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COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 24-6020

IN THE MATTER

OF

JESSICA SANTIAGO

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 October 19, 2023, the Commission found reasonable cause to believe that Jessica Santiago (“Santiago”) violated G.L. c. 268A, §§ 23(b)(2)(ii) and 23(b)(4) and authorized the initiation of adjudicatory proceedings.

FACTS

Revere Position

3. On or about February 28, 2022, Santiago began working for the City of Revere (“Revere”) as the Aquatics Manager with the Revere Parks and Recreation Department.

4. The Aquatics Manager position was a full-time year-round position.

5. The annual salary for the Aquatics Manager position was \$60,000.

6. Santiago worked under the direct supervision of the Revere Director of Parks and Recreation (“Revere Director”).

7. As the Aquatics Manager, Santiago's duties included managing the operations of Revere's Garfield School Pool ("Garfield Pool").
8. Santiago was assigned to work exclusively at the Garfield Pool.
9. In all or most weeks, Santiago was scheduled to work Tuesday through Friday starting between 3:00 p.m. and 4:00 p.m. to 9:00 p.m. On weekends, Santiago was scheduled to work on Saturday and Sunday from 7:00 a.m. to 2:00 p.m.
10. The Revere Director's expectation was that Santiago would work these hours every week, as they were the hours the Garfield Pool was open to the public.
11. As a Revere employee, Santiago was expected to work, and was paid by the city for, 39 hours per week.
12. While employed by Revere, Santiago was expected to communicate any changes to her schedule and any leave requests to the Revere Director.
13. Between about April 13, 2022, and about the third week of July 2022, Santiago was paid by Revere to work a full-time 39 hour per week schedule at the Garfield Pool.
14. During the period referenced in paragraph 13, Santiago did not report any leave time except for eight hours of paid personal leave she used in June 2022.
15. In July 2022, operational issues emerged at the Garfield Pool, including problems with maintaining lifeguard coverage and water testing protocols.
16. On multiple days in July 2022, Santiago did not report to work at the Garfield Pool during her scheduled Revere work hours.
17. On many of the days in July 2022 when Santiago did not report to work in

Revere, she did not communicate with her supervisor regarding her whereabouts.

18. Despite her many absences from work at the Garfield Pool during July 2022, Santiago reported working a full-time 39 hours-per-week schedule for the first three pay periods in July 2022 and used eight hours of paid vacation leave for the pay period of July 28, 2022 to August 3, 2022.

19. In August 2022, Santiago was paid by Revere for 55 hours of sick leave.

20. Due in whole or in part to Santiago's absences, the Garfield Pool was not properly staffed and maintained, which resulted in cancelled swimming lessons and unexpected pool closures throughout the summer.

21. Revere issued thousands of dollars in refunds to parents of children who were impacted by the problems at the Garfield Pool throughout July and August 2022.

22. Revere terminated Santiago's employment as of August 24, 2022.

DCR Position

23. Santiago began working for the state Department of Conservation and Recreation ("DCR") as a Recreational Facilities Supervisor IV, Coastal District Pool Coordinator on or about April 9, 2022.

24. Santiago's title in this seasonal fulltime DCR position was Aquatics Program Regional Coordinator.

25. Santiago's base salary in her DCR position was \$26,128 for 23 weeks of work.

26. As Aquatics Program Regional Coordinator, Santiago was paid by the Commonwealth of Massachusetts ("Commonwealth") to work 40 hours per week.

27. Santiago was employed in her DCR position until September 10, 2022.
28. In her DCR position, Santiago was assigned to work at the Melrose, Malden, Everett, and Chelsea swimming pools, and designated swimming areas and beaches in DCR's North Region.
29. For the first seven weeks that Santiago was employed by DCR (from about April 9, 2022, through May 28, 2022), she was scheduled to work a five-day schedule, Tuesday through Saturday, from 8:00 a.m. until 4:30 p.m.
30. For the remainder of her time at DCR (from about May 29, 2022, through September 10, 2022), Santiago was scheduled to work four 10-hour days per week, Tuesday, Wednesday, Friday, and Saturday, from 9:30 a.m. until 7:30 p.m.
31. Through the beginning of July 2022, Santiago reported to DCR that she worked full 40-hour weeks during her scheduled hours and the Commonwealth paid her for those hours.
32. Santiago took personal days on July 9, 2022, and August 27, 2022, and sick days on August 5, 2022, and August 6, 2022, and the Commonwealth paid her for each of these days.
33. The Commonwealth paid Santiago an additional \$340.89 for eight hours of overtime she reported she worked on August 15, 2022.
34. Neither Santiago's supervisor nor her appointing authority at DCR was aware Santiago was also at the same time employed in a paid full-time position for Revere.
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aware Santiago was also at the same time employed in a paid full-time position for DCR.

36. Between April 2022 through August 2022, Santiago received approximately \$23,610 in payments from Revere and \$33,086 in payments from the Commonwealth.

37. Santiago received payment from both Revere and the Commonwealth for at least 330 overlapping work hours.

38. Santiago's report of overlapping hours of work to each of her two public employers resulted in her receiving a combined total of at least \$9,000 in unearned and undue payments from her employers.

39. When she reported her work hours to her two public employers, Santiago knew she was submitting at least 330 hours for which she was not entitled to receive compensation.

LAW

40. As an employee of Revere, Santiago was, at all relevant times, a municipal employee as that term is defined in G.L. c. 268A, § 1(g).

41. As an employee of DCR, Santiago was, at all relevant times, a state employee as that term is defined in G.L. c. 268A, § 1(q).

Section 23(b)(2)(ii) Violations

42. Section 23(b)(2)(ii) of G.L. c. 268A prohibits a state or municipal employee from knowingly, or with reason to know, using or attempting to use her official position to secure for herself unwarranted privileges or exemptions which are of

substantial value¹ and which are not properly available to similarly situated individuals.

43. The use by a public employee of their paid scheduled public work time or sick leave to perform compensated work for a different employer is an unwarranted privilege not properly available to similarly situated individuals, including other public employees.

44. While simultaneously employed in two full-time public positions with overlapping schedules, Santiago knowingly and repeatedly used her official positions as a Revere employee and as a DCR employee to secure for herself the unwarranted privilege of using her scheduled work time and/or her sick leave for each of her public positions to perform compensated work for her other employer and thus received from each of her public employers pay for hours she did not in fact work for them.

45. This unwarranted privilege was of substantial value as Santiago received \$50 or more in unearned and undue payments from each of her employers.

46. Therefore, by, as a Revere employee and as a DCR employee, repeatedly using her scheduled work time and/or her sick leave for each of her public positions to perform compensated work for the other position and thus receiving from each of her employers pay totaling \$50 or more for hours she in fact did not work for them, Santiago knowingly used her official positions to secure for herself an unwarranted privilege of substantial value not properly available to similarly situated individuals. By doing so, Santiago repeatedly violated G. L. c. 268A, § 23(b)(2)(ii).

¹ Substantial value is \$50 or more. 930 C.M.R. 5.05.

Section 23(b)(4) Violations

47. Section 23(b)(4) of G.L. c. 268A prohibits a state or municipal employee from knowingly, or with reason to know, presenting a false or fraudulent claim to her employer for any payment or benefit of substantial value.

48. As a Revere employee and as a DCR employee, Santiago was respectively a municipal employee and a state employee.

49. Santiago knowingly presented false or fraudulent claims for payment to her employers, Revere and the Commonwealth, each time she reported that she worked for one employer during hours when she had, in fact, worked for the other employer and when she took sick leave from one employer so she could work for the other employer.

50. The false or fraudulent claims for payment by Revere and the Commonwealth for hours not worked were of substantial value because they were claims for payments of more than \$50.

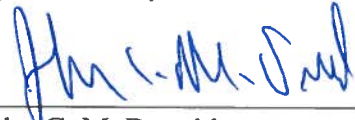
51. Therefore, by, as a Revere employee and as a DCR employee, repeatedly submitting timesheets separately to Revere and DCR reporting to each employer that she had worked the same hours, or reporting sick leave to one employer for time when she was doing paid work for the other employer, Santiago knowingly repeatedly presented false or fraudulent claims to her employers for payments of substantial value. By doing so, Santiago repeatedly violated G.L. c. 268A, § 23(b)(4).

WHEREFORE, Petitioner asks that the Commission:

1. find that Santiago repeatedly violated G.L. c. 268A, §§ 23(b)(2)(ii) and 23(b)(4); 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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