

Fiscal Year 2020

ANNUAL REPORT

Office of Attorney General Maura Healey
Commonwealth of Massachusetts





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Dear Residents of Massachusetts,

In accordance with the provisions of Section 11 of Chapter 12 of the Massachusetts General Laws, I hereby submit the Annual Report for the Office of the Attorney General. This Annual Report covers the period from July 1, 2019, through June 30, 2020.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Maura Healey".

Maura Healey
Attorney General

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EXECUTIVE BUREAU

The Executive Bureau provides administration, public information, and policy development support for the Attorney General's Office (AGO), as well as operational support, information technology, human resources, and fiscal management services. Executive Bureau leadership includes the First Assistant Attorney General, the Chief Legal Counsel, the Chief of Staff, and the Chief of Organizational Development and Inclusion. Divisions within the Executive Bureau include: Budget; Communications; Community Engagement; General Counsel's Office; Grants Management; Human Resources; Information Services Center; Information Technology; the Law Library; Office of the State Solicitor; Operations and Support Services; Policy and Government Relations; Victim Compensation and Support; and three regional AGO offices.

Community Engagement Division

The Community Engagement Division (CED) aims to fulfill the AGO's mission to serve all people in Massachusetts in each of its diverse communities. The Division works to establish a bridge between community members and the office so that every resident has access to multilingual resources, services, and educational materials. CED works with all bureaus in the office to develop trainings, informational sessions, office hours, and presentations on a wide variety of topics.

Significant Achievements and Priorities for FY2020

While COVID-19 significantly impacted in-person work this fiscal year, the Community Engagement Division made sure to continue its outreach to communities and service providers through private and public webinars.

Trainings with Community Partners

CED connected with organizations across the state to host several trainings on topics such as ID theft and scams in Spanish for the Latinx community and workers' rights for labor unions in partnership with the Attorney General's Fair Labor Division.

CED tailored presentations to assist communities with pandemic-related issues and shared information about COVID-19 related scams and assistance available to immigrants and other communities particularly impacted by the pandemic. Overall, CED connected remotely with over 7,000 organizations including faith-based groups, neighborhood associations, community development councils, elderly groups, labor, consumer, and civil rights organizations.

Inter-bureau Collaboration

CED worked with bureaus across the AGO to develop trainings, informational sessions, office hours, and presentations on a wide variety of topics. CED also assisted other bureaus and divisions as a resource on many matters and with other urgent community needs such as competitive electric supply, immigration scams and discrimination, and wage theft outreach and enforcement.

CED also collaborated with the Civil Rights Division in presentations to racial justice groups, with the Non-Profit Organizations/Public Charities Division in presentations to non-profit board members, and to members of the AGO's New Americans and Racial Justice and Equity Advisory Councils.

CED worked with the Victims Compensation and Assistance Division on developing presentations on services available to victims of violence and distributing the AGO's resource flyers for survivors of domestic violence and sexual assault.

Youth Outreach and Programming

CED, anticipating the need for youth summer programming, added webinars on scams, college budgeting, and financial literacy to its weekly engagement with external organizations. CED continued to present these trainings as well as the "When You Turn 18" and "Working Teens' Rights" training throughout the summer to grantees of the AGO's Healthy Summer Youth Jobs program.

Important Statistics and Numbers

- CED organized over 200 events and trainings and engaged directly with over 9,000 community members across the state.
- CED averaged just over 20 events per month.
- CED distributed 12,000 copies of the AGO's multilingual COVID-19 pamphlets to 23 organizations across the state, and thousands more copies electronically.
- CED collaborated with the Policy & Government Relations Division to identify and disseminate its domestic violence and sexual assault flyers to 15 community-based organizations and faith-based groups assisting low-income diverse women in the state.

General Counsel's Office

The primary responsibility of the General Counsel's Office (GCO) is to provide legal assistance and operational support to the Attorney General, Senior Management, Executive Bureau, and the office as a whole. Specifically, the GCO provides legal assistance with employment, ethics, and

conflicts of interest issues; assists in the development and implementation of office policies and procedures; works with the Human Resources Division to ensure best employment practices; ensures that all staff members comply with G.L. c. 268A; coordinates the AGO's appointments to state boards and commissions; manages responses to public records requests; and runs the in-house legal training program.

Significant Achievements and Priorities for FY2020

The GCO supported the abrupt and unprecedented transition to remote work for office personnel in early March 2020 as a result of COVID-19. These efforts included preparation and adoption of emergency interim procedures relating to work schedules, leave time, workplace safety, payroll, contract approval, reimbursement requests, deployment of IT resources, mail coverage, and others. Assistance by the GCO in implementation of remote-work procedures allowed office operations to continue with minimal disruption. Through digital platforms, the GCO was also able to maintain internal training resources and implement its planned year-long management training program.

Important Statistics and Numbers

- AG Institute: Conducted 36 informal programs for AAGs, reaching approximately 1,250 people. The AG Institute also conducted three new employee orientations, training a total of 110 new employees.
- Boards and Commissions: There was a total of 16 new boards and commissions appointments and six boards and commissions reappointments.
- SAAGs: There was a total of 39 new Special Assistant Attorney General (SAAG) appointments, 15 amended SAAG appointments, and one vacated SAAG appointment.
- Public Records Requests: Received 607 public records requests. Members of the press filed 113 of those requests.

Grants Management

Grants Management is responsible for developing and implementing AGO grant programs from *cy pres* trust accounts while ensuring grantee contractual compliance. In collaboration with several divisions, Grants Management works to invest *cy pres* trust funds into Massachusetts communities through competitive grant solicitations.

Grants Management also applies for and manages federal grant awards which provide critical funding to the Enterprise, Major, and Cyber Crimes Division, Human Trafficking Division, Victim Compensation and Assistance Division, and Victim Services Division. Due to the complexity of federal grant awards, considerable attention is paid to programmatic compliance, financial

management, and subaward oversight. The Division works closely with federal grant managers, subgrantees, AGO program staff, and the Budget division to administer federal funding.

Significant Achievements and Priorities for FY2020

Small Business Relief Partnership Grant Program

The Small Business Relief Partnership Grant Program (SBRP) awarded \$500,000 to 15 grantees composed of municipalities and regional planning agencies across Massachusetts. SBRP was rapidly developed and implemented to address the urgent needs of small businesses that suffered significant losses in the face of declining economic activity and public health restrictions at the beginning of the COVID-19 pandemic. While grantees were required to comply with core guidelines in the request for proposal and their contracts, they were given flexibility to design a subgrant award system that best fit the needs of small businesses in their service areas. SBRP was supplemented by a separate \$50,000 one-time grant to the City of Boston for its small business grant program.

Healthy Summer Youth Jobs Grant Program

The fifth round of the Healthy Summer Youth Jobs Grant Program (HSYJ) provided 100 grant awards totaling \$321,721.94 to municipalities and nonprofits across Massachusetts. Grantees used their awards to fund jobs that benefited Massachusetts health care consumers and provided youth with opportunities for employment focused on health and wellness. Grantees funded youth employment from July 8, 2019, through August 30, 2019.

Examples of funded activities include:

- Building and maintaining a community garden or urban farm;
- Leading classes on cooking, nutrition and healthy lifestyles;
- Creating a recycling awareness campaign for the community;
- Mentoring and educating youth about healthy relationships; and
- Coaching sports or physical fitness activities at a summer camp.

Creation of the Commonwealth's Anti-Trafficking Task Force (CAT Task Force)

The AGO received a total of \$1,699,742 via two grants from the U.S. Department of Justice's Office of Justice Programs to establish the Commonwealth's Anti-Trafficking Task Force (CAT Task Force). The CAT Task Force combats both labor and sex trafficking through a statewide, multidisciplinary, collaborative approach. Members from the Human Trafficking Division, AGO State Police Detective Unit, and Victim Services Division co-lead CAT Task Force with law

enforcement partners and victim service providers. Law enforcement partners include the U.S. Attorney's Office, Massachusetts State Police, Federal Bureau of Investigation, and the U.S. Department of Homeland Security Investigations. Victim service providers include Boston University, the EVA Center project of Casa Myrna Vazquez, Garden of Hope, Living in Freedom Together, My Life My Choice Program of the Justice Resource Institute, Inc., Sojourner House, and Support to End Now program of the Children's Advocacy Center of Suffolk County.

The CAT Task Force has also engaged Northeastern University as its action research partner to analyze its program model, review strategies, and conduct interviews with staff and partners to create an overall performance measurement guide for the task force.

Financial Data

- Grants Received: Four U.S. Department of Justice Grants totaling \$5,526,847
- Grants Given: 162 grants given totaling \$4,207,060.63

Information Services Center

The Information Services Center (ISC) is on the frontlines of the AGO, handling inbound calls from the public. Created in January 2020, ISC has since taken on inbound hotlines, tip lines, and helplines across the office with the goals of maximizing efficiency, minimizing hold times, and improving the quality of information provided to the public.

Important Statistics and Numbers

In 2020, ISC received approximately 90,000 calls, with an estimated 30% of those calls about COVID-specific issues.

Office of the State Solicitor

The Office of the State Solicitor's mission is to ensure the highest quality of appellate advocacy throughout the AGO. The Office of the State Solicitor serves as a resource in determining whether and when to appeal, helping craft a brief or argument, consulting on appellate procedure or strategy, and framing and ensuring adequate preservation of key issues at the trial-court level. The Office also helps ensure the consistency of legal positions taken in briefs filed by the AGO; serves as a liaison to the appellate courts on recurring or difficult procedural problems; advises the Attorney General on whether to write or join amicus curiae briefs; and offers other support for the Attorney General's appellate work. This work continued in 2020, including:

- Defending challenges to the Commonwealth’s COVID-19 response;
- Leading and supporting affirmative litigation challenging federal actions that have harmed the Commonwealth and its residents, including the international student visa ban; and
- Leading numerous amicus briefs at the U.S. Supreme Court, Supreme Judicial Court, and other courts.

Policy and Government Relations Division

The Policy and Government Relations¹ (P&G) Division assists in the development and advancement of the AGO’s policy and legislative priorities. Additionally, the Division articulates the office’s positions on legislation under consideration in the Massachusetts Legislature and U.S. Congress. P&G responds to inquiries from members of the congressional delegation, state legislators, executive agencies and local officials made on behalf of constituents and helps those constituents access resources within the office.

Significant Achievements and Priorities for FY2020

Youth-Focused Legislative Priorities

As part of the office’s ongoing commitment to support the health and wellbeing of young people, Attorney General Healey testified in support of a bill strengthening the state’s ban on flavored e-cigarettes and other tobacco products. On November 27, 2019, Gov. Baker signed the bill into law. AG Healey also advocated for the Student Opportunity Act, which was signed into law on November 26, 2019. The Act is the first update to the school funding formula in over 25 years and promises to increase state support for English Language Learners, low-income students, and special education programs.

School-based Initiatives

Beginning in FY2019, the AGO and Sandy Hook Promise together provided Start with Hello and other trainings to teach empathy and empower students to end social isolation. Over the course of the multiyear grant, P&G works with Sandy Hook Promise to provide the Say Something program, which trains students to pay attention to warning signs, signals, and threats, and communicate concerns with a trusted adult. The trainings are funded by a \$1 million grant from the Department

¹ In May 2021, the Policy and Government Division became the Policy and Government Relations Division.

of Justice and will reach approximately 140,000 students in grades 6-12 across fifty-four school districts.

P&G oversaw the development, management, and implementation of Project Here, an initiative funded by the office and the GE Foundation to make substance use prevention education available to all public middle schools in Massachusetts. In March and April 2020, Project Here hosted two Substance Use Prevention Educators' Summits, which collectively brought together approximately 140 school administrators, teachers, and community partners to learn about Project Here resources and best practices in substance use prevention. Starting in March 2020, Project Here adapted its training and technical assistance services to be delivered virtually. By July 2020, approximately 350 middle schools had registered with Project Here and received access to the Online Toolkit and Project Here Games.

Ratepayer Advocacy

On January 27, 2020, Attorney General Healey testified in support of An Act relative to protecting residential electric customers. Her support of the legislation is a direct response to the numerous customer complaints, investigations and settlements with deceptive competitive electric suppliers resolving allegations that the companies violated state consumer protection law. AG Healey's legislation prohibits new individual residential competitive electric supply contracts.

Combatting the Opioid Epidemic

Combatting the opioid epidemic remained a top priority for the Attorney General in FY2020. P&G continued to convene the AG's Family Advisory Council, whose mission is to ensure that families and partners directly impacted by the opioid epidemic can share their lived experience with the office. P&G continued to be a point of contact for people in recovery and families and organizations committed to prevention, education, and treatment, ensuring that their voices and experiences inform the office's advocacy and work surrounding this public health crisis.

Public Health Initiatives

In February 2020, the AGO and the Cannabis Control Commission filed a joint report with the Legislature as required by *An Act to Ensure Safe Access to Marijuana*. The report recommended additional civil enforcement tools and resources to diminish the illicit marijuana market. This included support for a multiagency task force to enhance collaboration and an expansion of the Department of Revenue's authority to assess taxes on illicit sales.

After Governor Baker’s declaration of a state of emergency due to COVID-19 on March 10, 2020, P&G responded to inquiries from legislators and constituents on a wide variety of issues, including unemployment insurance, price gouging, housing security, workplace health and safety, and job-protected sick leave. In May 2020, P&G coordinated the distribution of multilingual flyers for survivors of domestic violence and sexual assault to let them know that services remained available. The flyers were posted at laundromats, grocery stores and other essential businesses.

Important Statistics and Numbers

- Attorney General Healey testified before the legislature numerous times and advocated for legislation including:
 - legislation to make the statewide grand jury permanent;
 - pollinator legislation which restricts sales of neonicotinoid pesticide products which have been found to harm bees and other pollinators;
 - legislation requiring a right to counsel for indigent, long-term guardians of children in removal proceedings; and
 - legislation to address campus sexual assault. This legislation requires published data on sexual violence, access to medical, legal, and advising services, and annual prevention and response training for employees and students.

Regional Offices

Central Massachusetts Regional Office

The Central Massachusetts Regional Office (CMAS) serves as the local representative of the Attorney General’s Office. The CMAS Division includes lawyers, labor inspectors, consumer mediators, and administrative staff who are knowledgeable about the statewide activities of the AGO and have also developed special relationships with local, regional, and community resources. The CMAS office works closely with local community organizations to provide outreach and education programs on important consumer, environmental, and public safety issues.

Significant Achievements and Priorities for FY2020

CMAS Fair Labor Division, Consumer Protection Division, False Claims Division and Medicaid Fraud Division staff handled numerous complaints and cases related to regional issues. One major success was resolving a False Claim Act case against ENE Systems, Inc. alleging that it falsely certified compliance with equal opportunity and personnel requirements on a contract with the state Division of Capital Asset Management and Maintenance (DCAMM). Another focus was

handling a lawsuit against Prestige Health Care Services, a Worcester home care agency, and its president for violating Massachusetts wage and hour laws.

Southern Massachusetts Regional Office

The Southeastern Massachusetts Division of the Attorney General’s Office (SEMA) serves Bristol, Plymouth, Barnstable, and Dukes Counties primarily handling matters for the Fair Labor, Constitutional and Administrative Law, Trial, Neighborhood Renewal Division, Community Engagement, Consumer Advocacy and Response, Consumer Protection, and Insurance and Financial Services Divisions.

Significant Achievements and Priorities for FY2020

In *Graham v. Bridgewater State University*, the Plaintiff sought \$85,000 in damages after she tripped and fell on a sidewalk while taking a tour at Bridgewater State University. After a two-day trial, the jury came back with a defense verdict.

In keeping with SEMA’s mission to bring the resources of the AGO into the Southeastern Massachusetts communities, SEMA has continued to regularly participate in area outreach events, including events coordinated with the Community Engagement Division in New Bedford, Fall River, Fairhaven, and Acushnet.

Western Massachusetts Regional Office

The Western Massachusetts Regional Office (WMAS) of the AGO was the first regional office established and remains the largest regional office in Massachusetts. WMAS continued its mission of providing accessible assistance and services to Western Massachusetts citizens in the four western counties—Berkshire, Hampden, Hampshire, and Franklin—while engaging across the AGO on statewide initiatives.

WMAS members participate in AGO initiatives such as the Opioid Task Force, Ethics Committee, and the Diversity and Inclusion Committee, and represents the AGO as appointees or liaisons to various governmental bodies, including the Illegal Tobacco Task Force and the Board of Appeals on Motor Vehicle Liability Policies and Bonds.

Significant Achievements and Priorities for FY2020

In collaboration with the AG’s Neighborhood Renewal Division, WMAS was able to recover more than \$35,000 in unpaid taxes for the towns of Lenox, Montague, East Longmeadow, and the city

of Holyoke, and concluded eight receiverships in communities across Western Massachusetts. The office also investigated allegations of housing discrimination, litigated proposed changes to the United States census, and contributed to an amicus brief on alleged discrimination in college admissions.

WMAS helped recover deposits made by consumers to companies that went out of business and educated the public on matters such as car buying, tenant rights, credit scores, and scams targeting seniors. WMAS also assisted consumers with mortgage modifications, disputed car sales, and canceled travel plans, among other critical needs. WMAS was active in civil investigations, supported regional attorneys, and was involved in a variety of criminal cases, including the prosecution of a major money laundering and marijuana trafficking operation at the MGM Springfield casino, and human trafficking at illicit body works establishments in Western Massachusetts.

Important Statistics and Numbers

- WMAS engaged in fair labor enforcement collecting a total of \$1,111,547.64 in restitution and penalties across 121 cases.

Victim Compensation and Assistance Division

The Victim Compensation and Assistance Division (VCAD) is the state's financial assistance program that has served victims of violent crime that occur within the Commonwealth since the late 1960s. As an administrative program, survivors of violent crimes can apply for assistance for reimbursement of their crime-related expenses including medical, dental, counseling, loss of financial support, and funeral/burial expenses that are not covered by any other source of assistance or benefit. The program generally receives over 1,800 applications a year and pays out over three million dollars annually to aid survivors in their recovery from the impact of violent crime in their lives.

Significant Achievements and Priorities for FY2020

During FY2020, VCAD received 1,241 new applications from victims of violent crimes and 967 direct billing requests for Forensic Sexual Assault Exam Kit payments. These new claims represent the number of crime survivors and the families of homicide victims who were impacted by violent crimes, including homicides, assaults, domestic violence, sexual assault, child abuse, stalking, arson, human trafficking, robbery, and terrorism.

Financial Data

Criminal fines, forfeitures, special assessments, and gifts or donations deposited into the national Crime Victims Fund, along with an allocation from the state legislature, are the program's funding streams.

In FY2020, there were 1,959 new claims for crime-related expenses that were deemed eligible for compensation. By the end of the fiscal year, VCAD paid out a total of \$3,301,987.81 in reimbursements for claimants' out of pocket expenses and payments for outstanding expenses to providers. Of the 1,532 claims that were paid out to eligible claimants, the top three expense categories were economic support, funeral/burial costs, and forensic sexual assault exam expenses. VCAD paid out a total of \$472,647.80 in economic support, \$921,696.40 in funeral/burial costs, and \$781,981.68 in forensic exam expenses.

Important Statistics and Numbers

- VCAD maintains a duty line for incoming inquiries and responded to 3,243 calls.
- VCAD conducted 30 trainings to both small stakeholder groups and to large conferences reaching a total of 893 individuals throughout the Commonwealth.

CRIMINAL BUREAU

The Criminal Bureau works to protect the public by investigating and prosecuting a wide range of criminal cases. These include public corruption, financial fraud, and other violations of the public trust, organized crime, major narcotic offenses, appellate issues, insurance and unemployment fraud, environmental crimes, internet, and online crimes, and more. The Criminal Bureau's investigations are supported by a team of State Police detectives as well as investigators, assistant attorneys general, and federal, state, and local law enforcement partners.

Appeals Division

The Appeals Division defends Massachusetts convictions, criminal justice officials, and criminal laws and practices, in federal and state courts. Specifically, the Division strives to uphold rightful convictions secured by the AGO when they are challenged in the Massachusetts Trial, Appeals, and Supreme Judicial Court. The Appeals team also responds to all challenges in federal court to convictions obtained by the AGO and the Commonwealth's District Attorneys' Offices. Additionally, the Division represents Massachusetts agencies and officials when they are sued or subpoenaed in relation to criminal justice matters in federal or state civil actions, and when they are subpoenaed in criminal cases. In its various cases, the Division is often required to defend the

constitutionality of statutes, rules, procedures, and practices related to criminal adjudication and punishment.

Significant Achievements and Priorities for FY2020

Affirmed Judgments

As a result of the Appeals Division's efforts, the Massachusetts Appeals Court affirmed judgments against:

- *Terry A. Mussari*: found guilty of deriving support from, keeping a house of, and maintaining a place of prostitution.
- *Canez Tout-Puissant*: found guilty of firearms offenses, and in part challenged an aspect of Massachusetts firearms law.
- *Erica Bettencourt*: found guilty of firearms offenses and was adjudicated guilty of conspiracy to traffic cocaine as a habitual offender and conspiracy to distribute marijuana, and whose claims on appeal included a challenge to the validity of the state wiretap law.
- *George Shipps*: Appeals Court ruled that certain child-pornography evidence found in his possession was admissible in his pending probation revocation proceeding and his ongoing criminal prosecution.

Challenges in Federal Courts

Federal Court challenges most commonly involved homicide, rape, other violent and sex-based offenses, drug crimes, and weapons offenses, such as:

- *Armando Lopez*: The United States Supreme Court's denial of a petition for certiorari after taking the rare step of asking the AGO to file a formal brief in opposition to the petition. Lopez was challenging his convictions for unlawfully possessing a firearm and ammunition, as well as an aspect of the Commonwealth's firearms laws.
- *Joseph Gomes*: The United States Court of Appeals for the First Circuit affirmed denial of habeas corpus relief to Gomes who was convicted of first-degree murder and several assault offenses arising from a shooting incident in Roxbury that claimed the life of Fausto Sanchez and left three others injured.
- *Josener Dorisca*: The United States Court of Appeals for the First Circuit affirmed denial of habeas corpus relief to Dorisca, who was found guilty of the second-degree murder of Bensney Toussaint in Brockton.

Civil Matters

The Appeals Division secured favorable rulings by the Supreme Judicial Court on behalf of the Massachusetts Parole Board in appeals by:

- *Timothy Deal*: Claimed that one or more practices of the Massachusetts Parole Board were inconsistent with the governing law. Deal was serving a sentence for murdering William Woods in Dorchester.
- *Jeffrey S. Roberio*: Claimed that one or more practices of the Massachusetts Parole Board were inconsistent with the governing law. Roberio was convicted of committing armed robbery and the first-degree murder of Lewis Jenkins in Marlborough.
- *James P. Riva II*: Claimed that one or more practices of the Massachusetts Parole Board were inconsistent with the governing law. Riva was found guilty of murdering his grandmother, Carmen Lopez, and of the arson of her house in Marshfield.

The Appeals Division obtained a Supreme Judicial Court decision in the case of;

- Karol E. Simonton: Affirmed the denial of a state habeas petition by which he challenged his convictions for rape and other offenses.

The Division also secured a favorable judgment from the Massachusetts Appeals Court in actions brought by Bodhisattva Skandha (formerly known as Richard Seaver), who was convicted of murdering his mother. In one action, Skandha sought to sue two prosecutors and, in the other, he sought to vindicate the rights of a different individual who was himself convicted of first-degree murder.

Community Engagement

In FY2020, the Appeals Division actively engaged with members of the general public, and with other governmental entities in Massachusetts and other jurisdictions, through training, education, committee service, assistance with legal matters, and other pursuits. Community engagement efforts included:

- Facilitating clinical seminars and lecturing on appellate advocacy at Harvard Law School;
- Translation for those in need of legal aid through Greater Boston Legal Services;
- Serving as AGO designees on the Commonwealth's Criminal Records Review Board, Firearms Licensing Review Board, Illegal Tobacco Task Force, and Supreme Judicial Court Standing Advisory Committee on Eyewitness Identification; and
- Collaboration with the AGO's Digital Evidence Laboratory in thoroughly revising and updating its Digital Evidence Manual, a resource for governmental practitioners throughout the state.

Important Statistics and Numbers

- Affirmative cases: Four appeals affirmatively brought were in progress during at least a part of FY2020. In one of the four, the notice of appeal was filed, but the appeal was not entered in the appellate court, within the fiscal year; two of the four concluded during the year; and the remaining appeal was in progress during the entirety of the year.
- Defensive cases opened, tried/argued, resolved: The Appeals Division opened 196 defensive cases and appeared in 53 court proceedings in defensive cases.
- Appeals briefed/argued: Members submitted 20 briefs or other dispositive filings, and presented 10 oral arguments, in appeals to judicial panels within FY2020.

Digital Evidence Lab

The AGO has a specialized unit dedicated to the cyber components of criminal investigations. The Digital Evidence Laboratory (DEL) is staffed by full-time forensic and cyber experts performing computer and mobile device forensic examinations, data analytics, open-source intelligence, and other technical tasks in the course of all types of criminal offenses. DEL is a statewide unit offering services both to AGO personnel as well as other police departments and prosecutors' offices across the Commonwealth of Massachusetts.

Significant Achievements and Priorities for FY2020

Case Overview

In FY2020, DEL had 87 cases referred for service including human trafficking, narcotics, public integrity, unlawful tobacco sales, insurance fraud, Assault Battery with a Dangerous Weapon (ABDW), larceny/embezzlement, child sexual exploitation, hacking, unlawful gaming, robbery, and murder. Lab personnel engaged in priority cyber investigations and initiatives during the reporting year, particularly related to COVID-related cyber fraud and security concerns and election security.

Community Engagement

DEL is well-recognized across the country for its contributions to the cyber forensic community. DEL personnel frequently engage, lead, and host working groups and training initiatives for law enforcement personnel across the globe. In FY2020, DEL took part in many training and outreach programs attended by law enforcement personnel. These include internal trainings for DEL and Criminal Bureau personnel on digital evidence topics as well as appearances in online training events in light of COVID. DEL lead a consortium of state, local, and federal law enforcement

partners focused on cyber investigations and prosecutions called the Massachusetts Digital Evidence Consortium. The Consortium held several virtual meetings including a free training on legal updates and cyber investigations for over 110 police officers and prosecutors.

National Cyber Crime Conference

The most significant training and outreach effort by DEL for 2020 was the National Cyber Crime Conference. The conference was delayed due to COVID-19, but ultimately was held virtually in early July 2020. This was the 9th Anniversary of the NCCC, which has become the premier and largest cyber training for law enforcement personnel in the country. More than 2,500 attendees, staff, exhibitors, and speakers took part in hundreds of live and recorded training sessions over the course of five days in July. The core NCCC team that organized and ran the event received support from the Executive and Criminal Bureaus, IT Division, Operations, and Budget as well as many partners, sponsors and instructors making this a cooperative contribution to the law enforcement community.

Important Statistics and Numbers

- In FY2020, DEL analysts managed 87 new cases resulting in the intake of 408 devices for examination including 150 smartphones, 30 computers, and 70 hard drives. These new cases include 29 assists to other agencies across the state.

Enterprise, Major, and Cyber Crimes Division

The Enterprise, Major, and Cyber Crimes Division (EMCCD) targets criminal enterprises and organizations using sophisticated investigative techniques and strategies to develop high-impact prosecutions. EMCCD includes prosecutors, intelligence analysts, and State Police assigned to the AGO who work closely with various federal, state, and local law enforcement agencies to investigate, prosecute, and disrupt criminal organizations in order to promote and ensure public safety in communities throughout the Commonwealth. EMCCD investigates and prosecutes a wide variety of offenses, including narcotics trafficking focusing on heroin and fentanyl cases, possession and trafficking of firearms, and other serious felonies.

Significant Achievements and Priorities for FY2020

Joint Federal Gun Investigation

In July 2019, the AGO, Massachusetts State Police (MSP), and Homeland Security Investigations (HSI) Task Force conducted a joint investigation into the illegal possession of bump stocks after two Glock selector switches were intercepted from China before they were delivered to their intended recipient, Michael Roby of Wrentham. Following a controlled delivery of the Glock selector switches to Roby with assistance by the US Postal Service, investigators executed a search warrant at Roby's residence in Wrentham. The execution of the search warrant resulted in the recovery of six ghost guns that Roby built himself, 20 large capacity magazines, numerous rounds of ammunition, two silencers, homemade explosives, and the two Glock selector switches. Roby pled guilty to 40 firearms related charges arising from this investigation.

Narcotics Investigation

In January 2020, members of MSP assigned to the AGO, the Commonwealth Interstate Narcotics Reduction Enforcement Team, Drug Enforcement Agency (DEA), and HSI investigated a subject suspected of distributing narcotics in an around Lawrence under a false identity. During the investigation, law enforcement identified a vehicle operated by the subject and, in March 2020, the vehicle was stopped with over 3.5 kilograms of heroin and fentanyl inside, as well as drug distribution materials and a loaded firearm. The two occupants of the vehicle were arrested and subsequently indicted for trafficking heroin and fentanyl and possessing an illegal firearm.

Worcester Drug Trafficking Investigation

EMCCD continued to prioritize combatting the opioid crisis and working closely with federal, state, and local partners to fight illegal drug trafficking throughout the Commonwealth and New England. In February 2020, DEA Worcester High Intensity Drug Trafficking Area and the AGO investigated several members of a Worcester drug trafficking organization. The investigation led to the execution of a search warrant and the seizure of more than \$60,000 in cash and approximately 1.5 kilograms of fentanyl.

Financial Data

In December 2019, EMCCD was awarded a \$2.6 million COPS grant by the Department of Justice to expand efforts and build on the success of the AG's Fentanyl Strike Force. The grant has allowed for an expansion of the work and continued funding for successful investigations, resulting in the seizure of significant amounts of illegal narcotics and proceeds derived from narcotics sales as

well as the arrests of dozens of individuals. In addition, with the use of COPS grant funds, EMCCD has fostered partnerships with numerous local police departments, District Attorneys' Offices in the Commonwealth, and federal law enforcement agencies, as well as New Hampshire authorities.

Money Seized/Forfeited: \$1,993,225

Important Statistics and Numbers

- Affirmative cases:
 - 55 cases indicted/charged
 - 24 cases resolved
- Drug Seizures (figures are approximate)
 - Fentanyl: 54 kilograms
 - Heroin: 8 kilograms
 - Cocaine: 31 kilograms
 - Crack Cocaine: 400 grams
 - Fentanyl (pills): 22,975
 - Oxycodone (pills): 897
- Gun Seizures: 24

Financial Investigations Division

The Financial Investigations Division is a team of trained civilian criminal investigators who partner with Criminal Bureau prosecutors, State Police, victim witness advocates, and support staff from the White Collar and Public Integrity Division, the Human Trafficking Division, and the Enterprise and Major Crimes Division. The financial investigators provide extensive analysis and forensically examine documents and evidence for allegations of criminal misconduct involving a broad array of complex financial crimes including larceny, embezzlement, identity theft, public corruption, money laundering, and human trafficking. The financial investigators conduct document review; interview victims, witnesses, and targets; and provide testimony in the Grand Jury and at trial as a summary witness to the documentary evidence they gathered and examined. The Financial Investigations Division also maintains accounting, and disbursement of the funds used in the undercover operations of the State Police assigned to the office.

Significant Achievements and Priorities for FY2020

Commonwealth v. Michelle DeMauro

A financial investigator traced more than \$42,000 in stolen charitable funds by forensically

examining bank records, credit card records, and retail records and testified in the Grand Jury as a summary witness to those findings.

Commonwealth v. Sherry Verdick

Verdick was the former business manager at the Berkeley Retirement and Nursing Center in Lawrence. A financial investigator testified in the Grand Jury after tracing more than \$530,000 Verdick allegedly stole between January 2016 and September 2018 by forensically examining various bank accounts and corporate credit cards of the Center. Verdick allegedly used the corporate credit card for personal purchases. Verdick was indicted in December 2019.

Commonwealth v. Fan and Hayes

FID forensically examined bank accounts, utility records, cell phone records, on-line escort advertisements, hotel records, and credit card records and testified in the Grand Jury and at trial as a summary witness.

Gaming Enforcement Division

The Gaming Enforcement Division investigates and prosecutes criminal conduct related to expanded gaming in the Commonwealth; monitors the fairness and integrity of the gaming industry; aids the Gaming Commission in consideration and promulgation of rules and regulations; and participates in generating a list of persons to be excluded from licensed gaming facilities. The work of GED is not strictly limited to gambling offenses or crimes committed within casinos but includes activity that relates to the gaming facilities such as financial crime, organized crime, corruption, and money laundering. GED works closely with the State Police Gaming Enforcement Unit located at each gaming facility as well as other federal, state, and local law enforcement entities.

Significant Achievements and Priorities for FY2020

Encore Boston Harbor

GED conducted over 270 investigations and prosecutions arising out of Encore Boston Harbor in Everett. The investigations and prosecutions at Encore have included charges of disorderly conduct, assault and battery, narcotic offenses, operating under the influence, destruction of property, violent domestic assaults, and money laundering.

In January 2020, four individuals were indicted in connection with a violent assault in an elevator at Encore Boston Harbor. Matthew Haley, 27, of Cambridge, and Jose Mercado, 32, of Boston, were indicted by a Middlesex County Grand Jury on one count each of Assault and Battery by Means of a Dangerous Weapon (shod foot). In connection with the same event, an Encore employee, Brittany Dawson, 24, of Stoneham was indicted along with Leilani Reyes, 20, of Somerville, on one count each of Impeding a Gaming Investigation. Dawson was also indicted on one count of Acting as an Accessory After the Fact.

In March 2020, a Revere man was indicted in connection with stealing \$25,000 from a safe inside an Encore Boston Harbor guest's hotel room. Angel Hiduchick, 38, was indicted by a Middlesex County Grand Jury on one count of Larceny over \$1,200 and one count of Larceny from a Building.

MGM Casino in Springfield

GED conducted over 87 investigations and prosecutions arising out of MGM Casino in Springfield. The investigations and prosecutions at MGM have included allegations of money laundering, disorderly conduct, possession of firearms, narcotic offenses, larceny, and violent domestic assaults.

In March 2020, a Holyoke man was indicted in connection with an elaborate cheating scheme that netted more than \$30,000 in illegal poker winnings from MGM Springfield. A Hampden County Grand Jury indicted Daniel Ruiz, 38, on one count of Larceny by Single Scheme and one count of Cheating and Swindling.

Plainridge Park Casino

GED conducted over 20 investigations arising from conduct at Plainridge Park Casino. The investigations and prosecutions at the Plainridge Park Casino included larceny, assault, money laundering, narcotics offenses, and operating under the influence.

Important Statistics and Numbers

- \$880,500 worth of assets seized.
- Over 55 cases resolved in guilty findings or CWOFFs
- Over 395 cases opened

Human Trafficking Division

The Human Trafficking Division (HTD) uses a multidisciplinary team approach to prosecuting and preventing human trafficking through law enforcement efforts, policy development, and community partnerships. HTD is comprised of a dedicated team of prosecutors, victim-witness advocates, Massachusetts State Police troopers, and a paralegal. HTD multidisciplinary teams often work alongside analysts from the Criminal Bureau's Financial Investigations Division and local law enforcement to investigate and prosecute multijurisdictional, high impact cases of human trafficking throughout the Commonwealth. HTD is frequently involved in outreach and training for law enforcement and civilian community members statewide and works extensively with stakeholders on collaborative efforts toward prevention, service provision, and data collection.

Significant Achievements and Priorities for FY2020

Commonwealth v. Fan & Hayes

In January 2020, after a three-week jury trial in Suffolk Superior Court, the defendants were convicted of running a sex trafficking and money laundering operation involving multiple brothels—two in Quincy, and single locations in Boston, Cambridge, and North Reading. The defendants used multiple vehicles to transport sex trafficking victims, money, and supplies and that the defendants arranged for women to meet with men at the brothel locations to provide commercial sexual services in exchange for cash.

Most of the money from these encounters went to the defendants, which they laundered into the business to perpetuate the daily operations of the criminal enterprise. Both defendants were found guilty of charges of Sex Trafficking, Deriving Support from Prostitution, Keeping a House of Ill Fame, and Money Laundering.

Commonwealth v. C. Lasso, J. Lasso, DeBlas, Nagano, Ospina, Henao-Torres, Sanan-Bay, Rivera-Gomez, Londono

In August 2019, nine defendants were indicted for their participation in a criminal sex trafficking operation that moved multiple women throughout a network of brothel locations in the Greater Boston area. The grand jury investigation resulted in charges of Sex Trafficking, Deriving Support from Prostitution, Keeping a House of Ill Fame, Maintaining a House of Prostitution, and Money Laundering. As of the end of FY2020, these cases were pending in Suffolk Superior Court.

Commonwealth Anti-Trafficking Taskforce

In October 2019, HTD and its partners were awarded funds under the “Enhanced Collaborative Model” grant from the federal Bureau of Justice Assistance and the Office of Victims of Crime. This allowed HTD and its partners to launch the Commonwealth Anti-Trafficking Task Force (CAT Task Force), which builds on a comprehensive strategy for combating human trafficking through a statewide, multidisciplinary, and collaborative approach. The more discrete goals for the work of the taskforce include formalizing and reflexively building on best practices for approaching human trafficking investigations, as well as strengthening data collection, enhancing productive statewide research, and supporting beneficial training opportunities.

First Massachusetts Human Trafficking Summit

In January 2020, HTD hosted the first Massachusetts Human Trafficking Summit. The summit brought together more than 200 law enforcement personnel, prosecutors, victim advocates, and anti-trafficking stakeholders from all across Massachusetts to forge connections and strengthen participants’ ability to combat trafficking across the state.

Financial Data

In FY2020, HTD secured \$40,667.79 for the Victims of Human Trafficking Trust Fund through forfeiture proceedings.

Important Statistics and Numbers

- HTD had 44 cases pending in criminal courts throughout the Commonwealth; 12 cases were resolved during the fiscal year by way of conviction or plea.
- Additionally, HTD participated in over 30 training and educational events and presented in over 10 training and educational events. These included presentations to various groups within the legislature, law enforcement organizations across the state, and community members in various municipalities.

Insurance and Unemployment Fraud Unit

The Insurance and Unemployment Fraud Unit (IUFU) investigates and prosecutes people and businesses who commit fraud against private insurance carriers, the Commonwealth’s unemployment trust fund, and the Commonwealth’s workers’ compensation system.

IUFU works in partnership with the Massachusetts Insurance Fraud Bureau (IFB) and the Massachusetts Department of Unemployment Assistance (DUA). Both agencies refer cases to IUFU and assist with investigations. IUFU also works with the Massachusetts Rehabilitation Commission and the U.S. Social Security Administration through the Cooperative Disability Investigations program, investigating Federal benefits fraud.

Significant Achievements and Priorities for FY2020

Referral Assessment

Prior to the pandemic, unemployment fraud referrals originated almost exclusively from the Program Integrity Unit at DUA. Starting in March 2020, cases were referred to IUFU from the DUA Program Integrity Unit and from a number of additional sources. Those sources included the AGO hotline, DUA hotline calls, and referrals from law enforcement agencies and community groups. These referrals often required more up-front analysis and evaluation by the IUFU team members than the pre-pandemic referrals.

Investigation and Prosecution

IUFU employed more investigatory tools, including search warrants, audio, and video analysis, as well as coordination and deconfliction among multiple state and federal law enforcement agencies to look into unemployment fraud referral. In order to investigate and prosecute these pandemic-related cases, given the inherent difficulties of travel and limited grand jury time because of COVID-19, IUFU increased personnel to help handle complex cases more quickly despite pandemic-related limitations.

Financial Data

- Restitution Ordered: \$533,235

Important Statistics and Numbers

- Affirmative cases charged: 14
- Affirmative cases resolved: 19
- Number of referrals from DUA: 17
- Number of DUA cases under investigation or in litigation (including cases in default): 103
- Number of referrals from IFB: 10
- Number of IFB cases under investigation or in litigation (including cases in default):68

Victim Services Division

In December 2019, the Victim/Witness Service Division was renamed the Victim Services Division (VSD). VSD is comprised of victim witness advocates responsible for providing information, support, and advocacy services to victims, witnesses, and their families that are associated with cases falling under the jurisdiction of the Attorney General's Office as outlined in the Victim Bill of Rights (M.G.L. c.258B).

Significant Achievements and Priorities for FY2020

In FY2020, the Division focused on investigating the lack of COVID-19 precautions at the Holyoke Soldiers' Home, assisting the Consumer Advocacy and Response Division with the COVID hotline, and creating the CAT Task Force Grant.

Important Statistics and Numbers

- Duty line calls: 228
- Open matters (cases): 363
- Number of victims/witnesses served: 813
- Events/Presentations:
 - January 2020 Human Trafficking Summit
 - July 2020 National Cyber Crime Conference

White Collar and Public Integrity Division

The White Collar and Public Integrity Division (WCPID) investigates and prosecutes cases involving violations of public trust by public employees and complex fraud and financial crimes. Public Integrity matters involve serious criminal misconduct by public employees and officials who engage in or conspire to commit larceny, fraud, bribery, and other crimes in which there is a hidden or unwarranted personal financial interest; crimes committed against or upon public agencies; and crimes that have a corrosive or harmful effect on public confidence in government and other trusted institutions, such as perjury and obstruction of justice.

Financial crimes involve fiduciary embezzlement by attorneys, stockbrokers, accountants, and other financial professionals who steal client funds; theft and fraudulent recordkeeping by employees; complex financial fraud such as pyramid schemes, telemarketing fraud, commercial bribery, and mortgage fraud; large-scale consumer fraud schemes; identity theft; and tax fraud by individuals and businesses. The most significant cases have a dramatic financial impact upon unsuspecting and vulnerable victims.

WCPID's staff of experienced prosecutors regularly partner with civilian financial investigators, state police, computer forensics investigators, victim witness advocates, and other support personnel from within the AGO, as well as local, state, and federal investigative and enforcement agencies.

Significant Achievements and Priorities for FY2020

Commonwealth v. Kevin Taing

After a lengthy jury trial in which Mr. Taing represented himself, he was found guilty of six counts of larceny by false pretenses and five counts of larceny by embezzlement. Taing was a licensed real estate broker and principal of Eastern Funding & Investment, Inc. (EFI). Taing, who is of Cambodian descent, targeted 10 homeowners in the Cambodian community who were facing foreclosure on their homes and led these families to believe that by paying EFI they would reduce their monthly payments and that they could stay in their homes or otherwise resolve their mortgage issues. Taing sent these homeowners mortgage statements, but never forwarded any of the payments to the holders of the mortgage loans. He also converted the money paid to EFI to his personal use, using the funds to pay for personal expenses, credit card bills, restaurant, and retail expenses, and to support a property near Huntington Beach, California. Taing was sentenced to serve three years in state prison, which will run concurrently with a probationary term of seven years and includes restitution of \$580,710 and prohibitions on any work in which he has fiduciary responsibilities.

Commonwealth v. David Wilson

Former MSP lieutenant David Wilson pleaded guilty and was sentenced in connection with overtime abuse in Troop E, the unit previously assigned to the Massachusetts Turnpike. The AGO began an investigation into overtime pay at Troop E after a referral from MSP following an internal audit that revealed potential misconduct. The investigation revealed that Wilson submitted claims for pay for overtime shifts he did not work or which he arrived late to, left early from, or overlapped with his regular shift. Wilson was sentenced to two years of probation, ordered to pay \$18,994 in restitution and serve 200 hours of community service on charges of Larceny Over \$250 by Single Scheme, Procurement Fraud, and Public Employee Standards of Conduct Violation (False/Fraudulent Claim to Employer).

The AGO also indicted two other former MSP lieutenants, John Giulino and David Keefe, for similar alleged conduct. Giuliano pleaded guilty and was sentenced in December 2019, and the case against Keefe is ongoing.

Commonwealth v. Michelle DeMauro

Michelle DeMauro, the former president of a Massachusetts nonprofit which aims to promote the general welfare of children and adults with special needs, pleaded guilty in Suffolk Superior Court on two counts of larceny over \$1,200 by single scheme, tax evasion, failure to collect or pay tax, keep records, or supply information and two counts of obtaining a signature under false pretenses.

Between March 2016 and April 2019, DeMauro used her position as president of Revere League for Special Needs to embezzle more than \$42,000 in charitable funds that she used for personal expenses, including home improvement projects, electronics, concert tickets, cash withdrawals, and gift cards. DeMauro made some personal purchases using the charity's tax-exempt status to avoid paying sales tax to the state and used more than \$5,000 in stolen funds from the nonprofit to set up an unauthorized 401(k) retirement account for herself. This investigation was supported by the expertise of the Financial Investigations Division.

DeMauro was sentenced to serve six months in jail, which was suspended, and three years of probation. She must also pay restitution to the Revere League for Special Needs, complete a financial disclosure form, complete 150 hours of community service, sign over the proceeds of the fraudulent 401(k) to the nonprofit, and stay away from the organization.

Financial Data

White Collar and Public integrity cases resolved in the past year resulted in approximately \$650,000 in restitution to victims.

Important Statistics and Numbers

- As of the end of FY2020, WCPID had 36 open investigations.
- WCPID charged 24 cases and resolved 14, by either a plea agreement or a trial.
- WCPID receives approximately 200 referrals a year directly from law enforcement or state agencies. In addition, WCPID worked with the Criminal Bureau intake review team to assess and resolve complaints involving violations of public trust and complex financial fraud.
- Community Engagement:
 - WCPID staff represented the AGO as liaisons to outside criminal justice and law enforcement entities. Those included the Boston Bar Association White-Collar Crime conference, the Municipal Police Training Committee, the Massachusetts Major City Chiefs, the White-Collar Prosecutors' Working Group, The Boston Lawyers' Group, the Women's Bar Association, and the National Association of Attorneys General.

- Division staff also served as members and co-chairs on groups within the AGO, including the Ethics Committee and the Diversity and Inclusion Committee.

ENERGY AND ENVIROMENT BUREAU

The Energy and Environment Bureau works to protect utility ratepayers and the environment while reducing the threat of climate change for the people of the Commonwealth. The Bureau's integration of energy and environmental advocacy ensures that the office speaks with one voice in addressing the intertwined ratepayer and environmental protection matters that impact the Commonwealth and its residents.

Energy and Telecommunications Division

Through the Energy and Telecommunications Division (ETD), the Attorney General serves as the statutory Ratepayer Advocate in administrative and judicial proceedings on behalf of consumers in matters involving the rates, charges, and tariffs of electric, gas, telephone, and water companies in the Commonwealth.

ETD works to ensure that businesses and residents have access to reliable, safe, and affordable energy. ETD litigates cases before state and federal courts as well as administrative bodies such as the Massachusetts Department of Public Utilities (DPU), the Massachusetts Department of Telecommunications and Cable, the Federal Energy Regulatory Commission, and the Federal Communications Commission. In many of these matters, the Attorney General is the only active participant advocating on behalf of Massachusetts consumers.

Significant Achievements and Priorities for FY2020

COVID-19 Response

ETD vigorously advocated to ensure that customers continued to receive affordable and reliable essential services during the COVID-19 pandemic. Following DPU's First Set of Orders on March 25, 2020, establishing a Shut-Off Moratorium, ETD advocated for extending the Shut-Off Moratorium, waiving late fees incurred during the State of Emergency, and issuing a public request to all licensed competitive suppliers to voluntarily waive early termination fees. ETD actively participated in a Customer Assistance Working Group, which advanced recommendations to DPU for increased ratepayer protections. DPU ultimately adopted many of the Customer Assistance Working Group's recommendations, including extending payment plans beyond the end of the Shut-Off Moratorium; increasing notification to customers of the availability of payment plans; increasing the availability of payment assistance; establishing an arrearage forgiveness program

for small business customers; and creating a robust communication plan for electric and gas companies and stakeholders to communicate with ratepayers about payment assistance programs. ETD also advocated for similar shut-off protections for customers of regulated water companies and other water service providers. Finally, the Division submitted a letter urging DPU to request that all competitive suppliers suspend door-to-door marketing indefinitely given the high rates of COVID-19 transmission in the Commonwealth.

Eversource's Purchase of the Assets of Bay State Gas Company d/b/a Columbia Gas ("Columbia Gas")

Following the Merrimack Valley gas explosions on September 13, 2018, ETD worked tirelessly to ensure safety and restitution for all affected ratepayers. ETD, alongside other stakeholders succeeded at negotiating a settlement agreement that expedited the sale of Columbia Gas, improved the safety of the gas system for residents of the Merrimack Valley, and secured \$56 million in penalties for ratepayers. The settlement requires that, as the new owner, Eversource implement a comprehensive safety and reliability program, address any remedial actions remaining from Columbia's pipeline safety violations from the explosion, fund a heat pump pilot for customers impacted by the Northampton moratorium, and develop a clean energy analysis to ensure that its business strategies are consistent with the Commonwealth's greenhouse gas emissions reduction requirements. The settlement also required that NiSource, Bay State's parent company, pay a total of \$56 million, \$41 million of which went to the Merrimack Valley Renewal Fund, which will finance a variety of programs through direct grants, competitive requests for proposals, leveraging existing programs, and local partnerships. The AGO and the Department of Energy Resources will jointly administer this Fund.

National Grid Electric Rate Case

ETD advocated against National Grid's proposed increase to its electric base rates. As a result of ETD's advocacy, DPU reduced National Grid's requested increase by \$28.5 million which will save ratepayers approximately \$129 million over the next five years. In addition, DPU denied or scaled back several of the company's proposals that would have cost consumers over \$200 million. DPU also ordered, per ETD's recommendation, a comprehensive third-party independent management audit of National Grid concerning its IT strategy and cybersecurity plans.

Financial Data

Cases that were finalized in FY2020 yielded approximately \$493 million in savings to ratepayers and customers.

Important Statistics and Numbers

- In FY2020, ETD represented ratepayers and energy customers in more than 475 dockets pending before state and federal courts and regulatory bodies.
- ETD also participates in ISO-New England stakeholder technical and governance issues, chairs the ISO New England Consumer Liaison Group, and has a seat on the Massachusetts Energy Efficiency Council

Environmental Crime Strike Force

The Environmental Crimes Strike Force (ECSF) investigates and prosecutes environmental crimes that have serious public health consequences including cases involving illegal hazardous and solid waste disposal, water pollution, air quality violations, illegal pesticide application, and violations of wetland protection statutes. ECSF is comprised of prosecutors from the AGO, detectives from the Massachusetts Environmental Police, and investigators, engineers, and attorneys from the Massachusetts Department of Environmental Protection.

Important Statistics and Numbers

- In FY20, ECSF engaged in 11 investigations of alleged criminal conduct.
- ECSF engaged in litigation of 23 pending cases during FY 2020.
- ECSF presented at 10 external events/trainings during FY 2020.
 - 8 events were MPTC trainings for municipal police officers on the investigation and prosecution of animal cruelty offenses.
 - 2 trainings were conducted for wastewater professionals on the issue of regulatory compliance.
 - While conducting these trainings, ECSF engaged with approximately 1,000 community members from across all geographic regions of Massachusetts.

Environmental Protection Division

The Environmental Protection Division (EPD) enforces environmental laws that protect our air and water; preserve our wetlands, tidelands, and public open space; require the clean-up of contaminated sites; and govern the use of pesticides and the handling and disposal of solid and hazardous waste. Working in close coordination with state and federal environmental agencies, particularly the Massachusetts Department of Environmental Protection (DEP), EPD pursues three main types of work: prosecuting civil enforcement and cost recovery cases; representing the Commonwealth's agencies in environmental-related defensive cases; and undertaking affirmative, non-enforcement work to pursue innovative ways to further environmental protection. This third

type of advocacy includes bringing litigation, especially in federal courts and in coalitions with other state attorneys general, in challenging illegal or harmful changes to federal environmental regulations and policies; participating as an amicus to help develop the law in a way that will further the Commonwealth's interests; developing or supporting legislative or other policy proposals; and entering into Brownfields Covenant Not to Sue agreements to further the clean-up and redevelopment of contaminated sites.

Significant Achievements and Priorities for FY2020

Federal Regulatory Rollback Litigation and Advocacy

Continuing the AGO's legacy of advocating for protective federal regulations that implement the nation's environmental laws and benefit of the Commonwealth's residents, EPD was fully engaged in the national fights against unlawful rollbacks of environmental and climate protections during the Trump administration. EPD joined other state attorneys general in numerous lawsuits to stop illegal delays, rollbacks, and repeals of federal environmental rules. Environmental rules under threat included the Clean Power Plan, vehicle efficiency and emission standards, limits on the climate "superpollutants" of hydrofluorocarbons and methane, ozone regulations, clean water protections as well as rules that seek to prevent chemical disasters. Other lawsuits were filed regarding asbestos reporting requirements, pesticide restrictions, endangered species protections, migratory bird and marine species protections, and energy efficiency standards. Throughout the year, EPD authored and co-signed numerous comment letters and amicus briefs opposing unlawful administration actions under environmental laws.

Exxon Climate Deception Litigation

Leading a cross-office team, EPD continued to pursue the AGO's consumer and investor deception case against Exxon Mobil Corporation for the company's misleading statements regarding climate change. In October 2019, after successfully defending the investigation against Exxon's meritless lawsuit in federal and state courts for more than three years, the AGO filed major litigation against the company in Superior Court. The lawsuit alleges that, after a decades-long deception campaign to downplay the dangers of climate change, the company has made misrepresentations to Massachusetts investors regarding the climate risks facing its business model and to Massachusetts consumers regarding the climate risks of its products, all in violation of the Massachusetts Consumer Protection Act. After Exxon removed the matter to federal court, the AGO successfully won a prompt remand of the matter to Superior Court. In June 2020, the AGO filed an amended complaint, adding significant new facts regarding the company's continued deceptive conduct.

Commonwealth v. Heath Morse

Working with the Massachusetts Department of Agricultural Resources, EPD sued Heath Morse for selling sick and dying puppies to dozens of Massachusetts customers in violation of the Commonwealth’s Animal Health Law and Consumer Protection Act. EPD’s investigation showed that between February 2016 and October 2018, Morse sold more than three dozen dogs to Massachusetts consumers for thousands of dollars each, falsely advertising that his dogs were from five-star living conditions, healthy, and of “show-dog quality.” In reality, the dogs came from unsanitary conditions and had serious infectious diseases, congenital abnormalities, and ear and eye infections. More than a quarter of the puppies sold ultimately died, many within a few days of purchase, and Morse’s customers paid thousands more in veterinary bills to treat or euthanize their very sick dogs. EPD filed a complaint in Superior Court against Morse in November 2018, and in August 2019, obtained a default judgment ordering Morse to cease operating an unlicensed, unsanitary pet shop and to pay more than \$480,000 in civil penalties and damages to the victims of his unlawful, unfair, and deceptive puppy sales.

Financial Data

Amounts Recovered:

- Penalties: \$561,316.68
- Other Recoveries: \$160,276.74

Important Statistics and Numbers

- Resolved by final judgment and/or court order: 13
- Affirmative cases: 24 (Opened 14, Resolved 10)
- Defensive cases opened, tried/argued, resolved: 11 (Opened 6, Resolved 5)
- Appeals briefed/argued: 6
- Amicus briefs filed/joined: 8
- EPD also handles a large docket of litigation and advocacy related to federal regulatory rollbacks. As part of this work, EPD filed 17 lawsuits and submitted 41 comment letters in FY2020.
- Community Engagement
 - EPD received 158 complaints and inquiries covering various environmental issues, including Article 97 protections, asbestos, drinking water, hazardous material and waste, animal health, pesticides, emissions (mobile and stationary sources), waterways and beach access, and wetlands.

- EPD participated in eight external events and trainings including brown bags at the Boston Bar Association and Harvard Law School, presentations to other Commonwealth agencies, and one discussion on a popular podcast.

GOVERNMENT BUREAU

The Government Bureau represents the Commonwealth, its agencies, and officials in many types of civil litigation and further defends Commonwealth employees from civil claims made against them resulting from the performance of their duties. The Government Bureau develops and maintains close working relationships with the agencies it represents, often providing them guidance and advice where advanced legal consultation may prevent unnecessary and costly lawsuits. The Government Bureau initiates affirmative litigation in the public interest on behalf of the Commonwealth and its residents. The Government Bureau also enforces the state's Open Meeting Law through its Division of Open Government, reviews and approves town bylaws through its Municipal Law Unit and reduces blight and creates safer homes and neighborhoods through the Neighborhood Renewal Division.

Neighborhood Renewal Division

The Neighborhood Renewal Division (NRD)² ensures safer neighborhoods through blight reduction and the creation of safe, habitable homes. Through partnerships with 148 municipalities across Massachusetts, NRD reduces the safety hazards, economic drag, and criminal activity created by blighted residential properties. NRD achieves high rates of voluntary compliance from delinquent owners through written demands to correct serious code violations. Utilizing the enforcement authority under the State Sanitary Code, non-compliance is remedied through NRD receivership actions in Housing Court. NRD bolsters its mission by administering grant programs that address receivers' access to capital, property demolition and redevelopment, and code enforcement technology upgrades.

Significant Achievements and Priorities for FY2020

In FY2020, the Abandoned Housing Initiative Receivership Fund (AHIR) provided nearly \$895,000 in loans to receivers leading to the rehabilitation of fourteen housing units. In addition, through the Technology to Enrich Community Housing Grant, NRD provided seven communities with funds to purchase software solutions aimed at improving code enforcement and improving cooperation between the communities and the NRD receivership program.

² In August 2020, the Abandoned Housing Initiative became a stand-alone division within the Government Bureau, now known as the Neighborhood Renewal Division.

Through its Strategic Demolition Fund, NRD awarded \$123,000 to assist with the demolition of properties beyond repair in Holyoke, North Adams, Ware, Brookfield, Upton, and Athol. During FY2020, three of those projects were completed and the rest have anticipated completion dates in FY2021.

NRD also worked on multiple successful properties in Southeastern Massachusetts including in New Bedford, Hanson, Somerset, and Dennis.

524 Walker Street, Lenox Dale, Berkshire County

When it was initially brought to the attention of NRD, this property was a two-unit, bank-owned home where one unit was condemned and the other occupied. The first unit had been vacant since 2016 and was condemned for lack of heat and hot water. The other unit housed a family of three including a child under the age of six. The abandoned unit suffered from frozen pipes, unsecured doors, and a roof in poor condition. It also had excessive trash and clutter surrounding the property, missing cabinet drawers and doors, missing ceiling tiles, and peeling and cracking paint. A receiver was appointed by the court with an initial plan to repair the property; however, the mortgagee of the property paid the tax lien and took control of property. Within months, the mortgagee was unable to make the repairs and surrendered the property back to the receiver. The receiver completed repairs and fully rehabilitated the property. The property was ultimately sold for \$106,829.

44 East Street, Sharon, Norfolk County

In 2016, a vacant single-family home came to the attention of the local board of health. For two years, several inspections of the exterior of the property were conducted and there were multiple attempts to work with the homeowner and mortgagee to repair the property. Over time, the property only showed worsening conditions that included significant brush and vegetation that towered over the home, trash and debris, and numerous unregistered automobiles including a large trailer truck surrounding the property. In 2018, when the homeowner and mortgagee failed to both make repairs ordered by the Housing Court and to make the property safe for residents and neighbors, the Court appointed a receiver. When the receivership was completed, the property was sold to pay off both the receiver's lien and outstanding tax lien for \$175,294.37. Following the satisfaction of both liens, \$149,159.36 remained. Ordinarily, the remaining proceeds would have been applied to the outstanding mortgage. However, in this case the mortgagee was the subject of a significant judgment for violations of the statute governing charitable entities in Massachusetts and the Consumer Protection Act. As a result, the remaining proceeds were applied to the outstanding judgment and were paid as restitution to two public charities.

175 Lake Street, Athol, Worcester County

The occupied location had severe violations surrounding the property and the homeowner was unable to make repairs on his own. The Housing Court immediately allowed a receiver to be appointed to make repairs since it was occupied. After the appointment of the receiver, both the owner and his father appeared before the court expressing interest in resolving the code violations. They reached a settlement agreement where the receiver would handle specific repairs while the owner and his father would complete the remaining ones. As part of the settlement, the owner and his father took landlord training courses, repaired the property with licensed professionals, and paid the receiver for the repairs that he completed. In the best interest of all involved parties, the property was transferred to the owner's father, who was willing to manage the property going forward.

Financial Data

NRD assisted municipalities in recovering \$443,134.13 in unpaid property taxes and municipal expenses such as past due utility, water, and sewer bills. The towns of Dedham, New Bedford, North Brookfield, Princeton, Sharon, Southbridge, and Warren each recovered \$30,000 or more in unpaid property taxes.

Important Statistics and Numbers

- During FY2020, NRD expanded its relationship with municipalities within the Commonwealth and now partners with 148 municipalities across the state.
- Despite the constraints from the onset of COVID-19, NRD opened 90 cases and averaged an active caseload of approximately 340 properties, with an average of 90 cases in litigation at any one time.
- NRD initiated approximately 12 receivership cases with three cases entering full receivership while 20 receiverships successfully concluded.
- In FY2020, NRD obtained 103 successful outcomes.
- Community Engagement:
 - In FY20, NRD held or attended a total of 37 events and presentations. The total number of events was significantly affected by the COVID-19 crisis.
 - NRD also met with local and state government agencies and housing courts to discuss the receivership process and other housing issues, including housing preservation efforts related to the Columbia Gas explosions (in the early part of FY2020) and the economic crisis associated with COVID-19 (at the end of FY2020).

Constitutional and Administrative Law Division

The Constitutional and Administrative Law Division³ represents state agencies and state officials in a broad range of civil litigation. CADLaw defends legal challenges to state statutes and regulations, suits that challenge state policies and programs, and suits that challenge the decisions of state administrative agencies. CADLaw also initiates litigation on behalf of state agencies to support their programs or assist their regulatory activities.

Significant Achievements and Priorities for FY2020

Capron v. Massachusetts Attorney General

The U.S. Court of Appeals for the First Circuit affirmed the dismissal of a declaratory judgment action challenging the application to au pairs of the Massachusetts Fair Wage Law (G.L. c. 151) and the Massachusetts Domestic Workers Bill of Rights (G.L. c. 149, § 190) and its accompanying regulations. The plaintiffs, an au pair company and two host family members, sought an injunction against the application of these labor laws and a declaration that they are preempted by federal law—especially regulations promulgated by the U.S. State Department governing the au pair program. The First Circuit rejected the arguments of the plaintiffs (and the State Department as amicus curiae), ruling that the comprehensive and detailed nature of the State Department’s regulations governing the au pair program did not mean that the federal government intended the au pair program to preempt otherwise applicable state laws. The court further rejected the plaintiffs’ argument that preemption applies because the au pair program implicates foreign affairs. The court ultimately concluded that “the Au Pair Program operates parallel to, rather than in place of, state employment laws that concern wages and hours and that protect domestic workers generally, at least with respect to the obligations that such state law wage and hour measures impose on host families to do more than what federal law requires.” Subsequently, the plaintiffs filed a petition for writ of certiorari with the U.S. Supreme Court. The Supreme Court denied the petition.

Rosie D. v. Baker

The First Circuit reversed and vacated an order of the District Court that had denied the Commonwealth’s motion to terminate monitoring and reporting requirements in this 19-year-old case challenging MassHealth’s delivery of Medicaid services to children with serious emotional disturbances. When it entered judgment against the Commonwealth in 2007, the District Court, among other things, appointed a monitor to oversee the Commonwealth’s implementation of the judgment. The judgment said the monitor’s term “will terminate” in five years – i.e., in 2012. In a

³ In June 2021, the Administrative Law Division became the Constitutional Administrative Law Division (CADLAW).

series of orders, the District Court thereafter extended the monitor’s term through the end of 2018, at which point the Commonwealth filed its motion to terminate monitoring. The First Circuit ruled that the District Court erred in analyzing the Commonwealth’s motion as though it were a motion to modify the 2007 judgment, when it should have treated it as a motion to give specific effect to the judgment as written. The First Circuit concluded that the District Court’s ruling had the effect of modifying the 2007 judgment to allow for continued monitoring, which was unjustified by anything in the lower court’s decision. The appellate court remanded the case to the trial court to permit the plaintiffs to seek modification of the judgment to provide for extended monitoring, and to allow the Commonwealth to seek termination of the judgment based on substantial compliance with its terms.

Goldstein v. Galvin

This was a putative class action by potential candidates for elected office seeking declaratory judgment that, in light of the emergency circumstances brought about by the COVID-19 pandemic, the per-office signature requirements contained in G. L. c. 53, §§ 6-7 impose an unconstitutionally severe burden on the fundamental rights of all Massachusetts candidates, would-be candidates, and voters, and was thus void. After briefing and argument, the Supreme Judicial Court ordered three forms of relief. First, the Court ordered that the number of required signatures be reduced by 50 percent. Second, the Court extended the deadlines for candidates running for State district and county offices to submit their nomination papers to local election officials for certification and for the filing of certified nomination papers with the Secretary of the Commonwealth to May 5, 2020, and June 2, 2020, respectively, which were the applicable due dates for party candidates running for Federal and Statewide offices. Third, subject to restrictions outlined in the opinion, the Court ordered the Secretary to allow the submission and filing of nomination papers with electronic rather than wet-ink original signatures. The Court emphasized that the declaration and the equitable relief provided was limited to the primary election in these extraordinary circumstances, which was the sole subject of the case before the Court and did not affect the minimum signature requirements for primary elections in any other year.

Citrix Systems, Inc. v. Commissioner of Revenue

The Supreme Judicial Court held that what is now the computer industry’s predominant method of selling software remains subject to the Massachusetts sales tax. The new method is by a recurrent “subscription” payment for the “service” of the right to connect with the seller’s remote computer and to use software on that remote computer with no download of the software to the buyer’s own computer. After considering the relevant statutory and regulatory provisions and the circumstances of the transactions, the Court affirmed the Commissioner’s determination that the

transactions entailed the sale of tangible personal property that were thus subject to the Massachusetts sales tax.

Important Statistics and Numbers

- In FY2020, the CAdLaw had 1,315 open cases and other litigation matters (1286 litigation and 29 pre-litigation).
- During FY2020, CAdLaw opened 569 new cases and other litigation matters (567 litigation and 2 pre-litigation) and closed 314 cases and litigation matters (311 litigation and 3 pre-litigation).

Municipal Law Unit

The Municipal Law Unit (MLU) carries out the Attorney General’s statutory obligation, pursuant to G.L. c. 40, § 32, to review all town by-laws for any conflict with the Constitution or laws of the Commonwealth. MLU also performs the Attorney General’s statutory obligation, pursuant to G.L. c. 43B, § 10 (c), to review all city and town charter amendments for any conflict with the Constitution or laws of the Commonwealth. Finally, MLU responds to constituent questions regarding municipal law issues and conducts frequent trainings for municipal officials and attorneys on municipal law issues.

Significant Achievements and Priorities for FY2020

Brookline Fossil Fuel By-law review

MLU analyzed a first-of-its kind by-law from Brookline that proposed to ban fossil fuel hook-ups in certain buildings. This required significant collaboration with other divisions within the AGO to finalize the language of the final decision and numerous communications with stakeholders.

COVID-19 Response

During the latter half of FY2020, MLU focused its efforts on reducing the burden on municipalities due to the COVID-19 pandemic. MLU worked closely with the Governor’s Legal department regarding the “municipal relief” legislation. The legislation authorized towns to delay town meetings on an emergency basis due to the pandemic; to adopt a reduced quorum at town meetings; to conduct town meetings outdoors or at locations outside the town and with a representative town meeting form of government to conduct town meetings remotely. MLU also fielded inquiries on the municipal relief legislation from residents and town officials and participated in weekly

trainings sponsored by the Massachusetts Municipal Lawyers Association on the legislation and other COVID-related issues. Finally, MLU reviewed and responded to 397 notifications from town officials regarding votes to postpone town meeting (G.L. c.39, § 10A); reduce town meeting quorum (as required by SECTION 7(a) of Chapter 45 of the Acts of 2020); and conduct town meeting by remote participation (as required by Section 8 (e) of Chapter 92 of the Acts of 2020).

Defensive Litigation for Governor's Emergency Declaration

Due to the COVID-19 pandemic, members of MLU also assisted with the AGO's defensive litigation regarding the Governor's declaration of emergency pursuant to the Civil Defense Act (*Town of Oxford v. Blondin et al*, WOCV-20 -557D and *Impact Fitness v. Baker*, WOCV-20-0601B). MLU also represented the Commonwealth named parties in a case seeking court authorization to conduct representative town meeting remotely before the legislation was adopted to authorize such remote participation in re Town of Belmont, Middlesex Superior Court 2081-1281, and related cases. MLU also had frequent communications with various town counsel and Governor's Legal Counsel regarding situations where town businesses, or the towns themselves, were not following the various COVID-19 Executive Orders regarding hours of operation, face covering requirements, or capacity limitations. MLU assisted with successful resolution of many of these situations short of litigation.

Important Statistics and Numbers

- Defensive cases opened, tried/argued, resolved: 5
- Community Engagement:
 - MLU responded to 1,734 constituent telephone inquiries on various questions of municipal law or town by-law filing.
 - MLU responded to 267 complaints filed by way of online complaint forms regarding various municipal matters.

Division of Open Government

The Division of Open Government is responsible for statewide enforcement of the Open Meeting Law and the Public Records Law. The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. The Division provides training and guidance to members of public bodies and the public on the requirements of the Open Meeting Law, investigates complaints of violations, and as needed, makes findings and orders remedial action to address violations of the law. Under the Public Records Law, any person may appeal a public official's denial of a request for a record to the Supervisor of Records within the Office of the

Secretary of the Commonwealth. The Supervisor may refer an order to comply with the Public Records Law to the Attorney General for enforcement. The Division reviews these referrals, works with records custodians to ensure compliance with the Public Records Law, and, when necessary, brings enforcement actions in court.

Significant Achievements and Priorities for FY2020

Attorney General v. District Attorney for the Plymouth District et al.

The Division prevailed before the Supreme Judicial Court (SJC) in a longstanding public records enforcement action that the Attorney General had brought against three District Attorneys' Offices (DAO) that refused to provide certain criminal case records in response to a public records request. In March 2020, the SJC issued its decision largely affirming the superior court's decision. The Court ruled that the DAOs must produce all of the requested categories of case information except for court docket number. The Court concluded that if the court docket number is redacted from the remaining categories of information then individuals could not be directly or indirectly identified from the data. The decision is *Attorney General v. District Attorney for the Plymouth District et al.*, 484 Mass. 260 (2020).

Open Meeting Law during the COVID-19 State of Emergency

With the declaration of the State of Emergency, the Division immediately coordinated with the Governor's Office to implement the Executive Order Suspending Certain Provisions of the Open Meeting Law, in order to allow public bodies to meet remotely to continue to carry out their important government functions. The Division promptly issued updated and frequent guidance on compliance with the revised requirements of the Open Meeting Law. Specifically, the Division issued several rounds of guidance to its 700-person newsletter distribution list (consisting mostly of local public officials); posted new content to the AGO's OML website; provided guidance to the Massachusetts Municipal Lawyers Association; and prioritized resources to ensure prompt responses to OML hotline inquiries to guide public bodies as they adjust to new types of meetings.

Important Statistics and Numbers

- The Division issued 172 determination letters and 18 declination letters, resolving 317 Open Meeting Law complaints. Some determination and declination letters resolved multiple complaints.
- The Division received and responded to 2,116 inquiries to the Open Meeting Law hotline by telephone, e-mail, and letter, plus approximately 30 inquiries from members of the press, a record number for the Division.

- The Division directly trained over 700 people on the Open Meeting Law through its 12 live webinar trainings and 5 in-person trainings in Brookline, Somerset, East Longmeadow, Hanover, and Southborough.

Trial Division

The Trial Division defends suits brought against state agencies, officials, and employees who are sued in the context of their agency duties. The types of cases generally handled by the Trial Division include employment, torts, civil rights, contracts, erroneous conviction, eminent domain, and land use cases. These suits usually seek damages or other relief for alleged wrongful acts of government agencies, officials or employees. The Trial Division appears in cases in both federal and state court, and the cases range from those with simple fact patterns to multi-million-dollar cases with complex fact patterns and legal issues.

Significant Achievements and Priorities for FY2020

John Doe 1-10, individually and on behalf of all other similarly situated v. Mici, et al.

Trial Division continued to litigate this putative class action challenging the conditions of confinement for men civilly committed under Section 35 to correctional institutions. The Plaintiffs claim gender discrimination, disability discrimination, and violations of their substantive due process rights. As of the end of FY2020, the case remained pending with a motion for judgment on the pleadings.

Ronald Spaddy et al. v. Appeals Court et al.

The Trial Division successfully defended the Chief Justice of the Appeals Court against claims of discrimination. The Trial Division won the case on summary judgment, and plaintiffs appealed. It has been closed after the end of FY2020.

Department of Justice

The Trial Division continued to manage a case brought by the Department of Justice in a pre-litigation matter where DOJ issued findings and threatened a class action lawsuit for monetary and injunctive relief against the Department of Children and Families (DCF) on behalf of approximately 26 developmentally disabled individuals for purported violations of the Americans with Disabilities Act and the Rehabilitation Act. The parties engaged in extensive negotiations concerning modifications to DCF's policies and practices surrounding casework and services for

developmentally disabled clientele during which DCF asserted that its actions and policies and practices have not violated federal law. The parties reached a resolution and agreement in the matter.

Conviction Cases Corrected

The Trial Division litigated and resolved several erroneous convictions cases, including *Jones v. Commonwealth*, *Ciffizari v. Commonwealth*, and *Cosenza v. Commonwealth* which were all resolved in settlement for between \$750,000 and \$1,000,000 each.

Financial Data

- Approximate Amount of Money Saved in FY2020: \$12,742,439*
- Approximate Amount of Money Recovered in FY2020: \$54,999

*WMAS cases are included in total litigation cases opened but are not reflected in the Money Savings/Recovery for this report.

Important Statistics and Numbers

- Approximate number of new litigation cases opened in FY2020: 395
- The Trial Division maintained litigation docket of approximately 675 active cases on behalf of Commonwealth agencies and employees.
- The Trial Division tried eight cases in a wide variety of legal areas (eminent domain, employment discrimination, tort) in courts across the Commonwealth.
- Appellate work in FY2020 remained about the same as FY2019 with approximately 45 appeals handled in FY2020.
- Approximate number of Presentments processed in FY2020: 450
- Approximate number of Affirmative matters handled in FY2020: 17
- Approximate number of Agency Settlements reviewed/processed in FY2020: 75

HEALTH CARE AND FAIR COMPETITION BUREAU

The Health Care and Fair Competition Bureau (HCFC) aligns divisions within the AGO that routinely touch upon the Massachusetts health care sector in fundamental ways. The work of HCFC includes overseeing public charities; preventing anticompetitive or fraudulent practices by providers of health care products and services within the Commonwealth; safeguarding rights of health care consumers; and combatting fraud and abuse in the MassHealth system. The divisions

within the Health Care Fair Competition Bureau bring affirmative litigation on behalf of Massachusetts consumers and taxpayers, maintain a health care help line and mediation service, and engage in advocacy and policy initiatives to ensure access to quality, affordable health care in Massachusetts.

Antitrust Division

The Antitrust Division (ATD) protects the people, state agencies, and businesses of Massachusetts from anticompetitive practices and helps to maintain and encourage a competitive and vibrant economy through fair and effective enforcement of antitrust laws. ATD investigates and challenges local and national anticompetitive mergers, price-fixing agreements, and other illegal practices by companies that harm Massachusetts consumers and important state interests. ATD also promotes and protects competition in various industries directly affecting consumers, such as health care, pharmaceuticals, social media/technology, and communications. Furthermore, ATD obtains relief for consumers in the form of refunds for overcharges, civil penalties, and injunctions against offending businesses. Finally, ATD advocates for effective competition policy at the state and national levels by filing legal briefs in important antitrust cases, engaging in policy initiatives, and promoting procompetitive legislation.

Significant Achievements and Priorities for FY2020

T-Mobile and Sprint Merger

The AGO joined a multistate complaint seeking to block the merger of T-Mobile and Sprint on June 21, 2019. In FY2020, ATD litigated significant parts of the case and actively participated in the trial in federal court. The case sought to prevent two of the four national mobile network operators from merging because the merger allegedly would have deprived consumers in Massachusetts and across the country of the benefits of competition and therefore increased the prices of cellphone service.

Pharmaceutical Work

ATD continued to hold generic pharmaceutical companies and their executives responsible for alleged price fixing and market allocation agreements that drove up generic drug costs for consumers and Massachusetts governmental purchasers. In June 2020, the AGO and other states filed a complaint alleging that 26 drug makers and 10 pharmaceutical executives engaged in agreements to fix the prices of approximately 80 dermatological generic medications. The lawsuit seeks damages for consumers and Massachusetts governmental purchasers, civil penalties, and actions by the court to restore competition to the generic drug market.

Financial Data

As the result of a final settlement with T-Mobile/Sprint reached on March 11, 2020, the companies agreed to pay the litigating states up to \$15,000,000 in fees and costs in FY2020. ATD secured a total of \$807,187.

Important Statistics and Numbers

- ATD handled a total of 21 matters in FY2020.
- 8 matters were closed in the fiscal year and 13 remain open.
- In FY2020, ATD representatives presented on how to detect bid rigging to state and municipal procurement personnel at the Massachusetts Facilities Administrators Association Fall 2019 conference, and on current health care antitrust issues at the Massachusetts Chapter of the American College of Physicians.

False Claims Division

The False Claims Division (FCD) works to safeguard public funds by enforcing high standards of integrity against companies and individuals that make false statements to obtain government contracts or government funds in violation of the Massachusetts False Claims Act, G.L. c. 12, §§ 5A-5O. FCD investigates matters in a variety of industries, including information technology, employment practices, construction and health care, and, in the last quarter of FY2020, initiated a number of investigations related to alleged fraud in connection with COVID-19. FCD also reviews and investigates allegations of fraud by whistleblowers and qui tam relators and supervises any recovery actions initiated by the Civil Recovery Unit at the Massachusetts Office of Inspector General.

Significant Achievements and Priorities for FY2020

Dimauro Carpet & Tile, Inc.

FCD resolved the investigation of Dimauro Carpet & Tile, Inc., and its past and current owners for \$1 million. Allegations included that Dimauro knowingly provided false information to the Division of Capital Management and Maintenance (DCAMM) to obtain certification in the category of “Floor Covering;” used that DCAMM Certification and other false statements to obtain two large contracts with the University of Massachusetts Amherst (UMass); and submitted in excess of 100 false weekly payroll reports to UMass regarding work performed under one of the contracts.

Opioid Litigations/Investigations

FCD partnered with the Health Care Division to advance the Commonwealth's case against Purdue Pharma and its Sackler family owners. For example, FCD attorneys were instrumental in defeating defendants' motions to dismiss the Commonwealth's claims in Suffolk Superior Court, including successfully arguing the jurisdictional component of the case in August 2019. In addition, FCD attorneys led investigations into two consulting companies who worked for Purdue and other opioid companies.

ENE Systems, Inc.

FCD continued efforts to hold contractors liable for not meeting Minority and Women Business Enterprise (M/WBE) participation goals on public construction projects. FCD settled with ENE Systems, Inc., (ENE) to resolve its investigation for \$381,712 after finding that ENE, among other things, falsely represented its compliance with M/WBE participation goals. This is the sixth M/WBE-related investigation resolved by FCD since ATD was created in 2015.

Financial Data

- Amount Recovered in Damages and Penalties: \$1,818,420.88
- Recoveries to the General Fund: \$1,818,420.88
- Restitution to Political Subdivisions: \$420,301.46

Important Statistics and Numbers

- Number of FCD matters handled: 54
- Number of DCF appeals handled: 2
- Number of Hotline Calls Received: 18 calls reporting alleged false claims. FCD also received approximately 25 calls in the last quarter of FY2020 reporting unemployment fraud that were referred to the Department of Unemployment Assistance.
- Number of online Complaint Forms Received: 4
- FCD participated in 10 external events and trainings in FY2020.
 - Served on the Boston Bar Association's White-Collar Steering Committee and the Executive Committee of the Worcester County Bar Association.
 - Presented at the Office of Inspector General and Massachusetts Association of Public Purchasing Officials, World Boston, and a conference entitled "The Opioid Epidemic: Origins & Responses at New England School of Law"
 - Participated as panelists on the Boston Bar Association's Life Sciences Conference: Qui Tam Trends, the Operational Services Division's Conference "Legal Line Up

Session,” and a panel for the Worcester County Bar Association on taking remote depositions.

Health Care Division

The Health Care Division (HCD) uses its unique blend of enforcement and policy tools to promote the interests of Massachusetts health care consumers. HCD leads a range of cases in the public interest to protect Massachusetts consumers from unfair and deceptive conduct by health insurers, providers, pharmaceutical companies, and medical device manufacturers. HCD also leads state efforts to examine the health care market and advocates for improving access, affordability, and equity in health care. HCD also provides guidance to hospitals and HMOs about how they should determine the health care needs of their communities, plan programs with their community partners, and report those activities to the AGO. HCD has also played a key role through advocacy and litigation in ensuring the continued strength of the Massachusetts health insurance marketplace in light of changes in federal health policy. In addition, HCD mediates hundreds of health care complaints annually and educates consumers regarding their health care coverage and billing rights.

Significant Achievements and Priorities for FY2020

Behavioral Health Parity

In FY2020, HCD reached groundbreaking settlements with five health insurance companies (Blue Cross and Blue Shield of Massachusetts, Fallon Community Health Plan, Tufts Associated Health Plan, Harvard Pilgrim Health Care, and Always Health Partners) and two companies that manage behavioral health coverage (Optum Behavioral Health and Beacon Health Strategies). The settlements resolved allegations that the defendants violated Chapter 93A by maintaining substantially inaccurate provider directories and that certain defendants violated the Mental Health Parity and Addiction Equity Act through unfair reimbursement methods and employment of other practices that restricted consumers’ access to behavioral health care.

Purdue Pharma Inc.

Following Purdue’s bankruptcy filing in September 2019, HCD continued to advance the Commonwealth’s litigation against Purdue and members of the Sackler Family for their role in the opioid epidemic. AGO staff led a group of 25 states opposing the proposed settlement in the bankruptcy proceeding seeking to hold Purdue and the Sacklers accountable for their wrongdoing.

Health Care Cost Trends

In October 2019, HCD published its ninth report examining health care cost trends. The report found that inpatient spending has continued to drop at lower-priced hospitals and rise at higher-priced ones despite measures aimed at helping consumers shop for quality, affordable health services. In particular, the report highlights the challenges associated with using transparency tools online and alternative payment arrangements to control costs.

Community Engagement

- HCD received 1,819 calls and 1, 820 cases were opened in FY2020. More than 300 of those cases were COVID-related.
- HCD participated in more than 10 external events and trainings in FY2020.

Financial Data

- Recoveries: \$2,642,881.57
- Amounts Saved: \$360,895 (\$299,387 saved for consumers; \$61,508 recovered)
- Grants Received: \$1,066 from the National Association of Attorneys General (NAAG)

Medicaid Fraud Division

The Medicaid Fraud Division (MFD) investigates and prosecutes health care providers who defraud the Massachusetts Medicaid program, known as MassHealth. In addition, MFD is responsible for reviewing complaints of abuse, neglect, mistreatment, and financial exploitation of patients in long-term care facilities.

Significant Achievements and Priorities for FY2020

COVID-19 Response in Long-Term Care Facilities

Since the pandemic began, MFD has focused enforcement efforts on the response to COVID-19 in long-term care facilities. That work has included the investigation of the Holyoke Soldiers' Home for serious failures in infection control. Positive, symptomatic, and asymptomatic residents were placed within feet of each other, furthering the risk of the spread of the virus. The Soldiers' Home investigation, which resulted in indictments in FY2021, represent the first prosecution in the nation of its kind. MFD has also launched a number of additional investigations based on complaints it has received about infection control failures at a variety of other long-term care facilities around the Commonwealth, which are active and ongoing. MFD has also worked with

the Department of Public Health to develop streamlined reporting procedures so complaints about the COVID-19 response in long-term care facilities are triaged and processed more quickly.

Home Based Services

MFD has continued its focus on combating fraud among providers who deliver home-based services, one of the fastest growing provider types in Massachusetts. In December 2019, two individuals, John and Joanne Wachira, and their company, Petra Healthcare, LLC, were indicted in connection with a scheme to falsely bill MassHealth while exploiting homeless individuals. Also, in December 2019, a Brighton adult foster care company, Absolute Care, Inc., agreed to pay \$3 million to resolve allegations that it had falsified caregiver timesheets and submitted claims for dates on which care was not provided. In addition, MFD recovered \$450,000 in April 2020, from an Avon-based home health company, Brigham Home Care Services, over allegations that they violated MassHealth regulations and state law by submitting false claims to MassHealth for payment.

Community Engagement

MFD presented at 10 external events and trainings last year engaging with an estimated 900 community members.

These external events and trainings included presentations at the National Association of Medicaid Fraud Control Units (“NAMFCU”) annual conference as well as MFD AAGs and investigators serving as facilitators at various NAMFCU trainings on specific topics throughout the year. MFD AAGs also presented at the Boston Bar Association’s White-Collar Crime Conference on developments in False Claims Act and health care fraud enforcement. MFD also presented to WestMass Elder Care, an aging services access point that provides in-home services referrals, on MFD’s enforcement role in in-home care. MFD delivered presentations on its role in nursing home enforcement to the Suffolk County District Attorney’s Office and at Country Gardens Skilled Nursing & Rehabilitation Center in Swansea.

MFD conducted seven internal trainings during the reporting period. The trainings concerned issues that come up frequently in MFD’s cases and had been recently addressed by a case team such as how and when to conduct a statistically valid random sample and an overview of best practices in e-discovery for MFD-specific issues.

Financial Data

- Amounts Recovered: \$27,231,129.59
 - Penalties: \$67,836.03

- Restitution: \$25,026,601.99
- Other Recoveries: \$2,136,691.57
- Grants Received: \$4,291,835.44

Important Statistics and Numbers

- MFD resolved 39 cases in FY2020
- MFD settled 25 cases, indicted 8 cases, and obtained 6 convictions.
- Number of Hotline Calls Received: 294
 - Fraud: 108
 - Abuse/Neglect: 95
 - Miscellaneous: 91
- Number of online complaint forms received: 189
 - Fraud: 73
 - Abuse/Neglect: 79
 - Miscellaneous: 28

Non-Profit Organizations/ Public Charities Division

The Non-Profit Organizations/Public Charities Division (NPCD) is responsible for overseeing more than 23,000 public charities in Massachusetts, including ensuring appropriate application of charitable assets, investigating allegations of wrongdoing or fraud in the application or solicitation of charitable funds, and initiating enforcement actions in cases of breach of fiduciary duty. This work includes reviewing sales of significant charitable assets and dissolution of public charities, reviewing documentation of and ensuring fulfillment of charitable bequests, and supporting nonprofit charitable boards of directors in their efforts to discharge their fiduciary duties appropriately. NPCD’s compliance unit is comprised of administrative staff who support transparency in the sector by processing and managing registration and annual filings by public charities, professional solicitors, fundraising counsel, and commercial co-venturers. NPCD also maintains the AGO’s Annual Filings Document Search, which makes much of this information available to the public.

Significant Achievements and Priorities for FY2020

Endowment Fund Guidance

On April 28, 2020, NPCD published and circulated “Guidance on Endowments for Charities Facing Financial Challenges Due to COVID-19.” This guidance was issued in response to financial

questions and concerns that charities and their counsel had raised as a result of the ongoing pandemic.

Oversight of Estates and Trusts with Charitable Interests

In FY2020, NPCD spent significant resources overseeing, investigating, and resolving estate and trust matters with charitable interests, resulting in approximately \$3,360,667 recovered for charitable purposes.

Roxbury Community College Foundation Receivership

In FY2020, the receivership of the Roxbury Community College Foundation (the “Foundation”) was resolved. Following the Commonwealth’s complaint and motion to appoint retired Judge Leslie E. Harris as temporary receiver, Judge Harris marshaled the assets of the Foundation, recruited, and appointed new members to the Foundation’s board of directors, and facilitated the execution of an agreement between the Foundation and Roxbury Community College, outlining ongoing communications and obligations of the two entities. The Foundation continues to operate as a public charity subject to the oversight of the AGO under common law and G.L. c. 12, s. 8 et seq.

Financial Data

- Amounts Recovered (for designated charitable organizations): \$3,509,723
- Revenue Generated: \$6,323,460

Important Statistics and Numbers

- Case Statistics:
 - Affirmative cases brought/indicted, tried/argued, resolved: 5 including involuntary dissolutions, affirmative fiduciary duty litigation, and receiverships.
 - Defensive cases opened, tried/argued, resolved: 35 cases including equity petitions, significant probate matters, fiduciary duty litigation of which NPCD are a necessary party under G.L. c. 12, s. 8G.
 - Dissolutions filed with the SJC: 50
 - Administrative dissolutions approved: 147
 - Amicus briefs filed/joined: 1 letter
- Community Engagement:
 - Number of Hotline Calls Received: 9,593

- Number of online complaint forms received: 308
- In FY2020, NPCD presented at 10 external events and trainings including at legal and nonprofit conferences, law school seminars, state-sponsored trainings, and webinars. NPCD estimates that more than 1,100 community members were reached through these efforts.
- Charities:
 - Number of initial charities registrations: 1,759
 - Number of payments processed for public charity and professional fundraiser annual reports and registrations: 26,356
 - Fees generated: \$6,323,460
- Summary of probate review:
 - As a party to the probate of all estates in which a charitable interest exists and in all judicial proceedings affecting charitable trusts, during FY2020, the AGO received and reviewed:
 - 844 new wills
 - 506 final accounts/documents closing estate files
 - 32 petitions to sell real estate
 - 66 trust terminations
 - 912 miscellaneous complaints and filings with respect to these matters
 - The AGO also resolved 90 matters involving potential misapplication of charitable bequests or excessive fees, which in the aggregate, resulted in approximately \$3,360,667 recovered for charitable purposes.

PUBLIC PROTECTION AND ADVOCACY BUREAU

The Public Protection and Advocacy Bureau (PPAB) uses investigation, litigation, and other advocacy to enforce laws protecting the Commonwealth. PPAB works towards meaningful economic recovery for Massachusetts by tackling the economic and mortgage foreclosure crisis with a multifaceted and aggressive strategy. PPAB protects consumers from unfair and deceptive activity, enforces state and federal civil rights laws, ensures access and equal opportunity for all residents, pursues complex insurance and finance cases on behalf of residents or government entities, and enforces state wage and hour laws. PPAB is supported by a team of skilled civil investigators.

Children’s Justice Unit

The Children’s Justice Unit (CJU)⁴ works to enhance protections and promote positive and

⁴ In March 2021, the Child and Youth Protection Unit became the Children’s Justice Unit (CJU).

equitable outcomes for vulnerable children and youth in Massachusetts. CJU uses legal, policy, and other tools available to the Attorney General's Office and often works with other AGO divisions and bureaus to offer a child-focused perspective on their matters.

Significant Achievements and Priorities for FY2020

Childcare Closures

CJU led the AGO's response to the closure of childcare programs as a result of the COVID-19 pandemic. Working with the Consumer Advocacy and Response Division (CARD), CJU addressed nearly one hundred complaints about pandemic-related childcare closures. CJU also published written guidance for families and childcare providers to assist them in dealing with contract issues and payment obligations and directed them to both state and federal resources. CJU also provided counsel to CARD on complaint responses and related follow-up including outreach to families and providers. In addition, CJU led a multistate letter, signed by 22 state attorneys general, urging the U.S. Senate to appropriate at least \$50 billion to address the childcare funding crisis, following on passage of the HEROES Act by the U.S. House of Representatives.

Important Statistics and Numbers

- *Affirmative cases: Massachusetts Department of Early Education and Care vs. Merle Gaskill*, 18-CV-2644G. In this case brought on behalf of the Department of Early Education and Care in FY19, the court granted CJU's motion for summary judgment and a permanent injunction against an unlicensed childcare provider in September 2019.
- *Community Engagement*: CJU assisted CRD with certain complaints related to children and youth, such as allegations of discrimination or harassment in school settings. CJU also received dozens of intakes per month through the constituent services email account. These intakes sought assistance with a range of topics, including Department of Children and Families cases, probate and family court matters, child support, bullying and harassment in schools, and pandemic-related childcare program and K-12 school closures.

Civil Investigations Division

The Civil Investigations Division (CID) employs trained staff who provide investigative support in civil matters for divisions both within PPAB and throughout the AGO. CID's investigators locate, and interview victims, witnesses, and subjects connected with actions taken by the office. They obtain and review documentary evidence from numerous sources including individuals, corporations, federal, state, county, and municipal agencies; conduct background investigations; analyze financial records and perform other forensic accounting functions; and testify in court.

Investigators often work closely with other states' Attorney General offices, local and state law enforcement agencies, the US Attorney's Office, and other federal law enforcement agencies.

Significant Achievements and Priorities for FY2020

Deceptive and Fraudulent Practices

CID supports multiple divisions across the office in investigating unscrupulous business practices against consumers by a range of actors including energy providers, healthcare providers, and service providers. Over the past year these cases have resulted in monetary penalties against many of these companies. CID played a significant role in the AGO's actions regarding the COVID-19 pandemic. This included assisting in multiple investigations into the fraudulent sale of personal protective equipment (PPE) products to the Commonwealth and the sale of defective PPE equipment. CID also assisted greatly in investigating housing and eviction issues related to the pandemic. CID worked closely with several other divisions in the office investigating fraudulent and unethical practices by major pharmaceutical companies including Purdue Pharma.

Civil Rights Violations

CID routinely assisted in investigations into the violations of people's civil rights including cases of housing discrimination, job and pay equity, and business practices.

Financial investigations

CID's Financial Investigator provided expert analysis and support to multiple divisions across the office with ability-to-pay and financial profile investigations. This included numerous COVID-related investigations.

Important Statistics and Numbers

- Cases opened: 188
- Cases closed: 218

Civil Rights Division

The Civil Rights Division (CRD) protects and advances the constitutional and statutory civil rights and liberties of residents and visitors to the Commonwealth. CRD works to remedy and end discrimination on the basis of race, national origin, immigration status, religion, gender, gender

identity, sexual orientation, age, and disability as well as other protected categories. CRD also ensures equal opportunity in areas such as education, housing, employment, healthcare, immigration, public accommodations, and voting.

Significant Achievements and Priorities for FY2020

Racial Justice

CRD prioritized cases and initiatives to advance racial justice. For example, CRD reached an innovative Memorandum of Understanding with the Museum of Fine Arts (MFA) in response to allegations of racial discrimination raised by teachers and students from the Helen Y. Davis Leadership Academy. This collaborative, forward-looking agreement sets forth commitments from the MFA that will build on their community engagement work, create new processes to work directly with the school and stakeholders, and invest \$500,000 to fund implementation.

COVID-19 Pandemic and Vulnerable Communities

In recognition of the disproportionate impact of the COVID-19 pandemic and economic crisis on Black and Latinx residents, immigrants, and individuals with disabilities, CRD focused on civil rights and related issues attendant to the pandemic. For example, by addressing individual complaints and monitoring the Housing Court docket, CRD in collaboration with the Consumer Protection Division stopped more than seventy evictions that were unlawful under the Massachusetts eviction moratorium or the federal CARES Act. CRD also published guidance for people with disabilities regarding reasonable accommodations that may be necessary in employment, housing, and public accommodations due to the pandemic, and mediated reasonable accommodations requests for employees, tenants, and consumers. With the Community Engagement Division, CRD also created and disseminated guidance and flyers on immigrants' rights and resources during the pandemic.

Federal Litigation and Advocacy

CRD, working closely with CJU and other divisions in the office, engaged in multiple federal litigation and advocacy efforts and facilitated the submission of multiple comment letters opposing proposed federal rules that sought to roll back civil rights protections and harm vulnerable communities in the areas of immigration, education, and healthcare. For example, CRD filed new lawsuits against a rule that makes it harder for schools to address sexual assault and harassment; the so-called "Public Charge" rule, which prevents immigrant residents from accessing benefits to which they are entitled; and a rule that would have allowed for the indefinite detention of undocumented immigrant children. CRD also continued to defend the contraceptive mandate in

the Affordable Care Act, the Title X family planning program, and Temporary Protected Status for thousands of Massachusetts's immigrant residents. In June 2020, CRD won a significant victory in the United States Supreme Court, which overturned the Trump Administration's rescission of the DACA program.

Financial Data

Amounts Recovered: \$1,001,112

Important Statistics and Numbers

- Case statistics:
 - 6 new lawsuits (federal)
 - 12 ongoing lawsuits at various stages (federal)
 - 2 new lawsuits (state)
- Complaints: CRD received a total of 1,644 online complaints.
- Community Engagement:
 - CRD participated in dozens of trainings and community events on topics such as housing discrimination, hate and bias incidents, and immigrants' rights. Audiences included community groups and advocates, police and prosecutors, bar association sections, and undergraduate and law students.

Consumer Advocacy and Response Division

The Consumer Advocacy and Response Division (CARD) provides individual assistance to consumers filing complaints with the AGO. The goal of consumer assistance is to help consumers resolve disputes with businesses in a manner that is fair and reasonable to all parties under the circumstances. Through March 2020, CARD staffed a public facing consumer information hotline. The consumer hotline was then transferred to the AGO's newly created Information Services Center. CARD conducts specific and targeted outreach across the Commonwealth to address high volume and high priority consumer issues. CARD also manages the Local Consumer Program grant supporting a network of eighteen consumer-focused agencies across the Commonwealth and frequently partners with other AGO divisions to investigate unlawful business practices identified through its consumer advocacy work.

Significant Achievements and Priorities for FY2020

Price-gouging Regulation-related Work

Following the passage of emergency price gouging regulations by the Consumer Protection

Division (CPD) in March of 2020, CARD immediately set to work responding to price-gouging complaints and notifying businesses of the new regulation. Within the first two months of the emergency regulation, CARD staff had notified more than fifty businesses in response to consumer complaints about high prices.

Travel Working Group

The onset of the COVID-19 public health emergency and related travel bans caused major disruption to consumer travel and vacation plans. CARD received over 3,080 complaints related to travel cancellations in the last four months of FY2020. CARD and CPD quickly formed a Travel Working Group to address these major sources of complaints. Although the work continued into FY2021, by the end of FY2020 CARD had already helped 327 consumers recover more than \$3.2 million for cancelled travel plans. Ultimately the biggest wins coming out of the Travel Working Group would include recovering more than \$9.1 million for 757 consumers whose trips with Overseas Adventure Travel were cancelled and recovering \$947,000 for 112 consumers whose trips were cancelled through Grand Circle Travel.

COVID-related Cancellations

Just as the public health emergency disrupted travel, it also disrupted family, entertainment, and sporting events. CARD received at least 712 consumer complaints about cancelled events and ticket refunds in the last four months of FY2020. By the close of FY2020, CARD had already helped eighty of these consumers recover \$152,000 for their cancelled events and tickets.

Financial Data

- Amounts Recovered: \$5.05M recovered for consumers through mediation
- Amounts Saved: \$1.5M saved for consumers through mediation
- Grants Given: \$1.29M awarded to Local Consumer Programs

Important Statistics and Numbers

- From July 2019 through mid-March 2020, CARD staffed the AGO's consumer hotline which received 34,383 calls during this period. The most common topics of calls during this period were:
 - auto-related complaints, including used car sales and repossessions (12% of calls)
 - telephone scams and robocalls (8% of calls)
 - landlord-tenant related complaints (7% of calls)

- retail related complaints (7% of calls)
- In FY2020, CARD received 21,574 consumer complaints. Notable sources of complaints included:
 - 3,301 complaints regarding travel and vacation services, including complaints about cancellations and refunds due to the COVID-19 public health emergency
 - 2,755 complaints for auto related issues
 - 1,541 calls regarding scams, including telephone scams and robocalls
 - 1,488 gym and health-club complaints
- In FY2020, 19 CARD staff members helped organize or participated in at least 18 different community engagement events. These events took place in 10 different communities across the Commonwealth.

Consumer Protection Division

The Consumer Protection Division (CPD) is responsible for combatting “unfair or deceptive acts or practices in the conduct of any trade or commerce,” as prohibited by the Consumer Protection Act, G. L. 93A. CPD enforces consumer protection through investigations and lawsuits, prioritizing cases that involve goods and services that are fundamental to the economic security of Massachusetts residents, such as housing, education, and transportation. CPD seeks to return funds to consumers that were unlawfully obtained by businesses, to end unlawful practices, to deter future misconduct through penalties, and to impose oversight on problematic businesses through injunctive relief.

Significant Achievements and Priorities for FY2020

Investigation into JUUL Labs, Inc.

Massachusetts was the first state to investigate the e-cigarette company, JUUL Labs, Inc., and on February 22, 2020, CPD sued JUUL for creating a youth vaping epidemic. This lawsuit made public internal JUUL documents obtained in CPD’s investigation revealing that JUUL deployed an advertising campaign inspired by sexually provocative images of young models and celebrities on websites such as Nickelodeon, Nick Jr., The Cartoon Network, and Seventeen Magazine.

Settlement with Portfolio Recovery Associates

On November 11, 2019, CPD obtained a \$4 million payment from Portfolio Recovery Associates, a company that purchases overdue credit card balances and other debts, for deceiving low-income, elderly, and disabled consumers who were not legally obligated to make any payments to the

company. As a result of this settlement, CPD was able to return millions of dollars to thousands of consumers who had been subject to Portfolio's unlawful conduct.

Refunds from EF Educational Tours

On May 21, 2020, CPD secured more than \$1.4 million dollars in refunds from EF Educational Tours for Massachusetts consumers. As a result of this settlement, EF made refunds to 4,200 Massachusetts families who had paid the company for school trips that were cancelled due to the COVID-19 pandemic.

Financial Data

- Payments to the Commonwealth: \$20,472,425*
- Restitution and refunds: \$5,950,000
- Mortgage principal cancellation obtained for homeowners: \$7,436,001.15
- Other (non-mortgage) debt cancellation or forgiveness obtained for consumers: \$2,3333,026.60

*The above totals include data security matters achieved with the Data Privacy and Security Unit prior to creation of the Data Privacy and Security Division (DPSD).

Important Statistics and Numbers

- Loan modification reviews for Massachusetts homeowners: 640

Data Privacy and Security Division⁵

In FY2020, the Data Privacy and Security Division (DPSD) operated as a unit within the CPD. DPSD's goals were to protect consumers from online threats and the unfair or deceptive collection, use, and disclosure of consumers' personal data; ensure that entities protect the security and integrity of Massachusetts residents' personal information; and promote equal and open access to the digital economy.

DPSD pursued these goals by investigating and enforcing violations of the Consumer Protection Act, Data Breach Notification Law (G.L. c. 93H), the Data Security Regulations (201 CMR 17.00), and related federal data protection laws. The unit protected consumers by responding to and ending unlawful practices, deterring future misconduct through civil penalties, and improving data

⁵ The Data Privacy and Security Division (DPSD) was launched in August 2020.

security practices through injunctive relief. DPSD also provided consultation on data security, privacy, and digital technology related matters within the office and other state agencies, and regularly engaged with the business community and public including presentations at numerous legal events and conferences about how to better protect consumers' personal information.

Significant Achievements and Priorities for FY2020

Commonwealth v. Equifax, Inc.

In 2020, DPSD resolved an enforcement action brought in 2017 against Equifax for its violations of the Massachusetts Consumer Protection Act and Data Protection Law in connection with its 2017 data breach, which compromised the personal information of approximately three million Massachusetts residents. Equifax made a payment of approximately \$18.225 million to the Commonwealth and agreed to take significant steps to strengthen its security practices and bring them into compliance with Massachusetts law.

Attorney General v. Facebook, Inc.

In January 2020, DPSD successfully obtained a court order compelling Facebook to comply with its investigation into the company's conduct in connection with the Cambridge Analytica data incident and is currently defending the order on appeal before the SJC.

In re CoPilot Data Breach

DPSD obtained an assurance of discontinuance under G.L. c. 93A from a healthcare administrative services and IT provider for its failure to promptly notify approximately 1,900 consumers that their personal information had been compromised in a data breach suffered by the company in December 2015. In addition to a \$120,000 payment, the assurance of discontinuance requires the company to improve its data breach reporting procedures and ensure its employees undergo annual training regarding its obligation to report data breaches.

Unemployment Assistance Identity Theft Scam

DPSD assisted various divisions within the office in responding to numerous and ongoing reports of fraudulent unemployment claims filed with the Department of Unemployment Assistance. These efforts included issuing a consumer advisory with guidelines for consumers to follow to report the fraud and protect themselves from future identity theft.

“Sextortion” Email Phishing Scam

DPSD issued an advisory to alert the public to a “sextortion” email phishing scam that threatens to send compromising information from personal computers to friends, family, and colleagues in exchange for a ransom.

Financial Data

- \$18.205 million in recoveries for the General Fund.
- \$225,000 was distributed to the Local Consumer Aid Fund.

Important Statistics and Numbers

In FY2020, DPSD received and processed approximately 1,775 data breach notices under G.L. c. 93H. These notices reported over 3,000 data breaches impacting the personal information of over 508,000 Massachusetts residents.

Fair Labor Division

The Attorney General’s Fair Labor Division (FLD) is the primary enforcer of wage and hour laws in Massachusetts. FLD vigorously enforces minimum wage, overtime, earned sick time, and other related laws so that workers are paid the wages they are due, and that employers compete on a level playing field. FLD is also responsible for ensuring that public construction projects are fairly bid on and awarded, and that employers engaged in public construction pay the prevailing wage to their workers.

Significant Achievements and Priorities for FY2020

Construction Site Field Team

FLD formed a multilingual Construction Site Field Team, based at the Central Massachusetts Regional office in Worcester. From this central location, the team conducted more than a dozen visits to construction sites before March 2020 when the COVID-19 pandemic forced a pause in site visits. The Team engaged workers and contractors and shared information about employers’ duties under state wage laws. In all, FLD contacted 97 company representatives and interviewed 168 workers about wage and hour law compliance. Five proactive investigations were opened due to information gathered at these site visits.

Lost Wage Recovery

Unsurprisingly, the abrupt closure of workplaces across the state left many workers without their final wages. Through quick, informal resolutions with employers, FLD recovered more than \$400,000 in wages for more than 600 employees in the immediate aftermath of the pandemic-caused economic collapse.

Health and Safety Task Force

FLD mobilized quickly to respond to an overwhelming number of calls from workers concerned about their safety at work by establishing a Health and Safety Task Force. The task force forged critical connections with local boards of health, the Department of Labor Standards, Occupational Safety and Health Administration, and the Department of Public Health, assisted well over 3,000 complainants in accessing information and resources, and followed up with employers. FLD staff also assisted callers with concerns about paid leave and unemployment benefits. In total, FLD responded to more than 15,000 constituents who reached out to the Attorney General's Office seeking assistance.

Child Labor

In FY2020, Fair Labor issued citations to thirty-seven separate employers for their failure to comply with child labor statutes. Penalties and other assessments for these violations totaled \$3,411,725 and include assessments against Chipotle Mexican Grill (\$1,801,075), Qdoba Restaurant Corporation (\$409,400), and Wendy's International (\$400,000). As in past years, the restaurant industry has been responsible for the highest percentage of child labor violations.

Important Statistics and Numbers

- Total Citations and Assessments: 942
- Total Restitution: \$6,652,612.23
- Total Penalties: \$5,687,342.54
- Number of Employees Impacted: 12,929
- Tax Liens Recorded for Unpaid Citations: 88
- Site Inspections (enforcement capacity): 36
- Compliance visits (non-enforcement capacity): 137
- Public Construction Bid Unit protest hearings Decisions: 23
- Online complaint forms: 6,154

- The Division presented at 123 external events and trainings including at clinics and on panels.

Insurance and Financial Services Division

The Insurance and Financial Services Division (IFSD) protects the interests of consumers, cities, towns, and the state in civil matters involving the insurance, securities, lending, and for-profit school industries. IFSD investigates unfair practices and the submission of false claims; advocates for the public interest in administrative insurance rate proceedings; litigates cases in state and federal court; and provides advocacy and guidance regarding policy matters relating to consumer financial issues. IFSD also provides mediation services to consumers relating to property and casualty and life insurance as well as annuities, investments, and student loans. Within IFSD, the Student Loan Assistance Unit specializes in student debt related issues.

Significant Achievements and Priorities for FY2020

Securities Enforcement

IFSD investigated numerous matters under G.L. c. 93A relating to securities and investments and recovered over \$50 million for the public. This included the results of an overcharge investigation against a major investment manager, a review of misleading statements by a bank engaging in LIBOR based derivative transactions, and an auto loan securitization case against a major lender and securitizer taking advantage of subprime Massachusetts borrowers.

For-Profit Schools and Student Debt

IFSD also brought more cases against for-profit schools that misled students, recovering over \$3.9 million in restitution and debt relief. The cases involved Premier Education Group, Baystate College, StartUp Institute, Jolie Academy, SpaTech Institute, and Lowell Academy. In addition, IFSD worked with student loan guarantors to ensure the return of improperly garnished and offset funds tied to federal student loan debt and obtained debt waivers totaling over \$1.5 million from private lenders that financed student attendance at ITT Technical Institute (ITT Tech). IFSD also continued its ongoing litigation against ITT Tech and obtained an \$80 million judgment against the New England Institute of Art for unfair and deceptive practices.

Small Business Assistance Unit

During the pandemic, IFSD created the Small Business Assistance Unit (SBAU) to help small

employers and their workers during the government ordered lock-down. The unit provided mediation and informational services, assisting over 100 small businesses with issues ranging from Rent Abatement to Insurance Coverage. The SBAU also assisted small businesses in obtaining federal loans and grants and helped them to identify other programs that could provide relief. Finally, this unit engaged in a variety of advocacy projects including drafting a multistate letter to Congress on proposed changes to the federal Paycheck Protection Program, submitting numerous regulatory comments to the federal Small Business Administration, working with insurers to make changes to the workers compensation insurance system, investigating the availability of business interruption coverage, and advocating for commercial insurance rate rollbacks. Finally, the SBAU designed a webpage and related resources to help small businesses navigate pandemic-related issues that were circulated to various small business organizations.

Financial Data

- Amounts Recovered: \$57.33 million
 - Restitution: \$53 million
 - Other Recoveries: \$4.33 million
- Amounts Saved: \$9.2 million

Important Statistics and Numbers

- Affirmative cases brought/indicted, tried/argued, resolved: 16
- Hotline Calls Received:
 - Insurance and investment inquiries: 2,792
 - Student lending inquiries: 1,619
 - Settlement inquiries: 5,109
- IFSD received 1,749 complaint forms about issues including student loans; auto, home, life, and travel insurance; annuities and investment accounts; and force-placed insurance and related mortgage escrow issues.
- The Insurance and Financial Services Mediation Program and Student Loan Assistance Unit generated \$884,591.85 in savings and recovered \$499,404.69 for complainants.