

DPH & MTCP — Investigative Briefing Memorandum

PUBLIC RECORDS ANALYSIS · REAL TRUTH MA · RETRIEVED SEPTEMBER 11, 2026

Massachusetts Department of Public Health / MTCP

RECORDS ANALYZED — PRODUCTION MAP

DPH assigned the request tracking number BCHAP-2026-26 and logged it as received March 25, 2026 (this is the receipt date; an earlier draft of this memo mistakenly cited it as a production date). Following a fee estimate and two scope conferences, the request was narrowed to Massachusetts state Fiscal Year 2024 and six named procurements, and DPH produced records in three installments. DPH formally closed the request on July 20, 2026, with appeal rights preserved under 950 CMR 32.08 and G.L. c. 66, § 10A.

Installment	Date	Records	Responds To
First	May 22, 2026	Funding binder (~613 pp): engagement contracts, budget forms, award letters, sub-recipient notices	Original §§ 2, 3, 5, 6 (funding infrastructure)
Second	July 1, 2026	Binder1 (374 pp): FY2024 vendor application-response forms and budget narratives	§ 4 (payment) and partial § 5
Final	July 20, 2026	COMMBUYS binder (393 pp, redacted per FIPA) + Model Tobacco Sales Regulations (17 pp) + appeals rule	§ 5 (COMMBUYS) and § 7 (NFG-related deliverables)

EXECUTIVE SUMMARY

The complete DPH/MTCP return supplies the financial and procurement layer of the NFG investigation. Where the thirteen municipal returns documented the network’s conduct, this production documents its funding and the terms on which that funding is awarded. It establishes, at the contract level, that DPH’s Tobacco Control Program directly pays every institutional layer of the advocacy infrastructure identified across the municipal memos; and the newly produced application-response forms show the grantees describing, in their own words, that the funded work includes enacting local ordinances, mobilizing youth, generating earned media, and promoting policy in conjunction with local boards of health.

The first installment documented approximately \$6.82 million in “Statewide Capacity Building” engagement contracts to five vendors (MAHB, MHOA, PHAI, HRiA, MMA), more than \$5 million in regional “Community Partnership” coalition contracts, and roughly \$10.8 million in municipal “Board of Health Tobacco and Public Health Policy Programs” grants to at least seventeen municipalities — including \$563,282 to the City of Melrose,

employer of the network’s central coordinator, Maureen Buzby. The second and final installments add the FY2024 application layer: roughly thirty vendor application-response forms (RFR 190128 municipal grantees, RFR 180725 Community Partnerships, and the three municipal trade-association RFQs), plus a ready-to-adopt Model Tobacco Sales Regulation centered on retailer-density caps, permit caps, flavor restrictions, and cigar pricing.

Most significant: *the new material materially strengthens the funded-advocacy-infrastructure thesis with the grantees’ own affirmative language, but it does not contain a state-produced model **Nicotine-Free Generation** (birthdate sales-ban) ordinance. The § 7 “NFG-related” production is a general model tobacco regulation plus applications whose only NFG resonance is the aspirational phrase “tobacco free generation,” tied to the state’s youth “84” movement. The specific claim that state money funds the NFG ordinance itself remains an inference drawn from the network, not a single document.*

KEY DOCUMENT EXCERPTS

State Funds the PHAI Attorney Who Advises Boards of Health (First Installment)

Document: FY24 Engagement Contract Budget Form, Public Health Advocacy Institute Inc., Contract INTF2900M04500824115 (cumulative maximum obligation \$1,142,250 since July 1, 2014).

“This line item covers the salary for .55 FTE of Chris Banthin to deliver services listed in the scope of services... Chris will also provide technical assistance in the development and implementation of other tobacco control policies including but not limited to reducing retailer density.”

“This line item covers malpractice insurance for Chris Banthin, a licensed attorney in MA. While Chris Banthin is careful to clarify that he is functioning in an educational capacity under this engagement, the scope of services necessitates insurance coverage for claims of malpractice.”

SIGNIFICANCE: PHAI is Mark Gottlieb’s organization at Northeastern University School of Law — the entity that, per the Mansfield hearing observations, offers NFG municipalities pro bono legal defense. These budget documents show PHAI has been a paid DPH contractor since 2014, with public funds covering an attorney’s salary, travel to boards of health, and malpractice insurance. The “educational capacity” disclaimer paired with budgeted malpractice coverage shows contemporaneous awareness that the work borders on legal advice to municipal boards. The “pro bono” NFG defense offer is more accurately described as state-subsidized.

MAHB Application: State-Funded Program to Enact Local Ordinances (Second Installment, pp. 272–273)

Document: MAHB Application Response Form, “MAHB’s Policy and Law Program,” RFQ 185008241224 (Municipal Trade Association to Work with Appointed or Elected Local Boards of Health).

“MAHB’s Policy and Law Program has developed significant experience in assessing local public health activity and developing and implementing successful strategies that institutionalize science-based public health policy goals, including but not limited to enacting local public health laws, bylaws and ordinances.”

SIGNIFICANCE: MAHB — whose Senior Staff Attorney Cheryl Sbarra provided NFG legal guidance and municipality lists to local health directors in the municipal returns — describes its state-funded deliverable, in its own application, as helping boards of health enact local ordinances. This converts the June memo’s inference (drawn from DPH’s scope language) into the grantee’s affirmative representation. MAHB’s engagement carries a cumulative maximum obligation of \$2,065,523.

Melrose Application: “Advancement of Tobacco/Nicotine Product Policies” (Second Installment, p. 42)

Document: City of Melrose Application Response Form, RFR 190128 (regional lead for a Malden / Medford / Wakefield / Winchester coalition).

“The proposed program will include retail surveillance and data collection, enforcement of local & state laws, and advancement of tobacco/nicotine product policies.”

SIGNIFICANCE: Melrose is Maureen Buzby’s employer and the base from which she initiated NFG contact with Mansfield, Hopkinton, and other municipalities. Its state grant application states that “advancement of... policies” is a program purpose — documenting that Buzby’s cross-municipal policy coordination occurred inside a state-funded municipal tobacco program (contract INTF2903P01190128226; \$563,281.66) whose stated goal is policy advancement.

Brookline Application: Selecting Municipalities Where “Large Changes... Are Possible” (Second Installment)

Document: Town of Brookline Application Response Form, RFR 190128 (regional collaborative including Randolph, Stoughton, Watertown, and Norwood).

“The other three were chosen in order to close gaps in funded communities around Boston and because these are towns in which large changes in tobacco regulations are possible and have higher rates of minorities who are targeted by tobacco companies.”

SIGNIFICANCE: Brookline is the first NFG adopter and the origin of the legal precedent. Its state grant application describes selecting target municipalities by where “large changes in tobacco regulations are possible” — the target-selection logic the investigation attributes to the network, here stated in a funded grantee’s own proposal, and naming known coordination nodes (Stoughton, Norwood).

Community Partnership Application: Youth Mobilization and “Tobacco Free Generation” (Second/Final Installments, pp. 182 & 186 / 258 & 262)

Document: Berkshire AHEC Application Response Form, RFR 180725 (Tobacco Free Community Partnership).

“...promotion of the 84 by reaching out to interested youth groups and schools to help form local chapters in support of a tobacco free generation in Massachusetts; and Policy Promotion Support working in conjunction with the Boards of Health to educate and support the residents and stakeholders in tobacco control policies...”

SIGNIFICANCE: This is the youth-mobilization-and-earned-media deliverable described in the vendor’s own words, funded under a state Community Partnership contract. Note the interpretive caution: “tobacco free generation” here is a social-norms aspiration attached to “the 84” (the state’s youth anti-tobacco movement), not the Nicotine-Free Generation birthdate ordinance. The language corroborates funded policy-promotion and youth activity; it is not proof that the state funded the NFG ordinance specifically.

The Model Tobacco Sales Regulation — DPH’s § 7 “NFG-Related” Deliverable (Final Installment, pp. 9–10)

Document: “Regulation of the [city/town] Board of Health Restricting the Sale of Tobacco Products” (17 pp, dated January 12, 2023), produced in response to the request for NFG-related work products.

“E.8 Maximum Number of Tobacco Product Sales Permits... E.10 Retail Density. A new Tobacco Product Sales Permit shall not be issued to any new applicant... [within a set distance] of an existing retailer with a valid Tobacco Product Sales Permit as measured by a straight line from the... property line.”

SIGNIFICANCE: This is a ready-to-adopt Board of Health template built around retailer-density buffers, a cap on the number of permits, flavor restrictions, and minimum cigar pricing — the exact retailer-density policy DPH pays PHAI’s attorney to develop. It is the strongest single tie between the funding stream and a concrete policy product. Two cautions for use: (1) the template still contains a leftover “Bourne” reference in an operative clause, evidence of copy-paste reuse across municipalities; and (2) it is a general tobacco sales regulation, not a Nicotine-Free Generation (birthdate) ordinance.

STATE FUNDING INFRASTRUCTURE (DOCUMENTED CONTRACTS)

All figures below are taken directly from contract forms, budget forms, or award letters in the first installment. Engagement forms are signed for DPH by Jacqueline Doane (MTCP Program Director) and processed through contract managers Alex Gomez and Linda Baptiste.

1. Statewide Capacity Building Engagement Contracts (Procurement 500824) — approx. \$6.82M

Vendor	Contract ID	Cumulative Max Obligation	Documented Role
Mass. Association of Health Boards (MAHB)	INTF2900M04500824134	\$2,065,523.25 (since 7/1/2017)	Legal education/training of BOH members; POS policy efficacy and ROI evaluation
Mass. Health Officers Association (MHOA)	INTF2900M04500824135	\$1,980,779.46 (since 7/1/2017)	Training municipal health officers; POST system; statewide inspection/compliance database
Public Health Advocacy Institute (PHAI)	INTF2900M04500824115	\$1,142,250.00 (since 7/1/2014)	Attorney technical assistance to officials; retailer-density policy development
Health Resources in Action (HRiA)	INTF2900M04500824112	\$828,497.88 (since 7/1/2014)	Smoke-free housing promotion; Section 8 voucher surveys
Mass. Municipal Association (MMA)	INTF2900M04500824133	\$807,945.00 (since 7/1/2017)	1.0 FTE program manager providing legal technical assistance to municipalities

2. Municipal Board of Health Tobacco and Public Health Policy Programs (RFR 190128) — approx. \$10.8M

Municipality	Contract ID	Total Max Obligation
Leominster	INTF2903P01190128212	\$1,360,895.70
Boston (BPHC)	INTF2903P01190128209	\$1,205,000.00
Andover	INTF2903P01190128208	\$965,700.32
Barnstable County	INTF2903P01190128223	\$878,500.00
Somerville	INTF2903P01190128214	\$737,338.06
Melrose (Buzby's employer)	INTF2903P01190128226	\$563,281.66
... plus at least eleven additional municipal grantees (Springfield, Fall River, South Hadley, Lowell, New Bedford, Lee, Hanover, Salem, Norwood, Framingham, Burlington)	RFR 190128 series	Balance of ~\$10.8M total

FY2024 PROCUREMENT & APPLICATION LAYER (NEW PRODUCTIONS)

The second and final installments consist principally of vendor application-response forms and budget narratives — the grantees' own descriptions of the work they proposed to perform with state tobacco-control funds. Approximately thirty organizations appear across three procurement types. The forms name Melrose (Buzby), Brookline (first NFG adopter), Framingham (the MetroWest/Pari region), and Stoughton (a documented coordination node) inside their own applications.

Procurement	Vendor Type	Applicants Appearing in the Production (illustrative)
RFR 190128	Municipal / regional BOH programs	Lynn, Boston PHC, Brookline, Burlington, Springfield, Fall River, Lowell, Melrose, Newton, Somerville, Worcester, Barnstable County, Framingham, Andover, Hanover, South Hadley, New Bedford, Tri-Town Health District, Boards of Health Tobacco Control Alliance
RFR 180725	Tobacco Free Community Partnerships	Bay State Community Services, Berkshire AHEC, Gandara MHC, Greater Lawrence FHC, Hampshire Council of Governments, HRiA, Seven Hills Behavioral Health, UMass Chan (Worcester)
RFQ 185008241x24	Municipal trade associations	Massachusetts Association of Health Boards (MAHB); Massachusetts Health Officers Association (MHOA); Massachusetts Municipal Association (MMA)

Evidentiary upgrade: the June memo inferred the network’s conduct from DPH’s scope language; these forms show the grantees affirmatively proposing to enact ordinances (MAHB), advance tobacco/nicotine policies (Melrose), select municipalities where large regulatory changes are possible (Brookline), and mobilize youth and generate earned media (Community Partnerships). The claims now rest on the vendors’ own representations.

KEY FINDINGS

1. DPH Funds Every Professional Association in the NFG Advisory Chain

MAHB (Sbarra’s legal guidance), MHOA (the July 2024 NFG webinar), and MMA are all MTCP contractors, with combined documented obligations of approximately \$4.85 million since 2017. Each contract’s scope is capacity building for local tobacco policy adoption. When these associations appear in municipal NFG correspondence as trusted advisors, they are simultaneously paid agents of the state program that tracks local policy adoption as a deliverable.

2. The State Funds PHAI — the Organization Offering “Pro Bono” NFG Legal Defense

PHAI has held a DPH engagement contract since 2014, now totaling \$1,142,250, covering attorney Chris Banthin’s salary, travel to boards of health, malpractice insurance, and retailer-density policy research. The Model Tobacco Sales Regulation produced in the final installment embodies exactly that density work, tying the funding stream to a concrete, adoptable policy product.

3. Vendor Applications Confirm Policy Adoption as a Funded Deliverable

In their own application narratives, grantees describe enacting local ordinances, advancing tobacco/nicotine policies, and selecting municipalities where large regulatory changes are possible. Youth mobilization (“the 84”) and earned media appear as proposed activities of state-funded Community Partnerships. This is the contract-level confirmation of the conduct the municipal returns documented.

4. Melrose’s Funding Documented Behind the Network’s Central Coordinator

The City of Melrose holds contract INTF2903P01190128226 (\$563,281.66) and, in its application, lists “advancement of tobacco/nicotine product policies” as a program purpose. Buzby’s cross-municipal NFG coordination therefore occurred within a state-funded municipal tobacco program answerable to MTCP, raising the question whether grant-funded time was used for regional advocacy outside Melrose’s jurisdiction.

5. Federal Funds Flow Through the Same Pipeline

Sub-recipient notifications show these contracts carry federal pass-through funding, including the CDC National Tobacco Control Program (CFDA 93.305) and the SAMHSA Substance Abuse Prevention and Treatment Block Grant (CFDA 93.959). Federal taxpayer dollars are commingled in the funding stream that underwrites local policy-campaign infrastructure.

ANALYTICAL LIMITATIONS & CAVEATS (INTERNAL)

These points are stated candidly so the investigation does not overclaim; DPH and the network will press each of them.

- **No NFG-specific ordinance was produced.** “Tobacco free generation” (a social-norms slogan tied to the youth “84” movement) is not the same as the Nicotine-Free Generation birthdate sales-ban ordinance. Do not let the two terms be conflated in any journalist-facing product.
- **The model regulation is general, not NFG.** The final § 7 production is a general tobacco sales regulation (density / permit cap / flavor / cigar pricing), not an NFG birthdate ordinance. Its value is corroborating the PHAI density-policy tie, not proving NFG-specific funding.
- **Paid-dollar summaries appear absent.** DPH labeled the second installment as § 4 “payment records,” but the binder reads as application forms and budgeted figures, not the payment-by-organization summary reports (accounts, object codes, actual FY2024 dollars paid) that § 4 described and that DPH said would number fewer than 25. Confirm before relying on “actual payments.”
- **The request is closed.** DPH closed the request on July 20, 2026. Any further records require a Supervisor of Records appeal (950 CMR 32.08) or a Suffolk Superior Court action. The apparent § 4 gap is a discrete, well-founded basis for such an appeal.

EVIDENCE CATEGORIES SATISFIED

Evidence Category	Status	Summary
FUNDING CONNECTION	CONFIRMED	~\$6.82M capacity-building contracts; ~\$5M+ Community Partnership contracts; ~\$10.8M municipal policy-program grants including Melrose (\$563,282). Federal CDC/SAMHSA pass-through documented.
NETWORK ACTIVITY	CONFIRMED	Every institutional player (MAHB, MHOA, MMA, PHAI, Melrose, regional coalitions) is financially integrated into MTCP, now corroborated by their own application forms.
TEMPLATE USAGE	SUGGESTED	State-produced Model Tobacco Sales Regulation with a leftover “Bourne” reference indicates template reuse across municipalities.
YOUTH RECRUITMENT	SUGGESTED	Community Partnership applications propose mobilizing youth via “the 84”; municipal budgets fund “Youth Buyer Stipends.” No NFG-hearing youth recruitment in this production.
CROSS-MUNICIPALITY COORDINATION	SUGGESTED	Statewide contractors and regional coalitions are funded expressly to work across municipal boundaries; Brookline’s application describes multi-town target selection.
PRE-HEARING COORDINATION	NOT FOUND	No hearing-specific correspondence in this production (funding and procurement records only).
NFG-ORDINANCE-SPECIFIC FUNDING	INFERRED	No state-produced NFG (birthdate) ordinance. The NFG-specific funding link rests on network inference, not a single document.

CONCLUSION

The DPH/MTCP return, now complete and closed, supplies the financial and procurement layer of the investigation. The municipal returns documented who coordinated NFG adoption and how; this binder documents who pays them and on what written terms. Approximately \$6.82 million in capacity-building contracts flows to the five organizations that constitute the network’s institutional infrastructure; more than \$5 million in Community Partnership contracts funds community and youth mobilization and earned media; and roughly \$10.8 million in municipal “Policy Programs” grants funds the local health-department staff who champion these policies — including \$563,282 to Melrose.

The decisive addition in this version is corroboration in the grantees' own words: *state-funded applicants propose to enact ordinances, advance tobacco/nicotine policies, select high-opportunity municipalities, and mobilize youth and press. The single most useful new document is the state-produced Model Tobacco Sales Regulation, which embodies PHAI's state-funded retailer-density work in an adoptable form.*

The honest limit remains: this production does not contain a Nicotine-Free Generation (birthdate) ordinance, and the phrase “tobacco free generation” in the applications denotes a youth social-norms movement, not that policy. The return establishes a funded program architecture sustained by state and federal tobacco-control dollars and administered by the same MTCP office that tracks local policy adoption; the NFG-ordinance-specific link should be argued from that architecture and the municipal correspondence together, not from this production alone. It should anchor the funding section of the master investigation and drive the follow-up requests above.

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