

COMMONWEALTH OF MASSACHUSETTS  
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY  
DOCKET NO. 13-0004

IN THE MATTER

OF

MICHAEL BYRNES

**ORDER TO SHOW CAUSE**

1. The State Ethics Commission is authorized to enforce G.L. c. 268B, the Financial Disclosure Law, and in that regard to initiate and conduct adjudicatory proceedings.
2. On January 18, 2013, the Commission found reasonable cause to believe that Michael Byrnes violated G.L. c. 268B, § 5 and authorized the initiation of adjudicatory proceedings.
3. Byrnes, a resident of Melrose, served as the Executive Office of Labor and Workforce Development Division of Labor Director for more than 30 days in 2011. Byrnes is no longer serving as the Executive Office of Labor and Workforce Development Division of Labor Director.
4. As the Executive Office of Labor and Workforce Development Division of Labor Director, Byrnes was a state employee as that term is defined in G.L. c. 268A, § 1.
5. In accordance with G.L. c. 268B and 930 CMR 2.00, Byrnes' position of Executive Office of Labor and Workforce Development Division of Labor Director was

designated as a major policy-making position for calendar year 2011. As such, Byrnes was required to file a Statement of Financial Interests ("SFI") for calendar year 2011 in accordance with G.L. c. 268B and 930 CMR 2.00.

6. Byrnes' SFI for 2011 was required to be filed by May 1, 2012, in accordance with G.L. c. 268B and 930 CMR 2.00. Byrnes was informed of his obligation to file an SFI for calendar year 2011.

7. Byrnes did not file an SFI on or before May 1, 2012. On May 8, 2012, the Commission sent by first class mail a Formal Notice of Lateness ("Notice") to Byrnes. The Notice advised Byrnes that his SFI had not been filed and was, therefore, delinquent. The Notice further advised Byrnes that failure to file his 2011 SFI within 10 days of receipt of the Notice would result in the imposition of civil penalties. The Commission allows three days for receipt of the Notice if sent by first class mail. Therefore, Byrnes would not have incurred a civil penalty if he had filed his SFI by May 21, 2012.

8. Byrnes filed an SFI with the Commission on January 22, 2013.

9. Byrnes failed to timely file his SFI after receiving the Notice, and, therefore, violated G.L. c. 268B, § 5.

10. General Laws c. 268B, § 4 authorizes the Commission to impose a civil penalty of up to \$10,000 for each violation of c. 268B. The Commission has adopted the following civil penalty schedule for SFIs filed more than 10 days after the receipt of the Notice.

1-10 days late	\$100
11-20 days late	\$200
21-30 days late	\$300
31-40 days late	\$400
41-50 days late	\$500
51-60 days late	\$600
61-70 days late	\$700

71-80 days late	\$800
81-90 days late	\$900
91-100 days late	\$1,000
101- 110 days late	\$1,100
111-120 days late	\$1,200
121 days to the day before an Order to Show Cause is issued	\$1,250
The date an Order to Show Cause is issued to the day before a Decision and Order is issued by the Commission	\$2,500
The date a Decision and Order is issued by the Commission	Up to \$10,000

11. Byrnes' SFI was 246 days late, and based on the Commission's fine schedule for late submission of an SFI, the civil penalty is \$1,250.

WHEREFORE, Petitioner asks that the Commission:

- a) find that Michael Byrnes violated G.L. c. 268B, § 5 by failing to file his 2011 SFI within ten (10) days of receiving the Formal Notice of Lateness; and
- b) impose a \$1,250 civil penalty pursuant to G.L. c. 268B, § 4(j) and the Commission's civil penalty schedule.

Respectfully submitted,  
Petitioner State Ethics Commission  
By its attorney,

Date: March 12, 2013

/s/ Karen Beth Gray  
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