

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 11-0021

IN THE MATTER

OF

DAVID LANDY

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 September 16, 2011, the Commission found reasonable cause to believe that David Landy violated G.L. c. 268B, § 5 and authorized the initiation of adjudicatory proceedings.
3. Landy served as the Pension Reserve Investment Management Board Director of Information Technology for more than 30 days in 2010. As the Pension Reserve Investment Management Board Director of Information Technology, Landy was a state employee as that term is defined in G.L. c. 268A, § 1.
4. In accordance with G.L. c. 268B and 930 CMR 2.00, Landy's position of Pension Reserve Investment Management Board Director of Information Technology was designated as a major policy-making position for calendar year 2010. As such, Landy was required to file a Statement of Financial Interests ("SFI") for calendar year 2010 in accordance with G.L. c. 268B and 930 CMR 2.00.
5. The SFI was required to be filed by May 2, 2011, in accordance with G.L.

c. 268B and 930 CMR 2.00. Landy was informed of his obligation to file an SFI for calendar year 2010.

6. Landy did not file an SFI on or before May 2, 2011. On May 6, 2011, the Commission sent by first class and certified mail a Formal Notice of Lateness ("Notice") to Landy. The Notice advised Landy that his SFI had not been filed and was, therefore, delinquent. The Notice further advised Landy that failure to file his 2010 SFI within 10 days of receipt of such 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, Landy had until no later than May 19, 2011 to file his SFI without incurring a civil penalty.

7. Landy filed an SFI with the Commission on August 1, 2011.

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

9. General Laws c. 268B, § 4 authorizes the Commission to impose a civil penalty of up to \$10,000 for each violation of c. 268B. On September 10, 2010, the Commission adopted the following civil penalty schedule for SFIs filed more than 10 days after the receipt of the Notice, but before the Order to Show Cause is issued.

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
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10. Landy's SFI was 73 days late, and based on the Commission's penalty schedule for late submission of an SFI, the civil penalty is \$800.

11. Landy has failed to pay the civil penalty of \$800.

WHEREFORE, Petitioner asks that the Commission:

- a) find that David Landy violated G.L. c. 268B, § 5 by failing to file his 2010 SFI within ten (10) days of receiving the Formal Notice of Lateness; and
- b) impose an \$800 civil penalty pursuant to G.L. c. 268B, § 4(j).

Respectfully submitted,
Petitioner State Ethics Commission
By its attorney,

Date: October 13, 2011

/s/ Karen Beth Gray
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