

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 15-0007

IN THE MATTER

OF

LORI NELSON

ORDER TO SHOW CAUSE

1. The State Ethics Commission is authorized to enforce G.L. c. 268B, the Financial Disclosure Law, and in that regard to initiate and conduct adjudicatory proceedings.
2. On September 16, 2015, the Commission found reasonable cause to believe that Lori Nelson violated G.L. c. 268B, § 5 and authorized the initiation of adjudicatory proceedings.
3. Nelson, a resident of Dorchester, served as the Massachusetts Department of Transportation-Massachusetts Bay Transportation Authority (MassDOT-MBTA) Deputy Chief of Staff for more than thirty days in 2014. Nelson is no longer serving as the MassDOT-MBTA Deputy Chief of Staff.
4. While she served as the MassDOT-MBTA Deputy Chief of Staff, Nelson was a state employee as that term is defined in G.L. c. 268A, § 1.
5. In accordance with G.L. c. 268B and 930 CMR 2.00, Nelson's position was designated as a "major policy making position" for calendar year 2014. The

definition of a major policy making position includes the head of a division, bureau or other Major Administrative Unit within a governmental body. *See* 930 CMR 2.02 (d). Massachusetts law, specifically, General Laws chapter 268B, requires that an individual holding a major policy making position in a state agency must file a Statement of Financial Interests (“SFI”) with the Commission if they served for more than 30 days in that calendar year.

6. Having served as the MassDOT-MBTA Deputy Chief of Staff for more than 30 days in 2014, Nelson was required to file an SFI for calendar year 2014 in accordance with G.L. c. 268B and 930 CMR 2.00.

7. Nelson’s SFI for 2014 was required to be filed by May 1, 2015, in accordance with G.L. c. 268B.

8. Nelson did not file an SFI on or before May 1, 2015, as required. On May 11, 2015, the Commission sent by first class mail a Formal Notice of Lateness (“Notice”) to Nelson. The Notice advised Nelson that her SFI had not been filed and was, therefore, delinquent. The Notice further advised Nelson that if she failed to file her 2014 SFI within 10 days of receipt of the Notice, the Commission would impose civil penalties.

9. The Commission allows three days for receipt of the Notice if sent by first class mail. Nelson was informed in the Notice that she would not incur a civil penalty if she filed her SFI by May 26, 2015.

10. To date, Nelson has not filed her 2014 SFI with the Commission.

11. Because Nelson failed to timely file her 2014 SFI after receiving the Notice, she violated G.L. c. 268B, § 5.

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

1-10 days late	\$100
11-20 days late	\$200
21-30 days late	\$300
31-40 days late	\$400
41-50 days late	\$500
51-60 days late	\$600
61-70 days late	\$700
71-80 days late	\$800
81-90 days late	\$900
91-100 days late	\$1,000
101- 110 days late	\$1,100
111-120 days late	\$1,200
121 days to the day before an Order to Show Cause is issued	\$1,250
The date an Order to Show Cause is issued to the day before a Decision and Order is issued by the Commission	\$2,500
The date a Decision and Order is issued by the Commission	Up to \$10,000

13. Based on the Commission's fine schedule, Nelson is subject to a fine of \$2,500 from the date an Order to Show Cause is issued to the day before a Decision and Order is issued by the Commission. The fine can increase up to \$10,000 the date a Decision and Order is issued by the Commission.

WHEREFORE, Petitioner asks that the Commission:

- a) find that Lori Nelson violated G.L. c. 268B, § 5 by failing to file her 2014 SFI within ten (10) days of receiving the Formal Notice of Lateness; and

- b) impose a civil penalty pursuant to G.L. c. 268B, § 4(j) and the Commission's civil penalty schedule.

Respectfully submitted,
Petitioner State Ethics Commission
By its attorney,



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