



Commonwealth of Massachusetts
STATE ETHICS COMMISSION

One Ashburton Place - Room 619
Boston, Massachusetts 02108

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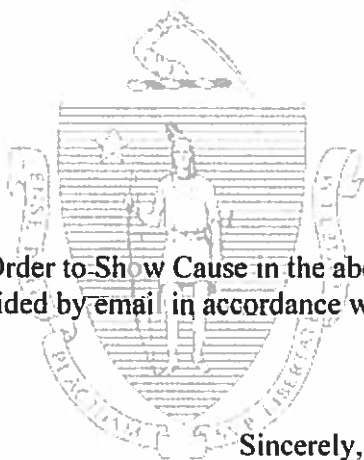
June 24, 2020

Legal Division
State Ethics Commission
Room 619
One Ashburton Place
Boston, MA 02108

Re: In re Jeffrey Travers

Dear Sir/Madam:

Enclosed please find an Order to Show Cause in the above referenced matter. A version in PDF format is also being provided by email in accordance with the Commission's Electronic Case Filing Procedures.



Sincerely,

/s/Candies Pruitt
Staff Counsel
Enforcement Division

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

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SUFFOLK, ss.

COMMISSION
ADJUDICATORY
DOCKET NO. 20-0006

IN THE MATTER

OF

JEFFREY TRAVERS

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 (a) found reasonable cause to believe that Jeffrey Travers ("Travers") violated G.L. c. 268A, §§ 23(b)(2)(ii) and 23(b)(3), and (b) authorized the initiation of adjudicatory proceedings.

FACTS

3. In 2017, Travers was the Worcester County Senior First Assistant District Attorney.

4. On October 16, 2017, a Massachusetts State Trooper arrested the daughter of a Massachusetts judge ("Daughter") for operating under the influence of alcohol and drugs.

5. The arresting trooper's report described embarrassing statements by the Daughter and included quotes of sexually explicit statements he reported she made during the arrest. The report also quoted the Daughter's statement that her father was a judge.

6. The trooper's police academy training stressed the importance of including in an arrest report anything the suspect said, word-for-word, including insensitive language in direct quotes.

7. On October 17, 2017, the arrest report and a criminal complaint application were submitted to the Worcester District Court for a probable cause finding to issue a criminal complaint against the Daughter. A clerk magistrate found probable cause and the complaint issued.

8. The arrest report and complaint were then impounded by the Court.

9. On or about October 17, 2017, Travers received a copy of the arrest report and contacted Worcester County District Attorney Joseph D. Early, Jr. ("Early") to alert Early to the Daughter's embarrassing statements, including sexually explicit statements and statement that her father was a judge.

10. On or about October 19, 2017, Early told Travers to expect a revised arrest report from the State Police regarding the Daughter.

11. When Travers received the revised arrest report, he saw the Daughter's sexually explicit statements and statement that her father was a judge had been removed.

12. Early directed Travers to go to the Worcester County District Court Clerk's Office and replace the original report of the Daughter's arrest with the revised arrest report.

13. Travers went to the Clerk's Office and attempted to replace the original arrest report in the court's file with the sanitized, revised report.

LAW

§ 23(b)(2)(ii)

14. General Laws chapter 268A, § 23(b)(2)(ii) prohibits a state employee from knowingly, or with reason to know, using or attempting to use his official position to secure unwarranted privileges or exemptions for himself or others, which are of substantial value, and which are not properly available to similarly situated individuals.

15. As the Worcester County Senior First Assistant District Attorney, Travers was a state employee and subject to G.L. c. 268A.

16. Having the original report of the Daughter's arrest in the court's file replaced with a sanitized, revised version was a privilege. The privilege was unwarranted because it was not authorized by law or regulation.

17. Travers used his official position as Worcester County Senior First Assistant District Attorney to attempt to secure this unwarranted privilege for the judge and/or his daughter by attempting to replace the original report of the Daughter's arrest in the court's file with the sanitized, revised report.

18. The unwarranted privilege was of substantial value¹ because replacement of the original arrest report would avoid embarrassment, harm to reputation, and the cost to rehabilitate one's reputation.

19. The unwarranted privilege of having the original arrest report in the court file replaced with the revised arrest report was not properly available to similarly situated individuals whose arrest reports in the court's file contain sexually explicit or other potentially embarrassing statements made by them to the police during their arrest.

¹ "Substantial value" is \$50 or more. 930 CMR 5.05

20. Therefore, Travers violated § 23(b)(2)(ii) by, as the Worcester County Senior First District Attorney attempting to replace the original report of the Daughter's arrest in the court's file with a sanitized, revised version.

§ 23(b)(3)

21. Section 23(b)(3) prohibits a state 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 his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.

22. By, as Worcester County Senior First Assistant District Attorney, attempting to replace the original report of the Daughter's arrest in the court's file with a revised, sanitized report, Travers knowingly, or with reason to know, acted in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that he is likely to act or fail to act as a result of rank, position or undue influence of any party or person.

WHEREFORE, Petitioner asks that the Commission:

1. find that Jeffrey Traver violated G.L. c. 268A, §§ 23(b)(2)(ii) and 23(b)(3); 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 attorneys,

Date: 6/24/20

/s/Candies Pruitt
Candies Pruitt
Staff Counsel
State Ethics Commission
One Ashburton Place, Room 619
Boston, MA 02108
(617) 371-9500
BBO# 632460
candies.pruitt@mass.gov

Dated: 6/24/20

/s/ Tracy Morong
Tracy Morong
Assistant Enforcement Counsel
Enforcement Division
State Ethics Commission
One Ashburton Place, Room 619
Boston, MA 02108
(617) 371-9500
BBO# 647480
tracy.morong@mass.gov