

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, SS.**

**SUPERIOR COURT**

MICHAEL PICARD and HEIDI OLSON,  
Plaintiffs,

v.

MASSACHUSETTS DEPARTMENT OF  
CONSERVATION AND RECREATION,  
MASSACHUSETTS  
STATE POLICE, and  
DEVON SURIAN, in his capacity as a  
Massachusetts State Police Trooper and  
in his individual capacity,  
Defendants.

No. 2284-CV-01024

**AMENDED VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE  
RELIEF AND RELIEF IN THE NATURE OF CERTIORARI**

**INTRODUCTION**

1. This is a civil rights action challenging the constitutionality of Department of Conservation and Recreation (“DCR”) regulations that restrict rights to free speech and expression on public lands, are unduly vague and standardless, and were used to justify adverse actions against Plaintiffs on November 11, 2021.
2. On November 11, 2021, Plaintiffs engaged in a spontaneous and satirical counter-protest in support of gay rights in response to a demonstration in favor of former President Trump and against President Biden in Lynn, Massachusetts that involved at least one person who had previously made statements in public and posted them on-line that Plaintiffs perceived as homophobic.

3. Plaintiffs' counter-protest was completely peaceful and consisted of Plaintiff Picard holding a sign saying: "Let's Make Everybody Gay" and soliciting signatures for petitions in support of gay rights, and Plaintiff Olson advocating for a Pride Flag to be hung along with other flags being erected by the demonstrators on the seawall. Plaintiffs briefly used bullhorns to ensure their voices could be heard.
4. In response to this peaceful and very limited counter-protest, Massachusetts State Police ("MSP") Trooper Surian ordered Plaintiffs to stop using bullhorns (which they immediately did), told them they could not even possess bullhorns on DCR property (which is inconsistent with DCR regulations), told Plaintiffs they could not protest at all on DCR property without a permit (which also is not the law), and ordered them (but not the pro-Trump demonstrators) to leave DCR property—threatening them with further law enforcement action if they did not comply. He then issued \$200 citations against them, citing 302 CMR 12.04(4), the DCR Disorderly Conduct Regulation.
5. Plaintiffs seek declaratory and injunctive relief as to the facial unconstitutionality of portions of the Disorderly Conduct Regulation, as well as two regulations that categorically require prior permits for any sound amplification without providing sufficient standards to guide enforcement discretion. They also seek declaratory and injunctive relief as to the unconstitutionality of the regulations as applied to them on November 11, the legality of Trooper Surian's conduct toward them on November 11, and the legality of DCR's failure to afford them the administrative hearing process provided in its own regulations. Plaintiff Picard also challenges MSP's failure to respond timely and completely to a related public records request.

## **PARTIES**

6. Plaintiff Michael Picard resides in South Windsor in Hartford County, Connecticut.
7. Plaintiff Heidi Olson resides in Gloucester, in Essex County, Massachusetts.
8. Defendant the Department of Conservation and Recreation (“DCR”) is an agency of the Commonwealth of Massachusetts with headquarters in Suffolk County, Massachusetts. It is responsible for management of the Lynn Shore Reservation and the property on which the events of November 11, 2021 occurred.
9. Defendant the Massachusetts State Police (“MSP”) is an agency of the Commonwealth of Massachusetts with headquarters in Middlesex County, Massachusetts and a barracks in Suffolk County, Massachusetts to which, upon information and belief, Trooper Surian is assigned. MSP provides policing services on DCR-managed properties, including the Lynn Shore Reservation.
10. Defendant Devon Surian is an officer/Trooper employed by MSP, assigned to the MSP Revere, Massachusetts barracks, and who resides in Suffolk County, Massachusetts.
11. This Court is an appropriate venue for this action challenging the regulations and actions of a division of the state, pursuant to G.L. c. 223, § 1 and G.L. c. 66, § 10A(c) and because DCR’s headquarters and the MSP barracks to which Trooper Surian is assigned are in Suffolk County.

## **FACTS**

### **The Counter-Protest**

12. On November 11, 2021, a small group of supporters of former President Trump staged a demonstration near a seawall along Lynn Shore Drive in Lynn, Massachusetts, on public parkland that is managed by DCR. The demonstration occurred near a sidewalk and a grassy

area bounded by the seawall and heavily-trafficked Lynn Shore Drive on which passing vehicles periodically blasted their car horns in response.

13. These demonstrators included individuals who had previously demonstrated in the area in support of former President Trump and in opposition to President Biden (including by calling out to passersby “fuck Joe Biden”). On November 11, 2021, they affixed flags to the sea wall that runs alongside the water and next to the sidewalk that is part of the Reservation. The flags contained messages supporting former President Trump, U.S. troops, and gun rights. They also displaced signs displaying messages including “Fuck Biden” and “Woke is a Joke.”
14. Plaintiffs knew that during past demonstrations one or more of these demonstrators had expressed views that Plaintiffs considered homophobic and offensive, including with regard to an LGBTQ+ flag flown at Swampscott Town Hall. For instance, not long before November 11, the organizer of the November 11 demonstrators called out to someone displaying the LGBTQ+ Pride Flag that they were “trying to make everybody gay” and to “make the kids gay.” She called out to someone “take down the gay flag, faggot.” Based on her own social media postings, a few days before that, she told a passerby who objected to her comments that he was a “stupid, faggot,” yelled that she had pepper spray and “do you want it?” and told him to “tell them to take down the gay pride flag, faggot.” In addition, this same person posted footage of herself apparently from a different day, in which, after taunting young boys at a school in Swampscott who did not want to talk to her, she said that the schools were trying to turn boys into “girls, fags, gay.”
15. On November 11, 2021, Plaintiffs were in the area to engage in other activities and learned of the demonstrators’ presence on Lynn Shore Drive. They spontaneously decided to counter-

protest the demonstrators and proceeded to the demonstrators' location with a few other concerned individuals.

16. Plaintiff Michael Picard carried a handmade sign saying, "Let's Make Everybody Gay." He politely greeted the organizer who had made the anti-gay comments referenced above. He asked her if she would support a petition to put LGBTQ flags every 20 feet in Swampscott and Lynn. In response, she threatened to pepper spray him, as documented by her own recording of the event. At times, he asked people if they wanted to sign a petition in support of gay rights.

17. Plaintiff Heidi Olson asked the demonstrators to put up a pro-LGBTQ+ "Pride" flag and called for passers-by to encourage them to do so.

18. Plaintiffs each maintained distance between themselves and the other demonstrators and periodically used bullhorns that were not discernably louder than the voices of the demonstrators, the music the demonstrators played during much of their demonstration, or the car horns periodically honking on the busy and nearby roadway. Plaintiffs did not impede anyone's passage on the public sidewalks or grass. They were calm and pleasant in the face of anger coming from some of those they were counter-protesting.

19. Soon after Plaintiffs arrived, at least one of the demonstrators used a bullhorn to amplify the sound of a siren.

20. Upon information and belief, one of the original demonstrators called the police in response to Plaintiffs' presence. MSP officers, led by Defendant Surian, soon arrived.

21. Defendant Surian told Plaintiffs they could not use bullhorns without a permit. Plaintiffs promptly ceased using the bullhorns. Plaintiff Picard told Trooper Surian he did not know what DCR was and did not know that bullhorns were not permitted. Prior to ordering

Plaintiffs to cease using the bullhorns, Defendant Surian did not measure their decibel level or inquire whether anyone in the area was offended by their use.

22. Defendant Surian then told Plaintiffs they could not even possess a bullhorn on DCR property, an assertion that has no basis in DCR regulations.
23. Defendant Surian then told Plaintiffs they had to leave the area entirely because they did not have a permit, which also is not supported by DCR regulations. At one point, he also told the original demonstrators that they could not protest on DCR property without a permit but nonetheless allowed them to remain for over an hour.
24. Defendant Surian then told Plaintiffs they were not free to leave until they provided their names and contact information in conjunction with using the bullhorns.
25. While waiting for Defendant Surian to collect her identifying information, Plaintiff Olson sat quietly on the seawall. She specifically told Defendant Surian that one of the demonstrators had threatened to use mace against Plaintiffs just moments before, but he refused to investigate this allegation, suggesting he could not rely on information he could not personally confirm. Yet, he took at face value and, even repeated in his official report of the incident, that Plaintiffs were members of “BLM” (Black Lives Matter) based solely on a demonstrator’s assertion to that effect.
26. During the lengthy time that the demonstrators remained on DCR property, they displayed a “Fuck Biden” sign, but were not cited by Defendant Surian or any other MSP officer, even though the DCR Disorderly Conduct regulation explicitly forbids use of “profanity, vulgar or obscene language” on DCR property. Trooper Surian also did not cite the demonstrators for playing music without a permit, though they did so throughout much of their demonstration.

27. During the demonstration, one of the demonstrators repeatedly and loudly yelled at another counter-protestor, referred to her belief that he was overweight, and suggested he was destined for damnation because of his political views. She also without any basis told MSP troopers that he had been involved in stealing her car.
28. During these interactions, Defendant Surian told one of the demonstrators that he knew the Plaintiffs were “inciting”—presumably referring to the fact they were engaging in a counter-protest that the demonstrators did not appreciate. He also told his colleagues who arrived later that Plaintiffs had been “antagonistic” but never referred to any of the demonstrators in a similar way, in spite of their use of profanity, threatened use of mace, and hurling of personal epithets.
29. After Plaintiff Picard left the area and returned toward the end of demonstration, Defendant Surian told him that if he did not leave the area, he would take further law enforcement action against him.
30. Defendant Surian’s short, official report of the incident, first produced on July 21, 2022 in response to Plaintiff Picard’s December 2011 public records request, confirms that he ordered Plaintiffs to cease use of the bullhorns immediately upon arrival without any investigation of surrounding circumstances. It contains the inaccurate assertion that, after he told Plaintiffs to stop using the bullhorns, “[c]ontinued resistance and hostility [was] displayed [by Plaintiffs] toward Tpr Surian.” It also inaccurately asserts that he was “met with an immense amount of resistance and hostility by a growing crowd.” It also includes a reference to Plaintiffs being part of “BLM” and that the demonstrators were “Trump supporters” suggesting this information was relevant to his actions. Administrative Journal entry dated November 11, 2021. *See Exhibit A.*

31. Defendant Surian chose to assess fines against Plaintiffs for \$200 each in spite of the fact that the statute that Defendants belatedly assert authorized his actions, G.L. c. 132A, §7A, provides for a maximum fine of \$50.
32. Both Plaintiff Olson and Plaintiff Picard intend to protest and/or counter-protest in the future on DCR-operated property and wish to use bullhorns at reasonable decibel levels to ensure their messages are heard. They fear their free speech and due process rights will again be curtailed as a result of the challenged regulations and actions taken against them in connection with their November 11, 2021 counter-protest.

### **Prior Proceedings**

33. A few days after November 11, Plaintiffs received citations in the mail for allegedly violating “302 CMR 12.04(4)” – the Disorderly Conduct Regulation. The citations do not cite the regulations purporting to require an advance permit for certain activities, 302 CMR 12.04(28), but indicate that the citation under 12.04(4) is related to “amplified sound device use of w/o a permit.” See **Exhibit B** (Picard citation) and **Exhibit C** (Olson citation) (home addresses redacted).
34. Two DCR regulations (302 CMR 12.04(28)(e) (the Audio Device Regulation), and 302 CMR 12.04(28)(f) (the Public Address System Regulation)), require advance special permits on public lands for use of certain “audio devices” or “public address systems” with no objective standards to guide enforcement discretion and which do not clearly apply to mere bullhorns.
35. 302 CMR 12.04(4) prohibits “disorderly conduct” on DCR-operated public properties, which is defined to include not only “without limitation, drunkenness, rough play, pushing, shoving, breach of the peace” but also “unnecessary noise offensive to the general public, use of profanity, vulgar or obscene language, or other language that may incite fighting or harm to



DCR personnel or to the public.”

36. Each citation was on a DCR citation form and indicated each Plaintiff was being fined \$200 for the asserted violation.
37. Each citation also said: “If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, enclosing a copy of this citation, and mailing to the address below WITHIN 21 DAYS OF THE DATE OF THIS NOTICE.”
38. Upon information and belief, none of the demonstrators were cited for any of their conduct on November 11.
39. Plaintiff Olson requested a hearing from DCR by promptly sending a request to DCR in the pre-addressed envelope that came with the citation. On November 23, 2021, Ms. Olson received a letter from DCR informing her that her only avenue for challenging the citation (and purportedly avoiding criminal prosecution) was to seek relief from the Lynn District Court. **Exhibit D.**
40. Contrary to the DCR letter, pursuant to 302 CMR 12.21 “A party who is aggrieved by a DCR decision may appeal such decision in writing within 30 days. Appeals to DCR decisions will be conducted in accordance with M.G.L. c.30A and the regulatory provisions found at 801 CMR 1.00: Standard Adjudicatory Rules of Practice and Procedure.” The citations to Plaintiffs were decisions of DCR, including because 302 CMR 12.20(2) purports to authorize law enforcement officials, such as Defendant Surian, to issue them and he was acting as the agency’s agent.
41. In reliance on DCR’s communication, both Plaintiffs sent materials to the Lynn District Court saying they wanted to appeal their citations. In response, hearings were scheduled by

the court pursuant to G.L. c. 40, § 21D, even though *on its face* that statute applies only to actions taken pursuant to *municipal* laws, not regulations of state agencies.

42. On December 11, 2021, Plaintiff Picard submitted a public records request to the Public Records Officer at MSP, seeking all records and recordings related to the November 11, 2021, incident. A copy of that request is attached as **Exhibit E**. He did not receive any response within ten business days in violation of G.L. c. 66, § 10.
43. As a result of MSP's failure to comply with the public records law, Plaintiffs did not have access to the police report(s) and other documents related to their citations, which hampered their ability to prepare for the appeals of their citations.
44. On March 14, 2022, purportedly pursuant to G.L. c. 40, § 21D, a proceeding was held by a clerk magistrate in the Lynn District Court as to the citations against both Plaintiffs. Trooper Surian did not appear at the hearing and another MSP employee appeared read a report into the record. Both Plaintiffs appeared and submitted arguments for why the citations could not lawfully be sustained, but the clerk magistrate nonetheless purported to uphold them. **Exhibit F** (Olson) and **Exhibit G** (Picard) (Plaintiffs' home addresses redacted). Upon information and belief, no application for issuance of a criminal complaint against either plaintiff pursuant to the seventh paragraph of G.L. c. 40, § 21D has been made by DCR or MSP, but the threat of criminal enforcement remains.
45. On March 30, 2022, counsel for Plaintiff Picard alerted counsel for MSP to the issue of MSP's failure to respond to Mr. Picard's public records request and counsel for MSP acknowledged receipt. Yet, as of the time of the filing of the initial complaint in this case, MSP had not produced any of the documents responsive to the December 11, 2021 public records request. On July 21, 2022, MSP produced only Defendant Surian's Administrative

Journal entry, while acknowledging other records were still outstanding. On August 2, 2022.

MSP finally produced certain body worn camera footage responsive to the request. On the afternoon of August 4, 2022, MSP produced another Administrative Journal entry by a Lieutenant who was on the scene for part of the time on November 11.

46. There is reason to believe that MSP has not produced all responsive records. For instance, MSP has still not produced any records containing or revealing reports of events on November 11 from Sergeant Troy who—as evidenced on body worn camera footage recorded by others—was Defendant Surian’s supervisor, was present for a long stretch of time after Plaintiffs were originally told to leave, observed the demonstrators over much of the time they were there, and while on site spoke to DCR personnel about potential bases for citing Plaintiffs. Upon information and belief, MSP has not yet conducted an adequate search for responsive records or produced records likely to exist that are responsive to the public records request.

## **CAUSES OF ACTION**

### **COUNT 1 – Free Speech and Expression**

#### ***Article 16 of the Declaration of Rights and First Amendment to the U.S. Constitution***

47. The foregoing allegations are incorporated herein.
48. The portion of the Disorderly Conduct Regulation that forbids “unnecessary noise offensive to the general public, use of profanity, vulgar or obscene language, or other language that may incite fighting or harm to DCR personnel or to the public” is unconstitutional on its face because it is content-based, not narrowly tailored to achieve a compelling or even significant governmental interest, is overly broad, and does not contain standards to guide discretion or give adequate notice of what is proscribed.

49. The Audio Device and Public Address System Regulations are unconstitutional prior restraints on speech that cannot be justified, and are facially unconstitutional because they are overly broad, are not narrowly tailored to achieve a significant governmental interest, and do not contain standards to guide permitting discretion or give adequate notice of what is proscribed.
50. Trooper Surian's actions on November 11, 2021, with regard to the Plaintiffs (including but not limited to his disparate treatment of Plaintiffs and the demonstrators and his orders requiring Plaintiffs to leave the area altogether) interfered with Plaintiffs rights to engage in free speech on public parklands and were an unconstitutional content-based application of the Regulations.
51. The Disorderly Conduct Regulation, the Audio Device Regulation, and the Public Address System Regulation, facially and as applied to Plaintiffs, violate Article 16 of the Declaration of Rights, as amended, and the First Amendment to the U.S. Constitution.

**COUNT 2 – Due Process**

***Article 10 of the Declaration of Rights and Fourteenth Amendment to U.S. Constitution***

52. The foregoing allegations are incorporated herein.
53. The Disorderly Conduct Regulation, the Audio Device Regulation, and the Public Address System Regulation are unconstitutionally vague on their face because they fail to give sufficiently clear notice to those potentially subject to them as to what is prohibited, and fail to provide sufficient standards to guide enforcement or permit-granting discretion, particularly with regard to matters of free expression.
54. The Regulations failed to give Plaintiffs sufficient notice that their conduct on November 11 was unlawful and therefore are unconstitutionally vague as applied to Plaintiffs.

55. In addition, DCR denied Plaintiffs the process they were due by failing to afford them an adjudicatory hearing as required by 302 CMR 12.21 and instead directing them to challenge the citations in district court pursuant to an inapplicable statute.
56. 302 CMR 12.21 provides that “[a] party who is aggrieved by a DCR decision may appeal such decision in writing within 30 days. Appeals to DCR decisions will be conducted in accordance with M.G.L. c. 30A and the regulatory provisions found at 801 CMR 1.00: Standard Adjudicatory Rules of Practice and Procedure.”
57. In spite of this language, DCR denied Plaintiffs the right to a DCR adjudicatory hearing and instead indicated their only avenue to appeal was through the district court pursuant to G.L. c. 40, § 21D, even though on its face G.L. c. 40, § 21D does not apply to citations issued pursuant to state laws or state agency regulations.
58. In a motion to dismiss served on August 5, 2022, DCR asserted that the district court proceeding was authorized by G.L. c. 132A, § 7A. That statute, by its plain terms and in contrast to other statutes, applies only to “park rangers” and not state police troopers. In addition, it authorizes fines only up to \$50 for alleged violations of covered regulations and only up to \$100 for a failure to provide name and address upon request.
59. DCR’s failure to comply with its own regulations is unlawful and was not harmless, as it deprived Plaintiffs of procedural and substantive protections that would have been afforded through the administrative hearing process.

**COUNT 3 – Massachusetts Civil Rights Act**  
***G.L. c. 12, § 11I***  
**(as to Trooper Surian in his official and individual capacities)**

60. The foregoing allegations are incorporated herein.

61. By his conduct as to Plaintiffs on November 11, 2021, Trooper Surian interfered and/or attempted to interfere with Plaintiffs' rights to free speech and due process, protected by Articles 16 and 10 of the Declaration of Rights and the First and Fourteenth Amendments to the U.S. Constitution. He did so by means of threats, intimidation or coercion, including the implicit and explicit threat of arrest and further enforcement actions if they did not forego their constitutionally-protected rights.

**COUNT 4– Massachusetts Public Records Law**  
***G.L. c. 66, § 10A(c)***  
**(as to MSP)**

62. The foregoing allegations are incorporated herein.

63. Plaintiff Picard made a valid public records request pursuant to G.L. c. 66, § 10.

64. MSP failed to respond to that request as required by law within 10 business days of Plaintiff's request.

65. MSP has failed to make an adequate search for all responsive records and to produce all records responsive to the request.

66. MSP's gross delay in responding to the public records request warrants imposition of punitive damages pursuant to G.L. c. 66, § 10A(d)(4).

**Prayers for Relief**

Plaintiffs Michael Picard and Heidi Olson hereby request the following relief:

1. After separate, specific request by Plaintiffs and appropriate hearing, issuance of a temporary restraining order and/or preliminary injunction directing Defendants to take no further action to enforce or collect the \$200 fines levied against Plaintiffs and not to enforce the Disorderly Conduct Regulation, the Audio Device Regulation and/or the Public Address System

Regulation against Plaintiffs, with regard to free speech/expressive activities, pending resolution of this litigation;

2. A Declaration that the Disorderly Conduct Regulation, the Audio Device Regulation and the Public Address System Regulations are facially unconstitutional with regard to expressive activities, and unconstitutional as applied to Plaintiffs' conduct on November 11, 2021, as a matter of free speech/expression and/or due process;
3. A Declaration that the November 11th citations cannot be justified by reliance on the Audio Device or Public Address System Regulations because they were not cited in the citations given to Plaintiffs;
4. A Declaration that Trooper Surian violated Article 16 and the First Amendment by ordering Plaintiffs to cease using their bullhorns and by ordering Plaintiffs to leave public lands on November 11;
5. A Permanent Injunction against Defendants with regard to continued enforcement of the Disorderly Conduct Regulation, Audio Device Regulation and/or Public Address System Regulations as to any expressive activities by Plaintiffs;
6. A Declaration that DCR has failed and is failing to meet its obligations under 302 CMR 12.21 and deprived Plaintiffs of due process by not providing an administrative appeal process as required by that regulation;
7. A Declaration that the district court did not have in this case, and the district courts or other courts of the Commonwealth generally, do not have jurisdiction under G.L. c. 40, § 21D to hear appeals of citations of alleged violations of DCR regulations.
8. A Declaration that Trooper Surian violated the Massachusetts Civil Rights Act by his conduct toward Plaintiffs on November 11, 2021;

9. A Declaration that MSP violated the Massachusetts Public Records Law with regard to Plaintiff Picard's December 11, 2021 request;
10. An order requiring MSP to pay punitive damages pursuant to G.L. c. 66, § 10A(d)(4);
11. An award to Plaintiffs' attorneys of attorneys' fees and costs pursuant to G.L. c. 12, § 11I, G.L. c. 66, §10A, and 42 U.S.C. § 1988; and
12. Such other and further relief as this Court deems just and proper.

On behalf of Plaintiffs  
Michael Picard and Heidi Olson,



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Verification of Amended Complaint – Michael Picard

I, Michael Picard, hereby affirm on this 15th day of August, 2022, under the pains and penalties of perjury, that the factual allegations in this Amended Verified Complaint are true and correct to the very best of my knowledge, information and belief.


A handwritten signature in black ink, consisting of a stylized 'M' and 'P' joined together.

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Michael Picard

Verification of Amended Complaint – Heidi Olson

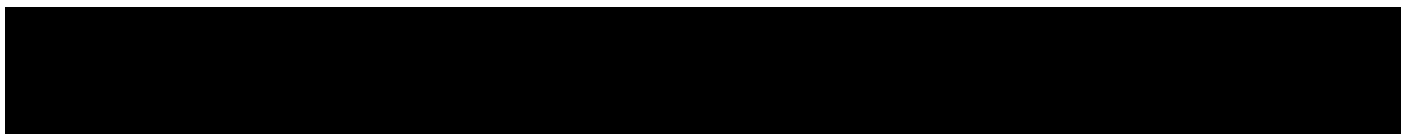
I, Heidi Olson, hereby affirm on this 12 day of August, 2022, under the pains and penalties of perjury, that the factual allegations in this Amended Verified Complaint are true and correct to the very best of my knowledge, information and belief.

  
\_\_\_\_\_  
Heidi Olson

# **Exhibit A**

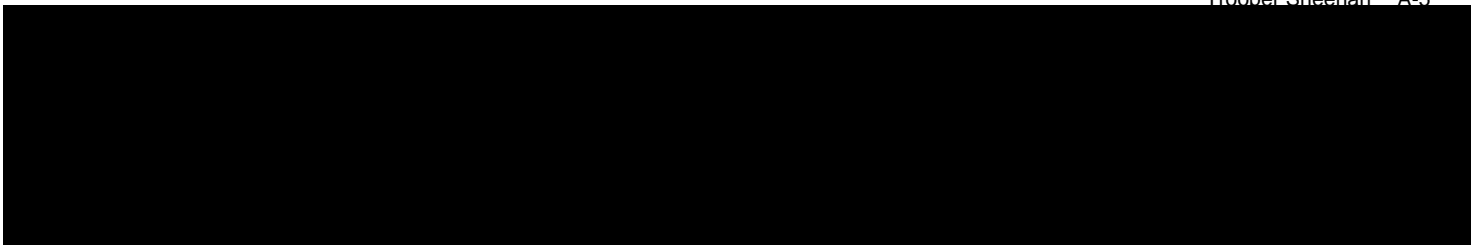


**State Police Revere**  
**Thursday 11 November 2021**



10:52	4219	2021-000-459005
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Trooper Sheehan \* A-5

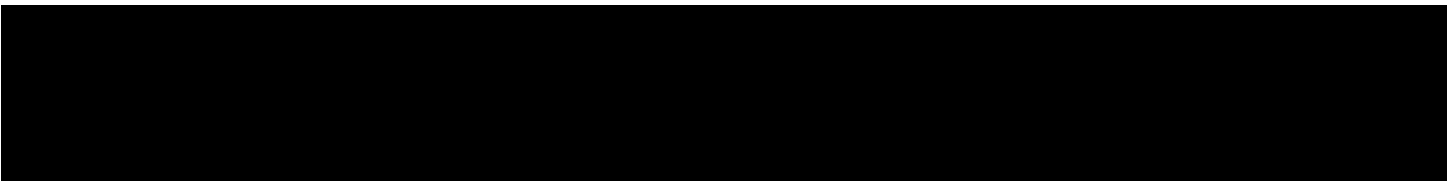


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Trooper Fleming \* C-4

[Detainee] Cell Check

0A5-72-21-017495



11:19	4711	2021-0A5-008217
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LYNN SHORE DRIVE & WAVE STREET, LYNN, MA

Trooper Surian \* H-9

[Civil Disturbance]

0A5-44-21-017497

11.00 Code 22 reports small protest between BLM and Trump supporters. Cruiser 975 arrives on scene and is met with an immense amount of resistance and hostility by a growing crowd.

CR 975 requests additional cruisers and a supervisor. Sgt Troy advised by AHQ Duty Office and en route to scene.

11.29 Groups dispersed, all cruisers cleared.

11.30 Upon arriving on scene and while driving by, Tpr Surian makes observation of two parties utilizing a megaphone device which produces an amplified sound. Upon arriving on scene Tpr Surian orders the subjects to cease and desist. Continued resistance and hostility displayed towards Tpr Surian.

Tpr Surian detains both subjects and ID's both suspects as to the issuance of a DCR Citation (320 CMR 12.04 Sec 4) for the above violation.

Tpr Surian takes note of several false allegations made against him by bystanders. Bystanders complaining that Tpr Surian is siding with one particular group of protesters and refuses to take action on outrageous claims that Tpr Surian did not witness or have any knowledge about. Until the arrival of Sgt Troy, Tpr Surian does his best to keep the peace and all parties from engaging in disorderly conduct.

\*\*Important note - BWC is worn, activated, and details entire incident\*\*

11/11/2021 1100 On-Scene Trooper Surian, Devon A

11/11/2021 1110 On-Scene Backup Trooper Fiore, Nicholas P

11/11/2021 1110 On-Scene Backup Trooper Yem, Tah C

*This is an official copy of the Massachusetts State Police Daily Administrative Journal as it appears on  
03/29/2022 @ 1157 hrs by skelly  
This log is open for editing until 11/16/2021.*

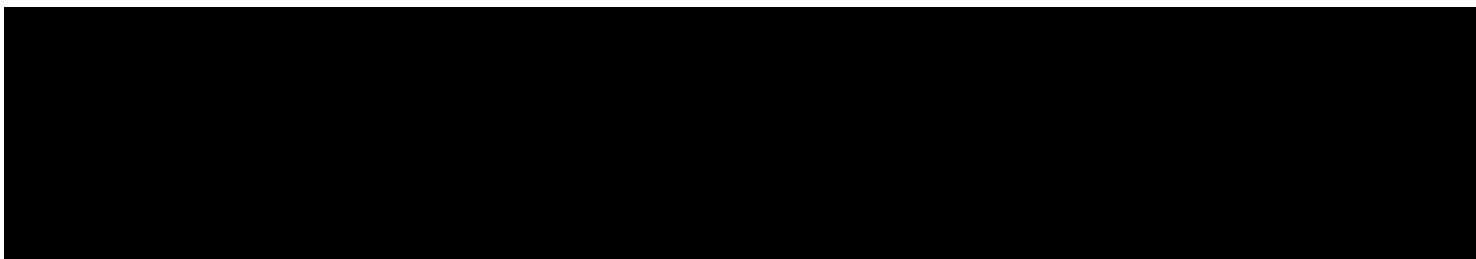


**State Police Revere**  
**Thursday 11 November 2021**

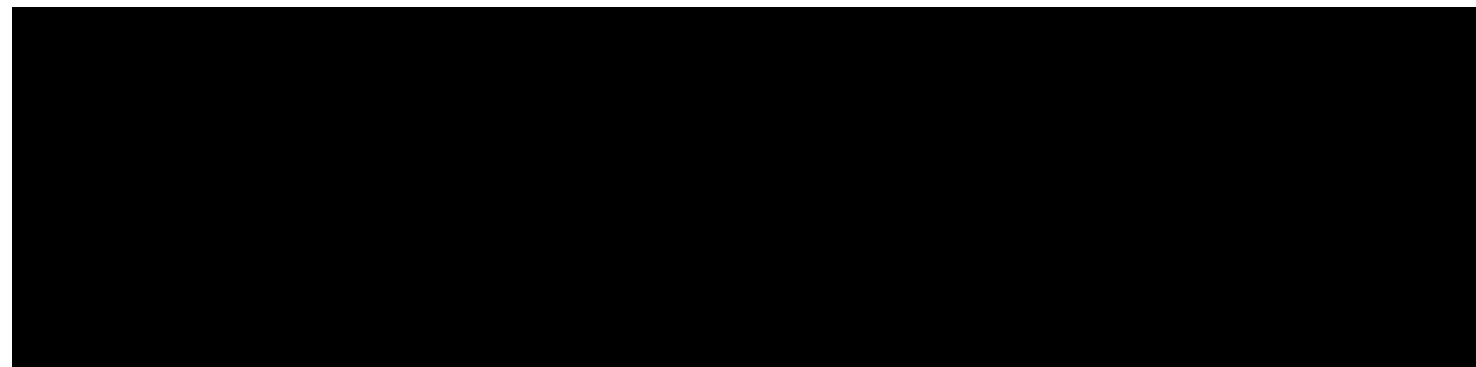
11/11/2021 1110 On-Scene Backup Trooper Mastromattei, Carlo G  
11/11/2021 1119 Civil Disturbance  
11/11/2021 1129 Clear Trooper Mastromattei, Carlo G  
11/11/2021 1129 Clear Trooper Yem, Tah C  
11/11/2021 1129 Clear Trooper Fiore, Nicholas P  
11/11/2021 1129 Clear Trooper Surian, Devon A

Suspect	Citation	OLSON , HEIDI ANN			
Suspect	Citation	PICARD , MICHAEL			

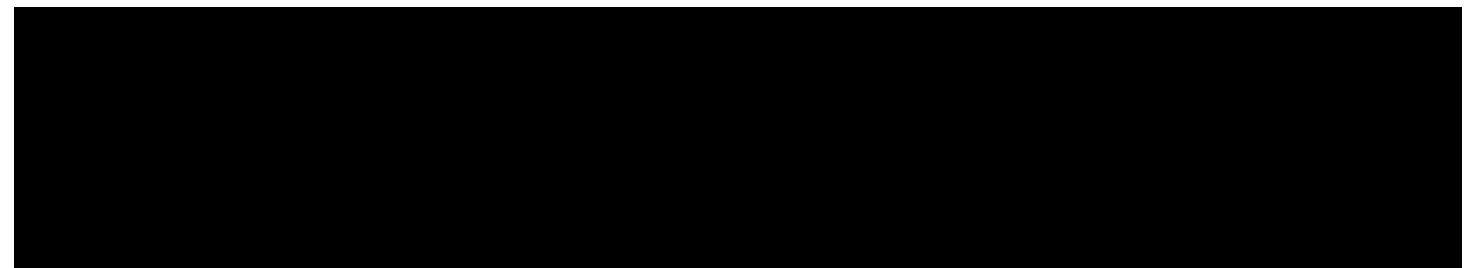
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12:01	4711	2021-000-459050
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12:31	4711	2021-000-459063
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Trooper Fleming \* C-4

# Exhibit B

Department of Conservation and Recreation  
NOTICE OF VIOLATION

Date of this Notice: 11-11-21	Agency: MSP	024873	
Name of Offender: Michael Picard			
Address of Offender: [REDACTED]			
City, State, Zip Code: [REDACTED]		Date of Birth of Offender: 10-24-88	
MV Operator License Number: N/A	State:	MV/MB Registration Number:	State:
OFFENSE: 350-CMR 302 CMR Rules of Conduct 2.04 (4)			Fine: \$
Amplified sound device			\$ 200
use of w/o permit			\$
Check One Only: <input type="checkbox"/> WARNING <input checked="" type="checkbox"/> NON-CRIMINAL VIOLATION			Total: \$ 200

Time and Date of Violation:  
11:10 (A.M.) (P.M.) ON 11-11-21

Location of Violation (include city or town):  
AT Lynn Shore Dr, Lynn

Ranger/Trooper/Officer:  
Tpr Sullivan

Badge:  
9047

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

X

☒ Unable to obtain signature of offender. Date Mailed 11-11-21

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition,  
with no resulting criminal record.

- (1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note, to the address below, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE.
- (2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, enclosing a copy of this citation, and mailing to the address below, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE.
- (3) If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing, a criminal complaint may be issued against you.

☐ I HEREBY ELECT THE FIRST OPTION above and enclose payment in the amount of \$ \_\_\_\_\_

☒ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

DO NOT MAIL CASH. Payment shall be made to the Commonwealth of Massachusetts sent to DCR, Bureau of Ranger Services, 251 Causeway Street, Boston, MA. If payment is made after 21 days, this fine is increased.

PLEASE PEEL OFF TAPE AND FOLD FLAP TO SEAL ENVELOPE

# Exhibit C



Department of Conservation and Recreation  
NOTICE OF VIOLATION

Date of this Notice: 11-11-21	Agency: MSP	024872
Name of Offender: Heidi Olson		
Address of Offender: [REDACTED]		
City, State, Zip Code: [REDACTED]		Date of Birth of Offender: 8-25-77
MV Operator License Number: S78534052	State: MA	MV/MB Registration Number: N/A
OFFENSE: <del>350 CMR</del> <del>302 CMR</del> Rules of conduct 12.04 (4)		Fine: \$
Amplified sound device		\$ 200
use of w/o permit		\$
Check One Only: <input type="checkbox"/> WARNING <input checked="" type="checkbox"/> NON-CRIMINAL VIOLATION	Total: \$ 200	

Time and Date of Violation:  
11:10 (A.M.) (P.M.) ON 11-11-21

Location of Violation (include city or town):  
AT Lynn Shore Dr, Lynn

Ranger/Trooper/Officer:  
Trooper Surian

Badge:  
4047

HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION  
X *[Signature]* #4047

Unable to obtain signature of offender. Date Mailed 11-11-21

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:  
*Either option (1) or option (2) will operate as a final disposition,  
with no resulting criminal record.*

- 1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note, to the address below, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE.
- 2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, enclosing a copy of this citation, and mailing to the address below, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE.
- (3) If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above and enclose payment in the amount of \$ \_\_\_\_\_

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

DO NOT MAIL CASH. Payment shall be made to the Commonwealth of Massachusetts and sent to DCR, Bureau of Ranger Services, 251 Causeway Street, Boston, MA 02114. Payment is made after 21 days, this fine is increased.

PLEASE PEEL OFF TAPE AND FOLD FLAP TO SEAL ENVELOPE

REMOVE TO EXPOSE ADHESIVE

REMOVE TO EXPOSE ADHESIVE

REMOVE TO EXPOSE ADHESIVE

REMOVE TO EXPOSE ADHESIVE

# Exhibit D



November 23, 2021

Heidi Olson  
32 Granite St.  
Gloucester, MA 01930

DCR Ranger Bureau has received your request for a noncriminal hearing based on the CMR violation you have received. However, this request must be submitted to a court magistrate at the Lynn District Court.

Lynn District Court  
580 Essex St.  
Lynn, MA 01901

(781) 598-5200

If you have any questions, please feel free to contact us at (617)626-1419.

Ranger Bureau Services  
Department of Conservation and Recreation

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation  
251 Causeway Street, Suite 600  
Boston, MA 02114-2199  
617-626-1250 617-626-1351 Fax  
[www.mass.gov/orgs/departments-of-conservation-recreation](http://www.mass.gov/orgs/departments-of-conservation-recreation)



Charles D. Baker  
Governor

Karyn E. Polito  
Lt. Governor

Kathleen A. Theoharides, Secretary, Executive  
Office of Energy & Environmental Affairs

Stephanie Cooper, Acting Commissioner  
Department of Conservation & Recreation

# Exhibit E

From: **Michael Picard** <[michael@picard.co](mailto:michael@picard.co)>  
Date: Sat, Dec 11, 2021 at 8:18 PM  
Subject: Public Records Request  
To: <[msp.rao@state.ma.us](mailto:mSP.rao@state.ma.us)>

Dear Records Access Officer:

Under the Massachusetts Public Records Act § 66-10 et seq., I am requesting a copy of the following:

1. Any and all recordings and transcripts of calls for service/calls to dispatch on Thursday, November 11th, 2021, between 10am and 1pm, relating to protests/rallies/incidents on Lynn Shore Drive in Lynn, MA.
2. Any and all body cam footage on Thursday, November 11th, 2021, including but not limited to body cam footage from Massachusetts State Trooper Devon Surian out of the Revere barracks, relating to a call for service about protests/rallies/incidents on Lynn Shore Drive in Lynn, MA.
3. Any and all records created, including but not limited to police reports, notes, etc., related to a call for service on Thursday, November 11th, 2021, related to protests/rallies/incidents on Lynn Shore Drive in Lynn, MA.

Please kindly acknowledge receipt that you received this email. Thank you for your time and I look forward to hearing from you.

Sincerely,  
Michael Picard  
860.306.4955

# Exhibit F



CRTR2709-CR



MASSACHUSETTS  
LYNN DISTRICT COURT  
Docket Report

2113CI000041 Department of Conservation & Recreation v. Olson, Heidi

**CASE TYPE:** Municipal Ordinance/Bylaw Civil Infracti  
**ACTION CODE:** 666666-0  
**DESCRIPTION:** MISCELLANEOUS MUNIC  
ORDINANCE/BYLAWS VIOL  
**CASE DISPOSITION DATE:** 03/14/2022  
**CASE DISPOSITION:** Disposed  
**CASE JUDGE:**

**FILE DATE:** 12/03/2021  
**CASE TRACK:**  
**CASE STATUS:** Closed  
**STATUS DATE:** 03/14/2022  
**CASE SESSION:**

PARTIES

**Defendant**  
Olson, Heidi  
[REDACTED]

PARTY CHARGES

#	Offense Date/ Charge	Code	Town	Disposition	Disposition Date
1	11/11/2021 MISCELLANEOUS MUNIC ORDINANCE/BYLAWS VIOL	666666-0	Swampscott	Responsible	03/14/2022

EVENTS

Date	Session	Event	Result	Resulting Judge
01/26/2022	Clerk Magistrate Session	Magistrate Hearing	Event Continued	Hogan
03/14/2022	Clerk Magistrate Session	Magistrate Hearing	Held	Collins



MASSACHUSETTS  
LYNN DISTRICT COURT  
Docket Report

INFORMATIONAL DOCKET ENTRIES

Date	Ref	Description	Judge
12/03/2021	1	Request for magistrate hearing filed (c. 40 §21D).	
12/03/2021		Event Scheduled Event: Magistrate Hearing Date: 01/26/2022 Time: 12:00 PM Result: Event Continued	
12/03/2021	2	Notice sent to parties.	Hogan
		Judge: Hogan, Michael F.	
01/12/2022		Event Resulted: Magistrate Hearing scheduled on: - 01/26/2022 12:00 PM Has been: Event Continued Michael F. Hogan, Presiding	Hogan
01/12/2022		Event Scheduled Event: Magistrate Hearing Date: 03/14/2022 Time: 12:00 PM Result: Held	
03/14/2022		Event Resulted: Magistrate Hearing scheduled on: 03/14/2022 12:00 PM Has been: Held Patrick Collins, Presiding	Collins
03/14/2022		Charges Disposed:: Charge # 1 MISCELLANEOUS MUNIC ORDINANCE/BYLAWS VIOL On: 03/14/2022 Judge: Patrick Collins Responsible	
03/14/2022		Misc Entry:  Fine Upheld \$200.00  Judge: Collins, Patrick	Collins
03/14/2022		Case Disposition Date Entered	



# Exhibit G

MASSACHUSETTS  
LYNN DISTRICT COURT  
Docket Report



2113CI000042 Department of Conservation & Recreation v. Picard, Michael

**CASE TYPE:** Municipal Ordinance/Bylaw Civil Infracti  
**ACTION CODE:** 666666-0  
**DESCRIPTION:** MISCELLANEOUS MUNIC  
ORDINANCE/BYLAU VIOL  
**CASE DISPOSITION DATE:** 03/14/2022  
**CASE DISPOSITION:** Disposed  
**CASE JUDGE:**

**FILE DATE:** 12/07/2021  
**CASE TRACK:**  
**CASE STATUS:** Closed  
**STATUS DATE:** 03/14/2022  
**CASE SESSION:**

**PARTIES**

**Defendant**  
Picard, Michael

**PARTY CHARGES**

#	Offense Date/ Charge	Code	Town	Disposition	Disposition Date
1	11/11/2021 MISCELLANEOUS MUNIC ORDINANCE/BYLAU VIOL	666666-0	Lynn	Responsible	03/14/2022

**EVENTS**

Date	Session	Event	Result	Resulting Judge
1/26/2022	Clerk Magistrate Session	Magistrate Hearing	Event Continued	Hogan
1/14/2022	Clerk Magistrate Session	Magistrate Hearing	Held	Collins



MASSACHUSETTS  
LYNN DISTRICT COURT  
Docket Report

INFORMATIONAL DOCKET ENTRIES

Date	Ref	Description	Judge
12/07/2021	1	Request for magistrate hearing filed (c. 40 §21D).	
12/07/2021		Event Scheduled Event: Magistrate Hearing Date: 01/26/2022 Time: 12:00 PM Result: Event Continued	
12/07/2021	2	Notice sent to parties.  Judge: Hogan, Michael F.	Hogan
01/12/2022		Event Resulted: Magistrate Hearing scheduled on: 01/26/2022 12:00 PM Has been: Event Continued Michael F. Hogan, Presiding	Hogan
01/12/2022		Event Scheduled Event: Magistrate Hearing Date: 03/14/2022 Time: 12:00 PM Result: Held	
03/14/2022		Event Resulted: Magistrate Hearing scheduled on: 03/14/2022 12:00 PM Has been: Held Patrick Collins, Presiding	Collins
03/15/2022		Charges Disposed:: Charge # 1 MISCELLANEOUS MUNIC ORDINANCE/BYLAWS VIOL On: 03/14/2022 Judge: Patrick Collins Responsible	
03/15/2022		Case Disposition Date Entered	
03/15/2022		Misc Entry:  Fine Upheld - \$200.00  Judge: Collins, Patrick	Collins