

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY

DOCKET NO. 19-0005

IN THE MATTER

OF

HELEN DONOHUE

ORDER TO SHOW CAUSE

RECEIVED
STATE ETHICS COMMISSION
2019 JUN 17 AM 11:03

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 20, 2018, the Commission found reasonable cause to believe that Helen Donohue ("Donohue") violated G.L. c. 268A, § 23, and authorized the initiation of adjudicatory proceedings.

FACTS

3. Donohue, a resident of Norwood, was at all relevant times a member of the Town of Norwood Board of Selectman ("BOS").

4. 1223 Washington Street, an empty lot in Norwood, is and was at all relevant times owned by the Olga A. Abdullah Trust.

5. Donahue's three adult daughters are and were at all relevant times the only beneficiaries of the Olga A. Abdullah Trust.

6. At all relevant times, Donohue wanted to sell 1223 Washington Street.

7. 1223 Washington Street is less than 300 feet from Eysie Plaza, a strip mall located at 1237-1243 Washington Street in Norwood.

8. Eysie Plaza consists of a building containing a laundromat, a convenience store and a restaurant called Mina's Café, and a parking lot. Eysie Plaza is located partly on land zoned for business use and partly on land zoned for residential use.

9. Eysie Plaza is and was at all relevant times owned by Paul Eysie ("Eysie").

Relationship Between Eysie and Donohue

10. At all relevant times, Donohue believed that Eysie wanted to purchase 1223 Washington Street for less than a fair price. Donohue also believed that Eysie thwarted her attempts to sell the property by discouraging other potential buyers.

11. In or about 2006, Eysie purchased the site of a former paper company in Norwood, directly across the street from Donohue's residence. Donohue and/or her immediate family members also own a number of other properties nearby.

12. In or about 2006, Eysie received \$835,000 from a federal grant through a state housing rehabilitation program to develop the former paper company building into six studio apartments. The grant required the units to be designated as affordable housing for fifteen years. The project was completed as proposed by 2009.

13. Donohue opposed Eysie's project.

14. At least since 2006 and continuing at all relevant times, animosity has existed between Donohue and Eysie.

Donohue's Participation Regarding Eysie Plaza

15. Prior to June 14, 2016, Mina's Café, applied to the BOS for a wine and malt beverage license.

16. On June 14, 2016, the BOS considered Mina's Café's application for a wine and malt beverage license. At that BOS meeting, Donohue, as a selectman, discussed and cast the sole vote against the application.

17. On September 20, 2016, Eysie appeared before the BOS and requested that a warrant be placed before the upcoming Special Town Meeting to re-zone as business the entire property on which Eysie Plaza is located. At that BOS meeting, Donohue, as a selectman, discussed and cast the sole vote against Eysie's request.

18. During the September 20, 2016, BOS meeting, Ms. Donohue questioned whether another selectman had the appearance of a conflict of interest. She stated that, under the conflict of interest law, one does not need an actual conflict, but that an appearance of a conflict may be an issue.

19. Prior to February 21, 2017, Mina's Café submitted a request to the BOS to for an entertainment license.

20. Donohue submitted a letter to the BOS dated February 21, 2017. In the letter, Donohue asked that the BOS deny the entertainment license for Mina's Café. Donohue signed the letter using her selectman title.

21. At the February 21, 2017, BOS meeting, another selectman moved to hold a public hearing regarding Mina's Café's request for an entertainment license, with

notification to abutters of Eysie Plaza. Donohue seconded the motion, which passed.

22. On March 28, 2017, the BOS held a public hearing regarding the entertainment license for Mina's Cafe. Immediately prior to the hearing, Donohue stated that she was recusing herself from the Mina's Café matter. Donahue remained seated at the BOS member's table during the discussion of the matter. Donahue did not withdraw her February 21, 2017 letter to the BOS which she had signed and submitted as a selectman.

23. During the March 28, 2017 hearing, the BOS considered written submissions including Donohue's February 21, 2017 letter.

24. During the relevant time period, Donohue did not make or file any public disclosures relating to the 1223 Washington Street property held in trust for her three daughters or her contentious relationship with Eysie.

LAW

25. General Laws chapter 268A, § 23(b)(3) of G.L. c. 268A prohibits a municipal employee from, knowingly or with reason to know, acting in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy her favor in the performance of her official duties, or that she is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.

26. By, as described above, repeatedly participating as a selectman in matters regarding the Eysie Plaza, Donohue knowingly, or with reason to know, acted in a

manner which would cause a reasonable person, having knowledge of all the relevant circumstances, including her daughters' financial interest in real estate near Eysie Plaza and the animosity between Donohue and Eysie, to conclude that she would be likely to act unduly favorably toward her daughters and unduly unfavorably toward Eysie in the performance of her official duties as a selectman.

27. Section 23(b)(3) further provides that it shall be unreasonable to conclude an official can be improperly influenced if such official disclosed in a manner public in nature, the facts which would otherwise lead to such a conclusion. Donohue did not make a public disclosure to dispel this appearance of bias in her official actions.

28. In so acting, Donohue violated G.L. c. 268A, § 23(b)(3).

WHEREFORE, Petitioner asks that the Commission:

1. Find that Donohue violated G.L. c. 268A, § 23(b)(3); 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,

Date: June 17, 2019

/s/ Tracy Morong
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