

COMMONWEALTH OF MASSACHUSETTS  
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY  
DOCKET NO. 25-0005

IN THE MATTER

OF

DAVID VIGEANT

**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 February 24, 2025, the Commission found reasonable cause to believe that David Vigeant (“Vigeant”) violated G.L. c. 268A, § 23(b)(2)(ii).

Facts

3. Since November 2020 and at all relevant times, Vigeant was Superintendent of the Town of Townsend (“Town”) Water Department (“Water Department”).

4. In 2021, the Water Department decided to construct a new water treatment plant and water main extension after perfluoroalkyl and polyfluoroalkyl substances levels in the Town’s largest source of drinking water were found to exceed maximum allowable contaminant level.

5. The water main extension entailed the construction of a water main and several thousand feet of raw water transmission pipes to convey water from various

locations to the site of the future water treatment plant ("Water Main Project").

6. The Water Department hired a private firm to provide engineering services ("Town Engineer"), including plan drawings and specifications, among other services, to enable the Water Department to put the Water Main Project out to bid.

7. The Town Engineer provided Vigeant with 90% complete plan drawings for the Water Main Project on January 27, 2023, for his official use as Water Department Superintendent in putting the Project out to bid.

8. Vigeant immediately forwarded the plan drawings by email to Gary Shepherd ("Shepherd") who operated several businesses in the Town, including serving as president, treasurer, secretary, and director of Shepco, Inc. ("Shepco") and Overall Directional Drilling, Inc. ("Overall"). Shepard was also the Town Fire Chief.

9. Vigeant sent the email to Shepherd's private Shepco email account with a note, "Here is [sic] the updated water lines that will be going out to bid in 3 weeks."

10. Shepco was a prospective bidder on the Water Main Project.

11. Overall provides horizontal directional drilling services, which is an alternative to trenching, for the installation of pipes and conduits.

12. Vigeant did not forward the 90% complete plan drawings for the Water Main Project to any other prospective bidder.

13. On February 2, 2023, Vigeant sent an email with a copy of the final plan drawings for the Water Main Project to an Overall employee.

14. The final Water Main Project plan drawings showed the locations where all of the horizontal directional drilling would occur, which were not shown on earlier

Water Main Project plan drawings.

15. Vigeant did not forward the final plan drawings for the Water Main Project to any employee of any other prospective bidder.

16. The Water Main Project was available for bid from March 1, 2023, through March 30, 2023.

17. Vigeant received Shepherd's signed bid of \$4,756,421.71 on behalf of Shepco for the Water Main Project on March 30, 2023.

18. The Water Department received four bids total on the Water Main Project, which were opened on March 30, 2023.

19. Shepco's bid was approximately \$600,000 less than the next highest bid.

20. On May 3, 2023, the Town, through the Water Department, awarded the Water Main Project contract ("Water Main Contract") to Shepco for \$4,756,421.71.

21. Shepherd signed the Water Main Contract on behalf of Shepco on May 24, 2023.

#### Law

22. Section 23(b)(2)(ii) prohibits a municipal employee from knowingly or with reason to know, using or attempting to use his official position to secure an unwarranted privilege of substantial value not properly available to similarly situated individuals.

23. The Town Water Department is a municipal agency as that term is defined under G.L. c. 268A, § 1(f).

24. As Water Department Superintendent, Vigeant was a municipal employee

as defined under G.L. c. 268A, § 1(g).

25. Being provided nearly final plan drawings by Vigeant outside of the Water Main Project competitive bid process was an unwarranted privilege.

26. Being provided final plan drawings by Vigeant outside of the Water Main Project competitive bid process was an unwarranted privilege.

27. The unwarranted privileges of being provided nearly final and final plan drawings outside of the competitive bid process were of substantial value.

28. Vigeant knowingly used his official position as Water Department Superintendent to provide these unwarranted privileges to Shepherd and his businesses Shepco and Overall.

29. The unwarranted privileges of receiving nearly final and final plan drawings outside of the Water Main Project competitive bid process were not properly available to the other three bidders.

30. Therefore, by using his official position as Town Water Superintendent to provide Shepherd and his businesses with advance access to nearly final and final plan drawings outside of the competitive bid process, Vigeant knowingly, or with reason to know, used his official position to secure for Shepherd unwarranted privileges of substantial value that were not properly available to similarly situated individuals. In so doing, Vigeant repeatedly violated § 23(b)(2)(ii).

WHEREFORE, Petitioner asks that the Commission:

1. find that David Vigeant repeatedly violated G.L. c. 268A, § 23(b)(2)(ii); and
2. levy such civil penalties and issue such orders and

grant such other relief as may be appropriate.

Respectfully submitted,  
Petitioner State Ethics Commission

By its attorney,

A handwritten signature in black ink, appearing to read "Candies Pruitt", is written over a horizontal line.

Candies Pruitt, Staff Counsel  
State Ethics Commission  
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Dated: June 18, 2025

