

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 16-0001

IN THE MATTER

OF

HOWARD HANSEN

ORDER TO SHOW CAUSE

1. The State Ethics Commission ("Commission") is authorized by G.L. c. 268B to enforce G.L. c. 268A, the state conflict of interest law, and in that regard, to initiate and conduct adjudicatory proceedings.

2. On November 14, 2014, the Commission: (a) found reasonable cause to believe that Howard Hansen violated G.L. c. 268A, §§19, 20, 23(b)(2), and 23(b)(2)(ii); and (b) authorized the initiation of adjudicatory proceedings.

FACTS

3. Hansen is the elected and paid Town Moderator for the Town of Stoughton (the "Town"), and has served as such since approximately 1992.

4. The Town designated the Town Moderator position as a special municipal employee position in 1993.

5. In his private capacity, Hansen is the sole proprietor and owner of Hansen Brothers Printing. Hansen Brothers Printing has provided printing services to the Town since approximately 1968.

6. Between 2009 and 2014, Hansen acting in his capacity as Town Moderator, repeatedly contracted with Hansen Brothers Printing and/or himself to perform printing work for

the Town.

7. As Town Moderator, Hansen did not obtain approval for the printing expenditures, or obtain quotes for the work from vendors other than Hansen Brothers Printing.

8. In his private capacity, Hansen submitted bills to the Town for printing services provided by Hansen Brothers Printing.

9. Hansen, as Town Moderator, signed the Town paperwork authorizing payment to Hansen Brothers Printing and/or Hansen individually for printing services.

10. Between September 29, 2009 and 2014, Hansen Brothers Printing and/or Hansen individually received a total of approximately \$19,000 from the Town for printing work.

LAW

11. Hansen, as Stoughton Town Moderator, is a "municipal employee" as that term is defined in G.L. c. 268A, § 1(g).

§ 19

12. Section 19 of G.L. c. 268A prohibits a municipal employee from participating as such an employee in a particular matter in which, to his knowledge, he has a financial interest.

13. Each decision to hire and each decision to authorize payment to Hansen and/or Hansen Brothers Printing for printing work for the Town between September 29, 2009 and 2014 was a particular matter.

14. Hansen had a financial interest in each of these particular matters because he was the sole proprietor and owner of Hansen Brothers Printing.

15. Hansen participated as Town Moderator in each of these particular matters by deciding to hire and deciding to authorize payment to Hansen and/or Hansen Brothers Printing for printing work.

16. When he participated in these particular matters as described above, Hansen knew he had a financial interest in these particular matters.

17. Therefore, Hansen violated § 19 each time he made the decisions as Town Moderator to hire and to authorize payment to Hansen and/or Hansen Brothers Printing for printing work for the Town between September 29, 2009 and 2014.

§ 20

18. Section 20 of G.L. c. 268A prohibits a municipal employee from having a financial interest in a contract made by a municipal agency of the same town, in which the town is an interested party, of which financial interest he has knowledge or has reason to know.

19. As sole proprietor of Hansen Brothers Printing, Hansen had a financial interest in each contract for printing services between the Town and Hansen Brothers Printing, and had knowledge of that financial interest.

20. The printing contracts were made by Hansen as Town Moderator, a municipal agency of the town, and the Town was a party to each printing contract.

21. Therefore, by knowingly having a financial interest in printing contracts with the Town, Hansen repeatedly violated § 20.

§ 23(b)(2) and §23(b)(2)(ii)

22. Both §23(b)(2) (effective prior to September 29, 2009) and §23(b)(2)(ii) (effective after September 29, 2009), prohibit a public employee from, knowingly or with reason to know using or attempting to use his official position to secure unwarranted privileges or exemptions of substantial value not properly available to similarly situated individuals.

23. From 2009 to 2014, Hansen knowingly or with reason to know, used his Town Moderator position to direct Town printing work to his sole proprietorship, Hansen Brothers

Printing, and/or to himself.

24. The opportunity to receive compensation under these printing contracts was a privilege.

25. This privilege was unwarranted because Hansen abused the discretion of his position as Town Moderator by not, in that capacity, seeking competitive quotes for the printing work and choosing instead to deal exclusively with his own business.

26. The unwarranted privilege was of substantial value, as each contract was worth in excess of \$50.

27. The unwarranted privilege was not available to similarly situated individuals, owners of other printing businesses, who could not seek to obtain this printing work because it was not advertised or put out to bid, and no quotes for the work were sought from other vendors.

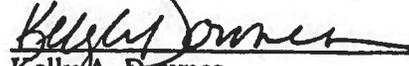
28. Therefore, by, as Town Moderator, repeatedly steering Town printing work to Hansen Brothers Printing and/or himself, Hansen repeatedly violated first §23(b)(2) and then §23(b)(2)(ii).

WHEREFORE, Petitioner asks that the Commission:

1. Find that Hansen violated G.L. c. 268A, §§19, 20, 23(b)(2) and 23(b)(2)(ii);
2. levy such fines, issue such orders and grant such other relief as may be appropriate.

Respectfully Submitted,

Petitioner State Ethics Commission
By its attorney,



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