



Commonwealth of Massachusetts
STATE ETHICS COMMISSION

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Chair

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Testimony of

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Joint Committee on Ways and Means

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Chairman Rodrigues, Chairman Michlewitz and members of the Joint Committee on Ways and Means, thank you for this opportunity to testify on behalf of the State Ethics Commission (“Commission”). I am David A. Wilson, the Commission’s Executive Director. Since 2017, it has been my privilege to lead our small, non-partisan, independent agency’s dedicated and talented staff as we work to accomplish the Commission’s important mission of fostering integrity in public service in state, county, and local government in the Commonwealth and promoting public trust and confidence in that service. In furtherance of this mission, the Commission provides no-cost educational programs and free legal advice concerning the conflict of interest and financial disclosure laws and, when necessary, civilly enforces these laws.

The Commission is the primary civil enforcement agency for violations of the conflict of interest law, G.L. c. 268A, and the financial disclosure law, G.L. c. 268B. Although the Commission receives and confidentially investigates many hundreds of complaints annually

(some of which are resolved with public sanctions),¹ we devote more than half of our staff and technology resources to providing education and advice on how to comply with these two laws.

The Commission provides general and specialized guidance on the conflict of interest and financial disclosure laws to the Commonwealth's estimated 400,000 state, county, and municipal employees and officials (and to the general public) through state-of-the art online training, more than 50 in-person and videoconference seminars annually, and numerous and wide-ranging legal advisories and other educational materials on our website.² In addition, our attorneys provide free, confidential, authoritative, and binding legal advice to nearly 6,000 requestors each year. Although the dollar value of these services cannot be accurately quantified, the Commission indisputably saves the Commonwealth's municipalities and state and county agencies hundreds of thousands of dollars in legal expenses every year. Instead of having to bear the significant cost of employing a staff attorney or retaining a private attorney to advise on the conflict of interest law, the Commonwealth's public agencies and their employees are able to rely on expert legal advice provided by the Commission's attorneys, for which they pay nothing. The Commission charges no fees and receives no chargeback payments from any other agency for its highly valuable expert professional services.

In addition, each year the Commission assists approximately 4,000 current and former state and county employees and officials, and current candidates for state and county elected

¹ In FY 2024, the Commission's Enforcement Division received and investigated 918 complaints, resolved 24 matters publicly, and assessed \$351,500 in civil penalties, all of which, once collected, reverted to the Commonwealth's General Fund. The Enforcement Division also sent 105 private educational letters to subjects.

² Our website is replete with useful information and is very popular. According to the Executive Office of Technology Services and Security, the website has about 707,000 page views annually. In FY 2026, EOTSS chargebacks to the Commission, totaling about \$243,000, will include a charge of about \$55,000 for the website.

office who are subject to the financial disclosure law in complying with that law by helping them complete their annual Statements of Financial Interests (SFIs).

Ongoing Support from the Legislature

The Commission deeply appreciates the Legislature's continued strong support. Modest increases in the Commission's annual budget appropriation in recent years have allowed us to sustain our most crucial resources: our experienced and highly skilled staff and the modern technology they need to serve the public most efficiently and effectively. For example, last year, the Legislature added \$30,000 to what would otherwise have been a \$149,090 increase to the Commission's appropriation to enable our development of an online training content branch geared to the unique issues faced by the Legislature's appointed staff, which we expect to launch by the end of June 2025. In addition, the Legislature's support of technology-related bond bills has enabled the Commission to acquire essential advanced technology and services, including our learning management system, which launched in January 2023 and delivers our state-of-the-art online conflict of interest law training program to more than 300,000 state, county, and municipal employees throughout the Commonwealth, and our new legal case management system (LCMS), which went live on March 4, 2025. Our new LCMS is the product of the ongoing Statewide Legal Case Management System Project being led by the Executive Office of Technology Services and Security (EOTSS) and is expected to improve the efficiency of our internal work processes and enhance our delivery of services.

In short, the Legislature’s strong support empowers the Commission to continue to improve the services it provides to the Commonwealth’s public employees and the general public.

Fiscal Year 2026 Funding Request

For Fiscal Year 2026, the State Ethics Commission is seeking funding of \$4,046,721.³ The requested amount represents the total cost of staff salaries and all other ongoing Commission operating costs, including the significant licensing and maintenance costs associated with the Commission’s new legal case management system, online training program and learning management system, and legacy Statements of Financial Interests (SFI) filing system, including in-house and vendor-provided technical support for all three systems.

The Commission’s FY 2026 funding request includes modest longevity “step” salary increases for junior non-management staff (in their positions for 14 years or less), totaling about \$13,039, and a two-phase (2 percent in July 2025 and 2 percent in January 2026) cost-of-living increase (effectively just over 3 percent in FY 2026), totaling about \$128,513, for all staff including the two-thirds of Commission staff who are in unclassified positions and not paid according to the NAGE Unit 6 collective bargaining agreement salary schedule. These modest increases, which are based on the current NAGE Unit 6 CBA, are necessary to maintain parity between Commission staff who are not paid according to the Unit 6 CBA salary schedule and those who are, such that the former (two-thirds of the Commission staff) are not paid less in FY

³ This amount is \$258,524 over the Governor’s House No. 1 recommendation for the Commission of \$3,788,197. The Commission’s FY 2025 appropriation is \$3,664,121. The Commission also has a PAC of \$66,500 for FY 2025.

2026 than the latter for the same work, and that managers are paid appropriately for their additional duties.⁴ Such pay equity is established Commission practice and essential to maintaining good staff morale and retaining experienced staff. In addition, the requested funding continues to support staff development through training, the cost of chargebacks, fringe benefits and payroll taxes, and general office maintenance and supplies. The requested funding also supports the Commission's ongoing investment in productivity-enhancing technology.

At the requested funding level, the Commission will be able to maintain its current operations, continue to provide crucial services on which public employees throughout the Commonwealth have come to rely, and retain its experienced and highly capable attorneys, investigators, IT professional, administrators, and other staff.

While the Governor's House No. 1 ("H. 1") recommendation of \$3,788,197 to fund the Commission in FY 2026 is on its face \$124,076 (or about 3.4 percent) more than the Commission's FY 2025 allocation, it is in fact effectively only an \$18,276 (or less than 0.5 percent) funding increase for the Commission as \$105,800 of the Commission's H. 1 number is to cover a 77 percent increase in the amount the Commission must pay EOTSS in chargebacks for our use of EOTSS services under a new charging methodology recently adopted by EOTSS. H. 1's recommended increase for the Commission of under half of 1 percent is well below both the annual inflation rate and H. 1's overall increase in the Commonwealth's non-surtax budget of

⁴ Currently, of the Commission's 29 employees, eight (three attorneys, two investigators, two administrative assistants, and one IT specialist) are paid according to the NAGE Unit 6 CBA salary schedule. The others, except for the executive director, are paid salaries determined by the executive director in consultation with the Commission's CFO and approved by Commission vote. The executive director's salary is determined by the Commission. To ensure equity, the compensation of staff with the same duties and experience is maintained at approximately the same level for "non-Unit 6" as for "Unit 6" employees: junior non-management staff receive longevity "step increases" and all staff receive cost of living increases based on the Unit 6 CBA.

2.6 percent.⁵ A miniscule 0.5 percent funding increase would not be sufficient to maintain the Commission's highly valuable services at their current level.

Ongoing Technology Costs, Benefits, and Burdens

Online Training Program and Learning Management System

In January 2023, the Ethics Commission launched a new and innovative online conflict of interest law training program.⁶ The Commission offers the training program free of any charge on our own online learning management system for which the Commission pays a substantial licensing fee.⁷ To date, 818 Massachusetts public agencies, including all of the Commonwealth's 351 municipalities, 146 state agencies, 114 regional school districts and educational collaboratives, 24 county agencies, and 76 charter schools, have chosen to use the Commission's learning management system, and more than 312,000 state, county, and municipal employees have registered user accounts on our system. Thus, most Massachusetts public employees are now utilizing the Commission's learning management system to complete the statutorily mandated conflict of interest law training and education requirements at no cost to themselves or their employing agencies.⁸

⁵ This percentage does not include H. 1's \$1.95 billion proposed spending tied to the Fair Share income surtax.

⁶ The conflict of interest law requires that, within 30 days of becoming a public employee and every two years thereafter, all state, county, and municipal employees in the Commonwealth complete a conflict of interest law online training program prepared by the Commission. G.L. c. 268A, section 28 The law also requires all state, county, and municipal employees to acknowledge in writing their receipt of a written summary of the law prepared by the Commission within 30 days of becoming a public employee and annually thereafter. G.L. c. 268A, section 27

⁷ The Commission's FY 2026 budget request includes \$83,366 for the annual licensing fee for the learning management system.

⁸ The minority of public employees who do not use the Commission's learning management system, complete the training requirements on whatever other learning management systems their public agencies use to offer the Commission's training course. The Commission provides our training course to these agencies without charge.

The Commission's system electronically records each employee's completion of the training program and the annual summary acknowledgement, and agency-level administrators can access this information on the system, which eliminates the need for them to retain paper completion certificates as they had done in the past. The Commission's system thus saves the participating municipalities and state, county, and municipal agencies a significant amount of time and resources and allows them to better monitor and ensure their employees' compliance with the conflict of interest law education requirements.

Because conflict of interest law issues faced by public employees in different kinds of positions can be very different, the Commission's new online training program features multiple role-specific content branches. After completing a general overview of the conflict of interest law, current users choose one of 11 paths with content focused on issues they are most likely to encounter in their positions. Thanks to \$30,000 in additional FY 2025 funding, a new (twelfth) content branch for House and Senate appointed staff is currently in production and is expected to be available this summer.⁹

The overwhelming majority of users of the Commission's learning management system find it easy to use, have no difficulties, and require no assistance. Given, however, the hundreds of public agencies and thousands of public employees using the Commission's learning management system, it is not surprising that the number of users requiring assistance or encountering technical issues, despite being a very small percentage of total users, is large. For

⁹ The online training program offers closed captioning in English, Spanish, Portuguese, traditional and simplified Chinese, and, as of last year, Haitian Creole, and features links to educational resources and supplemental content on our website. The summaries of the conflict of interest law, the receipt of which all public employees must acknowledge annually, are available in all of these languages.

example, during the past five months, Commission Public Education and Communications Division staff have fielded a monthly average of approximately 457 emails and phone calls concerning the online training program or learning management system. Although this number represents a very small percentage of the over 312,000 public employees currently using the system, answering these “help desk” calls and emails is a significant burden that requires many hours of the time of experienced staff which would be better spent on activities requiring their special expertise. In short, the great success and broad use of the Commission’s learning management system has placed heavy demands on current Commission staff that leave them less time to devote to their primary public education duties. It is clear that a new entry level Commission staff person is needed to support the administration of the learning management system and serve as the first point of contact for users requiring assistance.

New Legal Case Management System

The Commission’s new LCMS, which went into use on March 4, 2025, is expected to significantly improve the efficiency of our internal work processes and enhance our delivery of services. However, in addition to about \$125,000 in licensing and anticipated vendor maintenance fees, the Commission’s new legal case management system will require substantial application support. Given that the LCMS project vendor estimated it would charge the Commission over \$120,000 annually to provide this support, which the Commission cannot afford, we have opted to have our staff provide the lion’s share of this support. Providing this support in-house will, however, leave our existing staff less time to provide the high-level services to public employees and the public that their years of experience allow them to provide, unless an entry level staff person is hired and tasked with providing this in-house support.

Information Technology and Applications Support Position is the Cost-Effective Solution

Due to the substantial demands of supporting the Commission's learning management and legal case management systems, the Commission FY 2026 funding requests includes \$40,000 for a part-time entry level IT applications support position. Funding this new position is essential to the Commission's ability to continue to consistently provide the top-quality ethics education and other services that public employees and the public have come to expect.

The part-time IT applications support position would provide critical support for the online training learning management system and the new legal case management system, as well as for the Commission's legacy SFI filing system. This position would back up the Commission's current single full-time IT specialist and would serve as the first point of contact to respond to application users' questions, troubleshoot technical problems, and maintain and manage data for these applications. This position would also assist with the digitization of the Commission's voluminous legacy paper files so they can be stored electronically in the new legal case management system. Adding this much-needed technical support position would allow the Commission's Public Education Division staff and Legal Division staff (who manage the SFI system) to spend less of the time on the "help desk" and more of their time dealing with matters requiring and utilizing their special expertise.

This part-time position will be partly paid for by savings realized from the consolidation of two part-time receptionist positions into one full-time position. Given the LCMS vendor's estimate of \$120,000 for one year of vendor support for just one of these three systems, the

Commission's hiring of this part-time position is the cost-effective solution to meet the growing IT needs of the agency.

New Statements of Financial Interests Application Coming Soon

In mid-December 2024, the Commission's Statements of Financial Interests (SFI) team went before the EOTSS IT Investment Advisory Board to seek funding for the design and development of a new SFI e-filing and management system to replace the existing 10-year-old application. This replacement is necessary because the legacy SFI system is outdated, inflexible, and difficult to use and maintain. EOTSS notified the Commission in early January of the approval of \$1.25 million in capital funds in fiscal years 2025 and 2026, and we look forward to quickly bringing this important new project to fruition to better serve the 4,000 annual SFI filers and the public for whose protection the SFI filing requirement exists.

Conclusion

The State Ethics Commission's ongoing work of fostering integrity at all levels of government in Massachusetts is made possible by your support. The Commission's work encourages ethical behavior by public employees and officials, promotes governmental integrity and public confidence in government, and greatly benefits the people of the Commonwealth. Your continued support ensures that the Commission effectively helps public employees comply with the conflict of interest and financial disclosure laws, and fairly and appropriately deals with those who violate the law. With the funding for staff, technology, and other costs that we are requesting, the Commission will be able to continue to provide the clear and timely legal advice and the high-quality educational programs and training on which public employees have come to

rely; to continue to resolve complaints against public employees expeditiously, as both public employees and the public deserve; and to continue to improve in meeting the governmental ethics needs of the public employees, governmental agencies, and people of the Commonwealth.

The State Ethics Commission greatly appreciates the Legislature's long-standing and continued interest in and support for our important work. Thank you for your attention and your consideration of our Fiscal Year 2026 funding request.

