

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

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SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 12-0008

IN THE MATTER

OF

GUY W. GLODIS

ORDER TO SHOW CAUSE

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

2. On December 16, 2011, the Commission (a) found reasonable cause to believe that Guy W. Glodis violated G.L. c. 268A, §§ 23(b)(2) and 23(b)(3), and (b) authorized the initiation of adjudicatory proceedings.

FACTS

3. Glodis was, during the relevant time, Sheriff of Worcester County. As such, Glodis was a state employee as that term is defined in G.L. c. 268A, § 1(q).

4. As the Worcester County Sheriff, Glodis was responsible for running the Worcester County Jail ("WCJ").

5. The WCJ has a work release program, which is a formal arrangement whereby an inmate is permitted to maintain approved and regular employment in the community, while returning to the custody of the WCJ during non-working hours.

6. In order to be eligible for work release, the WCJ's written policies require that the inmate have "[n]o warrants or cases pending before any courts."

7. Before an inmate can be eligible for work release, he must have an intake interview, a classification hearing and a recommendation from the classification board that he be placed on work release. Ordinarily, this process takes at least several days.

8. On or about October 22, 2009, a certain individual (the "Inmate") was sentenced to a four-month term of incarceration at the WCJ for larceny.

9. As of October 2009, the Inmate's employer was David Massad ("Massad").

10. Massad is a prominent businessman with significant business interests in Worcester and throughout the Commonwealth.

11. As of October 2009, Massad was a friend and campaign supporter of Glodis.

12. On October 28, 2009, the day prior to the Inmate's incarceration at the WCJ, Massad telephoned Glodis and asked if the Inmate could be placed on work release because the Inmate was overseeing a \$600,000-\$800,000 construction project for Massad.

13. Glodis replied that he would have someone call Massad if the Inmate could be placed on work release.

14. The next day, Massad received a call from a WCJ employee who stated that the Inmate could be placed on work release, but that Massad would have to be responsible for the Inmate, picking him up at 6:00 a.m. and returning him to the WCJ by 6:00 p.m.

15. The Inmate was incarcerated at the WCJ on October 29, 2009.

16. Between October 29, 2009, and October 30, 2009, the Inmate obtained an intake interview, a classification hearing and a classification board recommendation that the Inmate be placed on work release.

17. According to several WCJ employees, the Inmate's approval for work release was expedited by the "front office."

18. As of October 30, 2009, the Inmate had a pending court case, which made him ineligible for work release pursuant to the above-described WCJ work release policy.

19. Nevertheless, at 3:46 p.m. on Friday, October 30, 2009, the Inmate was discharged from the WCJ on work release.

20. The Inmate was released on work release each Monday through Saturday during the period from October 30, 2009, to December 19, 2009. While on work release, the Inmate oversaw Massad's construction project, for which he was paid approximately \$600 to \$700/week.

21. On or about October 28, 2009, Glodis explicitly directed one or more of his WCJ subordinates to place the Inmate on work release. Alternatively, Glodis implicitly directed one or more of his subordinates to place the Inmate on work release by relaying Massad's request, while Glodis knew or had reason to know that under all of the circumstances, his subordinates would give that request preferential treatment.

22. Even if he did not intend to have his subordinates give the Inmate preferential treatment, Glodis, relayed Massad's request to Glodis' subordinates, while knowing or with reason to know that under all of the circumstances those subordinates would likely give that request preferential treatment. Glodis then failed to take effective,

affirmative action as sheriff to prevent that request from receiving preferential treatment.

LAW

Section 23(b)(2)(ii)

23. Section 23(b)(2)(ii) of G.L. c. 268A prohibits a state employee from, knowingly, or with reason to know, using or attempting to use his official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals.

24. Being placed on work release is a privilege.

25. The privilege was unwarranted because the Inmate was not eligible for work release under the terms of the WCJ work release policy due to his pending court case.

26. The Commission has established a \$50.00 threshold to determine "substantial value." 930 CMR 5.05. This privilege was of substantial value for several reasons, including, but not limited to the following: (1) work release enabled the Inmate to work on the \$600,000-\$800,000 construction project and be paid approximately \$600 to \$700/week; (2) an inmate could reasonably be expected to pay \$50.00 or more to get out of jail on work release and (3) as to Massad, it provided him with a project overseer whose services were worth more than \$50.

27. This privilege was not properly available to similarly situated individuals, such as other inmates with pending court cases or business owners with incarcerated employees who had pending court cases.

28. Glodis knew or had reason to know that his subordinates would comply

with his explicit directive to place the Inmate on work release. Glodis also knew or had reason to know that his subordinates would give special consideration to his directive by overlooking eligibility requirements. Consequently, Glodis used his official position to secure this unwarranted privilege for Massad and/or the Inmate.

29. Alternatively, Glodis implicitly directed one or more of his subordinates to place the Inmate on work release by relaying Massad's request to Glodis' WCJ subordinates, while Glodis knew or had reason to know that his subordinates would give that request preferential treatment. Consequently, Glodis used his official position to secure this unwarranted privilege for Massad and/or the Inmate.

30. Even if he did not intend to have his subordinates give the Inmate preferential treatment, Glodis relayed Massad's request to Glodis' WCJ subordinates, while knowing or having reason to know that those subordinates would be likely to give that request preferential treatment. Glodis then failed to take effective, affirmative action as sheriff to prevent that request from receiving preferential treatment. Consequently, Glodis used his official position to secure this unwarranted privilege for Massad and/or the Inmate.

31. Thus, by using his official position as the Worcester County Sheriff to directly or indirectly cause the ineligible Inmate to be placed on work release, or by failing to take effective affirmative action to prevent that result, Glodis, knowingly or with reason to know, used his official position to obtain for the Inmate and/or Massad an unwarranted privilege of substantial value not properly available to other similarly situated individuals, in violation of § 23(b)(2)(ii).

Section 23(b)(3)

32. Section 23(b)(3) prohibits a state employee from knowingly, or with reason to know, acting in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.

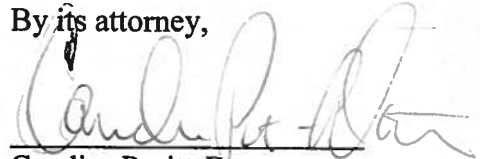
33. By acting officially as the Worcester County Sheriff regarding a request from Massad, his friend and campaign contributor, to have the Inmate, Massad's employee, placed on work release so that the Inmate could continue to supervise Massad's construction project, and by failing to take affirmative steps as sheriff to prevent the ineligible Inmate from being placed on work release, Glodis knowingly or with reason to know acted in a manner that would cause a reasonable person knowing all of the facts to conclude that the Inmate and/or Massad can improperly influence or unduly enjoy Glodis' favor in the performance of his official duties or that Glodis is likely to act or fail to act as a result of rank, position or undue influence of any party or person. Therefore, Glodis violated § 23(b)(3).

WHEREFORE, Petitioner asks that the Commission:

1. find that Guy Glodis violated G.L. c. 268A, §§ 23(b)(2)(ii) and 23(b)(3) by causing the release of an inmate as described above; and
2. levy such fines, issue such orders and grant such other relief as may be appropriate.

Respectfully Submitted,

Petitioner State Ethics Commission
By its attorney,



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