

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 26-0003

IN THE MATTER

OF

DAVID BARTLEY

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 March 20, 2025, the Commission initiated a preliminary inquiry, pursuant to G.L. c. 268B, § 4(a), into possible violations of the conflict of interest law, G.L. c. 268A, by David Bartley (“Bartley”).
3. On July 31, 2025, the Commission found reasonable cause to believe that Bartley violated G.L. c. 268A, §§ 17 and 28 and authorized the initiation of an adjudicatory proceeding.

**BARTLEY REPEATEDLY FAILED TO COMPLETE CONFLICT OF
INTEREST LAW TRAINING AS REQUIRED BY LAW**

FACTS

4. David Bartley was an elected City Councilor for Ward 3 in the City of Holyoke (“City” or “Holyoke”) from 2012 through 2025.
5. Bartley is also an attorney admitted to practice law in Massachusetts.
6. Bartley did not, while a Holyoke City Councilor, complete the Commission’s

online conflict of interest law training until July 22, 2025.

7. The Commission's online conflict of interest law training was available on the Commission's website at all times here relevant.

LAW

G.L. c. 268A, § 28

8. As a Holyoke City Councilor, Bartley was, from 2012 through 2025, a municipal employee pursuant to G.L. c. 268A, § 1(f) - (g).

9. Section 28 of the conflict of interest law requires every municipal employee to complete the online conflict of interest law training program published by the Commission on its website within 30 days after becoming such an employee and every two years thereafter.

10. Accordingly, by failing, while a Holyoke City Councilor, to complete the Commission's online conflict of interest law training until July 22, 2025, Bartley repeatedly violated section 28 of the conflict of interest law.

BARTLEY ACTED AS AGENT OR ATTORNEY FOR PERSONS OTHER THAN THE CITY IN MATTERS WHERE THE CITY WAS A PARTY OR HAD A DIRECT AND SUBSTANTIAL INTEREST

FACTS

Property A

11. Property A is real estate located in Holyoke.

12. In or around 2023, Bartley represented the heirs to the late owner's estate with respect to Property A.

13. In or around 2023, a petition by the City to enforce State Sanitary Code

compliance at Property A was a matter before the Housing Court, Western Division, Hampden County.

14. The City has a direct and substantial interest in violations of the State Sanitary Code as such violations affect the health and safety of City residents and the value of property within the City.

15. While Bartley did not appear in Housing Court on behalf of the heirs to Property A, he engaged with the City's attorney with respect to Property A, including with respect to a continuance of the matter filed by the City concerning the State Sanitary Code violations at Property A.

16. Property A sold in or around late 2023 or early 2024.

17. The sellers paid Bartley upon the sale of Property A.

18. The sellers paid Bartley more than \$700 for his representation of them in this matter.

Property B

19. Property B is real estate located in Holyoke.

20. Bartley represented the owner of Property B.

21. The City referred Property B to the Massachusetts Attorney General's Office ("AGO") in late 2023 or early 2024.

22. The referral concerned State Sanitary Code violations at Property B.

23. On January 23, 2024, the AGO issued a demand letter to the owner of Property B.

24. The demand letter stated, *inter alia*, that "[t]he City of Holyoke has referred the property to [the AGO's] Neighborhood Renewal Division.... [because it] was condemned

by the City of Holyoke....”

25. Bartley responded to the AGO’s demand letter on behalf of his client, the owner of Property B.

Property C

26. Property C is real estate located in Holyoke.

27. In September 2019, the City sold Property C to a private buyer for \$40,000.

28. The sale included a “reverter” clause.

29. The reverter clause provided that if the property was not developed within five years, the City could take the property back.

30. The City had a direct and substantial interest in the reverter clause as it was a mechanism for the City to encourage certain real estate development within the City.

31. At some point prior to February 7, 2024, the owner of Property C retained Bartley as counsel to sell the property.

32. On February 14, 2024, Bartley opined on a prospective buyer’s counsel’s plan to share a proposed purchase and sale agreement with the City’s attorney in connection with a request for a waiver of the reverter clause.

33. In the same communication, Bartley advised the same counsel to call the City Councilor of the Ward where Property C was located who was, in Bartley’s words, “a great person” who was “willing to listen.”

34. On February 20, 2024, Bartley told the same counsel how he could get a letter requesting waiver of the reverter clause in front of the City Council as a “late filed communication.”

Property D

35. Property D is real estate located in Holyoke.
36. From around September 2024 until February 1, 2025, Bartley represented the heirs to the deceased owner of Property D.
37. As the heirs' attorney, Bartley emailed City employees, including a City attorney, concerning the condition of Property D in relation to violations of the State Sanitary Code.

LAW

G.L. c. 268A, § 17(a)

38. Section 17(a) of the conflict of interest law prohibits a municipal employee from, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receiving or requesting compensation from anyone other than the city or town or municipal agency in relation to any particular matter in which the same city or town is a party or has a direct and substantial interest.
39. The conflict of interest law defines a "particular matter" to include "any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, . . . decision, determination, [or] finding."
40. Compensation is any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or another. G.L. c. 268A, § 1(a).
41. Bartley received compensation from his private clients in connection with his work related to Property A, which led to its eventual sale.

42. Bartley's work related to Property A included his engagement with the City attorney with respect to a continuance of the matter filed by the City concerning the State Sanitary Code violations at Property A.

43. Therefore, Bartley received this compensation in relation to a particular matter – the judicial proceeding in the Housing Court –in which the City was a party and/or had a direct and substantial interest.

44. Bartley's receipt of this private compensation was not as provided by law for the proper discharge of his official duties as a City Councilor.

45. Accordingly, by, otherwise than as provided by law for the proper discharge of official duties, receiving compensation from his private clients in relation to the judicial proceeding at the Housing Court involving Property A, a particular matter in which the City was a party and/or had a direct and substantial interest, Bartley violated section 17(a) of the conflict of interest law.

G.L. c. 268A, § 17(c)

46. Section 17(c) of G.L. c. 268A prohibits a municipal employee from, otherwise than in the proper discharge of his official duties, acting as agent or attorney for anyone in prosecuting any claim against the same city or town or in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest.

47. The City had a direct and substantial interest in and/or was a party to a judicial proceeding with respect to Property A.

48. Bartley acted as agent or attorney for a private party or parties with respect to this

particular matter relating to Property A by engaging with the City's attorney with respect to a continuance of the matter filed by the City concerning the State Sanitary Code violations at Property A.

49. Bartley's actions with respect to this Property A-related particular matter were not in the proper discharge of his official duties as City Councilor.

50. The City had a direct and substantial interest in the findings of State Sanitary Code violations for Property B.

51. Bartley acted as agent or attorney for a private party or parties with respect to this Property B-related particular matter by responding to the AGO's letter concerning the State Sanitary Code violations.

52. Bartley's actions with respect to this Property B-related particular matter were not in the proper discharge of his official duties as City Councilor.

53. The City had a direct and substantial interest in its decision to include and/or the controversy over the reverter clause with respect to Property C.

54. Bartley acted as agent or attorney for a private party or parties in connection with this Property C-related particular matter by advising the prospective buyer's counsel, including concerning the reverter clause.

55. Bartley's actions with respect to this Property C-related particular matter were not in the proper discharge of his official duties as City Councilor.

56. The City had a direct and substantial interest in the findings of State Sanitary Code violations for Property D.

57. Bartley acted as agent or attorney for a private party or parties in connection with

this Property D-related particular matter by emailing City employees concerning the condition of the property as it related to the findings of State Sanitary Code violations.

58. Bartley's actions with respect to this Property D-related particular matter were not in the proper discharge of his official duties as City Councilor.

59. Therefore, by as described above, otherwise than in the proper discharge of his official City Councilor duties, acting as agent or attorney for private parties in connection with particular matters involving Properties A, B, C, & D in which the City was party or had a direct and substantial interest, Bartley repeatedly violated section 17(c) of the conflict of interest law.

WHEREFORE, Petitioner asks that the Commission:

1. find that Bartley violated G.L. c. 268A, §§ 17(a), 17(c) and 28 as set forth 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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