reportedly resolved without a finding that either party violated the other's HR rights.

54. The inappropriate use of the personnel investigative process escalated as O'Brien's scrutiny of Collins and other senior officials intensified. Commission personnel solicited, organized, or encouraged additional complaints from employees supervised by individuals whose performance and conduct O'Brien had challenged.

55. The resulting process excluded favorable witnesses, used inconsistent standards for exculpatory and anonymous information, and produced reports that would be delivered to Goldberg as a mechanism for O'Brien's suspension and removal.

56. At the same time, Collins served as both Executive Director and Acting General Counsel, giving him unusual influence over the Commission's management, legal, and personnel functions while Ms. O'Brien was scrutinizing his own performance and conflicts.

57. The Treasury's own September 25, 2023, litigation hold identifies Edward Farley, former Marketing Director for the State Lottery, as the only non-Treasury employee directed to preserve evidence concerning Ms. O'Brien, corroborating the significance of his communications with Goldberg.

F. Goldberg Disclosed Confidential Allegations and Threatened Humiliation

58. On July 14, 2023—before Attorney Jones completed her investigation—Goldberg telephoned Farley. Farley had known Goldberg for nearly two decades, worked on her campaigns, and remained her longtime political confidant.

59. Goldberg told Farley that she had received confidential information concerning a Commission investigation into allegations that Ms. O'Brien had made racially insensitive comments.

60. Goldberg said O'Brien would be "humiliated" by the information being shared with her and might be replaced by a commissioner who was a "woman of color."

61. Goldberg's statements to Farley revealed that she was already contemplating O'Brien's removal and public humiliation before the investigation by Attorney Jones was complete, before O'Brien had received its report, and before O'Brien had any meaningful opportunity to answer its conclusions.

62. Goldberg again contacted Farley on August 4 and August 6, 2023. In one of those communications, Goldberg sent Farley a message containing a link to a video of a Commission meeting, directed him to view the video, and directed him to delete the message; she further conveyed that O'Brien could no longer serve and should leave office.

63. On September 7, 2023, Kim sent Ms. O'Brien the Jones report and Collins's attorney's demand letter. During the following week, Goldberg relayed through Kim that Ms. O'Brien should resign and would be suspended if she refused.

64. Defendant Goldberg's unwarranted disclosures, identified above, were not reasonably necessary to any legitimate Treasury function. In the context of contemporaneous pressure on Ms. O'Brien to resign, these disclosures communicated the threat of public humiliation and replacement and were intended to pressure O'Brien to leave office, remain silent, or abandon her efforts to expose Commission misconduct.

65. These communications were not disclosed to Ms. O'Brien when they occurred. O'Brien first learned of their existence and substance on or about November 2023, and then confirmed in April of 2024, when Mr. Farley provided sworn evidence during the removal proceedings. Before that time, Ms. O'Brien neither knew nor reasonably could have known of Goldberg's disclosures to Farley or the instruction to delete evidence of them.

G. O'Brien Continued Reporting Misconduct and Refused to Resign

66. Despite the ongoing turmoil, Ms. O'Brien continued pressing the Commission to meet statutory deadlines to draft regulations and secure competent executive and legal leadership during Collins's anticipated leave and planned departure.

67. Ms. O'Brien continued reporting to Goldberg and Treasury officials that Collins was not performing critical responsibilities and that his abrupt absence would leave the Commission without effective leadership at a critical time.

68. O'Brien also continued reporting internal abuse of employees, disparate treatment of licensees, misuse of confidential information, data-security concerns, and failures to address regulatory and public-safety risks.

69. On July 31, 2023, Goldberg summoned O'Brien to a meeting devoted exclusively to Shawn Collins. The first investigation was unfinished and was not discussed. Goldberg told O'Brien she had lost confidence in her, directed her to speak with her husband, and pressed her to resign. O'Brien refused.

70. The pressure caused severe stress and physical symptoms. On September 13, 2023, O'Brien sought emergency medical treatment with dangerously elevated blood pressure.

H. Suspension and Removal

71. On September 14, 2023, Goldberg suspended O'Brien by means of a one-page letter that did not identify the factual grounds for the suspension or invoke a statutory basis for Ms. O'Brien's removal.

72. The suspension excluded Ms. O'Brien from her office, Commission information, agency resources, personnel, public meetings, and the performance of her statutory duties.

73. After Ms. O'Brien chose to challenge the suspension and proposed removal, Goldberg established a removal process in which she, Defendant Goldberg, would remain as the ultimate factfinder and decision-maker.

74. O'Brien has presented documentary evidence during that process concerning the management and regulatory failures she had reported, including evidence from former Commissioners Roy and Hoffman and a sworn affidavit from Farley concerning Goldberg's prejudgment and threatened humiliation.

75. Commissioners Roy and Hoffman also documented Collins' poor performance as a manager. Hoffman has also disclosed that Goldberg had pressured him to hire Collins to serve as the inaugural Executive Director.

76. During the removal meetings, O'Brien sought testimony from Goldberg and Kim concerning their communications with Collins, their knowledge of his performance problems, and their own role in the events leading to her suspension. They declined to testify. The hearing officer cautioned that anonymous statements lacked sufficient reliability and that O'Brien could not meaningfully defend against them.

77. The hearing officer found that there was evidence that either Defendant Goldberg or Kim communicated with Collins about Ms. O'Brien's activities and behavior while she remained in office, and that Kim drafted the notice describing the asserted reasons for O'Brien's suspension and potential removal.

78. The hearing officer also found there was no evidence contradicting O'Brien's account of what she told Goldberg and Kim about Collins or their response. He ruled that her testimony on those subjects therefore had to be treated as true.

79. Despite those concessions—and despite the exclusion of anonymous accusations, Investigator Spruce's rejection of key aspects of Collins's account, and extensive exculpatory evidence—Goldberg wrongfully removed O'Brien on September 9, 2024, asserting gross misconduct and inability to discharge the duties of her office.

80. Defendant Goldberg reduced her removal decision to a written explanation spanning approximately 80 pages. The stated grounds included alleged comments perceived to be racially, ethnically, or culturally insensitive; comments concerning Executive Director Collins's parental leave that Goldberg asserted contributed to a hostile work environment; and communications with and about Collins that, taken together, Goldberg characterized as threatening, abusive, and humiliating and thus as "bullying." Goldberg further stated that the "sum and totality" of Ms. O'Brien's conduct amounted to gross misconduct and that many individual instances also constituted gross misconduct standing alone. Goldberg's decision also relied in part on statements O'Brien made during the removal proceedings themselves.

81. Each of Defendant Goldberg's stated grounds was subsequently contradicted or materially undermined by the record presently before Goldberg, as well as before the Superior Court. The anonymous statements underlying the so-called racial-insensitivity findings had been struck by the hearing officer as lacking indicia of reliability and trustworthiness. Attorney Spruce had found that O'Brien did not force Collins's resignation, that Collins already wanted and intended to leave the Commission, that O'Brien's efforts to have him announce those plans violated no Commission policy, and that nothing O'Brien did caused his resignation. The "bullying" finding did not rest on any individual violation of Commission policy but on Spruce's

recourse to a "totality" theory drawn in part from proposed Massachusetts legislation that had never been enacted.

82. Goldberg's removal decision rejected material findings of the hearing officer Maffei, whom she herself had appointed to preside over the removal proceedings. Goldberg's decision credited evidence the hearing officer had struck, and rested on legal theories the investigators' own findings would not support. Goldberg's rejection of her own hearing officer's central findings, her reliance on evidence the hearing officer had excluded, and her ultimate resort to a "sum and totality" theory to bridge the gap between individual instances and the statutory standard for removal constitute independent evidence that the stated grounds were pretextual and that the decision to remove O'Brien had been predetermined.

83. Shortly thereafter, Goldberg purported to appoint Bruce Stebbins as Acting Chair, although the governing statute reserved designation of an acting chair to the Chair and did not authorize Goldberg to make such an appointment. On September 13th, 2023, O'Brien had appropriately, in a timely fashion, and with the prior acknowledgement of Sarah Kim, designated Commissioner Roy to serve as the Acting Chair of the Commission.

I. Public Investigations Corroborated the Problems O'Brien Reported

84. While suspended, O'Brien continued providing her objections and information to public bodies concerning Commission misconduct, regulatory failures, missing or uncollected fees, disparate treatment of licensees, and threats to public health and safety.

85. O'Brien also has provided information and documents concerning Greatest Hits to the Office of the Inspector General and invoked her status as a whistleblower.

86. The Office of the Inspector General later advised O'Brien that the matters she reported could be of interest to regulatory, prosecutorial, or investigative agencies and requested authorization to transmit her complaint and supporting documentation for further review by these agencies.

87. Ms. O'Brien authorized the transmission and signed a complaining-witness statement for referral to the United States Attorney's Office.

88. O'Brien also provided information to the Office of the State Auditor. Public reports by the Auditor and Inspector General subsequently documented serious Commission mismanagement, regulatory violations, procedural inequities, uncollected fees, and disparate treatment of licensees.

89. Those findings corroborated material aspects of the institutional failures O'Brien had brought to Goldberg's and the Commission's attention before her suspension and removal.

90. By letter to legislative leadership dated June 18, 2024, the Inspector General independently concluded that the Commission was a "rudderless agency," urgently required

legislative intervention, and needed a receiver to manage its daily operations. The Inspector General reported that the agency lacked clear leadership, had spent substantial public funds without resolving its governance failures, and remained unable to correct the problems on its own.

J. The Superior Court Vacated the Removal Decision

91. O'Brien sought judicial review of the removal decision made by Defendant Goldberg in the civil action of O'Brien v. Goldberg, Suffolk Superior Court Civil Action No. 2484CV03009-C.

92. On September 2, 2025, Justice Robert B. Gordon issued a detailed decision concluding that Goldberg's removal decision was unsupported by substantial evidence and affected by material errors of law apparent on the administrative record.

93. The Court concluded, among other things, that the anonymous accusations lacked adequate indicia of reliability; that the record did not establish racial animus; that the evidence instead demonstrated Ms. O'Brien's commitment to the Commission's social-equity mission; and that the conduct attributed to her did not approach the required statutory standard for removal.

94. The Superior Court vacated the removal decision made by Defendant Goldberg and ordered O'Brien immediately reinstated for the remainder of her statutory term with back pay and benefits.

95. Goldberg then sought further appellate relief and a stay that would have prevented O'Brien's immediate return to her position as Chair. After the stay effort was summarily denied by the Appeals Court, Goldberg abandoned the appeal on or about September 18, 2025.

96. Ms. O'Brien's return to her position nevertheless was delayed, prolonging her exclusion and public humiliation.

97. The Superior Court's judgment confirmed that the asserted grounds for removal could not withstand legal scrutiny and review on the very record Goldberg created and controlled. Although the Court's decision vindicated Ms. O'Brien, it did not adjudicate whether the suspension and removal by Defendant Goldberg were retaliation for O'Brien's protected disclosures, nor did it compensate the full measure of the injuries caused by the Defendants' campaign against her.

K. Continuing Protected Conduct and Harm

98. Following her reinstatement, Ms. O'Brien resumed reporting and opposing conduct she reasonably believed violated law or Commission obligations and threatened public health, safety, public funds, and the integrity of the regulated cannabis market.

99. Those reports and objections included ongoing complaints regarding testing fraud and contaminated products; concealment of testing and seed-to-sale data; potential loss or diversion

of licensing fees; selective and disparate enforcement; unauthorized alteration of Commission orders; inaccurate timekeeping; concealment of legal expenditures; destruction or suppression of records; and the continuing failure to investigate Greatest Hits.

100. The Commission's own subsequent conduct corroborated material aspects of O'Brien's testing-fraud disclosures and whistleblowing activity. On or about August 18, 2026, the Commission publicly reported the results of its first substantial potency audit, conducted under revamped secret-shopper regulations. The audit found that thirteen cultivators had labeled cannabis products with THC levels at least 25 percent higher than actual potency—including products with inflated labeling of approximately 45 to 55 percent—and that approximately twenty percent of all audited samples had significantly inflated THC labels. The Commission's own audit substantially corroborated the testing-fraud and consumer-protection concerns O'Brien had raised and disclosed to public bodies before, during, and after her suspension and removal, and confirmed the substance of her June 2023 public inquiry concerning the Commission's secret-shopper program.

101. O'Brien has directed and supported lawful internal investigation of potential fraud and violations and continued communicating with legislators, the Comptroller, the Inspector General, the Auditor, and other public bodies.

102. Commission personnel resisted those efforts, withheld information, delayed implementation of reforms, attempted to exclude O'Brien from anticipated Greatest Hits enforcement action, and took adverse action against personnel who assisted her inquiries.

103. The retaliation by Defendants has damaged Ms. O'Brien's reputation, impaired her ability to perform her public duties, caused substantial emotional distress and physical symptoms, required her to incur legal expenses, and caused other economic and noneconomic losses beyond the back pay and benefits awarded in the Chapter 30A proceeding.

L. Statutory Notice

104. Before and throughout the events described above, O'Brien repeatedly disclosed the challenged activities, policies, and practices to officials with supervisory or corrective authority, including Goldberg, senior Treasury officials, fellow Commissioners, Commission counsel, human-resources officials, and executive management, including the recent WPA notice sent to the Defendants in July of 2026.

105. Her protected conduct independently included providing information to public bodies conducting investigations, hearings, and inquiries and objecting to or refusing to participate in conduct she reasonably believed unlawful or dangerous, within the meaning of G.L. c. 149, § 185(b)(2) and (b)(3).

106. On July 27, 2026, through counsel, O'Brien provided the Treasury and the Commission with additional formal written notice under G.L. c. 149, § 185(c)(1), identified the activities,

policies, and practices at issue, and afforded each public employer a reasonable opportunity to investigate and correct them. There has been no response.

107. The notice supplemented O'Brien's prior reports and did not concede that additional written notice was required for any claim.

COUNT I
RETALIATION IN VIOLATION OF THE MASSACHUSETTS WHISTLEBLOWER ACT G.L. c. 149, § 185
Against the Treasury and the Commission

108. O'Brien repeats and incorporates by reference the preceding paragraphs as though fully set forth herein.

109. O'Brien performed compensated services for the Commonwealth as Chair of the Commission and was an employee protected by G.L. c. 149, § 185. The Treasury and Commission each exercised material control over the terms, conditions, status, and practical performance of her compensated public service and each constituted her public employer, jointly or in the alternative, within the meaning of the statute.

110. O'Brien disclosed and threatened to disclose to supervisors and relevant public bodies conduct she reasonably believed violated laws and regulations or created substantial risks to public health, safety, or the environment. Her disclosures included conflicts corrupting enforcement; obstruction and delay of investigations; preferential treatment of licensees; concealment of regulatory and public-safety information; data-security failures; testing fraud; contaminated and unregulated cannabis; misuse or loss of public funds; and retaliation against persons who reported such matters.

111. O'Brien provided information to public bodies conducting investigations, hearings, or inquiries into such conduct, including the Inspector General, State Auditor, Legislature, and federal law-enforcement authorities.

112. O'Brien objected to and refused to participate in activities, policies, or practices she reasonably believed unlawful or dangerous.

113. The Treasury and Commission, through their officials and agents, knew of O'Brien's protected activity.

114. Because of that protected activity, the Treasury and Commission, acting through their officials and agents, subjected O'Brien to retaliatory action: threats and pressure to resign; manipulation of workplace complaints; unauthorized disclosure of confidential allegations; suspension; exclusion from her office and agency resources; removal; resistance to reinstatement; impairment of her statutory authority; withholding of information; obstruction of investigations and reforms; and other actions that would deter a reasonable public employee from reporting misconduct.

115. The retaliatory actions constituted a single, continuing course of retaliatory conduct culminating in O'Brien's removal on September 9, 2024, and continuing after her reinstatement in September 2025.

116. The causal connection is supported by the timing and sequence of events; the decision-makers' knowledge; the personal interests of the officials implicated by O'Brien's reports; Goldberg's prejudgment and threats of humiliation; the solicitation and escalation of complaints as O'Brien's scrutiny intensified; the one-sided investigative practices; the refusal of key decision-makers to testify; the rejection of material allegations against O'Brien; and the eventual judicial invalidation of the stated grounds for removal by the Superior Court.

117. The asserted reasons for the adverse actions were not the true reasons. They were selectively assembled, materially unreliable, inconsistent with the investigators' own favorable findings, and ultimately determined by the Superior Court to be insufficient as a matter of law to support O'Brien's removal.

118. As a direct and proximate result, O'Brien suffered economic loss, professional and reputational injury, emotional distress, physical symptoms, litigation expenses, and other compensable damages.

119. O'Brien is entitled to all legal and equitable relief authorized by G.L. c. 149, § 185, including compensation for three times her lost wages, benefits, and other remuneration to the extent not previously compensated, compensatory damages, injunctive relief, interest, litigation costs, expert-witness fees, and reasonable attorneys' fees.

COUNT II
MASSACHUSETTS CIVIL RIGHTS ACT
G.L. c. 12, §§ 11H and 11I
Against Goldberg Individually

120. O'Brien repeats and incorporates by reference the preceding paragraphs as though fully set forth herein.

121. O'Brien possessed rights secured by the Constitutions and laws of the United States and Massachusetts, including rights to speak, petition, communicate with public bodies, seek judicial redress, and oppose unlawful governmental conduct without retaliation.

122. Goldberg knew that O'Brien was reporting and opposing government misconduct, communicating with public bodies, seeking judicial relief, and refusing to surrender a statutory office from which she could be removed only for cause.

123. Goldberg used threats, intimidation, and coercion to make O'Brien abandon those rights. Among other things, she disclosed confidential accusations to a political associate, communicated that O'Brien would be humiliated and replaced, pressured her to resign before the investigation was complete, and conveyed that refusal would result in suspension.

124. Goldberg acted intentionally, maliciously, and in reckless disregard of O'Brien's secured rights.

125. This Count seeks redress for injuries distinct from the retaliatory employment actions remediable under G.L. c. 149, § 185, including the coercive interference with O'Brien's exercise of secured constitutional and statutory rights, and does not seek any remedy available under § 185 for the retaliatory action itself.

126. O'Brien learned of Goldberg's communications with Farley—the principal coercive acts alleged in this Count—on or about November 2023 and could not reasonably have discovered them earlier, in part because Goldberg directed that evidence of the communications be deleted.

127. As a direct and proximate result, O'Brien sustained the damages described above and is entitled to compensatory damages, injunctive relief, costs, and attorneys' fees under G.L. c. 12, § 11I.

COUNT III
INVASION OF PRIVACY
G.L. c. 214, § 1B
Against Goldberg Individually

128. O'Brien repeats and incorporates by reference the preceding paragraphs as though fully set forth herein.

129. O'Brien possessed a legally protected privacy interest in confidential workplace complaints, HR allegations, investigative information, and related personnel matters before any lawful public determination or authorized disclosure.

130. Goldberg obtained confidential personnel and investigative information solely by virtue of her public office. Before the investigation was complete, she disclosed the existence and substance of accusations of racial insensitivity to Farley, who had no official role in the Commission investigation or any governmental need to receive them.

131. The disclosure was deliberate, substantial, serious, and unreasonable. It was made while Goldberg was discussing O'Brien's humiliation and possible replacement and before O'Brien had been given the report or a meaningful opportunity to answer the accusations.

132. The disclosure was not justified by any legitimate governmental need and exceeded any privilege or authorization arising from Goldberg's office.

133. This Count seeks redress for the unauthorized disclosure of confidential personnel and investigative information—an injury to O'Brien's privacy distinct from the retaliatory employment actions remediable under G.L. c. 149, § 185—and does not seek any remedy available under § 185 for the retaliatory action itself.

134. O'Brien first learned of the disclosures on or about November of 2023, and were later confirmed when Farley provided sworn evidence in the removal proceedings in April of 2024, and could not reasonably have discovered them earlier.

135. As a direct and proximate result, O'Brien suffered substantial emotional, reputational, professional, and other harm and is entitled to damages and appropriate equitable relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Shannon O'Brien respectfully requests that this Court:

A. Enter judgment in her favor on all counts;

B. Award compensatory damages in an amount to be determined by the jury, including damages for reputational, professional, emotional, physical, and economic injuries not previously compensated;

C. Award compensation equal to three times lost wages, benefits, and other remuneration under G.L. c. 149, § 185(d), to the extent not previously compensated;

D. Award all statutory, compensatory, and other damages authorized by law and not duplicative of amounts previously awarded or recovered;

E. Enter appropriate preliminary and permanent injunctive relief prohibiting further retaliation, misuse or unauthorized disclosure of confidential personnel information, and interference with protected communications to public bodies;

F. Order correction, removal, or appropriate annotation of inaccurate or retaliatory personnel information to the extent authorized by law;

G. Award prejudgment and post-judgment interest;

H. Award reasonable attorneys' fees, expert-witness fees, and costs as authorized by G.L. c. 149, § 185 and G.L. c. 12, § 11I; and

I. Grant such other legal and equitable relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all claims and issues so triable.

Respectfully submitted,
For the Plaintiff, SHANNON O'BRIEN,
By her attorneys,

Dated: August 20, 2026

/s/ Timothy M. Burke
Timothy M. Burke, BBO No. 065720

Jared S. Burke, BBO No. 677851
117 Kendrick Street, Suite 300
Needham, Massachusetts 02494
(781) 455-0707
tburke@timburkelaw.com
burkejared@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the Massachusetts Electronic Filing system will be sent electronically to the registered participants. Email copies will be sent to all counsel of record.

Dated: August 20, 2026 *_/s/ Timothy M. Burke_*