

COMMONWEALTH OF MASSACHUSETTS  
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY  
DOCKET NO. 19-0008

IN THE MATTER

OF

PETER SKORPUT

**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 January 23, 2019, the Commission (a) found reasonable cause to believe that Peter Skorput (“Skorput”) violated G.L. c. 268A, §§ 19, 20, and 23, and (b) authorized the initiation of adjudicatory proceedings.

**FACTS**

*Skorput’s Two Municipal Positions*

3. Skorput, a resident of West Stockbridge, was during the relevant time the chief of the West Stockbridge Fire Department (“WSFD”). As such, Skorput was a municipal employee as that term is defined in G.L. c. 268A, § 1.

4. The WSFD Fire Chief is appointed to a three-year term by the West Stockbridge Select Board.

5. In May 2013, Skorput was elected to the Select Board.

6. As of the 2010 census, West Stockbridge’s population was 1,306.

7. As Fire Chief, Skorput received a single yearly payment called a “Fire-person’s Incentive.”

8. Select Board members receive a biannual stipend.

9. On May 22, 2013, the West Stockbridge Town Administrative Assistant contacted Town Counsel regarding, in part, exemptions available to Skorput regarding his dual positions as Fire Chief and Select Board member under the conflict of interest law.

10. On May 30, 2013, Town Counsel sent an email to the Town Administrative Assistant (“May 30, 2013 email”) which stated that a § 20(d) exemption would allow Skorput to accept pay as both Fire Chief and Select Board member. Town Counsel advised that Skorput “follow the requirements” for the exemption and she attached a § 20(d) exemption form to her email.

11. The Town Administrative Assistant shared the contents of Town Counsel’s May 30, 2013 email to Skorput.

12. As of January 9, 2017, Skorput had not filed any conflict of interest law disclosures with the Town Clerk, had not obtained a § 20(d) exemption and, was not in compliance with the requirements of the Selectmen’s exemption.

13. From June 2013 to January 2017, Skorput accepted both Fire-person’s Incentive and Select Board member’s stipends as follows: in Fiscal Year 2014, Skorput accepted \$1172.22 as Select Board member and \$500 as Fire Chief; in Fiscal Year 2015, he received \$2,200 as Select Board member and \$400 as Fire Chief; and in Fiscal Year 2016, he received \$2,000 as Select Board member and \$500 as Fire Chief.

14. During this same time period, Skorput acted as a Select Board member on matters within the purview of the WSFD by signing warrants to pay Fire-person's Incentives and other WSFD expenses that he requested payment of as Fire Chief.

*Participation in his own reappointment and awarding stipends to himself, his daughter and his nephew*

15. On June 17, 2013, the Select Board voted on the renewal of Skorput's contract as Fire Chief.

16. Skorput, as a Select Board member, participated in the vote, and voted in favor of his re-appointment.

17. All members of the WSFD receive a Fire-person's Incentive.

18. Skorput, as Fire Chief, is responsible for determining the amount of the Fire-person's Incentives for each firefighter including himself.

19. In or about December 2013, 2014, and 2015, as Fire Chief, Skorput unilaterally decided the amount of his own Fire-person's Incentive. He then signed and submitted a bills payable schedule regarding these Fire-person's Incentives to the Select Board for payment.

20. On or about January 9, 2017, Skorput filed a § 19 conflict of interest disclosure form related to his own Fire-person's Incentive with the Select Board.

21. Tricia Skorput ("Tricia") is Skorput's daughter.

22. From approximately 2011 to 2015, Tricia was a member of the WSFD.

23. In or about December 2013 and 2014, as Fire Chief, Skorput unilaterally decided the amounts of the Fire-person's Incentive for Tricia. He then signed and

submitted a bills payable schedule regarding these Fire-person's Incentive to the Select Board for payment.

24. At no time did Skorput file a conflict of interest disclosure related to his daughter and her Fire-person's Incentives.

25. William Cooper is Skorput's nephew.

26. At all times relevant to this matter, Cooper was a member of the WSFD.

27. In or about December 2013, 2014, and 2015, as Fire Chief, Skorput unilaterally decided on the amounts of the Fire-person's Incentive for his nephew. He then signed and submitted a bills payable schedule regarding these Fire-person's Incentives to the Select Board for payment.

28. At no time did Skorput file any conflict of interest disclosures relating to Cooper and his Fire-person's Incentives.

29. In December 2013 and 2014, Skorput, as Select Board member, signed warrants for payments including Fire-person's Incentives for his daughter and nephew.

*Participation and Retaliation Regarding Complaints Against Him*

30. On October 5, 2015, Town Custodian Dominic Luchi ("Luchi") appeared at the Select Board. Luchi voiced criticism about Skorput's performance as Fire Chief. Skorput did not recuse himself from participating in the matter as a Select Board member. Skorput, while sitting at the Select Board members' table, verbally responded to Luchi's complaints.

31. Luchi submitted written questions to the Select Board regarding whether:

- a. Skorput participated in his appointment as Fire Chief;

- b. Skorput decided amount of firefighter stipends for himself; and
- c. Skorput acted as Select Board member regarding firefighter stipends for himself and immediate family.

32. At the October 26, 2015 Select Board meeting, Luchi appeared and further discussed his concerns about Skorput. Skorput did not recuse himself from participating in the matter as a Select Board member. Skorput, while sitting at the Select Board members' table, responded to Luchi's complaints.

33. At both the November 2 and 9, 2015 Select Board meetings, the Select Board members discussed Luchi's concerns. Skorput did not recuse himself from participating as a Select Board member in the discussions.

34. At the November 9, 2015 Select Board meeting, the Chair moved to close the matter of Luchi's complaint and Skorput participated in the vote.

35. In 2016, James Hallock ("Hallock"), a twenty-five-year veteran firefighter, was a lieutenant in the WSFD.

36. At the February 8, 2016 Select Board meeting, Hallock submitted a written complaint regarding Skorput's performance as chief. Skorput, as Select Board member, stated that he was "insulted with the exaggerations and lies" by Hallock who was "stabbing him in the back because he wants to become Fire Chief."

37. Approximately twenty-four minutes after the February 8, 2016 Select Board meeting adjourned, Skorput sent a text message to Hallock that read, "Turn in your gear."

38. On February 26, 2016, Hallock was summoned to a meeting of the WSFD membership. Thereafter, Skorput terminated Hallock from the WSFD.

39. In February or March 2016, Skorput consulted Town Counsel to ask whether the Town's non-retaliation policy applied to him. Skorput was advised that it did.

40. At the March 7, 2016 Select Board meeting, Town Counsel opined that, because of Skorput's actions, the Town was at risk for a lawsuit under the Whistle Blower Act.

41. At the March 7, 2016 Select Board meeting, the topic of Skorput's ongoing failure to file conflict of interest disclosures was discussed. Town Counsel offered to assist Skorput in filing the disclosures. Skorput did not file any disclosure until January 2017.

42. At the March 21, 2016 Select Board meeting, Hallock's concerns were again discussed and the Chair moved to request Town Counsel hire a firm to conduct an audit of the WSFD.

43. An audit was conducted in August 2016 and filed in October and it found that Skorput's record-keeping for the WSFD roster and the process around stipend payments was insufficient.

44. As a result of the audit, Skorput was required to provide regular WSFD reports to the Select Board.

*Awarding a Position to a Personal Friend*

45. In April 2015, the Select Board was the appointing authority for the transfer station attendant (the "Attendant").

46. At the April 13, 2015 Select Board meeting, the members discussed how to find coverage for the Attendant who was unable to work because of illness. Skorput, as Select Board member, suggested compiling a roster of available people to fill in.

47. On or after April 13, 2015, Skorput, as Select Board member, arranged for Paul Marchetto ("Marchetto"), a personal friend, to fill in for the Attendant.

48. From May 2015 to August 2015, Marchetto was paid approximately \$2,900 for this work. The Town did not pay any other individual for Attendant work during this time period.

49. Skorput did not file any disclosure regarding his friendship with Marchetto.

*Votes Against Board of Health Chair and Health Agent*

50. In June 2017, the West Stockbridge Board of Health ("BOH") received notice from the state Department of Environmental Protection ("DEP") regarding an allegation of illegal dumping of refuse materials on Skorput's property. The DEP letter advised the BOH to take action. At the time, Scott Sawyer was the Chair of the BOH and Earl Moffatt was the Health Agent.

51. An inspection by the BOH revealed that offsite refuse had been deposited on Skorput's property. The dumping site was found to possibly impact a semi-public water supply and several private water supply wells on adjoining properties.

52. On May 25, 2018, the BOH issued a letter to Skorput. Although the BOH had the authority to order Skorput to remove the material, it did not do so because of the “enormous financial burden” to Skorput. Instead, the BOH ordered Skorput obtain a plan of property delineating the affected area, prepared by a certified professional, and cause it to be filed as a deed restriction on Skorput’s property. The letter was signed by Sawyer and Luci Leonard.

53. On June 18, 2018, the Select Board acted on the Annual Officer Appointments. Skorput voted against reappointing:

- a. Moffatt as Health Agent;
- b. Moffatt as member of the Historical Commission;
- c. Moffatt as member of the Sewer and Water Commission; and
- d. Sawyer as member of the Historical Commission.

54. Skorput did not file any disclosure regarding past issues between himself and Moffatt or Sawyer.

## VIOLATIONS

### *Holding Two Municipal Positions*

55. As WSFD Fire Chief, Skorput was a municipal employee as defined in G.L. c. 268A, § 1(g). As a West Stockbridge Select Board member, Skorput was a special municipal employee as defined in G.L. c. 268A, § 1(n).

56. Section 20 of G.L. c. 268A prohibits a municipal employee from having a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or town, in which the same city or town is an interested party, of which



financial interest the employee has knowledge or reason to know, except as permitted by one of the exceptions to the section.

57. Skorput's appointment as Fire Chief was a contract with the Town for the purposes of the conflict of interest law.

58. Skorput had a financial interest in this contract because the position of Fire Chief was compensated. Skorput knew of this financial interest.

59. In May 2013, when Skorput was elected as a Select Board member, his financial interest in his Fire Chief position raised an issue under § 20, which prohibited that interest unless the requirements of an exemption to that section were met by Skorput.

60. From the time he became a Select Board member in May 2013 until January 2017, Skorput did not seek or obtain an exemption to § 20.

61. Therefore, Skorput violated § 20 by continuing to hold the compensated position of Fire Chief after he was elected to the Select Board.

*Participating in his own reappointment and awarding stipends to himself, his daughter and his nephew*

#### Section 19

#### *Skorput's Reappointment as Fire Chief*

62. Except as otherwise permitted, § 19 of G.L. c. 268A prohibits a municipal employee from participating as such an employee in a particular matter in which, to his knowledge, he or an immediate family member has a financial interest.

63. The Select Board's decision to reappoint Skorput as Fire Chief was a particular matter.

64. Skorput had a financial interest in the particular matter of his reappointment as Fire Chief because it is a compensated position.

65. In June 2013, Skorput participated as Select Board member in the particular matter of his reappointment as Fire Chief by voting as a Select Board member in favor of his reappointment.

66. At the time of his participation, Skorput knew that he had a financial interest in the particular matter of his reappointment as Fire Chief.

67. Accordingly, by participating as Select Board member in his reappointment as Fire Chief, Skorput violated § 19.

*Fire-person's Incentives for Skorput and his Daughter*

68. The decision regarding the amount of Fire-person's Incentives to pay firefighters and the payment of those Fire-person's Incentives were particular matters.

69. Both Skorput and his daughter had a financial interest in these particular matters because the Fire-person's Incentives were compensation.

70. As Skorput's daughter, Tricia Skorput is a member of Skorput's immediate family.

71. Skorput participated as Fire Chief in these particular matters by deciding the amount of and awarding Fire-person's Incentives to himself and his daughter and submitting them to the Select Board for payment.

72. Skorput also participated as Select Board member in these particular matters by signing warrants that contained Fire-person's Incentives for his daughter.

73. At the time of his participation as Fire Chief and as Select Board member, Skorput knew that both he and his daughter had a financial interest in these particular matters.

74. Thus, by participating as Fire Chief and as Select Board member in particular matters concerning the WSFD Fire-person's Incentives for himself and his daughter, Skorput violated § 19.

### Section 23

#### *Appearance Violation regarding Fire-person's Incentive for Nephew*

75. Section 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 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.

76. By, as described above, participating as Fire Chief in WSFD matters regarding his nephew, including calculating and awarding a yearly Fire-person's Incentive, Skorput knowingly or with reason to know, acted in a manner which would cause a reasonable person, having knowledge of all the relevant circumstances to conclude that Skorput would be likely to act favorably towards his nephew as a result of kinship in the performance of his official duties as Fire Chief.

77. Skorput did not file a disclosure sufficient to dispel the appearance of undue influence and favoritism in his official actions.

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

*Participation and Retaliation Regarding Complaints Against Him*

Section 19

79. The complaints regarding Skorput's performance as Fire Chief were particular matters.

80. Skorput had a financial interest in the complaints regarding his job performance because such criticism could affect his compensated position as Fire Chief and professional reputation.

81. In September 2014, October 2015, November 2015, and February 2016, Skorput participated as a Select Board member in the particular matters of the complaints by discussing the merits of the complaints at Select Board meetings.

82. At the time of his participation, Skorput knew that he had a financial interest in the particular matters of the complaints.

83. Accordingly, by participating as Select Board member in the complaints regarding his fitness as Fire Chief, Skorput violated § 19.

Section 23(b)(2)(ii)

84. Section 23(b)(2)(ii) of G.L. c. 268A prohibits a municipal employee from, knowingly, or with reason to know, using or attempting to use his official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals.

85. The opportunity to retaliate against Hallock for complaining about Skorput's performance as Fire Chief by terminating Hallock without justification was a privilege.

86. The privilege was unwarranted because Skorput was not authorized as Fire Chief to terminate Hallock based on Skorput's personal feelings about Hallock, rather than on objective criteria such as Hallock's work performance; and the privilege was not properly available to individuals similarly-situated to Skorput as Fire Chief.

87. This privilege was of substantial value because Skorput's termination of Hallock resulted in the removal of a source of complaints that caused the Select Board to order an audit and could have resulted in Skorput losing his paid position as Fire Chief, as well as harm his professional reputation. Skorput's stipend was worth more than \$50. The termination was of substantial value to Skorput because it would discredit Hallock as a complainant, which would, in turn, discredit Hallock's allegations against him. In addition, the privilege of his termination was of substantial value because Skorput's actions resulted in him obtaining the satisfaction of retaliating against the firefighter who had complained about him. Such satisfaction, an intangible, non-quantifiable benefit, is worth \$50 or more.

88. Skorput was only in a position to terminate Hallock because he was Fire Chief and he used his position as Fire Chief to cause that termination in retaliation for Hallock's complaint about him to the Select Board.

89. Therefore, by, in the manner described above, by using his position as Fire Chief to retaliate against Hallock, Skorput knowingly or with reason to know used his

official position to secure for himself an unwarranted privilege of substantial value not properly available to other similarly situated individuals in violation of § 23(b)(2)(ii).

*Appearance Violation regarding Awarding a Position to a Personal Friend*

Section 23(b)(3)

90. By, as described above, participating as a Select Board member in matters regarding Marchetto, Skorput knowingly or with reason to know, acted in a manner which would cause a reasonable person, having knowledge of all the relevant circumstances, including Skorput's friendship with Marchetto, to conclude that Skorput would be likely to act favorably towards Marchetto as a result of their friendship in the performance of Skorput's official duties as a Select Board member.

91. Skorput did not file a disclosure sufficient to dispel the appearance of undue influence and favoritism in his official actions.

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

*Appearance Violation regarding Board of Health Chair and Health Agent*

Section 23(b)(3)

93. By, as described above, participating as a Select Board member in matters regarding Sawyer and Moffat shortly after the BOH issued a letter to him requiring him to take action concerning the dumping site on his property including filing a deed restriction on the property, Skorput, knowingly or with reason to know, acted in a manner which would cause a reasonable person, having knowledge of all the relevant circumstances, including Skorput's animosity towards Sawyer and Moffatt, to conclude that Skorput

would be likely to act unfavorably towards Sawyer and Moffatt in the performance of his official duties as a Select Board member.

94. Skorput did not file a disclosure sufficient to dispel these appearances of undue influence and favoritism in his official actions.

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

WHEREFORE, Petitioner asks that the Commission:

1. Find that Skorput violated G.L. c. 268A, §§ 19, 20, and 23; 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: September 18, 2019

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

