

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATOR
DOCKET NO. 20-0008

RECEIVED
STATE ETHICS COMMISSION
20 SEP 16 PM 1:22

IN THE MATTER

OF

CHARLES CARROLL

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 19, 2019, the Commission (1) found reasonable cause to believe that Charles Carroll ("Carroll") violated G.L. c. 268A, § 19, and (2) authorized the initiation of adjudicatory proceedings.

FACTS

3. Carroll, a resident of Templeton, was at all relevant times a member of the Town of Templeton ("Town") Planning Board.

4. At all relevant times, Carroll's father owned a single-family house on Patriots Road in Templeton.

5. At all relevant times, Carroll's father's single-family house on Patriots Road was located in a residential zone.

6. At a Planning Board ("Board") meeting on July 11, 2017, the Board discussed proposing to Town Meeting warrant articles rezoning certain areas of Town, including an area of Patriots Road/Route 2A.

7. At the July 11, 2017 Planning Board meeting, the Board proposed rezoning properties, including Carroll's father's property, in the area of Patriots Road/Route 2A from residential zoning to commercial or highway business zoning. Thus, the zoning change would have affected the uses allowed of Carroll's father's property.

8. At all relevant times, Carroll knew that the properties proposed for rezoning in the area of Patriots Road/Route 2A included his father's Patriots Road property.

9. During the July 11, 2017, Carroll stated that he supported the proposed rezoning of properties in the area of Patriots Road/Route 2A, and that he supported more commercial zoning in Town.

10. The proposed rezoning warrant article was put on the agenda for the Town Meeting held on November 14, 2017, but the rezoning warrant article did not pass.

11. The following year, on November 13, 2018, the Planning Board held a public meeting to discuss submitting a warrant article to the spring 2019 Town Meeting rezoning the same area of Patriots Road/Route 2A, including Carroll's father's Patriots Road property.

12. At the November 13, 2018 Planning Board meeting, Carroll stated that he supported the proposal to rezone the properties.

13. During the November 13, 2018 Planning Board meeting, the Board Chair read aloud from a Town resident's letter to the Board that questioned certain Board members, and/or their family members, including Carroll, owning property in the areas to be rezoned.

14. Also, during the November 13, 2018 Planning Board meeting, a different resident questioned the Board's repeated attempts to rezone areas where certain members of the Board, and/or their family members, owned property.

15. After many Patriots Road/Route 2A-area residents expressed their opposition to rezoning at the November 13, 2018 Board meeting, the Planning Board voted to schedule a public hearing on rezoning a different area in Town.

LAW

16. Carroll, as a member of the Planning Board, is a municipal employee as that term is defined in G.L. c. 268A, § 1(g).

17. General Laws chapter 268A, § 19 prohibits a municipal employee from participating as such an employee in a particular matter in which, to his knowledge, he or an immediate family member has a financial interest.

18. Carroll's father is his immediate family member.

19. The decisions by the Planning Board whether to submit Town Meeting warrant articles rezoning portions of Patriots Road/Route 2A in 2017 and 2018 were particular matters in which Carroll's immediate family member, to his knowledge, had a financial interest as the zoning change would have affected uses allowed of Carroll's father's property.

20. Carroll participated as a Planning Board member in the decisions whether to submit Town Meeting warrant articles by, among other actions, (1) stating that he supported the proposal at the July 11, 2017 Planning Board meeting; (2) stating that he supported the proposal at the November 13, 2018 Planning Board meeting; and (3) voting

in favor of proceeding with rezoning a different area of Town, and not as to the Patriots Road/Route 2A area, at the November 13, 2018 Planning Board meeting.

21. By participating as a Planning Board member in a particular matter in which to his knowledge his immediate family member had a financial interest, Carroll violated G.L. c. 268A, § 19.

WHEREFORE, Petitioner asks that the Commission:

1. Find that Carroll violated G.L. c. 268A, § 19; and
2. Levy such civil penalties, issue such orders, and grant such other relief as may be appropriate.

Respectfully submitted,

Petitioner State Ethics Commission
By its attorney,

Victoria Giuliano, MB

Victoria Giuliano
Assistant Enforcement Counsel
State Ethics Commission
One Ashburton Place, Room 619
Boston, MA 02108
(617) 371-9500
BBO# 694487
Victoria.giuliano2@mass.gov

Date:

9/16/20