

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 23-0006

IN THE MATTER

OF

DAVID A. ROSE

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 April 18, 2023, the Commission found reasonable cause to believe that David A. Rose ("Rose") violated G.L. c. 268B, § 5, and authorized the initiation of adjudicatory proceedings.

FACTS

3. Rose served as Area Director of Massachusetts Rehabilitation Commission Cape & Islands/Plymouth ("Mass Rehab Cape & Islands") for more than thirty days in 2021. Rose is no longer employed at Mass Rehab Cape & Islands.

4. In accordance with G.L. c. 268B and 930 CMR 2.00, Rose's position was designated as a "major policymaking position" for calendar year 2021.

5. General Laws chapter 268B, § 1, defines a "public employee" as an individual holding a major policymaking position in a state agency.

6. General Laws chapter 268B, § 5(c) requires such public employee to file a Statement of Financial Interests ("SFI") with the Commission if they have served for thirty or more days in that calendar year.

7. As the Area Director of Mass Rehab Cape & Islands, Rose was a public employee as defined in G.L. c. 268B, § 1.

8. Having served as Area Director of Mass Rehab Cape & Islands for thirty or more days in 2021, Rose was required to file an SFI for calendar year 2021 in accordance with G.L. c. 268B and 930 CMR 2.00.

9. In accordance with G.L. c. 268B, § 5(c), Rose was required to file his 2021 SFI on or before May 2, 2022.

10. Rose did not file his 2021 SFI on or before May 2, 2022.

11. On June 7, 2022, the Commission sent a written Formal Notice of Lateness ("Notice") to Rose by First Class Mail at his last known home address. The Notice advised Rose that (1) his SFI had not been filed and was, therefore, delinquent; (2) if he failed to file his 2021 SFI within 10 days receipt of the Notice, the Commission would impose civil penalties; and (3) he would not incur civil penalties if he filed his SFI on or before June 20, 2022 (the "grace period"). The Notice included the Civil Penalty Schedule set forth below in paragraph 14, detailing the penalties for failure to timely file an SFI.

12. To date, Rose has not filed a 2021 SFI.

13. By failing to timely file a 2021 SFI after receiving the Notice, Rose violated G.L. c. 268B, § 5.

14. General Laws chapter 268B, § 4 authorizes the Commission to impose a civil penalty of up to \$10,000 for each violation of chapter 268B. The Commission has

adopted the following civil penalty schedule for SFIs filed more than 10 days after receipt of the Notice.

Civil Penalty Schedule

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

15. Based on the above schedule, Rose is subject as of the date of the issuance of this Order to Show Cause to a \$2,500 civil penalty and will be subject to a civil penalty of up to \$10,000 should he fail to file his 2021 SFI prior to the Commission's issuance of a Decision and Order in this matter.

WHEREFORE, Petitioner asks that the Commission:

- a) find that David A. Rose violated G.L. c. 268B, § 5 by failing to file his 2021 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 attorneys,

/s/Candies Pruitt

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