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STATE ETHICS COMMISSION
COMMONWEALTH OF MASSACHUSETTS
2024 NOV 13 AM 9 STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 24-0 026

IN THE MATTER

OF

THOMAS BRADY

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 March 21, 2024, the Commission found reasonable cause to believe that Thomas Brady ("Brady") violated G.L. c. 268A, §§ 23(b)(2)(i) and 23(b)(2)(ii).

Shower Head Replacement

Facts

3. In 2021 and at all relevant times, Brady was Norfolk County Sheriff's Office ("NCSO") Assistant Deputy Superintendent of Jail Operations.

4. All NCSO corrections officers were subordinate to Brady in rank and position.

5. Some NCSO corrections officers perform work in the maintenance department, including plumbing work.

6. A corrections officer who performs work in the maintenance department as a plumber is known as an NCSO Corrections Officer/Plumber ("NCSO Plumber")

7. In or about late 2021, during state work hours, Brady asked NCSO

Plumber Patrick Cotter ("Cotter") to install a shower head at Brady's private residence.

8. Brady did not have a private relationship with Cotter.

9. Brady used his NCSO vehicle to drive Cotter from the NCSO Jail ("Jail") to Brady's private residence during Cotter's state work hours.

10. Cotter removed the existing shower head and installed the new shower head using NCSO tools.

11. After Cotter tested the new shower head, Brady drove him back to the Jail.

12. The travel in Brady's NCSO vehicle from the Jail to Brady's residence and back, the removal of the existing shower head, and the installation and testing of the new shower head all occurred on Brady's and Cotter's state work time.

13. The replacement of the shower head at Brady's private residence and/or the state resources used to replace the shower head were worth \$50 or more.

14. Brady neither paid Cotter for replacing the shower head at Brady's private residence, nor reimbursed the NCSO for the value of his state work time or the other state resources expended to perform the job at Brady's residence.

Law

Section 23(b)(2)(i)

15. Section 23(b)(2)(i) of G.L. c. 268A prohibits a state employee from, knowingly, or with reason to know, soliciting or receiving anything of substantial value for such officer or employee, which is not otherwise authorized by statute or regulation, for or because of the officer or employee's official position.

16. The NCSO is a state agency as defined by G.L. c. 268A, § 1(p).

17. As Assistant Deputy Superintendent of Jail Operations, Brady was an

employee of a state agency within the meaning of § 23(b)(2)(i).

18. As Assistant Deputy Superintendent of Jail Operations, Brady was a state employee as defined by G.L. c. 268A, § 1(q).

19. Brady's request that Cotter replace a shower head at Brady's private residence was the solicitation of services of substantial value.

20. Brady's solicitation and/or receipt of Cotter's services to replace a shower head at Brady's private residence was not authorized by statute or regulation.

21. When Brady solicited Cotter, a subordinate, to replace a shower head at Brady's private residence, Brady knew, or had reason to know, that Cotter would perform the work for or because of Brady's superior position as Assistant Deputy Superintendent of Jail Operations.

22. When Brady received Cotter's services to replace the shower head at his private residence, Brady knew, or had reason to know, that Cotter performed the work for or because of Brady's superior position as Assistant Deputy Superintendent of Jail Operations.

23. Therefore, by soliciting Cotter to install a shower head at his private residence, and/or by receiving those services, Brady knowingly, or with reason to know, solicited and/or received something of substantial value for himself, which was not otherwise authorized by statute or regulation, for or because of his official position. In so doing, Brady violated § 23(b)(2)(i).

Section 23(b)(2)(ii)

24. Section 23(b)(2)(ii) of G.L. c. 268A prohibits a state 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.

25. The use of public resources to perform plumbing work at Brady's private residence, including state employee work time and equipment, was an unwarranted privilege for Brady.

26. The use of Brady's position as Assistant Deputy Superintendent of Jail Operations was an unwarranted privilege.

27. Brady's request that Cotter, a subordinate, replace the shower head at Brady's private residence was inherently coercive because such a request from a superior to a subordinate places pressure on the subordinate to do as requested.

28. By asking his subordinate to replace the shower head at his private residence, Brady knowingly, or with reason to know, used his Assistant Deputy Superintendent of Jail Operations position to secure this use of public resources, including state employee work time and equipment, for himself.

29. The shower head replacement and/or use of state resources, including state employee work time, were of substantial value.

30. The use of state resources to replace a shower head at Brady's private residence by Cotter was an unwarranted privilege that was not properly available to Brady and similarly situated individuals.

31. Therefore, by using his official position as Assistant Deputy Superintendent of Jail Operations to have Cotter replace a shower head at his private residence, Brady knowingly, or with reason to know, used his official position to secure for himself an unwarranted privilege of substantial value that was not properly available

to similarly situated individuals. In so doing, Brady violated § 23(b)(2)(ii).

Water Heater Replacement

Facts

32. On or about February 13, 2022, Brady's water heater at his private residence ruptured and flooded his basement.

33. Brady called Cotter and asked him to replace the water heater at Brady's private residence.

34. Cotter was unavailable on February 13, 2022, but said he could come to Brady's private residence the next morning.

35. Cotter told Brady on February 13, 2022, to shut off the cold water valve on the water heater in the meantime.

36. On February 14, 2022, Cotter was scheduled to work at the NCSO Jail.

37. Instead of reporting to work at the NCSO Jail on February 14, 2022, Cotter drove in his personal truck to Brady's private residence.

38. Cotter drained the existing water heater and disconnected it.

39. Cotter and Brady then carried the water heater out of Brady's basement, loaded it into Cotter's truck and transported it to Home Depot in Norwood, MA, where the water heater was still under warranty.

40. Brady purchased a new water heater at Home Depot, which Brady and Cotter loaded into Cotter's personal truck, transported to Brady's private residence, and carried into Brady's basement.

41. Cotter connected the new water heater and then drove to the NCSO Jail to complete his shift.

42. Draining and disconnecting the existing water heater; carrying and

transporting the water heater to Home Depot; purchasing the new water heater; carrying and transporting the new water heater to Brady's private residence; and installing the water heater, all occurred on Cotter's state work time.

43. The value of the water heater replacement at Brady's private residence and/or the value of the state resources used to replace the water heater were worth \$50 or more.

44. Brady neither paid Cotter for the replacement of the water heater at Brady's private residence, nor reimbursed the NCSO for the value of Cotter's state work time expended to perform the job at Brady's residence.

Law

Section 23(b)(2)(i)

45. Brady's request that Cotter replace a water heater at Brady's private residence was the solicitation of services of substantial value.

46. Brady's solicitation and/or receipt of Cotter's services to replace a water heater at Brady's private residence was not authorized by statute or regulation.

47. When Brady solicited Cotter, a subordinate, to replace a water heater at Brady's private residence, Brady knew, or had reason to know, that Cotter would perform the work for or because of Brady's superior position as Assistant Deputy Superintendent of Jail Operations.

48. When Brady received Cotter's services to replace a water heater at Brady's private residence, he knew, or had reason to know, that Cotter performed the work for or because of Brady's superior position as Assistant Deputy Superintendent of Jail Operations.

49. Therefore, by soliciting Cotter to replace a water heater at his private residence, and/or receiving those services, Brady knowingly, or with reason to know, solicited and/or received something of substantial value for himself, which was not otherwise authorized by statute or regulation, for or because of his official position. In so doing, Brady violated § 23(b)(2)(i).

Section 23(b)(2)(ii)

50. Having Cotter replace the water heater at Brady's private residence on his state work time, was an unwarranted privilege for Brady.

51. Brady's request that Cotter, a subordinate, replace the water heater at Brady's private residence was inherently coercive.

52. By asking his subordinate to replace the water heater at his private residence, Brady knowingly, or with reason to know, used his Assistant Deputy Superintendent of Jail Operations position to secure this unwarranted privilege for himself.

53. The water heater replacement at Brady's private residence and/or the state resources used to replace the water heater were of substantial value.

54. The replacement of a water heater at Brady's private residence by Cotter was an unwarranted privilege not properly available to Brady and similarly situated individuals.

55. Therefore, by using his official position as Assistant Deputy Superintendent of Jail Operations to have Cotter replace a water heater replacement at his private residence, Brady knowingly, or with reason to know, used his official position to secure for himself an unwarranted privilege of substantial value that was not properly

available to similarly situated individuals. In so doing, Brady violated § 23(b)(2)(ii).

Boiler Troubleshooting

Facts

56. On or about October 6, 2022, during state work hours, Brady asked to have NCSO Plumber Michael Ramponi (“Ramponi”) examine Brady’s boiler located at his private residence because Brady did not have heat in his bedroom.

57. Brady did not have a private relationship with Ramponi.

58. During his NCSO Jail work shift, Ramponi drove to Brady’s private residence, worked on Brady’s boiler, and was able to get the boiler operational again.

59. After Ramponi completed work on the boiler, Brady advised him that he did not have to return to the NCSO Jail to complete his shift.

60. The travel to and from Brady’s private residence, the troubleshooting, and the remainder of Ramponi’s shift were all on his state work time.

61. The value of the work to troubleshoot the boiler at Brady’s private residence and/or the state resources used to troubleshoot the boiler were worth \$50 or more.

62. Brady neither paid Ramponi for the work on the boiler, nor reimbursed the NCSO for the value of Ramponi’s state work time expended to perform the job at Brady’s residence.

Law

Section 23(b)(2)(ii)

63. Having Ramponi make boiler repairs at Brady’s private residence using public resources, including, state employee work time and equipment, was an unwarranted privilege for Brady.

64. The use of Brady's position as Assistant Deputy Superintendent of Jail Operations was an unwarranted privilege for Brady.

65. By asking to have Ramponi to work on the boiler at his private residence, Brady knowingly, or with reason to know, used his Assistant Deputy Superintendent of Jail Operations position to secure the unwarranted privilege for himself.

66. Brady's request that Ramponi, a subordinate, work on the boiler at his private residence was inherently coercive.

67. The boiler work at Brady's private residence and/or the use of the state resources to work on the boiler were of substantial value.

68. The unwarranted privilege of boiler work at Brady's private residence by Ramponi was not properly available to Brady and similarly situated individuals.

69. Therefore, by using his official position as Assistant Deputy Superintendent of Jail Operations to obtain boiler work by Ramponi at his private residence, Brady knowingly, or with reason to know, used his official position to secure for himself an unwarranted privilege of substantial value that was not properly available to similarly situated individuals. In so doing, Brady violated § 23(b)(2)(ii).

Circulator Pump Replacement

Facts

70. On or about October 15, 2022, Brady contacted Ramponi to replace the boiler's circulator pump at Brady's private residence.

71. Replacing the circulator pump required the assistance of an electrician.

72. Ramponi enlisted the assistance of NCSO Senior Maintenance Officer/Electrician Michael Shaughnessy ("Shaughnessy"), who was also a corrections

officer.

73. Brady did not have a private relationship with Shaughnessy.

74. On November 1, 2022, Brady sent a text message to Ramponi that read: "The circulator pump is on top of the dryer." Brady also texted his home address and the access code to gain entry to his private residence.

75. On or about November 1, 2022, Ramponi and Shaughnessy went to Brady's private residence after their state work hours to replace the circulator pump.

76. On or about November 2, 2022, Ramponi and Shaughnessy returned to Brady's private residence after their state work hours to bleed the air from the heating system.

77. Brady did not pay Ramponi or Shaughnessy for the work on the boiler. Instead, he gave each of them a bottle of wine.

78. The services provided by Ramponi and Shaughnessy to replace the boiler's circulator pump and to bleed the air from the heating system were worth \$50 or more.

Law

Section 23(b)(2)(i)

79. Brady's request that Ramponi replace the circulator pump at his private residence was the solicitation of services of substantial value.

80. Brady's solicitation and/or receipt of Ramponi's services to replace a circulator pump at Brady's private residence was not authorized by statute or regulation.

81. When Brady solicited Ramponi, a subordinate, to replace the circulator pump at his private residence, he knew, or had reason to know, that Ramponi would

perform the work for or because of Brady's official position as Assistant Deputy Superintendent of Jail Operations.

82. When Brady received Ramponi's services to replace the circulator pump, he knew, or had reason to know, that Ramponi performed the work for or because of his superior position as Assistant Deputy Superintendent of Jail Operations.

83. Therefore, by soliciting Ramponi to replace the circulator pump at his private residence, and/or receiving those services, Brady knowingly, or with reason to know, solicited and/or received something of substantial value for himself, which was not otherwise authorized by statute or regulation, for or because of his official position. In so doing, Brady violated § 23(b)(2)(i).

Section 23(b)(2)(ii)

84. Having Ramponi replace the circulator pump at Brady's private residence was an unwarranted privilege for Brady.

85. Brady's request that Ramponi, a subordinate, replace the circulator pump at his private residence was inherently coercive.

86. By asking Ramponi, his subordinate, to replace the circulator pump at his private residence, Brady knowingly, or with reason to know, used his Assistant Deputy Superintendent of Jail Operations position to secure this unwarranted privilege for himself.

87. The replacement of the circulator pump was of substantial value.

88. This unwarranted privilege was not properly available to Brady and similarly situated individuals.

89. Therefore, by using his official position as Assistant Deputy

Superintendent of Jail Operations to have Ramponi replace a circulator pump at his private residence, Brady knowingly, or with reason to know, used his official position to secure for himself an unwarranted privilege of substantial value that was not properly available to similarly situated individuals. In so doing, Brady violated § 23(b)(2)(ii).

WHEREFORE, Petitioner asks that the Commission:

1. find that Thomas Brady violated G.L. c. 268A, §§ 23(b)(2)(i) and 23(b)(2)(ii); 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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