

STATE ETHICS COMMISSION

Fiscal Year 2022
Annual Report

Commonwealth of Massachusetts State Ethics Commission

One Ashburton Place, Room 619
Boston, MA 02108

www.mass.gov/ethics
(617) 371-9500



State Ethics Commission – Fiscal Year 2022

State Ethics Commission Members



Maria J. Krokidas, Chair

Founder and Of Counsel, Krokidas & Bluestein LLP – Boston, MA



Hon. R. Marc Kantrowitz, Vice Chair

Appeals Court Associate Justice (ret.)



Josefina Martinez

Senior Partner and General Counsel, EBS – Newton, MA



Hon. Wilbur P. Edwards, Jr.

Associate Justice of the Southeast Division of the Massachusetts Housing Court (ret.)



Eron L.A. Hackshaw

Assistant Director for Government and Public Interest Careers, Boston University School of Law

EXECUTIVE SUMMARY

The State Ethics Commission is a non-partisan, independent state agency which administers, provides advice and training concerning, and civilly enforces the conflict of interest and financial disclosure laws. There are five Commissioners: three, including the Commission Chair, are appointed by the Governor, one is appointed by the Secretary of the Commonwealth, and one is appointed by the Attorney General. No more than two of the Commissioners appointed by the Governor, and no more than three Commissioners overall, may be from the same political party. Commissioners are appointed to five-year terms and each year one Commissioner's term expires and the term of their newly appointed successor begins. No one may be appointed to more than one full five-year term as a Commissioner.

The Commission's Executive Director is responsible for the day-to-day management of the agency and its staff and reports to the Commission. The Commission's Chief Financial Officer and three Division Chiefs report to the Executive Director, except that the Legal Division Chief, who is also the Commission's General Counsel, reports to both the Executive Director and the Commission.

The Commission has three Divisions. The Legal Division provides advice to public employees and others on how the conflict of interest law applies to them, helps those required to file a Statement of Financial Interests and public agencies comply with the financial disclosure law, advises the Commission during adjudicatory proceedings, and administers the Statement of Financial Interests filing process. The Enforcement Division investigates alleged violations of the conflict of interest and financial disclosure laws and, when appropriate, civilly prosecutes alleged violators. The Public Education and Communications Division provides educational programming on the conflict of interest law, responds to news media and other requests for information about the Commission, its activities, and the conflict of interest and financial disclosure laws, and maintains the Commission's website.

The Commission received an appropriation of \$2,666,373 in FY 2022, an increase of \$82,409 over FY 2021. The Commission collected \$61,000 in civil penalties in FY 2022. Civil penalties collected by the Commission revert to the Commonwealth's General Fund.

In FY 2022, the Legal Division responded to 5,255 requests for advice concerning the conflict of interest and financial disclosure laws, the Enforcement Division received 830 complaints alleging violations of those laws, and the Public Education and Communications Division conducted 40 seminars and responded to 444 requests for information about the Commission and its laws.

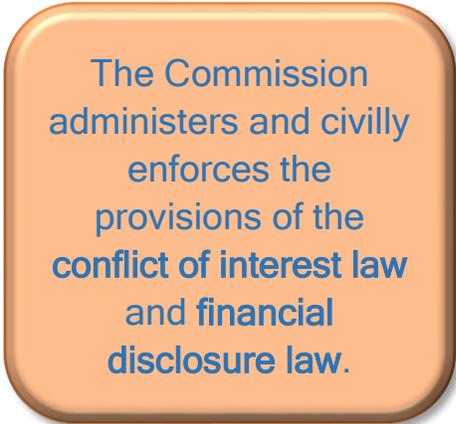
Mission Statement

The mission of the State Ethics Commission is to foster integrity in public service in state, county, and local government, to promote the public's trust and confidence in that service, and to prevent conflicts between private interests and public duties. We strive to accomplish this mission by conducting educational programs, providing clear and timely advice, and fairly and impartially interpreting and enforcing the conflict of interest and financial disclosure laws.

INTRODUCTION

Since 1963, the Massachusetts conflict of interest law, General Laws chapter 268A, has regulated the conduct of public officials and employees in the Commonwealth. Chapter 268A governs what public employees may do “on the job,” “after hours” or “on the side,” and after they leave public service, and sets standards of conduct for all state, county, and municipal employees, including elected officials. The law requires that public employees give their undivided loyalty to the level of government for which they work, and that they act in the public interest.

Chapter 210 of the Acts and Resolves of 1978 established a financial disclosure law, General Laws chapter 268B, requiring public officials, candidates for public office, and state and county employees in designated major policymaking positions to annually file a Statement of Financial Interests for the preceding calendar year.



The Commission administers and civilly enforces the provisions of the conflict of interest law and financial disclosure law.

Chapter 210 also created the State Ethics Commission and empowered it to interpret and civilly enforce G.L. c. 268A and c. 268B. Commission staff provide advice on how to comply with the conflict of interest and financial disclosure laws, investigate allegations of violations of those laws, and conduct educational programs and provide information about the laws and the Commission. The Commission serves as the primary civil enforcement agency for the two laws.

Chapter 28 of the Acts of 2009 strengthened the conflict of interest law and enhanced the Commission’s ability to civilly enforce both the conflict of interest law and the financial disclosure law by: increasing the maximum penalties for violations of G.L. c. 268A and G.L. c. 268B (the Commission may impose a civil penalty up to \$10,000 per violation, except that a civil penalty of up to \$25,000 per violation may be imposed for violations of G.L. c. 268A, § 2); creating a statute of limitations specifically for Commission civil enforcement actions; giving Commission summonses the same force and effect as those issued by a superior court justice; prohibiting gifts to public employees because of their official positions; empowering the Commission to order restitution and repayment of the economic advantage obtained through certain conflict of interest law violations; adding a false or fraudulent claims provision; and mandating conflict of interest law education and training for all public employees. Chapter 28 also amended the financial disclosure law to ban gifts of any amount from lobbyists to certain public officials and their immediate family members. Chapter 28 directed the Commission to prescribe and publish, pursuant to G.L. c. 30A, rules and regulations providing exemptions to certain sections of G.L. c. 268A. Pursuant to this direction and after completing the formal process to issue regulations, the Commission approved new regulations codified at 930 CMR 5.00 and 6.00.

Chapter 93 of the Acts of 2011 added section 6B to the conflict of interest law, requiring each candidate for state employment to disclose in writing as part of the application process the names of certain of their relatives employed by the Commonwealth. Chapter 194 of the Acts of 2011 added section 5(b½) to G.L. c. 268A, imposing a one-year restriction on any former state, county, or municipal employee who worked on any expanded gaming legislation or its implementation from becoming employed by a gaming licensee or from having a financial interest in an applicant for a gaming license or a gaming licensee. Chapter 194 also amended section 6 of the financial disclosure law to include gaming licensees and gaming license applicants within the definition of “legislative agents” for the purposes of that section.

EXECUTIVE ADMINISTRATION

Personnel

The Commission was staffed with 28 employees at the beginning and end of FY 2022. An Assistant Enforcement Counsel, Special Investigator, and Receptionist left the Commission staff and two Special Investigators and a Receptionist joined the staff during the fiscal year.

COVID-19 Pandemic

Due to the ongoing COVID-19 pandemic, the Commission’s office remained closed to visitors throughout FY 2022. Although Commission staff began to gradually return to the office early in the fiscal year, the office did not fully reopen in FY 2022 due to public health conditions resulting from the emergence of the Delta and Omicron variants of COVID-19. During FY 2022, most Commission staff began to work hybrid schedules, dividing their time between working in the office and working remotely from home. When telecommuting, staff worked on Commission-provided laptop computers, using Virtual Private Network (VPN) access to connect to the Commission’s computer servers, and Commission-provided cell phones for work-related calls and text messages. Commission staff drafted a telecommuting policy for inclusion in the Commission Personnel Manual, once reviewed and approved by the Commission. For most of FY 2022, the Commission continued to hold its monthly meetings remotely by videoconference as it had done in FY 2021. On May 31, 2022, three of the five Commissioners returned to the Commission’s office for the Commission’s monthly meeting for the first time since February 2020. The two other Commissioners participated in the meeting by video conference. The Commission held its June 2022 monthly meeting in the same hybrid manner.

Case Management System Replacement Project

In FY 2022, the Commission continued to work with the Executive Office of Technology Services and Security’s Information Technology Capital Project team to plan for the replacement of the Commission’s case management system, Ethos, which has been in service since June 2005 and

whose underlying technology and supporting software have become dated and difficult to maintain. The Commission partnered with other independent and executive branch agencies to identify products that could potentially meet their collective case management needs. After receiving approval from EOTSS, the Legal Case Management System consortium, working with a consultant, issued a request for quotations for the project, which required vendors to respond to approximately 130 functional and technical requirements along with other requirements related to cloud computing and security. The Commonwealth selected an implementation vendor for the project and entered into an enterprise agreement with the vendor in June 2022.

Conflict of Interest Law Online Training Program Replacement Project

The conflict of interest law requires the Commission to provide online training to educate public employees about the law. All state, county, and municipal employees are required to complete the training within 30 days of beginning their public positions and every two years thereafter. The law also requires public employees to be provided with and acknowledge receipt of a summary of the conflict of interest law within 30 days of beginning public employment and annually thereafter. During FY 2022, the Commission continued working with a vendor to develop a new online training program to replace the two programs that had been in use since December 2012. The Commission finalized a statement of work with the vendor for the hosting and delivery of the new course and annual summary acknowledgements using the vendor's proprietary learning management system. Throughout the fiscal year, Commission staff reviewed scripts and content for the online training, and the vendor substantially completed the English version of the course, with revisions, accessibility testing, and work on translating the course into Spanish, Portuguese, and traditional and simplified Chinese pending at the end of the fiscal year. The vendor also produced a pair of videos to introduce the new program and hosting platform to public employees and public agencies.

Council on Governmental Ethics Laws (COGEL) Annual Conference

The Commission is a member of the Council on Government Ethics Laws (COGEL), an international organization for government agencies and other organizations working in ethics, elections, freedom of information, lobbying, and campaign finance. A Commission delegation, consisting of Commissioner Edwards and eleven staff members, attended the virtual COGEL conference on December 6-8, 2021. The virtual conference was held after the in-person annual conference was canceled due to COVID-19.

LEGAL DIVISION

Public employees and others who fall within the jurisdiction of G.L. c. 268A, the conflict of interest law, and G.L. c. 268B, the financial disclosure law, may ask for and receive free, confidential advice about how those laws apply to them and their specific circumstances. Requests for advice may be made by telephone, through the Commission's website, by letter or

email, or in-person, and are answered by Legal Division attorneys. The Legal Division strives to respond to telephone requests for advice on the same day or next business day and to requests for written advice within 30 days. Division attorneys will confirm oral advice by email if the requestor needs written confirmation. Advice is not given about past conduct or about the conduct of a third party who has not authorized the request. Division attorneys give confidential advice based on prior Commission rulings. If there is no Commission precedent for the issue to be addressed, the issue may be submitted to the full Commission for a formal opinion. Although formal opinions are also confidential, the Commission publishes summaries and public versions of such opinions with the requestor's identifying information redacted. The Commission issued one formal opinion in FY 2022.

In addition to providing advice, the Legal Division reviews conflict of interest law opinions issued by municipal counsel under G.L. c. 268A, § 22, to ensure that these opinions are consistent with Commission precedent.

Legal Division attorneys also review for completeness conflict of interest law disclosures filed with the Commission by state and county employees. Such disclosures are available to the public upon request and are listed on the Commission's website. In addition, Division attorneys serve as legal advisors to the Commission in adjudicatory proceedings. At the direction of the Commission or the presiding officer, Division attorneys prepare orders, rulings on motions, and drafts of decisions and orders in adjudicatory proceedings. In addition, the Commission's General Counsel is appointed by the Attorney General as a Special Assistant Attorney General and represents the Commission in civil litigation and appeals involving the Commission.

The financial disclosure law, G.L. c. 268B, requires all state and county elected officials, candidates for state and county office and appointed state and county employees in designated major policymaking positions to annually disclose their financial interests and private business associations by filing a Statement of Financial Interests (SFI).

The Legal Division administers the SFI filing process. The Legal Division Deputy Chief/SFI, the Commission Government Affairs Officer, the Legal Division Administrative Assistant, and the Commission IT Specialist comprised the Commission's SFI Team in FY 2022. The SFI Team handles all the administrative duties related to the filing of SFIs, including oversight of the SFI electronic filing system. The SFI Team also assists filers who have questions about how to complete their SFI as well as agencies that have questions about designating positions as major policymaking positions.

SFIs are public records and are available upon request. Requestors may either complete a written request form or register online to view SFIs using the Public Inspection Module of the electronic SFI system. In either case, certain information exempt from disclosure under the Public Records Law is redacted before an SFI is made available to a requestor. In addition, G.L. c. 268B requires that all requestors provide identification acceptable to the Commission, including their affiliation, if any, and that the Commission notify SFI filers of each request of their SFIs.

Without having to register as an SFI requestor, however, anyone may use the online Public Inspection Module to view a searchable index of all the public employees, public officials and candidates required to file an SFI for a selected calendar year, beginning with CY 2015, and may search for specific filers by name, or for all filers from a particular agency, and learn whether required filers have completed their SFI filing for the year selected.

Throughout FY 2022, the Legal Division consisted of the General Counsel/Legal Division Chief, the Legal Division Deputy Chief/SFI, two Assistant General Counsels, two Staff Counsels, an Assistant Agency Counsel (who performs work for both the Legal and Enforcement Divisions as assigned), and an Administrative Assistant.

FY 2022 Legal Division Activities

Advice

During FY 2022, the Legal Division answered 5,255 requests for advice. These requests consisted of 4,586 telephone or walk-in requests, 635 written requests, and a review of 27 letters issued by municipal counsel pursuant to G.L. c. 268A, § 22. The Division continued its practice of responding to telephone requests on the same day, or the following day, in most cases. The Division's average monthly backlog of written opinion requests older than 30 days was 10 during FY 2022. Overall, the Division received slightly fewer requests for advice in FY 2022 compared to FY 2021 (an approximately 0.9% decrease). The Division also reviewed approximately 251 conflict of interest law disclosures filed by state and county employees. The number of disclosures received by the Division in FY 2022 increased by approximately 33% from FY 2021.



Adjudicatory Proceedings

During FY 2022, Legal Division attorneys acted as Legal Advisors in nine adjudicatory proceedings alleging violations of G.L. c. 268A. Adjudicatory proceedings in FY 2022 were held remotely by videoconference. The Commission also held two in-person adjudicatory hearings with remote videoconference access for the public.

The adjudicatory matters included *In the Matter of Jeffrey Fournier* (Decision and Order); *In the Matter of Erik Fleming* (Final Order); *In the Matter of Gary Haley* (adjudicatory hearing); *In the Matter of John Caplis* (pre-hearing conference); *In the Matter of Robert O'Brien* (pre-hearing conference); and *In the Matters of Susan Anderson, Joseph D. Early Jr., Richard McKeon, and Jeffrey Travers* (adjudicatory hearing).

Litigation

During FY 2022, the Legal Division represented the Commission in four litigation matters:

Comtois v. State Ethics Commission, Appeals Court Docket No. 2021-P-1151: On May 13, 2022, the Commission filed its legal brief with the Appeals Court.

[Doe] v. State Ethics Commission, Berkshire Superior Court Civil Action No. 1976CV00286: On December 30, 2021, the Commission filed a Joint Stipulation of Dismissal dismissing Doe’s declaratory judgment action seeking to quash two investigative summonses issued by the Commission.

Donohue v. State Ethics Commission, Norfolk Superior Court Civil Action No. 2082CV00886: On April 28, 2022, the Superior Court issued a Notice/Order of Status Review which stated that “the complaint [for judicial review] and all remaining claims will be dismissed” if no response is received by May 20, 2022. The docket reflects that on May 20, 2022, the court received a note from Plaintiff asking for more time, but failed to file the requisite motion for judgment on the pleadings.

Fournier v. State Ethics Commission, Suffolk Superior Court Civil Action No. 2184CV2474B: In response to a complaint for judicial review filed on November 2, 2021, the Commission filed the Administrative Record and its memorandum of law in opposition to Plaintiff’s motion for judgment on the pleadings and in support of its cross-motion for judgment on the pleadings was filed on May 22, 2022.

Other Legal Division Activities

In FY 2022, Legal Division attorneys drafted a mediation policy, which was reviewed by the Commission’s Legal Committee and adopted by the Commission on September 15, 2022. Following adoption of the Policy on a pilot basis, Legal Division attorneys prepared an Agreement to Mediate to be used by the parties engaged in mediation. The first mediation took place in the Haley matter in December 2021 and February 2022 with Hon. Charles Swartwood (Ret.) serving as the volunteer mediator.

Legal Division attorneys drafted a new formal opinion, EC-COI-22-1, regarding the application of the conflict of interest law to the ability of a municipal board member to accept compensation from private clients for services provided in connection with a matter that would require the board’s approval. In addition, Division attorneys participated in the development of the Commission’s new conflict of interest law online training course by drafting scenarios and reviewing the course script and video content. Division staff also oversaw the collection of delinquent civil penalties, trained two new staff members on the conflict of interest law, and provided a training session on the conflict of interest and financial disclosure laws for new judges at the Executive Office of the Trial Court Judicial Institute.

Statements of Financial Interests

The filing season for calendar year 2021 SFIs opened January 28, 2022. During FY 2022, the total number of filers — appointed state and county employees, elected state and county officials, and candidates for state and county office — required to file an SFI for CY 2021 was 3,996. The filing deadline was May 2, 2022 for appointed public employees and May 31, 2021 for elected public officials. The filer compliance rate for the CY 2021 SFI filing season was the third highest in the last 10 years, with 96.2% of all filers filing by the deadline.

CY 2021 SFI Season

- 3,996 filers
- 96.2% filed by deadline
- 111 Formal Notices of lateness issued
- 1 Enforcement referral

When a filer fails to file by the deadline, the financial disclosure law, G.L. c. 268B, requires that a Formal Notice of Lateness be sent giving the filer an additional 10-day grace period to file without incurring a civil penalty. A total of 111 Formal Notices of Lateness were sent to those who missed the filing deadline. One filer was referred to the Enforcement Division in FY 2023 for failing to file.

In FY 2022, as in prior years, most SFI filers chose to file electronically rather than on paper. In FY 2022, 3,908 CY 2021 SFI filers, or 97.8% of all such filers, filed electronically. The SFI Team encouraged electronic filing, which makes the process simpler and faster for the filer. In addition, an electronically filed SFI is automatically redacted by the SFI system so it is immediately available for review by both the filer and a member of the public using the SFI system's Public Inspection Module. As a result of the closure of the Commission's office due to the COVID-19 pandemic, filers could not file on paper in person beginning in mid-March for CY 2020. During the CY 2021 filing season in FY 2022, 86 SFIs were filed on paper, an increase from 54 the previous filing year.

ENFORCEMENT DIVISION

The Enforcement Division investigates alleged violations of the conflict of interest and financial disclosure laws, and, when appropriate, civilly prosecutes alleged violators of those laws. By law, the investigations are confidential and the prosecutions are public. The Division received 830 complaints in FY 2022 alleging violations of the conflict of interest law. There were no complaints of violations of the financial disclosure law. The Division negotiated 10 disposition agreements in nine cases, issued public education letters in five cases, issued three confidential compliance letters, was actively involved in nine adjudicatory proceedings, and sent 112 private education letters in FY 2022.

An ongoing FY 2022 priority for the Division was to continue to reduce the complaint intake backlog, which is defined as complaints received by the Commission that have been open more than three months. From the beginning to the end of FY 2022, the complaint backlog decreased from 158 to 114, and the number of complaints in intake older than six months decreased from 45 to 40.

At the beginning of FY 2022, the Enforcement Division consisted of the Division Chief, two Assistant Enforcement Counsels, and an Assistant Agency Counsel (who performs work for both the Enforcement and Legal divisions as assigned); three full-time Special Investigators, two Special Investigators working 80 percent of a full-time schedule, and an administrative assistant. A full-time Special Investigator left the Division in July 2021. Two new Special Investigators joined the Division in October and December 2021, respectively. An Assistant Enforcement Counsel left the Division in May 2022.



Investigations

The Enforcement Division, which generally receives between 750 and 1,100 complaints annually, received 830 in FY 2022. Complaints are made by telephone, mail, an online complaint form, fax, and in person. Roughly 70 percent of these complaints involve municipal officials; the remainder involve state or county employees. The Division reviews all complaints received by the Commission. If the matter complained about falls within the Commission's jurisdiction, the Division initiates an informal investigation. Informal investigations, conducted by the Division's six investigators, generally include telephone interviews and requests for documents. If, based on this investigation, the Division believes the complaints have merit, they are assigned to a Division attorney for further action.

Many complaints assigned to Enforcement Division attorneys are resolved with private education letters. The Division sends a private education letter to the subject of the complaint if the Division believes that the alleged violation is minor in nature, the subject appears to have genuinely misunderstood the law, or pursuing the matter would be an inefficient use of Commission resources. These private letters explain the legal concerns raised by the alleged conduct and provide the subject with guidance on how to comply with the law in the future.

When the alleged violation is of a more serious nature, the Commission may authorize a formal investigation, called a preliminary inquiry, in which Division attorneys may, with the Commission's authorization, issue summonses for documents and testimony under oath. All preliminary inquiries and summonses must be authorized by majority vote of the Commission.

If the preliminary inquiry fails to indicate reasonable cause for belief that the law has been violated, the Commission is statutorily required to immediately terminate the inquiry and so notify

the subject and the complainant, if any. If the preliminary inquiry indicates reasonable cause to believe that a violation has occurred which the Commission thinks does not warrant a public resolution, the Commission may vote to find facts sufficient for reasonable cause and, in lieu of finding reasonable cause and authorizing adjudicatory proceedings, authorize the issuance of a confidential compliance letter. A confidential compliance letter identifies the alleged violations, explains the application of the law to the specific facts at issue, and informs the subject that future violations may be resolved through a public proceeding.

If the preliminary inquiry indicates reasonable cause to believe that a violation has occurred which the Commission concludes warrants a public resolution, the Commission may vote to find reasonable cause and to authorize adjudicatory proceedings. When the Commission so votes, the Enforcement Division offers the subject the opportunity to resolve the matter without an adjudicatory hearing through a public disposition agreement. In a disposition agreement, the subject admits to the facts and the violation, waives the right to a hearing, and agrees to pay a civil penalty. The Commission must approve all disposition agreements by three affirmative votes.

Upon voting to find reasonable cause and authorizing adjudicatory proceedings, Commission may further authorize the Enforcement Division to draft a public education letter to be issued in lieu of adjudicatory proceedings. Public education letters, which impose no civil penalty, may only be issued with the subject's consent. The Commission may authorize the issuance of a public education letter for reasons including novel circumstances or the widespread occurrence of similar conduct. The Commission must approve all public education letters by three affirmative votes.

A subject who chooses not to resolve the matter by entering a disposition agreement, or in some cases by consenting to receive a public education letter, has the right to a public adjudicatory hearing at which both the subject and the Enforcement Division present evidence. Based on the evidence presented at the hearing, the Commission decides whether the subject violated the law and, if it so finds, may impose a civil penalty up to \$10,000 per violation, except that a civil penalty of up to \$25,000 per violation may be imposed for violations of G.L. c. 268A, § 2, the corrupt gifts section of the law. A finding of a violation requires three affirmative votes. A Commission final decision is appealable by the subject to the Superior Court.

Enforcement Division FY 2022 Investigations Statistics

Complaints	
Conflict of interest and financial disclosure law complaints pending at the beginning of FY 2022	421
Conflict of interest law complaints received during FY 2022	830
Complaints alleging failure to file an SFI during FY 2022	0
Complaints closed after informal investigation with no action by an enforcement attorney	818

Complaints closed after informal investigation with private educational letters to the subjects	112
Complaints assigned for preliminary inquiry recommendation	12
Conflict of interest law and financial disclosure law complaints pending at the end of FY 2022	268

Subjects of Complaints	
Municipal employees	691
State employees	116
County employees	1
Private entities	5
Complaints involving unspecified subjects	17

Enforcement Cases	
Preliminary inquiries and post-reasonable cause matters pending from FY 2021	22*
Preliminary inquiries authorized by the Commission during FY 2021	12*
Preliminary inquiries and post-reasonable cause matters involving the conflict of interest law concluded by the Commission in FY 2022	17
Preliminary inquiries concluded with the authorization of an adjudicatory proceeding in FY22	6
Preliminary inquiries terminated by the Commission in FY 2022	2
Preliminary inquiries concluded with authorization of a confidential compliance letter to the subject to at least one party in FY 2021	4
Preliminary inquiries involving financial disclosure law violations resolved by the Commission by a civil penalty for a late-filed SFI	0
Preliminary inquiries and post-reasonable cause matters carried over to FY 2023	17*

*Preliminary inquiries involving more than one subject are counted as one preliminary inquiry.

FY 2022 Public Enforcement Actions

The Commission publicly resolves cases through disposition agreements, public education letters, and adjudicatory proceedings resulting in final decisions. In FY 2022, the Commission resolved nine cases through disposition agreements and issued public education letters in four cases. The Commission held two adjudicatory hearings: *In the Matter of Gary Haley* and *In the Matters of Susan Anderson, Joseph D. Early Jr., Richard McKeon, and Jeffrey Travers*. The cases publicly resolved in FY 2022, listed below, are published on the Commission's website.

In the Matter of John Caplis

The Commission issued a Final Order approving a Disposition Agreement in which former Templeton Director of Veterans Services John Caplis admitted he violated Sections

23(b)(2)(ii), 23(b)(3), and 23(b)(4) of the conflict of interest law by submitting a false claim for veterans benefits to the town to improperly reimburse his friend for a building permit fee. The Commission accepted Caplis' payment of a \$2,500 civil penalty.

In the Matter of Stacia Castro

The Commission approved a Disposition Agreement in which Stacia Castro, a former director of the MassHealth Specialty Provider Network, admitted to violating Section 23(b)(2)(i) of the conflict of interest law by, while a state employee, soliciting and receiving free Boston Red Sox tickets and other things of value from the contractor administering the MassHealth dental program. Castro paid a \$6,000 civil penalty.

In the Matter of Guy Corbosiero

The Commission approved a Public Education Letter to resolve allegations that Winchendon Planning Board Chair Guy Corbosiero violated Section 17 of the conflict of interest law by acting on behalf of a private company in connection with its application for a special permit to operate a retail marijuana facility in the town.

In the Matter of Richard DeLorie

The Commission approved a Disposition Agreement in which Wellesley Fire Chief Richard DeLorie admitted to violating sections 19 and 23(b)(2)(ii) of the conflict of interest law by participating in the town's hiring of his son as a firefighter and using his official position to alter the hiring process to favor his son. DeLorie paid a \$10,000 civil penalty.

In the Matter of Erik Fleming

The Commission issued a Final Order approving a Disposition Agreement in which Hardwick Planning Board member Erik Fleming admitted to violating Section 19 of the conflict of interest law by participating in the Planning Board's approval of a site plan for new construction at a private school where he serves as a member of the Board of Trustees. The Commission accepted Fleming's payment of a \$5,000 civil penalty.

In the Matter of Jeffrey Fournier

The Commission issued a Final Decision and Order finding that Jeffrey Fournier, formerly a consultant to the Office of the State Auditor, violated sections 4(c) and 23(b)(2)(ii) of the conflict of interest law by pitching his private company's services to two state agencies in response to the findings of an OSA audit, and by using or attempting to use his position as an OSA consultant to gain access to those agencies to make his sales pitch.

In the Matter of Albert Ganem

The Commission issued a Public Education Letter to resolve allegations that Hampden-Wilbraham Schools Superintendent Albert Ganem violated sections 19 and 23 of the conflict of interest law by participating as superintendent in the hiring of his spouse and daughter.

In the Matter of Daniel Keefe

The Commission approved a Disposition Agreement in which former Blackstone Selectman Daniel Keefe paid \$4,500 civil penalty for violating Section 19 of the conflict of interest law by, as a selectman, discussing proposed stipends and pay raises for town employees including his spouse, and later criticizing a town investigation into his actions.

In the Matter of William Kingkade

The Commission issued a Public Education Letter to former Milford Select Board member William Kingkade after finding reasonable cause to believe he violated sections 19 and 23(b)(3) of the conflict of interest law by acting in connection with the sale of town land to a friend's company for use by a private club of which he was a partner and by appointing personal friends to municipal positions.

In the Matter of Kenneth Mitchell

The Commission approved a Disposition Agreement in which Hanson Selectman Kenneth Mitchell Sr. admitted to violating sections 17 and 19 of the conflict of interest law by authorizing town payments to the tree service company he privately worked for, representing his private employer in a matter involving the town, and acting as a selectman to advance a proposal to remove trees on town land while knowing his private employer would likely be hired to do the work. Mitchell paid a \$5,000 civil penalty.

In the Matter of Christopher Morin

The Commission issued a Public Education Letter to Milford Finance Committee member Christopher Morin after finding reasonable cause to believe he violated sections 17 and 20 of the conflict of interest law by acting as agent of the private club he co-founded in connection with the sale of town land for use by the club, and by having a financial interest in the town's sale of the land as part-owner of the club.

In the Matter of Jeffrey Peterson

The Commission approved a Disposition Agreement in which Wellesley Assistant Fire Chief Jeffrey Peterson admitted to violating Sections 23(b)(2)(ii) and 23(b)(3) of the conflict of interest law by altering the Fire Department's hiring process to favor the fire chief's son and by selecting and interviewing the son of his wife's cousin. Peterson paid a \$5,000 civil penalty.

In the Matter of Stephen Santos

The Commission issued a Public Education Letter to Ludlow Department of Public Works Board Chairman Stephen Santos after finding reasonable cause to believe he violated sections 19 and 23 of the conflict of interest law by voting to elect himself as DPW Board Chairman and by participating in disciplinary matters involving a DPW employee he believed was cooperating with an investigation of him.

In the Matter of Leo Sacco

The Commission approved a Disposition Agreement in which former Medford Police Chief Leo Sacco admitted to violating sections 23(b)(2)(ii) and 23(b)(3) by failing to appropriately discipline Medford police officers who made false claims for detail pay, not requiring the them to return more than \$17,000 in falsely claimed detail pay, and concealing the matter from the mayor. Sacco paid a \$9,000 civil penalty.

In the Matter of Richard Theroux

The Commission approved a Disposition Agreement in which former Hampden County Regional Retirement Board Member Richard Theroux admitted to violating sections 6, 23(b)(2) and 23(b)(4) of the conflict of interest law by obtaining reimbursements from the Board for falsely claimed lodging expenses and, as a Board member, approving those reimbursements to himself. Theroux paid a \$10,000 civil penalty.

In the Matter of Vincent Villamaino

The Commission approved a Disposition Agreement in which former Hampden Selectman Vincent Villamaino admitted to violating sections 19 and 23 of the conflict of interest law by participating as a selectman in matters involving a country club he belonged to, had done private work for, and resided next to. Villamaino paid a \$4,000 civil penalty.

Civil Penalties

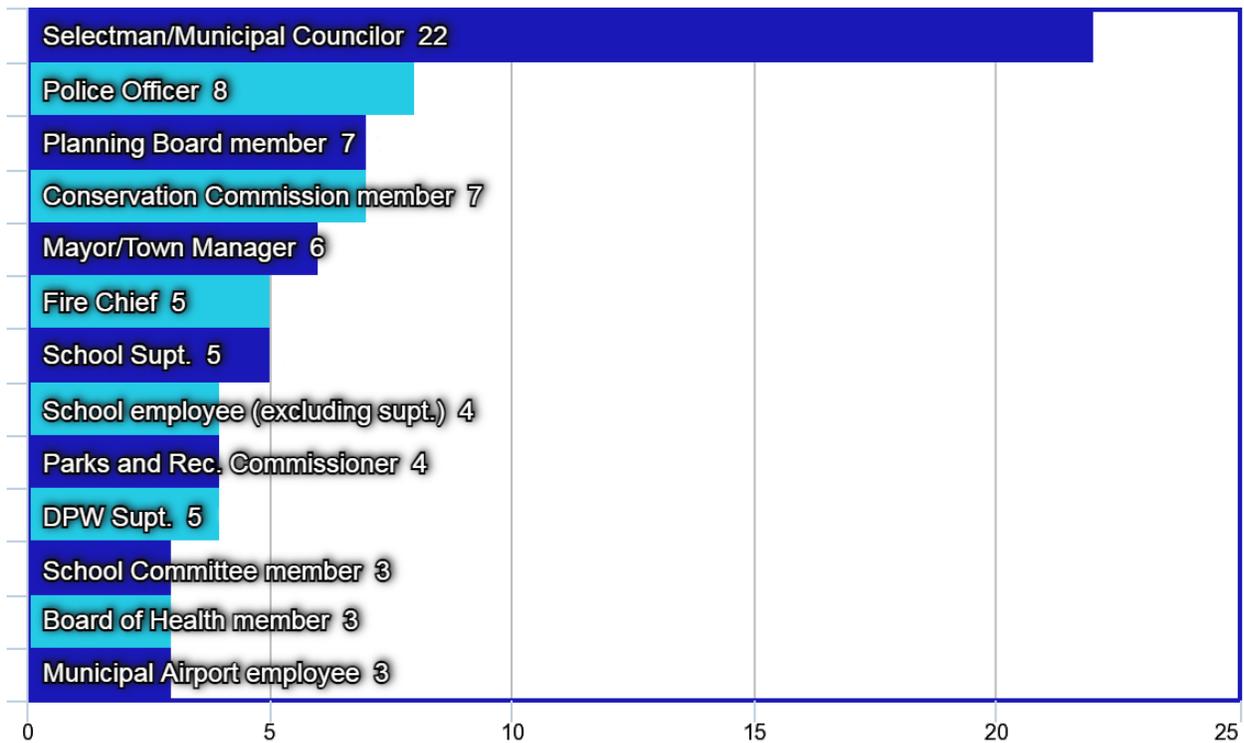
All civil penalties imposed and collected by the Commission to resolve violations of the conflict of interest and financial disclosure laws revert to the Commonwealth's General Fund. In FY 2022, the Commission assessed and collected \$61,000 in civil penalties.

FY 2022 Private Education Letters

The Enforcement Division sends private education letters when it believes the conflict of interest law was violated but the matter does not warrant a public resolution. Letters are sent to ensure the subjects do not continue their apparent misconduct and to provide clear guidance on how to comply with the conflict of interest law in the future. The Division sent 112 private education letters in FY 2022.

- Ten of the letters were sent to state employees, 102 were sent to municipal employees, and one to a private entity.
- The Division sent letters to employees of 77 towns or cities.
- The highest number of letters went to those in the following positions:

Public Education Letters by Position



- The letters issued by the Enforcement Division in FY 2022 addressed the following allegations:

Acting as an agent for a private party before the employing state or municipality (§§ 4 and 17)	7
Accepting private compensation in connection with a matter before the employing state or municipality (§§ 4 and 17)	3
Participating in matters pertaining to abutting property (§§ 6 and 19)	17
Participating in other matters that affect the employee’s financial interest (§§ 6 and 19)	11
Participating in other matters that directly affect the employee’s or employee’s family member’s financial interest (§§ 6 and 19)	3
Participating in other matters that directly affect the employee’s private employer (§§ 6 and 19)	2
Holding multiple municipal positions with the employing state or municipality (§§ 7 and 20)	8
Having another financial interest in a contract with the employing state or municipality (§§ 7 and 20)	6
Employing or entering into a business arrangement with subordinates (§§ 23(b)(2) and 23(b)(3))	1
Using public resources for political activity (§ 23(b)(2)(ii))	14

Using public resources to obtain COVID-19 vaccine prior to eligibility (§ 23(b)(2)(ii))	8
Soliciting subordinates for charitable causes (§ 23(b)(2)(ii))	3
Using public resources to benefit private business (§ 23(b)(2)(ii))	3
Using public resources for other private purposes (§ 23(b)(2)(ii))	21
Accepting a gift (§§ 3 and 23(b)(2)(i))	6
Creating the appearance of a conflict (§ 23(b)(3))	28
Filing a false claim (§ 23(b)(4))	1

Public Education and Communications Division

The Public Education and Communications Division provides free educational seminars throughout the Commonwealth, responds to requests for information from the media and public, maintains the Commission’s website, prepares and issues press releases and Commission publications, and manages the education and training requirements for public employees. The Division consisted of the Division Chief, Senior Public Information Officer, and Senior Program Coordinator.

Seminars

The Public Education and Communications Division conducts free seminars on the conflict of interest law for state, county, and municipal employees. In the seminars, staff provide an overview of the law, provide illustrative examples, and explain how to avoid potential conflicts that may arise between the private interests of public employees and their public positions and responsibilities. Since May 2022, all seminars have included content specifically informing municipalities and public agencies that contracted vendors, attorneys, and consultants who become public employees for purposes of the conflict of interest law must comply with conflict of interest law education requirements. In FY 2022, the Division conducted 40 seminars, a decrease from the 65 conducted the prior fiscal year. A total of 2,057 public employees and consultants attended seminars in FY 2022. Thirty-one FY 2022 seminars were conducted remotely by videoconference, and nine were held in person.

Public Information

In FY 2022, the Public Education and Communications Division responded to 444 telephone and email inquiries from members of the news media and the general public. Due to confidentiality restrictions imposed on the Commission by law, the Commission neither confirms nor denies the existence of any complaint or investigation, or whether anyone has sought or received advice from the Commission. The Division does, however, provide general explanations of the law and other

public information concerning the Commission and its activities, and will refer individuals to the Commission’s website for additional information.

Education and Training Requirements

The conflict of interest law requires that the Commission publish and maintain on its website summaries of the conflict of interest law for state, county, and municipal employees, respectively. The summaries are revised periodically to reflect any changes to the law. Spanish and Portuguese translations of the summaries are also available on the website. The law also requires that the Commission prepare and maintain online training programs on the requirements of the conflict of interest law. The Commission provided two online training programs: one for state and county employees and the other for municipal employees. These interactive programs used multimedia to provide a comprehensive overview of the conflict of interest law.

The conflict of interest law requires all public agencies and municipalities to each year distribute to their employees the summary of the conflict of interest law prepared by the Commission. In addition, every other year, all public employees must complete the Commission’s online training program. Public employees must provide a written acknowledgment to their employers that they received the summary, as well as a completion certificate evidencing their completion of the online training program. The Public Education and Communications Division collects the summary acknowledgments and online training program completion certificates from all elected state and county officials. During the compliance period in FY 2022, all public agencies were required to distribute the summary of the law to all employees.

Website

The Public Education and Communications Division manages and maintains the Commission’s website, www.mass.gov/orgs/state-ethics-commission, which is part of the Mass.gov platform. The website includes news and announcements from the Commission as well as information about the history, activities, and precedents of the Commission. The Commission’s educational materials, disclosure forms and instructions, enforcement actions, advisory opinions (summaries of all – and full texts of many), press releases, and meeting minutes and meeting notices are available online. The website contains more than 65 different educational materials, ranging from summaries of the law for specific municipal employees, such as selectmen or school committee members, to primers and advisories which address specific topics or issues. Visitors to the website can also submit complaints, request advice, or request public records through the website.

Public Education and Communications Division Activities	
Press releases issued	18
Educational seminars conducted	40

Seminar attendance	2,057
Inquiries from media and general public	444
Inquiries concerning the education and training requirements	427
Website average monthly visitors	5,683
Website average monthly page views	12,365

Other Public Education and Communications Division Activities

Public Education and Communications Division staff provide support for Commission meetings by recording meeting minutes, posting meeting notices, preparing electronic meeting packets, and providing videoconference support. Division staff also provide videoconference support to the Legal and Enforcement Divisions. In addition, the Senior Public Information Officer serves as the Commission's Records Access Officer and responded to 121 public records requests, to which 2,272 records were provided in response. Division staff also led the Commission's online training replacement project and participated in the legal case management system replacement project.

Information Technology Services

The Commission's information technology and network resources are maintained and updated by the Commission's Information Technology (IT) Specialist, who reports to the Public Education and Communications Division Chief and to the Legal Division Deputy Chief/SFI. The IT Specialist provides technical support for the Commission's internal case management application, the SFI electronic filing application, and the conflict of interest law online training programs for all public employees.

In FY 2022, the IT Specialist researched and made recommendations to purchase new cell phones for staff and provided technical support regarding the new phones. The IT Specialist also researched and made recommendations on the purchase of new desktop computers, laptops, and other IT hardware equipment, repurposed older desktops to be available as backup systems. The IT Specialist attended a project management training class and a weeklong cybersecurity training class and participated in monthly Executive Office of Technology Services and Security briefings for state agency information officers to receive updates on statewide IT initiatives. In addition, the IT Specialist continued to provide IT support for the SFI filing application, successfully completed annual rollovers for SFI liaison and filer modules, and worked with the Commission's SFI vendor to deploy fixes and new features for the SFI application.



**INTEGRITY IN
PUBLIC SERVICE**

Commonwealth of Massachusetts State Ethics Commission

One Ashburton Place, Room 619, Boston, MA 02108

www.mass.gov/ethics

(617) 371-9500