



Commonwealth of Massachusetts  
**STATE ETHICS COMMISSION**

One Ashburton Place - Room 619  
Boston, Massachusetts 02108

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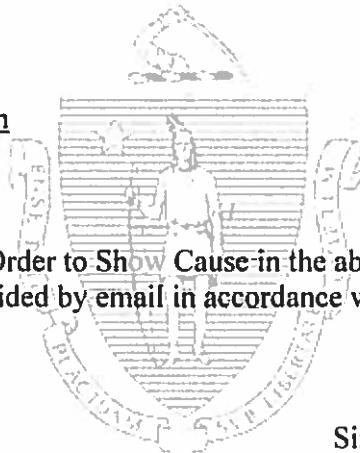
June 24, 2020

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

Re: In re Susan Anderson

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

2020 JUN 24 PM 12:49

SUFFOLK, ss.

COMMISSION  
ADJUDICATORY  
DOCKET NO. 20-0003

IN THE MATTER

OF

SUSAN ANDERSON

**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 Susan Anderson ("Anderson") 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, Anderson was a Major of the Massachusetts State Police and Commander of C Troop, which is headquartered at the State Police Holden Barracks.

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. 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.

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

8. On or about October 19, 2017, Anderson received a call from a superior State Police officer directing her to, among other actions, order the arresting trooper to remove the embarrassing statements, including the quotes of the Daughter's sexually explicit statements, from the arrest report.

9. Anderson and a member of her command staff decided what statements would be removed from the arrest report.

10. Anderson ordered the arresting trooper to remove the statements identified by her and her command staff from the arrest report.

11. The statements Anderson ordered removed from the arrest report included the Daughter's embarrassing statements, including the sexually explicit statements and statement that her father was a judge.

12. When the trooper protested that he was being ordered to remove the statements from the arrest report because it involved a judge's daughter, Anderson agreed.

13. 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.

## 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 her official position to secure for herself or others unwarranted privileges or exemptions, which are of substantial value, and which are not properly available to similarly situated individuals.

15. As a Major of the State Police and troop commander, Anderson was a state employee and subject to G.L. c. 268A.

16. Having the report of the Daughter's arrest revised by the arresting trooper to remove the embarrassing statements, including the quotes of her sexually explicit statements and statement about her father being a judge, was a privilege. The privilege was unwarranted because it was not authorized by law or regulation.

17. Anderson used her official position as a Major of the State Police and the arresting trooper's commanding officer to secure this unwarranted privilege for the judge and/or his daughter by identifying the revisions and ordering the arresting trooper to make the revisions.

18. The unwarranted privilege was of substantial value<sup>1</sup> because removal of such information would avoid embarrassment, harm to reputation, and the cost to rehabilitate one's reputation.

19. The unwarranted privilege of having such information removed from an arrest report was not properly available to similarly situated individuals whose embarrassing statements, including sexually explicit statements to the police at the time

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<sup>1</sup> "Substantial value" is \$50 or more. 930 CMR 5.05

of their arrest, had been included in their arrest reports.

20. Therefore, Anderson violated § 23(b)(2)(ii) by, as a Major of the State Police and troop commander, ordering the report of the Daughter's arrest to be revised or replaced.

*§ 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 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.

22. By, as a Major of the State Police and troop commander, ordering the report of the Daughter's arrest to be revised or replaced as described above, Anderson 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 she is likely to act or fail to act as a result of rank, position or undue influence of any party or person or that any person can improperly influence her or enjoy her favor in the performance of her official duties. By so doing, Anderson violated § 23(b)(3).

WHEREFORE, Petitioner asks that the Commission:

1. find that Susan Anderson 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  
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Dated: 6/24/20

/s/Tracy Morong  
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