

**INSTRUCTIONS FOR DISCLOSURE BY STATE, COUNTY OR MUNICIPAL EMPLOYEE  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

**APPEARANCE OF FAVORITISM OR INFLUENCE**

**WHEN TO USE THIS DISCLOSURE FORM**

You are **expected to perform official duties as a state, county or municipal employee**. A reasonable person could conclude that someone can **unduly enjoy your favor** or **improperly influence you** when you perform your official duties, or that you are **likely to act or fail to act** as a result of **kinship or the rank, position or undue influence** of some party or person. For example, you have a relationship or affiliation with a person or organization that is a party, or represents a party, or may be affected by your official actions, or takes a public stance about those actions or the outcome. Taking this affiliation or relationship into account, you have concluded that you can be **fair and objective** when you perform your official duties. **Before you perform your official duties**, you must **file a § 23(b)(3) disclosure**.

For example, you should file a § 23(b)(3) disclosure under the following circumstances:

- You will perform official duties in a situation that involves or affects **non-immediate family members** (e.g., a grandparent, aunt, uncle, cousin, niece or nephew), **close friends, former or present colleagues or customers**, or **professionals with whom you have a business relationship**.
- You are a **member or leader of a trade association or a civic organization**, and the association or organization has an interest in the public work you will do.
- You are an **officer, director, trustee, partner or employee of a non-profit organization which is not a business organization**, and the non-profit has an interest that will be affected when you perform your official duties.

It may be helpful to include the following Information in your disclosure:

- The **nature of the official duties** you are supposed to perform;
- The **nature of the issue that is coming before you** for action or decision;
- Your **relationship or affiliation with a person or organization involved**;
- **Facts** that would indicate that you would not show undue favor toward the person or be improperly influenced by the person or organization, or that you would not be likely to act or fail to act as a result of kinship or the rank, position or undue influence of a party or person.

In the disclosure, you must state that you feel you can be **fair and objective** when you perform your official duties, taking into account the involvement of the person or organization you identified.

If you feel that you **cannot perform your duties fairly and objectively** because of an affiliation or relationship you have with someone involved, you should **voluntarily recuse yourself**.

**FILING THE DISCLOSURE**

Complete the **disclosure** below.

If you are a **non-elected public employee**, file the disclosure with your **appointing authority**. After you file the disclosure, you do not need authorization from your appointing authority before you perform your official duties.

If you are an **elected public employee**, file the disclosure in a public manner **as instructed at the bottom of the disclosure below**.

## **OTHER § 23(b)(3) DISCLOSURES**

Pursuant to regulations, there are other specific disclosure forms to report the following types of gifts in accordance with § 23(b)(3):

- **Gifts unrelated to your official action, position or duties – 930 CMR 5.06;**
- **Travel expenses – 930 CMR 5.08(2)(d)4;**
- **In-state travel for educational purposes – 930 CMR 5.08(2)(e);**
- **Honorary degrees – 930 CMR 5.08(5);**
- **Awards for meritorious public service or lifetime achievement – 930 CMR 5.08(6).**

If you receive gifts of these types, these regulations require you to file a disclosure if **a particular matter regarding a giver** came before you within **six months before you accepted the gift** and/or within **six months after you accepted the gift**. Please review the instructions for the disclosure you need.

**If you need advice about completing the disclosure, please call the Attorney of the Day at (617) 371-9500 or e-mail the State Ethics Commission at [requestadvice@massmail.state.ma.us](mailto:requestadvice@massmail.state.ma.us).**

Form revised August 2015