



Commonwealth of Massachusetts **STATE ETHICS COMMISSION**

One Ashburton Place - Room 619
Boston, Massachusetts 02108

Hon. Barbara A. Dortch-Okara (ret.)
Chair

David A. Wilson
Executive Director

November 30, 2017

Richard Puccini
c/o James H. Fagan
26 Dean Street
Taunton, MA 02780

Dear Mr. Puccini:

As you know, the State Ethics Commission conducted a preliminary inquiry into whether you, as a Bristol-Plymouth Regional Technical School employee, violated the conflict of interest law by contracting with your municipal employer to provide architectural services, and, on September 21, 2017, voted to find reasonable cause to believe that you violated Section 20 of the law. Rather than initiating adjudicatory proceedings against you, the Commission chose to resolve this matter through this Public Education Letter.

The Commission and you have agreed there will be no formal proceedings against you in this matter. You have chosen not to exercise your right to a hearing before the Commission. The Commission expects that, by resolving this matter through this letter, you and other public employees in similar circumstances will have a clearer understanding of the conflict of interest law and how to comply with it.

The Facts

You are a full-time carpentry instructor at the Bristol-Plymouth Regional Technical School ("BP Tech") and have served in this position since 1984. BP Tech serves the Towns of Berkley, Bridgewater, Dighton, Middleborough, Raynham, and Rehoboth and the City of Taunton, and offers eighteen technical programs while providing a high school curriculum. Privately, you are the sole proprietor of Puccini Designs, an architectural design firm.

On multiple occasions since 2009, you provided architectural services to BP Tech, including designing an addition to the main school building and a child care center. According to BP Tech's records, you received a total of almost \$60,000 for architectural design work for the

school, in fifteen separate payments. You received approximately \$15,000 for the design work for the childcare center alone. None of these projects were publicly bid, nor did BP Tech seek competing quotes for the services you provided. We understand that your BP Tech supervisors requested your architectural design services and that you did not solicit architectural work from BP Tech.

Legal Discussion

Under the conflict of interest law, General Laws chapter 268A, BP Tech is a municipal agency of each city and town it serves, and, as a BP Tech employee, you are municipal employee of each of those municipalities. As a municipal employee, you are subject to the restrictions imposed by the conflict of interest law. The Commission voted to find reasonable cause to believe that you violated § 20 of the conflict of interest law for the following reasons.

Section 20 of the conflict of interest law prohibits a municipal employee from having to his knowledge a financial interest, directly or indirectly, in a contract made by a municipal agency of the city or town by which he is employed, in which the city or town is an interested party. The purpose of this prohibition is to prevent municipal employees from using their public positions to secure contractual opportunities with the municipality that are unavailable to the general public, and to avoid the public perception that municipal employees have an 'inside track' to such opportunities.

While a municipal employee of BP Tech, you repeatedly contracted with BP Tech to provide it with architectural services. You knew you had a financial interest in each of these contracts because you were paid for your services. BP Tech, a municipal agency of each of the municipalities it serves, made these contracts with you, and all of the municipalities served by BP Tech were interested parties in the contracts because, through BP Tech, they paid for and received your architectural services. Accordingly, by having a financial interest in these contracts, you violated § 20. Although there are several exemptions to § 20, none of them were applicable to your contracts with BP Tech.

Disposition

The Commission is authorized to resolve violations of G.L. c. 268A with civil penalties of up to \$10,000 for each violation, except that a civil penalty of up to \$25,000 may be imposed for G.L. c. 268A, § 2 violations (bribes). The Commission, however, has chosen to resolve this matter with this Public Education Letter because it has determined that your receipt of this Public Education Letter should be sufficient to ensure your understanding of and future compliance with the conflict of interest law. That you provided your architectural services at the request of you BP Tech supervisors and did not solicit the work, was a substantial factor in the resolution of this matter.

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The matter is now closed.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David A. Wilson". The signature is fluid and cursive, with the first name "David" being the most prominent.

David A. Wilson
Executive Director