

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 13-0009

IN THE MATTER

OF

BRUCE DUARTE

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 September 21, 2012, the Commission (a) found reasonable cause to believe that Bruce Duarte violated G.L. c. 268A, § 19, and (b) authorized the initiation of adjudicatory proceedings.

FACTS

3. In September 2010, Bruce Duarte, a resident of New Bedford, was a senior property manager for the New Bedford Housing Authority ("NBHA"). As such, Duarte was a municipal employee as that term is defined in G.L. c. 268A, § 1.

4. Duarte's brother became an NBHA tenant in October 2008.

5. In or about July 2010, NBHA staff began the process of evicting Duarte's brother for nonpayment of rent.

6. Following a series of agreements by Duarte's brother to pay his back rent, which Duarte's brother did not honor, NBHA staff scheduled an eviction of Duarte's

brother to occur on or about September 13, 2010. At that time, Duarte's brother owed approximately \$600 in back rent and costs associated with the eviction proceedings.

7. On or about September 13, 2010, while the eviction was in process, Duarte, in his capacity as an NBHA senior property manager, directed NBHA staff to stop the eviction.

8. As a result of Duarte's intervention, the NBHA staff stopped the eviction.

LAW

9. General Laws chapter 268A, § 19 prohibits a municipal employee from participating as such an employee in a particular matter in which, to his knowledge, his immediate family has a financial interest.

10. The decision to stop the eviction of Duarte's brother was a particular matter.

11. Duarte participated in the decision as an NBHA senior property manager by directing NBHA staff to stop his brother's eviction.

12. Duarte's brother is a member of Duarte's immediate family.

13. Duarte's brother had a financial interest in not being evicted because he could remain as an NBHA tenant despite owing back rent and he did not have to bear the expense of obtaining new housing.

14. At the time Duarte directed NBHA staff to stop the eviction of his brother, Duarte knew that his brother had a financial interest in not being evicted.

15. Thus, by stopping his brother's eviction, Duarte, in his capacity as an NBHA senior property manager, participated in a particular matter in which his

immediate family member had a financial interest, thereby violating G.L. c. 268A, § 19.

WHEREFORE, Petitioner asks that the Commission:

1. find that Bruce Duarte violated G.L. c. 268A, § 19 as described above; and
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,

/s/Candies Pruitt-Doncaster
Candies Pruitt-Doncaster
Staff Counsel
Enforcement Division
State Ethics Commission
One Ashburton Place, Room 619
Boston, MA 02108
(617) 371-9500
BBO# 632460

Dated: October 22, 2013