

# Report of the Attorney General for Fiscal Year 2012



COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF ATTORNEY GENERAL  
MARTHA COAKLEY





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In accordance with the provisions of Section 11 of Chapter 12 of the Massachusetts General Laws, I hereby submit the Annual Report for the Office of the Attorney General. This annual Report covers the period from July 1, 2011 to June 30, 2012.

Respectfully submitted,

A handwritten signature in black ink that reads "Martha Coakley".

Martha Coakley  
Attorney General



# The Attorney General's Office

## The Executive Bureau

Budget Division  
Communications Division  
Community Information and Education Division  
Gaming Enforcement Division  
General Counsel's Office  
Human Resources Division  
Information Technology Division  
Law Library  
Operations and Support Services Division  
Policy & Government Division  
Public Inquiry & Assistance Center  
Victim/Witness Services Division

## The Business and Labor Bureau

Business, Technology, and Economic Development  
Division  
Energy and Telecommunications Division  
Fair Labor Division  
Medicaid Fraud Division  
Non-Profit Organizations/Public Charities Division

## The Criminal Bureau

Appeals Division  
Cyber Crime Division  
Enterprise and Major Crimes Division  
Environmental Crimes Strike Force  
Fraud and Financial Crimes Division  
Financial Investigations Division  
Insurance and Unemployment Fraud Division  
Public Integrity Division  
State Police Detective Unit

## Government Bureau

Abandoned Housing Initiative  
Administrative Law Division  
Municipal Law Unit  
Open Government Division  
Trial Division

## Public Protection and Advocacy Bureau

Antitrust Division  
Civil Rights Division  
Consumer Protection Division  
Environmental Protection Division  
Health Care Division  
Investigations Division  
Insurance and Financial Services Division

## Regional Offices

Central Massachusetts (Worcester)  
Southeastern Massachusetts (New Bedford)  
Western Massachusetts (Springfield)



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## THE EXECUTIVE BUREAU

The Executive Bureau provides administration, public information, and policy development support for the Attorney General's Office (AGO), as well as operational, information technology, human resources, and fiscal management services. Executive Bureau leadership includes the First Assistant Attorney General, Deputy Attorneys General, and the Chief of Staff. Divisions within the Executive Bureau include: General Counsel's Office; Policy and Government; Community Information and Education; Information Technology; Human Resources; Communications; Budget; Gaming Enforcement; the Public Inquiry and Assistance Center, the Law Library, and Victim Services.

### Community Information and Education Division

The Community Information and Education Division (CIED) works collaboratively with the bureaus and divisions of the AGO and with constituencies statewide to provide programs, host special events and create initiatives across the Commonwealth in the areas of public health, safety, consumer protection, civic engagement and community service.

In addition, CIED is responsible for the management of grants related to consumer protection, financial literacy, public health, safety and efforts to mitigate the foreclosure crisis and grants to support the voluntary mediation services delivered by 17 Local Consumer Programs and 15 Face-to-Face Programs statewide.

On August 26, 2011 - more than 30 organizations, including women's and civil rights groups, along with Boston Mayor Thomas M. Menino and Attorney General Martha Coakley, gathered at the Boston Public Garden to commemorate Women's Equality Day, marking the 91st anniversary of women's suffrage.

The Bullying Prevention Commission, chaired by AG Coakley was convened to hear from educators, parents and law enforcement on implementation of the Bullying Prevention Law. The AGO's Youth Police Initiative (YPI) - a youth-focused violence prevention program - was piloted in Cambridge, in partnership with the Cambridge Police Department.

In the Spring of 2012, the AGO launched an internship opportunity for Armed Services Veterans who are enrolled in Cyber Forensics Certificate or Degree programs at Bunker Hill Community College, Bristol Community College and Middlesex Community College. In partnership with Boston Bar Association, AGO volunteers taught financial literacy to high school seniors in four Boston Public high schools.

Over a two-week period in April, 2012, the Legal Food Frenzy, a benevolent competition within the legal community - raised the equivalent of 430,000 pounds on food to benefit the four Food Banks statewide which provide hunger relief across Massachusetts. The food and funds raised provided 331,000 meals to people in need.

### Gaming Enforcement Division

The mandate of the Gaming Enforcement Division is to investigate and prosecute criminal conduct related to expanded gaming in the Commonwealth, monitor the fairness and integrity of the gaming industry, provide assistance to the Gaming Commission in consideration and promulgation of rules and regulations, and participate in generating a list of persons to be excluded from licensed gaming facilities. The work of the division is not strictly limited to gambling offenses or crimes committed within casinos, but includes activity that is gaming-related, such as financial crime, organized crime, corruption and money laundering. The division works closely with the State Police Gaming Enforcement Unit, as well as other federal, state and local law enforcement entities. Members of the division adhere to an enhanced code of ethics, as mandated by G.L. c. 11M(c).

## General Counsel's Office

While the General Counsel's Office (GCO) is technically not a revenue-producing division, the GCO is instrumental in identifying ways in which the AGO can save money by encouraging sound business practices. For example, GCO has been instrumental in cost saving relating to document storage, transportation, and training. In addition, the GCO ensures that the AGO complies with legally and fiscally-sound procurement and contracting processes.

The General Counsel's Office's primary responsibility is to provide legal assistance and operational support to the Attorney General, First Assistant, Deputy Attorneys General, Executive Bureau, substantive bureaus, and non-legal divisions, including the Human Resource Division, Information Technology Division, Operations Division, and Budget Office.

Specifically, the GCO provides legal assistance with employment, ethics, conflicts of interest issues; assists in the development and implementation of office policies and procedures; ensures that all staff complies with G.L. c. 268A and fulfills annual distribution of conflicts of interest law summary and on-line training requirements; helps to represent the AGO in matters before the division of unemployment assistance or other agencies; manages the process through which Special Assistant Attorneys General (SAAG) are appointed and serve; approves contracts for legal services by state agencies; reviews; circulates Petitions and Notices from the Board of Bar Overseers, Notices of tax settlements, and CAFA notices of class actions settlements; reviews and coordinates responses from Bureau Chiefs and other AAsG regarding whether the office should sign on to multistate amicus briefs and sign-on letters circulated by the National Association of Attorneys General (NAAG); manages the Public Records processes by reviewing Public Records Law referrals from Supervisor of Public Records; responds to Public Records Requests made by the public and press to AGO; provides advice to the Executive and other Bureaus concerning the proper response to Public Records Requests; coordinates and trains public records officers within the Bureaus); manages the process through which members of state Boards and Commissions are appointed by the Attorney General; assists staff with ethics and conflicts of interest issues; and provides legal support regarding e-discovery, records retention, procurement and contracting, and other office-wide issues.

The GCO is also responsible for the AG Institute, the in-house training division of the AGO. The AG Institute identifies training needs; creates and conducts in-house training programs on substantive legal issues and professional development; works with in-house and outside presenters and consultants; coordinates out of office training requests; and manages a database which tracks staff participation in CLE programs.

The AGO has an internal mandatory minimum Continuing Legal Education (CLE) requirement of 12 CLEs per year for AAsG. The GCO, through the AG Institute, provides in-office high quality training to AGO legal and non-legal staff. The AG Institute conducted 39 AG Institute training programs and AAsG collectively earned 936 internal CLE credits at AG Institute programs which were applied to their individual 12 hour CLE requirements.

In FY 2012, the AG Institute conducted thirty-nine (39) informal programs for Assistant Attorneys General, filling approximately 936 seats. Also in FY 2012, the GCO managed approximately 400 Public Records.

In FY 2012, the GCO reviewed and coordinated the Attorney General's response to over 60 requests from the other states and distributed through the National Association of Attorneys General to join multistate briefs to be filed in the federal courts, primarily in the United States Supreme Court. The GCO also reviewed and coordinated the Attorney General's response to 18 requests from the NAAG to sign letters submitted to Congress representing the collective views of the Attorneys General.

## Policy & Government Division

The Policy & Government Division works with the Legislature and Executive Branch, members of the Commonwealth's federal delegation, and with municipal officials and other community stakeholders throughout Massachusetts.

The Division responds to the needs of elected officials and other stakeholders by discussing general policy matters and pending state and federal legislation, and assisting elected officials and staff in the resolution of constituent matters. Policy & Government staff meets regularly with community stakeholders on broad policy issues such as energy and the environment, health care cost containment, fair labor issues, criminal law proposals, and consumer protection matters. In FY12, Policy & Government staff worked with various members of the General Court on the advancement of major bills, including a comprehensive human trafficking statute, DNA records access in criminal convictions, and continuing health care cost containment review. Our staff provides legal analysis to legislative and Administration staff on a broad range of policy matters. The Division also works internally to help formulate and advance the office's own legislative and policy initiatives.

At the beginning of 2011, Massachusetts was one of four remaining states in the country that did not have an anti-human trafficking statute. In November, 2011, the Governor signed into law An Act Relative to the Commercial Exploitation of People, filed by the Attorney General, Representative Eugene O'Flaherty and Senator Mark Montigny. The Office was proud to join with legislators, victim advocates, District Attorneys and law enforcement, and other stakeholders in working towards ending the exploitation of children and other victims in the Commonwealth by giving state law enforcement the tools to combat the crimes of sex trafficking and labor trafficking and offer critical services to victims. Second, as part of the Commonwealth's legalization of casino gaming, our office advocated for the inclusion of important law enforcement tools necessary to combat potential illegal influences. To that end, An Act Establishing Expanded Gaming in the Commonwealth included the new crimes of money laundering and gaming-based enterprise crime.

At the federal level, Policy & Government staff continued to work with the Massachusetts Congressional Delegation on policy matters of significance to the Commonwealth. In April 2012, Policy & Government spearheaded a national campaign urging Congress to propose an amendment to the U.S. Constitution to reverse the U.S. Supreme Court decision in Citizens United, which held that corporations are considered to be people and therefore entitled to the same free speech protections as individuals. The practical effect of the ruling was to allow corporations to spend unlimited amounts of money on campaigns. The letter to Congressional leadership was signed by AG Coakley and 10 other state Attorneys General.

## Public Inquiry & Assistance Center

Recoveries: \$3,353,577

The Attorney General's Public Inquiry and Assistance Center (PIAC) is one means of central intake for the office's consumer and constituent services. PIAC is staffed with trained professionals who will review your complaint to determine whether it is appropriate for the AGO's free, voluntary mediation service. If the complaint is not appropriate for mediation, PIAC may be able to refer the consumer to another area of the office or another government agency or organization.

PIAC had another extraordinary year processing 34,000 intakes, handling 54,000 hotline calls, while Constituent Services alone answered 18,000 e-mails and another 2,500 calls. The average daily call volume from consumers averages 225 calls per day. Many of these calls and e-mails are consumers desperately seeking answers or assistance including how to resolve an issue with a merchant, elders seeking assistance

with restoring vital utility services during winter months, or identity theft prevention information and guidance. Elder Inquiry & Assistance separately recovered \$213,617 for elder consumers and handled 12,600 calls.

In order to expedite the processing and resolution of your complaint, PIAC may refer it to a Local Consumer Program (LCP) or a Face to Face Program (FTF) that serves your area. For fiscal year 2012, PIAC and the LCPs performed over 11,000 mediations and returned or saved \$3,353,577 on behalf of Massachusetts consumers. These programs are funded by and work in cooperation with our office, providing the same free, voluntary mediation services.

These services save consumers and businesses money, relieve the burden on courts, foster confidence in government, keep the public safe, and help ensure fairness in the marketplace. Our staff must develop expertise in everything from auto repairs to mortgage modifications. Educating the public in order to prevent scams and rip-offs is another vital part of the mission of state and local consumer agencies. PIAC performed 21 education outreach events this year.

In times of floods, hurricanes, fires, blizzards, and other disasters, state and local consumer protection agencies are among the first responders, helping to make sure that consumers' safety is protected, that they are not gouged for essential supplies, that they're treated fairly by insurance companies and other service providers, and that they are not victimized by fraudulent contractors. State and local consumer protection agencies also respond to man-made disasters, such as the foreclosure crisis. PIAC played an early and dynamic role assisting consumers with important resource information to assist during this troubling economic event.

## Victim Compensation and Assistance Division

Through the Victim Compensation Division, the Attorney General's Office is often able to provide financial assistance to eligible victims of violent crime for medical and dental care, mental health counseling, funeral and burial costs, crime scene clean up services, and security measures. Our division uses federal and state funds obtained from perpetrators, and can assist with expenses up to a maximum of \$25,000 per crime. Experienced staff within this division will assist victims in understanding their rights as a crime victim, determining what expenses may be eligible for compensation, and assessing what other resources are available to assist them.

In FY12, the Victim Compensation and Assistance Division received 1351 new claims representing individual impacted by violence, which are consistent to the number of claims received in FY11. For FY 12, 214 were homicide claims, including 23 related to domestic violence, a slight decrease from FY11. The total number of new domestic violence-related claims was 188. The number of driving under the influence claims totaled 7. Of the claims made eligible during FY12, 189 were related to child victims under the age of 17 which is a decrease from FY11. 28 victims were over the age of 65. The division responded to 1084 claims which totaled \$3,346,951.92 for crime-related expenses out of federal and state monies.

The division conducted various outreach trainings around the Commonwealth to increase awareness of the program with district attorneys offices, child advocacy centers, medical providers, mental health providers, and funeral homes.

## THE BUSINESS AND LABOR BUREAU

The Business and Labor Bureau protects the public interest through fair, firm and transparent investigation, reporting and enforcement actions while providing certainty and equality in the marketplace. The Bureau works to develop clear rules and parameters for the business community and stakeholders to follow.

The Business and Labor Bureau helps to promote a healthy economy by balancing regulatory enforcement and review with advocacy for consumers, ratepayers, and workers. The Bureau works to aggressively root out and prosecute fraud and abuses in our state health care system, advocate on behalf of utility ratepayers, enforce laws governing our many public charities, and to level the playing field for workers and businesses, while promoting a healthy economy.

### Business, Technology, and Economic Development Division

The Business, Technology and Economic Development Division is the liaison between the business community and the Attorney General's Office, promoting better communication, providing information and facilitating a better understanding of issues facing business in the Commonwealth.

The primary role of BTED is to further the Attorney General's efforts to promote economic and technological development in Massachusetts. BTED advises the Attorney General from the perspective of the business community as the Office develops policy on matters that may affect business activity and the Commonwealth's economy.

BTED often collaborates with other divisions of the Attorney General's Office on amicus briefs; regulatory initiatives or review; legislative and policy analysis and review; drafting of advisories; statutory construction; small business impact statements; and evaluation of business-related municipal by-laws.

BTED acts as the Attorney General's liaison to the New England Consumer Liaison Group, a federally mandated consumer forum in the electric industry. BTED is also the Attorney General's representative before the Building Code Coordinating Committee.

BTED can provide assistance to businesses in a variety of different areas. Business and industry trade groups are encouraged to reach out and share their perspectives, concerns and recommendations with BTED relative to the impact of state laws and regulations on their businesses, including those laws and regulations specifically promulgated or enforced by the Attorney General.

The Consumer Liaison Group (CLG) is a unique consumer group empowered to participate in electricity industry affairs. It was founded in 2009 in response to a Federal Energy Regulatory Commission order seeking to improve communication between the energy industry and consumers. As the Commonwealth's advocate for energy consumers, the Attorney General's Office played a lead role in launching the CLG as a ratepayer advocacy organization. Through the Business Technology and Economic Development Division, the Office continues to administer the work of the Coordinating Committee that governs CLG efforts.

This year BTED, through its work with the CLG, launched its first of what will be a quarterly newsletter aimed at informing businesses and commercial industrial customers about what the CLG is up to.

## Energy and Telecommunications Division

Through the Energy and Telecommunications Division, the Attorney General serves as the statutory Ratepayer Advocate in administrative or judicial proceedings on behalf of consumers in matters involving the rates, charges, or tariffs of electric, gas or telephone companies doing business in the Commonwealth. The Division works to ensure that businesses and residents have access to reliable, safe, and affordable energy. The Division litigates cases before state and federal courts, as well as administrative bodies, such as the Massachusetts Department of Public Utilities, the Massachusetts Department of Telecommunications, the Federal Energy Regulatory Commission, and the Federal Communications Commission. In many of these matters, the Attorney General is the only active participant advocating on behalf of Massachusetts consumers.

On August 1, 2011, as a result of the Attorney General's advocacy, the DPU rejected \$4.5 Million of \$11.5 Million in rate increases requested by Fitchburg Gas and Electric Company d/b/a Unitil.

After a major winter storm hit the region in December 2010, and thousands of National Grid customers were left without power for days, the Attorney General called for an investigation of the utility's storm response. After extensive review, on September 22, 2011, the DPU approved a settlement agreement between National Grid and the Attorney General, providing for a \$1.2 Million voluntary penalty to be refunded to customers, payment of additional funds to emergency service providers, and improved storm response training for the utility's employees.

In a natural gas transmission rate case brought by Tennessee Gas Pipeline Company before the Federal Energy Regulatory Commission, the Attorney General led a coalition of northeastern state regulators and consumer advocates in opposition to the company's requested \$350 Million rate increase, of which \$58.8 Million would have been paid by Massachusetts consumers. On December 12, 2011, FERC approved a settlement reducing the rate increase to Massachusetts customers by approximately \$30.2 Million.

On April 4, 2012, after one-and-a-half year long review of a proposed merger between NSTAR and Northeast Utilities, the DPU approved a settlement between the Attorney General and the utilities approving the merger and requiring a 44-month rate freeze and an immediate credit to customers of the NSTAR Gas and Electric Companies and of Western Massachusetts Electric Company, providing a present value benefit to customers of \$196 Million.

In FY2012, the Division represented ratepayers in 269 dockets pending before state and federal bodies. Matters that were finalized yielded approximately \$316.6 Million in ratepayer savings.

## Fair Labor Division

Recoveries for FY12: \$4,027,944.63

Fiscal Year 2012: Restitution: \$3,447,546.88, Penalties: \$580,395.75

Since 2007, FLD's enforcement efforts have resulted in the recovery of over \$30 Million in restitution to workers and penalties to the state

The Fair Labor Division enforces various laws that protect workers, including the prevailing wage, minimum wage, payment of wages, overtime, misclassification, tips, child labor, and Sunday and holiday premium pay laws. The Division has broad powers to investigate and enforce violations of these laws through criminal and civil enforcement actions. The Division protects employees from employer exploitation; prosecutes

employers who fail to comply with the Commonwealth's wage and hour laws; and sets a level playing field on which business can compete. The Division's Bid Unit enforces the public construction bidding laws, which ensure that the process by which public construction contracts are awarded is fair and open, free of corruption and favoritism, and that awards go to the lowest, eligible and responsible bidder.

Partnering with P&G, FLD played a key role in supporting the successful passage of An Act Updating and Streamlining the Employment Agency Law, otherwise known as the "Workers' Right to Know" bill. The new law requires agencies to provide written notice of basic details of job assignments for a highly vulnerable population, temporary workers, such as the name of the agency, the worksite employer, the type of work to be done, safety issues, and wages. It also requires disclosure of how to reach the Massachusetts Department of Labor Standards and the right to workers' compensation.

The Division also played a role in providing outreach to key stakeholders relative to the forced labor component of the new Human Trafficking Law, which was passed earlier this year.

During the past year, to increase transparency and better inform the public regarding the bid laws, a database containing Attorney General Bid Protest Decisions dating back to 1989 was created and posted in the Public Construction section of the Fair Labor Division's section of the Attorney General's Website

### Significant Cases

**Newton Contracting Co., Inc. plea agreement:** A roofing company and its owners pled guilty to misclassifying employees as independent contractors, failing to pay prevailing wages, and unemployment and workers' compensation premium avoidance. The defendants were sentenced to 2 years in the House of Correction, balance suspended for five years, and ordered to pay \$5,000 in restitution to 2 employees, \$100,000 in restitution to Chartis Insurance Agency and \$150,000 in fines, and \$52,000 in unpaid unemployment contributions. Defendants were also debarred from bidding on or contracting for public construction projects for five years.

**Genesis HealthCare settlement:** A Pennsylvania-based company that operates senior care facilities and its affiliate agreed to pay \$826,072 in accrued vacation wages to employees who quit or were fired, plus \$100,000 in penalties and \$100,000 to create a fund for education and enforcement on wage and hour laws pursuant to a settlement with the Division. The settlement provided restitution to 1,646 outgoing employees.

**Gymboree Corporation settlement:** A San Francisco based children's clothing retailer paid \$463,000 in a settlement of a meal break violations case. The settlement requires Gymboree to pay a total of \$130,000 in payments to current and former managers, \$320,000 in penalties to the Commonwealth, and to allocate \$13,600 to update company policies to ensure future compliance with the law.

**Central Mass Disposal, Inc. settlement:** Auburn, MA waste disposal company failed to pay the prevailing wage to 107 employees working in several Central and Western Massachusetts communities. As a result of the settlement agreement, the company paid more than \$750,000 in restitution and a \$120,000 civil penalty to the Commonwealth.

**Baystate Services, Inc. settlement:** A Woburn general contractor agreed to pay more than over \$31,000 in restitution owed to 37 workers formerly employed by a subcontractor of Baystate's and paid less than the state's minimum wage while working on renovating the Marriot Copley in Boston.

## Medicaid Fraud Division

Recoveries: \$60,227,349.68

The Medicaid Fraud Division conducts a statewide program for the investigation and prosecution of health care providers who defraud the Massachusetts Medicaid program, known as MassHealth. In addition, the Medicaid Fraud Division is responsible for reviewing complaints of abuse, neglect, mistreatment and financial exploitation of patients in long-term care facilities.

Through criminal and civil enforcement actions, the division seeks to have a significant deterrent impact on fraudulent activities within every area of the Commonwealth's healthcare provider community. The Division serves as the Medicaid Fraud Control Unit for the Commonwealth of Massachusetts and is annually certified by the Secretary of the U.S. Department of Health and Human Services. The Medicaid Fraud Division employs investigators, auditors, data analysts and attorneys who work together to develop investigations and execute prosecutions.

The Medicaid Fraud Division partners with other local, state and federal law enforcement agencies in its efforts to combat fraud, save taxpayer dollars, and protect the most vulnerable in our society from exploitation and abuse by their caregivers.

In recognition of her office's exceptional efforts to combat fraud and recover money for taxpayers, the Medicaid Fraud Division was awarded the 2011 State Medicaid Fraud Control Unit Award by the Office of Inspector General (OIG) of the United States Department of Health and Human Services.

In an effort to encourage people to report instances of abuse, neglect, and fraud related to the Medicaid system in Massachusetts, Attorney General Martha Coakley has launched an online form to make it even easier to send complaints. The newly created Medicaid Fraud Complaint or Fraud Reporting Form, located on the AGO's website, allows individuals to report instances of Medicaid fraud and misconduct electronically to the Attorney General's Medicaid Fraud Division for referral. The online form is in addition to the Medicaid Fraud tip line that currently receives hundreds of complaints each year and which has resulted in significant investigations and recovery of taxpayer dollars.

### Significant Cases

**September 6, 2011** – A Rhode Island man was sentenced to serve time in state prison after pleading guilty to defrauding the Massachusetts Medicaid Program of more than \$100,000 by claiming that he provided personal care attendant services to an associate while he was in fact incarcerated. On March 16, 2011, Susanne Jordan, Fields' co-defendant in the case, age 59, formerly of North Attleboro, also pled guilty to the charges of Medicaid False Claims and Larceny by False Pretenses. Jordan was sentenced to serve two years in the House of Correction, suspended for a five year probationary period.

**December 20, 2011** - A lawsuit against thirteen drug manufacturers who over inflated prices ended with more than \$47 Million recovered for the Medicaid Program. Merck & Co., Inc. (Merck), the nation's second largest drug manufacturer, has agreed to pay \$24 Million, making this the largest single payment to Massachusetts for one Medicaid fraud case in state history. Merck is the final company to settle this False Claims Act lawsuit brought by the AG's Medicaid Fraud Division against thirteen generic drug manufacturers for knowingly reporting inflated prices to industry price reporting services between 1995 and 2003. Merck and its generic drug subsidiary, Warrick Pharmaceuticals Corporation (Warrick), agreed to this \$24 Million settlement after a favorable jury verdict for the Commonwealth in Federal District court in Boston last year. The twelve other manufacturers settled prior to trial.



**January 30, 2012** — A former Fall River dentist was sentenced to two and a half years in jail after pleading guilty to charges of Medicaid fraud for inserting paper clips into patients' mouths for root canals instead of using stainless steel posts. Michael Clair, the 53 year-old defendant, was sentenced to serve one year in the Bristol County House of Correction, followed by five years of probation, with the remaining one and a half years held on a suspended sentence. Additionally, Clair is excluded from participating in all MassHealth programs and is ordered to stay away and prohibited from having contact with victims and witnesses in this case.

**March 30, 2012** — A medical testing company paid \$20 Million in restitution to resolve allegations of an elaborate kickback scheme that cost the Massachusetts Medicaid program (MassHealth) Millions of dollars for unnecessary urine drug screens. Calloway Laboratories, engaged in a pervasive kickback scheme involving two straw companies that funneled monetary incentives to employees at several sober houses and a medical office to illegally obtain urine drug screening business paid for by MassHealth, the Commonwealth's Medicaid program.

**May 7, 2012** – Resolving allegations of illegal off-label marketing of the drug Depakote, Abbott Laboratories reached two separate multi-state settlements with Massachusetts and other states worth nearly \$900 Million. Under these settlements the Commonwealth received \$19.8 Million from Abbott. The first settlement resulted from a federal and state enforcement action filed under the False Claims Act and resolves civil and criminal allegations of illegal marketing of the anti-seizure medication Depakote for off-label uses by Abbott Laboratories over a ten-year period. Abbott Laboratories will pay the states and federal government \$800 Million in civil damages and penalties to compensate Medicaid, Medicare, and various federal healthcare programs for harm suffered as a result of the alleged conduct. The total value of the civil settlement to the Massachusetts Medicaid program is more than \$17.8 Million. In addition to the multi-state settlement, Abbott will also pay the federal government a criminal fine and forfeit an additional \$700 Million.

**June 19, 2012** — A Newton man pleaded guilty to charges of paying kickbacks to employees at a regional transit authority in order to divert transportation services paid by the state's Medicaid program to one of his companies.

Alexander Shrayber made cash payments to **Montachusett Regional Transit Authority (MART)** employees between January 2007 and April 2010. Shrayber had an ongoing arrangement with these employees that involved monthly payments in return for bypassing the authority's "low-bid system" and diverting transportation assignments for MassHealth recipients from other companies to one of Shrayber's five transportation businesses. Payments for those rides were funded by MassHealth.

## Non-Profit Organizations/Public Charities Division

Recoveries: \$4,961,889

The Division is responsible for overseeing more than 25,000 public charities in Massachusetts, including ensuring appropriate application of charitable assets, investigating allegations of wrongdoing or fraud in the application or solicitation of charitable funds, and initiating enforcement actions in cases of breach of fiduciary duty. This work includes reviewing sales of significant charitable assets and dissolution of public charities, reviewing documentation of and ensuring fulfillment of charitable bequests, and supporting non-profit charitable boards of directors in their efforts to discharge their fiduciary duties appropriately. The Division's Compliance Unit comprises administrative staff who support transparency in the sector by processing and managing registration and annual filings by public charities, professional solicitors,

fundraising counsel and commercial co-venturers, and by maintaining the AGO's Annual Filings Document Search, which makes much of this information available to the public.

The Division conducted numerous investigations that have not resulted in court action. Many of these involve ongoing support and supervision of public charities that are in the process of remedying identified weaknesses in governance.

The Division completed its review of the sales of hospital assets by Quincy Medical Center and Morton Hospital to for-profit Steward Health Care during FY12. The Division is working with the surviving charitable entities to distribute remaining charitable assets in accordance with principles of charities law. The Division also reviewed the sale of assets by New England Sinai Hospital, a long-term acute care hospital in Stoughton, to Steward. The Division, in collaboration with the Health Care Division, began collection of information relating to the five-year monitoring of the impact of the acquisition of hospital assets by Steward Health Care in the Caritas Christi transaction (which closed in November 2010) and the Morton and Quincy hospital acquisitions.

In June, the Division sponsored a major state-wide conference for non-profit public charities and their board members. Workshops provided information and training on topics including board member duties, strategic and business planning, fundraising, financial management and more.

The Division finalized regulations streamlining the exemptions and waivers of filing requirements that apply to religious organization, making the state system more consistent with federal Internal Revenue Service requirements. This administrative simplification should increase predictability and reduce burdens on religious public charities.

### Significant Cases

**The Estate of Rose F. Jannini:** In this estate, \$1.6 Million was recovered from an estate that escheated to the abandoned property division of the treasurer's office. The funds were distributed to Brandeis University for scholarships for students in the pre-med program and to the Crittendon Women's Union for its Career and Family Opportunity Program.

**Tobey Homestead Restoration Trust, Inc.:** This consolidated litigation involved a charitable trust established to restore an historic Victorian mansion which the trust leased on the grounds of Tobey Hospital in Wareham, including a lawsuit by Stuart Marks for repayment of an undocumented \$500,000 cash loan to the trust. The Division intervened alleging that Stuart Marks' brother, Robert Marks, had violated his fiduciary duty when he acted as Stuart Marks' agent and attorney for providing the loan to the trust at the same time that he served as treasurer and a board member of the trust, and that trust president Nancy Miller violated her fiduciary duty by condoning Robert Marks' conduct. Following a trial in September 2011, the judge found that both Nancy Miller and Robert Marks had violated their fiduciary duties. The trust and Stuart Marks have both appealed.

## THE CRIMINAL BUREAU

The Criminal Bureau works to protect the public by investigating and prosecuting a wide range of criminal cases. These include public corruption, financial fraud, and other violations of the public trust, organized crime, major narcotic offenses, appellate issues, insurance and unemployment fraud, environmental crimes, internet and online crimes, and more. The Criminal Bureau's investigations are supported by a team of State Police detectives.

### Appeals Division

The Appeals Division defends Massachusetts convictions, criminal justice officials, and criminal laws and practices, in federal and state courts.

The Division strives to uphold all convictions secured by the Attorney General's Office when they are challenged through postconviction motions in the Massachusetts Trial Court, or on appeal to the Massachusetts Appeals Court or Supreme Judicial Court. It also defends convictions secured by the Attorney General's Office or any district attorney's office against challenges brought in federal court. Thus, Division members represent the Commonwealth in all direct appeals to the United States Supreme Court, and they have served as counsel of record in cases argued before the Court. The Division further responds to habeas corpus actions brought in the United States District Court, and pursued on appeal to the United States Court of Appeals for the First Circuit and Supreme Court. These actions, which involve challenges to state convictions on federal constitutional grounds, are brought by about 130 prisoners each year.

Division members additionally represent Massachusetts agencies and officials in federal and state civil suits arising from actions undertaken within the criminal justice system. In about 100 new cases per year, the Division provides representation to state agencies, judges, court clerks, probation officers, prosecutors, public defenders, state troopers, and others. Its clients may be named as defendants, or subpoenaed to provide documents or testimony. In its civil litigation, like its criminal cases, the Division is often required to defend the constitutionality of statutes, rules, procedures, and practices related to criminal adjudication and punishment.

### Significant Cases

In Fiscal Year 2012, the Appeals Division successfully defended many convictions arising from crimes that were especially heinous and shocking to Massachusetts communities. For example, the Division secured decisions from the United States Court of Appeals for the First Circuit upholding the murder convictions of: **Edward G. Wright**, who stabbed a woman over sixty times; George J. Nardi, who killed his own mother; **Michael Lyons**, who took the life of his two-week-old son; Victor E. Smith, who "savagely stabbed [his] victim" twenty-two times and "boasted to others of the killing"; **Louis R. Costa**, who, with others, gunned down a pair of victims by firing twenty-three shots at close range; and **Michael McDermott**, the former Edgewater Technology employee who killed seven coworkers at the company's Wakefield facility. That court also refused to overturn the conviction of **Reginald Butler**, who brutally raped and beat a teenager.

Additionally, the Division obtained a number of judicial decisions affirming the validity of state statutes and refining federal and state law in ways that will protect the integrity of state convictions. Some of these were rendered by the First Circuit. In particular, in **Butler v. O'Brien**, the court rejected a constitutional challenge to the Commonwealth's aggravated rape statute. In **Jimenez v. Conrad**, an action brought by an inmate convicted of murdering a police officer, the court affirmed

the Massachusetts Parole Board's authority to take into account law enforcement interests, such as the constant exposure of officers to violence, in making parole decisions. And in **Mendes v. Brady** and **Costa v. Hall**, the court issued rulings that will significantly limit the ability of federal courts to disturb Massachusetts first-degree murder convictions after they have received plenary review by the Commonwealth's Supreme Judicial Court.

Other landmark decisions were issued by state courts. In **In re Vaccari**, the SJC rejected a challenge to the constitutionality of the Massachusetts statutes that enable prosecutors to compel the testimony of valuable witnesses through a grant of immunity. And in **Commonwealth v. Springfield Terminal Railway Company**, the Massachusetts Appeals Court recognized that corporations may be held criminally liable for what is known and done by all their employees and subsidiaries, and can be placed on probation with appropriate conditions no less than individuals.

### Other Significant Achievements

In addition to managing their own caseloads, members of the Appeals Division took an active role into investigations and prosecutions overseen by other divisions of the Attorney General's Office. They also contributed to the development of legislative proposals, including those concerning human trafficking, Internet gambling, post-conviction access to DNA, collection of DNA from offenders, and driving while intoxicated. The Division also continued to work closely with the Attorney General's Victim and Witness Services. Division members defended victim compensation decisions against court challenges, and they cooperated closely with victim and witness advocates to ensure that affected citizens were notified of proceedings and developments in habeas corpus litigation.

### Important Statistics and Numbers

In Fiscal Year 2012, the Appeals Division opened almost 330 new cases. About 134 of these cases were brought by prisoners seeking habeas corpus relief in the United States District Court, Court of Appeals, or Supreme Court. The remainder involved: direct appeals of Massachusetts convictions to the United States Supreme Court; direct appeals of criminal convictions in state appellate courts; habeas corpus petitions and other post-conviction challenges in state courts, and appeals from decisions thereon; petitions for relief under Chapter 211, Section 3 of the General Laws in the Supreme Judicial Court for Suffolk County; civil actions and appeals from judgments therein in federal courts; and civil actions and appeals from judgments therein in state courts. The Division's civil litigation efforts involved representing state actors as defendants and as subpoenaed third parties. Division members had close to 100 court appearances, and their cases produced over 100 published and unpublished opinions by federal and state courts.

### Cyber Crime Division

The Cyber Crime Division (CCD) investigates and prosecutes complex criminal cases involving digital evidence, consultation on criminal matters involving technology, and the forensic examination of digital evidence. The Division is focused on building stronger and safer communities, as well as developing shared training resources and collaboration between law enforcement agencies.

The Division also works to advance the comprehensive Cyber Crime Initiative, which includes the Massachusetts Digital Evidence Consortium, a working group of law enforcement digital evidence analysts who convene to standardize digital evidence analysis procedures and improve training and information sharing efforts. In 2007, the Attorney General convened a meeting of police officers and prosecutors from across the Commonwealth to identify challenges in the investigation and prosecution of cyber crime cases.

Shortly thereafter, she published the Strategic Plan, identifying several solutions to these challenges. The Cyber Crime Initiative implements these solutions and has already achieved significant success. For example, the CCD has arranged or conducted training for more than 11,000 police officers and prosecutors in several cyber crime subjects. The Division also coordinates an online training portal for law enforcement.

### Significant Cases

In 2012, CCD's Internet Café investigation resulted in the payment of over \$850,000 to the Commonwealth and guilty pleas from two individuals and a corporation. In July of 2012, all so-called "Internet cafes" operating the software or Minnesota based Arcola, LLC agreed to cease operations in the Commonwealth. Those cafes were, in fact, illegal gambling operations. As part of a civil settlement, cafes in Fall River, Fairhaven, and Lynnfield acknowledged that their operations violated Massachusetts consumer protections laws. All profits earned by the cafes and by Arcola LLC, a total of \$530,000, were disgorged to the General Fund. In addition, a payment of \$220,000 was made to the AGO for use in future enforcement actions against other "Internet cafes." On August 31, 2012, Leo and Linda Pelletier pleaded guilty in Bristol Superior Court to gaming charges in connection with the operation of the "Leo's Place" cafes in Fall River and Fairhaven that were previously affiliated with Arcola, LLC. The Pelletier's corporation, New England Internet Café's, pleaded guilty as well. The guilty pleas were to charges of organizing or promoting gambling services, operating an illegal lottery, allowing lotteries in a building, and the sale and advertising of lottery tickets. As part of the corporation's plea, over \$100,000 was forfeited to the General Fund. Two other defendants, Ron Sevigny and Donald Greenidge, received pretrial probation on charges concerning their participation in these cafes' operations. The Internet Café investigation remains ongoing. Criminal charges are pending in Hampden Superior Court against two individuals and a corporation pertaining to the operation Cafeno's, a café previously operating in Springfield.

The Attorney General is a staunch advocate for children and a leader in the fight against cybercrime. As a partner in the Massachusetts Internet Crimes Against Children Task Force (ICAC), the CCD dedicated significant resources to prevent the online exploitation of children in 2012. Police and prosecutors assigned to the Division investigated and prosecuted a significant number of online child exploitation offenses over the course of the year. For example, In April of 2012, police and prosecutors assigned to the Division worked closely with other Massachusetts ICAC Task Force affiliates in a sweep of online child pornography traders that resulted in 32 arrests and 56 search warrant executions. In addition to investigating and prosecuting child pornography cases, members of the Division spent considerable time creating and delivering training for police officers and prosecutors that investigate, prosecute, and conduct forensic examinations in cybercrime cases including online child exploitation.

In April of 2012, the CCD hosted the first National Cyber Crime Conference in Massachusetts at the Four Points Sheraton in Norwood. There were 492 attendees from 22 states and the US Virgin Islands who attended the 2 1/2 day conference which featured 3 separate tracks of sessions; one for prosecutors, one for investigators and one for digital evidence examiners. There were 54 experts who provided instruction throughout the 76 sessions.

### Enterprise and Major Crimes Division

The Division actively investigates both traditional and non-traditional criminal organizations in order to promote public safety. The division also identifies and monitors a wide variety of criminal enterprises through the use of sophisticated electronic surveillance with an eye toward infiltration, disruption, and prosecution.

## Significant Cases

Members of the State Police assigned to the Attorney General's Office began an investigation in 2011 into allegations of prostitution and potential human trafficking from three day spas owned and operated by Terry Mussari. Terry Mussari was indicted on 3 counts of Deriving Support from Prostitution, 3 counts of Having a House of Ill Fame, and 3 counts for Fair Labor Violations.

EMC also indicted the four individuals under the Commonwealth's new Human Trafficking law. The investigation, which included a number of court ordered wiretaps, was conducted by ICE Agents assigned to Homeland Security Investigations and Troopers assigned to the AGO State Police Detective Unit.

The Division also continued to prosecute the Mark Rossetti organization in various courts of the Commonwealth, and added to its staff a prosecutor specially assigned to human trafficking prosecutions. That prosecutor also regularly conducts trainings for state, federal, and local and local law enforcement on the Commonwealth's recently enacted Human Trafficking statute, and how to effectively investigate and prosecute human trafficking cases under that new law.

## Environmental Crimes Strike Force

Recoveries: \$530,000

The Massachusetts Environmental Strike Force investigates and prosecutes crimes that harm the state's air, land or water, or that pose a significant threat to human health. The Strike Force is an interagency unit that includes prosecutors from the Attorney General's Office, officers from the Massachusetts Environmental Police, and investigators, engineers and attorneys from the Massachusetts Department of Environmental Protection. Strike Force partners meet regularly to evaluate whether enforcement against particular environmental violations should be done administratively, civilly or criminally. The most egregious violations are referred for criminal prosecution. In the past several years, the focus of the Strike Force's criminal prosecutions has been on improper disposal of hazardous waste, failure to properly report spills of oil or hazardous waste, failure to properly abate and dispose of asbestos, failure to abate lead paint hazards, and exposing workers and children to unsafe conditions.

## Significant Cases

The Strike Force has, for many years, been prosecuting property owners and contractors for illegal and improper removal of asbestos containing materials. Given the significant costs entailed in the proper removal of such materials, there has been a huge temptation to utilize untrained workers and take shortcuts in removal projects, exposing workers, tenants and others to this highly dangerous material. In fiscal 2012, the Strike Force obtained the first incarcerative sentence in many years for a man who, over the course of a year, engaged in unlicensed and improper removal of asbestos containing materials from several schools, a library, a fire station, and a battered women's shelter, and then illegally stored the removed asbestos in a self-storage locker in Lynnfield. (**Commonwealth v. David Harder**, Essex Superior Court Docket No. 2011-238)

The Strike Force also undertook its first prosecution of a landlord for falsifying lead paint compliance documents, and for putting two small children at risk of exposure to lead paint by falsely claiming that the property he was renting to their family had been de-lead, when in fact it was full of lead paint hazards. The landlord in this case was charged with, and ultimately convicted, of criminal child

endangerment as well larceny and uttering forged records. As part of his criminal sentence, he was required to have other properties he owns inspected for lead paint and de-leaded. (**Commonwealth v. Jaroslaw Pianka**, Worcester Superior Court Docket No. 2010-1337)

The Strike Force forged new relationships with environmental enforcement professionals throughout the region, including through its active participation in the Northeast Environmental Enforcement Project. Members of the Strike Force were also invited to provide education and training in criminal environmental enforcement through the Western States Environmental Enforcement Project, the California District Attorneys Association, and the American Bar Association.

## Important Statistics and Numbers

### Cases in Court During FY12

- Clean Air Act/Asbestos - 10
- Hazardous Material/Failure to Report - 9
- False Statements/False Claims - 5
- Water/Wetlands Violations - 2
- Lead Paint - 1

### Investigations During FY12

- Clean Air Act/Asbestos - 10
- Hazardous Material/Failure to Report - 8
- False Statements/False Claim - 1
- Water/Wetlands Violations - 3
- Lead Paint - 3

## Financial Investigations

The Financial Investigations Division investigates allegations of criminal misconduct involving a broad array of complex financial crimes and crimes impacting public integrity. The Division works collaboratively with the prosecutors in Fraud and Financial Crimes Division and the Public Integrity Division. The Division is staffed with civilian financial investigators who work jointly with the State Police Troopers, victim/witness advocates and support staff within the office.

The Fraud and Financial Crimes Division and the Public Integrity Division will provide the summaries of significant cases that the investigators from the Financial Investigations Division worked on with the prosecutors from those divisions.

The Financial Investigations Division handled over 192 complaints from citizens of the Commonwealth of Massachusetts.

## Fraud and Financial Crimes Division

Recoveries: \$5,268,837

Created by the Attorney General in 2011, the Fraud and Financial Crimes Division investigates and prosecutes criminal misconduct involving a broad array of financial crimes including fiduciary embezzlement, complex financial frauds, and tax crimes.

The Division is staffed with prosecutors, civilian investigators, State Police Troopers assigned to the Office, victim witness advocates and support staff. The Fraud and Financial Crimes Division works closely with the business and non-profit community as well as local state and federal investigative and law enforcement agencies to prosecute as well as prevent criminal financial activity. By targeting illegal schemes ranging from complex mortgage fraud to simple larceny, the Division strives to protect Massachusetts consumers and businesses.

## Significant Cases

**Commonwealth v. Adams** - In December, a Los Angeles based movie director, Daniel Adams, was indicted in connection with fraudulently submitting film tax credit applications claiming inflated expenses for two films made in Massachusetts that resulted in an overpayment of more than \$4.7 Million in taxpayer funds. (Making a False Claim against the Commonwealth - 2 counts; Larceny over \$250 - 2 counts; Procuring the Presentation of a False Claim to the Department of Revenue - 1 count; Procuring the Preparation of a False Tax Return - 3 counts). The investigation began in March 2010, when an investigator at the Department of Revenue spotted suspicious tax returns connected to “The Lightkeepers” film. During the course of its review of the tax credit application, the DOR discovered that withholding tax had not been paid on the lead actors’ salaries and required payment of the tax before issuing the tax credit certificate. After further investigation, prosecutors allege Adams participated in a scheme to defraud taxpayers that began in 2006. He allegedly submitted fraudulent tax credit applications that greatly inflated expenses for two Cape Cod based film projects and in turn received a tax credit overpayment of more than \$4.7 Million. On May 10, 2012, Mr. Adams changed his plea to guilty and was sentenced to 2-3 years state prison with 10 years probation from and after. He was ordered to pay \$4,377,837 in restitution.

**Commonwealth v. Edward Pepyne** - On June 18, 2012, a Superior Court Jury found Mr. Pepyne guilty of Larceny over \$250 from a person over 60. Mr. Pepyne was an attorney entrusted to resolve a personal injury lawsuit for an elderly couple from Greenfield, MA. Instead of paying the victims the money obtained from the insurance company during the settlement Mr. Pepyne kept approximately \$180,000 above his fee and costs. He was sentenced on June 29, 2012 to 2 to 4 years state prison.

## Insurance and Unemployment Fraud Division

Recoveries: \$6,000,889.91

The \$6,000,889.91 figure for the fiscal year includes a \$5,000,000 restitution order in the case of Commonwealth v. Joshua Brown prosecuted by Brendan O’Shea and Jessica Massey. Both the calendar year and fiscal year recoveries include \$645,475.47 in actual money received in the matters of In Re: Aulson Company and In Re: Verizon

The Insurance and Unemployment Fraud Division investigates and prosecutes those who commit fraud against insurers and against the Commonwealth’s unemployment insurance and workers’ compensation system. This includes automobile, health care, and disability fraud. The Division prosecutes these crimes to protect both Massachusetts consumers and the integrity of the insurance system. These efforts help protect taxpayers from higher premiums and taxes that result from fraud and assuring that those in need receive appropriate services.

## Significant Cases

In the Spring of 2012, IUFD charged two employers/companies and their presidents with failing to pay full unemployment contributions: Commonwealth v. Daniel Reitzas and Northeast Knitting Mills failed to pay \$333,724 in unemployment contributions, Commonwealth v. John Capello and Ieraci Landscaping failed to pay \$109,000 in unemployment contributions.

In January of 2012, IUFD resolved the case workers’ compensation premium evasion case of Commonwealth v. Dara Duong. Duong under reported the size and scope of his business operations in order to avoid paying full workers’ compensation premiums totaling over \$110,000.



In addition to charging criminally employers who have failed to pay full unemployment contributions, IUFD settled civilly two matters: In Re: Aulson Company settled with the payment of \$327,565.98 in unemployment contributions and In Re: Verizon settled with the payment of \$317,909.45 in unemployment contributions. This is a new initiative IUFD embarked on in collaboration with the Division of Unemployment Assistance.

## Public Integrity Division

The Public Integrity Division investigates and prosecutes serious criminal misconduct involving crimes committed against or upon public agencies, crimes by corrupt public employees and public entities who engage in or conspire to commit larceny, fraud, bribery, gratuities, and other crimes in which there is a hidden personal financial interest, and crimes that have a corrosive or harmful effect on public confidence in our government and other trusted institutions, including such crimes as perjury and obstruction of justice.

The Public Integrity Division is staffed by experienced prosecutors who partner with State Police troopers and civilian financial investigators in the office, and local, state, and federal investigative and enforcement agencies. Prosecutors, troopers, investigators, victim witness advocates and support staff work collaboratively to investigate and prosecute matters using the most sophisticated resources available to law enforcement.

## Significant Cases

In **August 2011**, John Whittaker, the former general manager of the Merrimack Valley Transportation Authority, who stole more than \$120,000 in bus fares from the authority's money room, pled guilty to charges of Larceny Over \$250 and was sentenced to serve 18 months in the House of Correction, followed by five years of probation plus restitution.

In **June 2012**, in what was called the largest MBTA fare evasion scheme ever, four people pled guilty and were sentenced to jail for their roles in selling and distributing phony MBTA monthly passes worth Millions directly to MBTA riders. Andres Townes was sentenced to serve three years to three years and a day in State Prison with two years of probation concurrent with his sentence. Joceline Townes was sentenced to three months in the House of Correction, Gloria Escobar was sentenced to two years in the House of Correction, and Alex Saunders received 18 months in the House of Correction. Andres Townes worked for the company that handled passes sold by phone and on-line, and used the company machine to activate the passes. The quartet sold the passes, worth up to \$250, at a discount to riders, via mail or directly, after listing them on Craigslist. A fifth defendant was arraigned in 2011 in connection with the scheme.

The main player in a subsequent phase of a case involving a widespread scheme to fraudulently recertify **emergency medical technicians (EMTs)** pled guilty in April 2012. Thomas Codair, an EMT instructor, skirted OEMS requirements by turning in false training documents that showed dozens of emergency personnel became recertified, when in fact they never completed the courses. Codair also allowed the EMTs to put their signatures on the lists of course participants without attending. He was sentenced to two and a half years in the House of Correction, suspended, if he didn't violate probation for a one-year period, and was ordered to pay a \$1,000 fine for each of his four EMT violations. Four executives of a Woburn ambulance company also pled guilty in June for signing attendance rosters without attending the required recertification classes and received one year of unsupervised probation after their cases were continued without a finding.

Also pleading guilty were a **former Boston state representative** and his campaign treasurer for not reporting campaign contributions and not preserving receipts. In June 2012, after a judge continued their cases without a finding, Brian Wallace was ordered to pay more than \$35,000 in restitution and serve five years of probation. Timothy Duross was ordered to serve three years of probation and lesser fines.

Also during the fiscal year, **Valerie Herron**, who had been a case manager for the state's food stamp welfare program, pleaded guilty to accepting bribes for expediting individuals' applications. Herron was ordered to make full restitution of over \$2,500 and serve two years of probation with community service. She also faced loss of her pension and any prior contributions made.

In January 2012, following the conclusion of an investigation and settlement involving campaign finance violations by the treasurer for former Middlesex Sheriff **James V. DiPaola's** campaign committee, the Attorney General made recommendations to revise the state's campaign finance laws to make public officials more accountable. Patricia Covelle admitted to campaign finance violations, including accepting individual cash contributions to the committee over \$50, which totaled about \$4,000 and failing to report the contributions to the Office of Campaign and Political Finance. Covelle was required to pay \$4,000 in civil fines, disgorge to the Commonwealth over \$295,000 – the remaining balance of the campaign account, and never again work as treasurer of a political committee.

As the result of an investigation that began in 2010, four individuals, three of them **Massachusetts Department of Transportation (MassDOT)** employees, were arraigned in November 2011 in connection with an alleged illegal scheme to reap lucrative financial benefits from the awarding of snow and ice removal contracts. Thomas Waruzila, Director of the MassDOT Worcester office, and brothers Dean and Anthony Gleason, the Snow and Ice Engineer and Civil Engineer for the same region, respectively, allegedly awarded the contracts to family friend Quang T. Do, so that the secret financial benefit to two of the defendants could be hidden.

Public officials were also arraigned in cases involving the **state's Lottery and Probation Department**. John J. O'Brien, former Commissioner of Probation, was arraigned for allegedly conspiring to organize a fundraiser for former Treasurer Timothy Cahill's gubernatorial campaign to get his wife hired at the Lottery, and other charges. Co-defendant Scott S. Campbell was also arraigned for allegedly conspiring with O'Brien, disguising campaign contributions and other charges.

In the Lottery case, former Treasurer Cahill was charged with public corruption, violation of state ethics laws by using his official position to obtain unwarranted privilege, procurement fraud and conspiracy for allegedly using an ad campaign funded by taxpayers to aid his 2010 run for governor. Scott S. Campbell, also a co-defendant in this case, was charged similarly, and a third co-defendant, Alfred Grazioso, Jr., was charged with obstruction of justice for allegedly intimidating and harassing two witnesses. Cahill and Campbell faced felony charges for the ethics violations, instead of the former civil violations, resulting from 2009 changes to ethics laws.

Before the close of the fiscal year, a **Quincy convenience store proprietor**, and 21 customers who were food stamp recipients were charged with alleged "food stamp" fraud of the state's Supplemental Nutrition Assistance Program for scheming to fraudulently exchange food stamps for cash.

In addition, a **former New Bedford Housing Authority** employee was charged with the alleged theft of nearly \$14,000 from the agency for submission of fraudulent reimbursement requests. He was also charged with the alleged theft of more than \$79,000 from a friend and a drug offense.

## GOVERNMENT BUREAU

The Government Bureau represents the Commonwealth, its agencies, and officials in many types of civil litigation, as well as defending Commonwealth employees from civil claims made against them resulting from the performance of their duties. The Bureau develops and maintains close working relationships with the agencies it represents, often providing them guidance and advice where advance legal consultation may prevent unnecessary litigation and costly lawsuits. The Government Bureau initiates affirmative litigation in the public interest, on behalf of the Commonwealth and its residents. The Bureau also enforces the state's Open Meeting Law through its Division of Open Government, and reviews and approves town bylaws through its Municipal Law Unit.

### Abandoned Housing Initiative

The Abandoned Housing Initiative was developed to provide a tool to communities to rid otherwise viable neighborhoods of blighted property. This program functions as a partnership between the Attorney General's Office and local communities to turn these unsightly, dangerous and abandoned properties around. To make these changes, the Program employs the State Sanitary Code's enforcement authority vested in the Attorney General and individual cities and towns to seek out delinquent owners of abandoned, residential properties and get them to fix their house.

By employing the authority of the receivership statute, the AGO working within the relevant court can request the assignment of an individual or organization to serve as receiver. The receiver will work with the court to bring the property up to code and back onto the tax rolls. The AHI strikes a balance between private property owner's rights and the public's right to be free from dangers posed by health, safety and building code violations. The owner never loses legal title to the property during the receivership. The receiver takes an equitable ownership interest during the receivership, granting authority to run the property in the short term.

The AHI's ultimate goal is to turn these abandoned properties into places where families can live and grow as we do this work home-by-home, block-by-block and city-by-city.

As part of a joint and targeted effort with the City of Brockton, the Department of Housing and Urban Development and the Brockton Redevelopment Authority, AHI addressed a group of vacant properties in the Campello neighborhood of Brockton. As result of these efforts, four properties on one block of Laureston Street which had suffered an enormous number of code violations, copper stripping and from vagrants using the properties for illegal activities, were repaired.

In FY2012, AHI expanded its services to 21 new communities - bringing the total number of communities we work with to 50. New communities include: Adams, Andover, Arlington, Athol, Auburn, Gloucester, Goshen, Holden, Leicester, Merrimac, Millbury, Oxford, Peabody, Salem, Southwick, Tewksbury, Westport, Whatley, Williamsburg, Wilmington, and Woburn

AHI received 230 new property referrals from communities in FY2012, representing a 62% increase from FY2011, and our busiest year to date.

### Administrative Law Division

The Administrative Law Division represents state agencies and state officials in a broad range of civil litigation. The Division defends legal challenges to state statutes and regulations, suits that challenge state policies and programs, and suits that challenge the decisions of state administrative agencies. The Division

also initiates litigation on behalf of state agencies in order to support their programs or assist their regulatory activities. The Division's cases frequently involve questions of statutory interpretation, application of constitutional principles, and claims concerning the authority or jurisdiction of state administrative agencies. The Division's objective is to provide the highest quality legal representation to all of the state agencies and officials it serves.

The Administrative Law Division protects the public interest by vigorously defending state agencies that provide essential services, programs and public benefits. The Division's cases are as diverse as the agencies it represents, and involve the regulation of insurance, banking, public utilities, renewable energy and telecommunications; state taxation; environmental permitting; affordable housing; transportation; education; human services and public assistance programs; public health and health-care finance; professional licensure and discipline; and public-sector labor and employment, among other things. The Division often defends lawsuits challenging important legislative initiatives such as health insurance reform, state pension reform, consolidation of transportation agencies and increased penalties for drunk driving in Melanie's Law. In many cases, the Division seeks to preserve both needed public programs and significant public funds.

As of June 30, 2012, the Division had 1,588 open cases and other litigation matters. During FY 2012, the Division opened 842 new cases and other litigation matters, and closed 991 cases and litigation matters.

### Access to Health Care

In *National Federation of Independent Business v. Sebelius*, the Supreme Court held that Congress was authorized by its taxing power to impose a penalty on persons who refuse to purchase health insurance as required by the "individual mandate" in the federal Affordable Care Act. Five members of the Court expressed the view that Congress was not authorized to enact the individual mandate under the Commerce Clause because the mandate regulates only economic "inactivity." Working with colleagues in the Health Care Division, we filed an amicus brief explaining how implementation of an individual mandate in the 2006 Massachusetts health-reform law demonstrated that, in the aggregate, individuals' decisions not to purchase health insurance (and, instead, to rely on government or free-care systems) substantially affect commerce and, for that reason, are a proper subject for Congress to address. Our amicus brief was cited and relied upon in the dissenting opinion of Justice Ginsburg, joined by Justices Breyer, Sotomayor and Kagan.

In *McCullen v. Coakley*, the United States District Court held that the state law imposing a "buffer zone" around entrances to reproductive health care facilities, as it is applied at the Boston, Worcester, and Springfield clinics of Planned Parenthood, leaves open ample alternative channels of communication for anti-abortion protestors and counselors and, thus, is permissible under the First Amendment as a regulation of the time, place, and manner of speech.

### Defense of State Agencies – Consumer Protection

In *Bulldog Investors General Partnership v. Secretary of the Commonwealth*, the Supreme Judicial Court rejected a hedge fund's First Amendment challenge to the Commonwealth's ability to regulate the hedge fund's advertising of its securities. The Court upheld the disclosure requirement at issue in the case -- a registration statement that must be filed before a public offering of securities -- because it "is reasonably related to the State's interest in promoting the integrity of capital markets by ensuring that investors make decisions based on full and accurate information."

## Integrity of Elections

In *Libertarian Association of Massachusetts v. Secretary of the Commonwealth*, the Supreme Judicial Court held that the Commonwealth's elections law did not authorize, and the state constitution did not require, "substitution" on the 2008 presidential ballot of a candidate endorsed at the Libertarian Party's convention for another candidate who was not endorsed at the convention but who met the statutory requirement of submission voter signatures in support of his candidacy. The case arose in the aftermath of federal-court litigation challenging the Secretary's refusal to place Bob Barr and Wayne Root on the 2008 ballot as Libertarian candidates for president and vice-president because they failed to submit 10,000 voter signatures in support of their ballot placement, a state-law requirement for candidates who are not affiliated with a recognized political party.

## Municipal Law Unit

The Municipal Law Unit is charged with review and approval of all town by-laws pursuant to General Laws Chapter 40, Section 32, and all city and town charters pursuant to General Laws Chapter 43B, Section 10. The Unit also works collaboratively with municipal counsel and municipal officials on various questions of municipal law.

The Municipal Law Unit continues to save town's time and money by simplifying the process of by-law filing. This year we reduced the number of pages required for by-law filing, and continue to promote the electronic filing and communication system so that photocopy and postage costs may be eliminated. We are also posting all of our decisions on the AGO website for easy access by the public, and sending copies of our zoning by-law decisions directly to town planners.

During Fiscal Year 2012 MLU reviewed 504 by-law/charter packets.

## Open Government Division

The Attorney General may "impose a civil penalty upon the public body of not more than \$1,000 for each intentional violation" of the Open Meeting Law. G.L. 30a, s. 23(c)(4). This revenue was received by the Division as the result of settling fines issued to two municipal public bodies for intentional violations of the Open Meeting Law.

State-wide enforcement of the Open Meeting Law, for public bodies at all levels of government, is centralized in the Attorney General's Office. To help public bodies understand and comply with the law, the Attorney General created the Division of Open Government. The Open Meeting Law recognizes that the democratic process depends on the public being aware of how their government works and makes decisions. Therefore, the Open Meeting Law requires that public bodies conduct most of their meetings in public. The Division of Open Government provides training and guidance, responds to inquiries, investigates complaints, and when necessary, makes findings and takes remedial action to address violations of the law.

## Significant Cases

The Division promulgated regulations allowing municipalities and public bodies to adopt remote participation so that members of a public bodies who are not physically present may participate in meetings. This regulation will help municipalities recruit and retain public body members, increase participation in meetings, and will allow public bodies to adapt with changing technologies.

## Other Significant Achievements

The Division also made strides in providing new resources to the public. The Division created an online searchable database of all determinations and declinations issued by the Division, with new decisions typically uploaded within 48 hours of release. The Division also recorded a comprehensive Open Meeting Law training video available on the Attorney General's website, and published an updated Open Meeting Law Guide.

The Division resolved 131 Open Meeting Law complaints in FY12, and issued 83 formal determinations. The Division responded to over 2,500 inquiries by telephone, e-mail, and letter in FY12, often providing responses within 24 hours. These questions came from members of public bodies, municipal attorneys, members of the public, and the press.

## Trial Division

Recoveries: \$4,420,660.97

The Trial Division defends suits brought against state agencies, officials and employees who are sued in the context of their agency duties. The types of cases generally include employment, torts, civil rights, contracts, erroneous conviction, eminent domain and land use cases. These suits generally seek damages or other relief for alleged wrongful acts of government agencies, officials or employees. The Trial Division handles cases in both federal and state court, and the cases range from those with simple fact patterns to multi-Million dollar cases with complex fact patterns and legal issues.

The Trial Division also initiates affirmative litigation on behalf of state agencies when such litigation is in the public interest and has significant monetary value or raises significant legal or policy issues. As required by statute, the Trial Division reviews and approves all pre-litigation settlements of tort claims against the Commonwealth or its agencies of \$2,500 or more. The Trial Division develops and maintains close working relationships with agency counsel and provides them with information and advice, particularly where advance consultation may prevent unnecessary litigation. The Division also reviews various conveyance documents submitted by state agencies for approval as to form.

## Significant Cases

**Connor B., a minor child, by his next friend, Rochelle Vigurs, et al, v. Deval L. Patrick et al.**, Class action law suit challenging the administration of the Commonwealth's Foster care system. This case is ongoing.

**XL Specialty Insurance Company v. Massachusetts Highway Department (Grafton project)**, The plaintiff, XL Specialty Insurance, agreed to pay the Commonwealth \$2.0 Million. This is a multi-party complex construction case arising from a public construction project in Grafton. The nature of the project was the reconstruction of the Pleasant Street Bridge. The lawsuit was brought by the surety against Massachusetts Highway Department. The surety alleged that Massachusetts Highway Department breached its contractual obligations and sought relief from its performance bond. The surety sought approximately \$1.5 Million. Massachusetts Highway Department countersued for breach of contract and sought \$3.2 Million in damages for the surety's breach of contract and abandonment of its obligations under the performance bond.

**United States of America v. Commonwealth and MDOC**, This was a Title VII pattern-or-practice gender discrimination case brought by the Department of Justice, alleging that the physical test used to screen DOC's Correction Officer applicants had a disparate impact on female applicants. Following a fairness hearing, United States District Court Judge William J. Young issued an order approving the settlement. The parties continue to work to implement the terms of the settlement, which includes the development of a new test. The demand from the Department of Justice was \$8,000,000. The case settled for \$750,000.

**Commonwealth v. Mihos**, OCPF and Mihos entered into an agreement for Mihos to pay \$70,000 in fines for campaign finance violations. Mihos paid \$45,000 but failed to pay the remaining \$25,000. The Commonwealth filed this breach of contract suit to collect the money owed. After Mihos defaulted, the Commonwealth moved to attach Mihos' boat to satisfy the \$25,000 to which it was entitled. After receiving notice of the requested attachment, Mihos paid the remaining \$25,000. The case dismissed after defendant paid the full amount owed.

**Philip Morris Inc., R.J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corporation, B.A.T. Industries P.L.C., Lorillard Tobacco Company, Liggett Group, Inc., New England Wholesale Tobacco Co., Inc. Albert H. Notini & Sons, Inc., The Council for Tobacco Research - USA, Inc., and The Tobacco Institute, Inc.**

Tobacco Diligent Enforcement Arbitration case. This was a case that grew out of the 1998 Master Settlement Agreement with certain tobacco manufacturers. Under the Agreement, the tobacco manufacturers can significantly reduce their multi-hundreds of Millions of dollars annual payment to the states if the states do not "diligently enforce" a state statute for the collection of excise taxes against tobacco manufacturers that did not participate in the Master Settlement Agreement. The tobacco manufacturers brought a case that challenged the "diligent enforcement" of 51 states and territories for the year 2003. The risk was that if the tobacco manufacturers were successful, the Commonwealth could lose its entire payment for 2003, which was approximately \$250 Million. There were three years of extensive discovery and argument of a myriad of issues before a three person arbitration panel. At the conclusion of discovery in early November, the tobacco manufacturers decided not to continue the case against just 17 of the 51 states and territories, including Massachusetts. Massachusetts was the largest state let out of the case. Had the tobacco manufacturers continued to challenge our claim, our maximum exposure was \$252,649,948.19, the amount of our entire payment under the MSA for 2003 (and paid on April 15, 2004). Our minimum exposure was \$46,349,952. This range is the result of a reallocation provision in the MSA shifting the losses in this nationwide arbitration from winning states to losing states. Because all tobacco manufacturers except Philip Morris deposited the disputed sum into a disputed payment account, we expect to receive \$30,494,291 after the other states' claims are decided by the arbitration panel. Our best guess is that the money will be released from the disputed payment account in FY '14. We would have been obliged to repay Philip Morris's share had we lost, through credits against tobacco manufacturers' future payment obligations.

## FY 2012 Trials

Goldberg, Trustee of Logan Outdoor Advertising Trust v. Commonwealth, This case went to trial in September, 2011 and resulted in a verdict for Plaintiff in the amount of \$1,187,071.

## FY 2012 Appeals Handled

1. Sorenti Brothers v. Commonwealth
2. North Shore Kennel, Inc. v. Commonwealth of Massachusetts
3. Kenneth Rendell, et al v. Division of Conservation and Recreation
4. Young v. Coleman, et al.
5. Glenn v. Chalmers
6. Gavin v. Tewksbury State Hospital, et al.
7. Bahig Bishay v. Commonwealth
8. Decoulos v. Commonwealth, et al.
9. Cebek v. Commonwealth, et al.
10. Polchlopek v. Commonwealth
11. Sharon Riddick v. Mark Miliotis, et al.
12. Kevin Thompson v. Merita Hopkins, et al.
13. Izzeldin Eltigani v. North Shore Community College
14. Carol Zaniboni v, Massachusetts Trial Court
15. Ira Jones, Administratrix of Estate of Chauntae Renee Jones v. Suffolk County District Attorney's Office, et al.
16. Robert Pino v. Kevin Burke, et al.
17. 249 A Street Cooperative Cooperation v. Massachusetts Highway Department
18. Tairsheng Chiang P.E. v. Massachusetts Department of Environmental Protection
19. Michael Riley v. Commonwealth
20. John Irwin v. Commonwealth
21. Freeman v. Town of Hudson, et al.
22. Commonwealth v. Massachusetts Organization of State Engineers and Scientists



## PUBLIC PROTECTION AND ADVOCACY BUREAU

The Public Protection and Advocacy Bureau uses investigation, litigation, and other advocacy to enforce laws protecting the Commonwealth. The Bureau works towards meaningful economic recovery for Massachusetts by tackling the economic and mortgage foreclosure crisis with a multifaceted and aggressive strategy. The Bureau works to protect consumers from unfair and deception activity, enforces state and federal civil rights laws, ensuring access and equal opportunity for all residents, advocates for protection of our environmental resources, pursues complex insurance and finance cases on behalf of residents or government entities, works towards affordable, high-quality health care for all, and enforces antitrust laws. The Bureau is supported by a team of skilled civil investigators.

### Antitrust Division

Recoveries: \$2,170,250

The Attorney General's Antitrust Division protects the people, state agencies and businesses of Massachusetts from anticompetitive practices and helps maintain and encourage a competitive and vibrant economy through fair and effective enforcement of antitrust laws.

The Antitrust Division investigates and challenges anticompetitive mergers, price-fixing agreements and other illegal practices by companies, both local and national, that harm Massachusetts consumers and important state interests; promotes and protects competition in various industries directly affecting consumers, such as health care, high technology, telecommunications, retail and transportation; obtains relief for consumers in the form of refunds for overcharges, civil penalties, and injunctions on offending businesses; and advocates for effective competition policy at the state and national levels by filing legal briefs in important antitrust cases, engaging in policy initiatives, and promoting procompetitive legislation.

ATD worked with other antitrust enforcement authorities to successfully challenge the proposed merger of AT&T and T-Mobile. The proposed merger threatened to remove a lower cost competitor from the cell phone services market, a market that affects many Massachusetts businesses and consumers on a daily basis. This outcome preserves competition in the cell phone market resulting in more choice and lower costs for consumers. ATD also protected the taxpayers' money in cases involving public purchasing. In one case ATD obtained Consent Decrees and fines against a former County Commissioner and a pest control vendor who sought to subvert the public bidding process for a pest control contract. In another series of matters, ATD and IFSD worked jointly, together with other states, to investigate and then settle claims following alleged anticompetitive conduct in the sale of municipal bonds. In one such matter ATD and IFSD reached a settlement with JP Morgan Chase for \$2 Million on behalf of harmed Massachusetts governmental and other entities.

ATD also reviewed a number of significant health care mergers or agreements in order to protect and maintain competition in this vital market. For example, we reviewed the proposed mergers of Lahey Clinic with Northeast Health System and of Lowell General Hospital with Saints Medical Center. In each instance ATD ensured that the proposed merger complied with the antitrust laws.

ATD advocates for effective competition policy on behalf of the Commonwealth in important antitrust cases. In the past year we joined briefs advocating procompetition positions in several cases, including a case seeking lower priced generic drug competition for pharmaceuticals. In addition, ATD consults or provides antitrust expertise to state and federal governmental entities on policy matters.

## Civil Rights Division

Recoveries: \$1,850,000

\$1.75 Million of the above figure includes money distributed to minority borrowers who were affected by discriminatory lending practices by Option One, a subprime lender. This recovery was part of a \$9.8 Million payment by Option One to the Commonwealth.

The Attorney General's Civil Rights Division enforces and safeguards Constitutional and statutory civil rights and liberties on behalf of Massachusetts residents and visitors. The Division works to end discrimination on the basis of race, national origin, gender, religion, sexual orientation, age and disability, and to ensure equal and meaningful opportunity to each Massachusetts resident to participate in a civic society in areas such as education, housing, employment, financial services, healthcare, transportation, voting and marriage. In addition, the Division works to protect individual rights of free speech and privacy.

The Attorney General's Civil Rights Division reviews and responds to civil rights complaints alleging deprivations of, or interference with, civil rights and civil liberties. The office may bring enforcement action, where appropriate, may mediate disputes, or may refer complainants to other resources.

CRD continues to aggressively prosecute cases of housing discrimination (18 cases filed, 16 judgments obtained). CRD also initiated four cases under the Massachusetts Civil Rights Act to combat bias-motivated conduct during the 2012 fiscal year. In addition, CRD handled approximately 700 civil rights complaints from members of the public.

### Significant Cases

**Peggy O'Neil's** - In August 2011, CRD initiated a case against Limerick Co., Inc., the owner and operator of the Peggy O'Neil's bar in South Boston. The lawsuit alleges that, on numerous occasions, bar staff refused to allow African-American patrons to enter because of their race. The AG obtained a preliminary injunction against the defendants in September 2011.

**DOMA** - In May 2012, the First Circuit Court of Appeals upheld the decision of the District Court and found that federal Defense of Marriage Act (DOMA) is unconstitutional. In so doing, the First Circuit became the first court of appeals to reach such a decision. Several petitions for certiorari have been filed with the Supreme Court in the case, and a decision on the petitions is anticipated by late November.

**Avalon** - In November 2011, the AG obtained an Assurance of Discontinuance from AvalonBay Communities, Inc., a national real estate management company that owns and operates over 20 complexes throughout Massachusetts. The settlement required Avalon to pay \$7,500 to the victim, who was unlawfully denied a reasonable modification (grab bars in her shower), and to substantially change its policies regarding its response to requests for reasonable modifications and accommodations by tenants.

**Transgender Equal Rights Bill** – In November 2011, Governor Patrick signed into law new anti-discrimination provisions that were strongly supported by the AG. The new law adds gender identity as a protected category to existing Massachusetts anti-discrimination laws covering employment, housing, public education, and credit and lending. The new law also adds gender identity as a protected category under the state hate crimes law.

**Magner v. Gallagher** – In January 2012, the AG filed an amicus brief with the U.S. Supreme Court arguing that individuals and businesses involved with the renting or selling of homes must be held accountable for the discriminatory effects of their policies and practices. The AG urged the Supreme Court to recognize disparate impact claims under the federal Fair Housing Act, and the brief was joined by 11 other states. Disparate impact claims are crucial to CRD’s mission, and were utilized in CRD actions against lenders.

## Consumer Protection Division

Recoveries: \$61,115,651

The Consumer Protection Division investigates unfair or deceptive business practices and brings enforcement actions against in-state and nationwide companies under the Consumer Protection Act (M.G.L. c. 93A) and the False Claims Act (M.G.L. c. 12, § 5). The Division also enforces the injunctive relief obtained in the 1998 Tobacco Master Settlement Agreement. These cases often involve challenging and cutting edge enforcement initiatives and coordination with other state agencies and federal enforcement authorities.

Examples of the Division’s work include:

- Obtaining landmark national servicing settlement with national banks and mortgage lenders who engaged in unfair or deceptive mortgage servicing practices;
- Filing suit against five big banks alleging violations of Massachusetts law excepted from national servicing settlement: commencing foreclosure before holding the mortgage or obtaining authority from the holder of the mortgage; and failing to register certain interests in mortgages;
- Filing multiple enforcement actions against companies and individuals that solicited Massachusetts homeowners with misleading promises to save their homes from foreclosure, or who solicited and accepted illegal advance fees to seek loan modifications for homeowners;
- Bringing enforcement actions against home improvement contractors who failed to provide services after being paid for those services and/or who were not licensed to perform contracting work in Massachusetts; and
- Protecting consumers from a variety of scams, including individuals who made false promises to repair consumers’ credit, travel companies which sold worthless travel club memberships, or timeshare developers who failed to provide consumers with timeshares or made false promises that they would obtain timeshare deeds for consumers.

The Consumer Protection Division remains vigilant in its mission, protecting consumers from unfair or deceptive business practices.

### Significant Cases:

1. CPD continues to address all aspects of the fall out of the predatory lending and foreclosure crisis, achieving significant results in a number of cases, including:
  - a. **National Mortgage Servicing Settlement** - Final Judgment entered April 2012 in multistate settlement involving unfair or deceptive mortgage servicing practices. \$318 Million in estimated relief for Massachusetts borrowers: \$44.5 Million in cash payment (\$4.4M in civil penalties, \$1.0M in attorneys’ costs and fees, \$1.5M to enforce the judgment and \$39.1M in consumer relief). The settlement also included significant new servicing standards.

- b. **Option One Settlement** — Settlement of predatory lending lawsuit resulting cash payment to the Commonwealth for consumer relief of \$8 Million, and loan modification relief to Massachusetts borrowers valued at \$115 Million.
2. CPD continues to achieve enforcement results in the realm of **data privacy and security**, including settlements in the aggregate amount of \$772,500 for the South Shore Hospital, Maloney Properties, and Belmont Savings Bank data breach cases.
  3. False Claims Matters
    - a. **Grafton Bridge Settlement** - Payment of \$2 Million to resolve allegations of using false statements to avoid obligations to perform under a contract.
    - b. **Sodexo Settlement** — Payments and credits in the amount of \$203,324.00 resolving allegations that the food service company's accounting practices relative to the federal school lunch regulations.
  4. Vacation Scams:
    - a. **Robert Reposa/Navigator Beach Club** — Consent Judgment - disbursed \$239,274.68 in relief to victims of a timeshare scam.
    - b. **Caliri Contempt Complaint** — Judgment after trial - defendant was ordered to pay \$310k in penalties and \$430,000 to be held in escrow until a final judgment is entered in the underlying timeshare scam suit.
  5. Manufactured Housing:
    - a. **Peters Pond** - Consent Judgment - obtained a judgment for \$200,000 in penalties and up to \$400,000 in restitution for residents of a manufactured housing community subject to unfair marketing and sales tactics.

#### Other Significant Achievements:

CPD facilitated the creation and development of HomeCorps and continues its guidance as to operations and the expansion of the HomeCorps program.

#### Environmental Protection Division

Recoveries: \$1,240,803

The Attorney General's Office enforces environmental laws that protect our air and water, preserve our wetlands, tidelands, and public open space, require the clean-up of contaminated sites, and govern the use of pesticides and the handling and disposal of solid and hazardous waste. The Office works closely with various state and federal agencies, especially the Massachusetts Department of Environmental Protection, and works jointly with DEP and Environmental Police to investigate and prosecute environmental crimes through the Environmental Strike Force. Civil enforcement suits are handled by the Attorney General's Environmental Protection Division.

#### Significant Cases

**Commonwealth v. Blair Enterprises, Inc.** This was a joint agency enforcement action by the Massachusetts Department of Environmental Protection (DEP) and the Department of Conservation and Recreation for violations of the Wetlands Protection Act, the Watershed Protection Act, and the

Clean Waters Act. Blair's efforts to cut costs on a challenging subdivision development in Rutland resulted in large amounts of sediment inundating neighboring wetlands and a pond that are part of the watershed that supplies metro-Boston's public drinking water. After a 4-day trial in early 2011, the Court ordered, in 2012, restoration of the wetlands and pond and payment of a \$125,000 civil penalty. Restoration of the wetlands is ongoing.

**Coalition for Responsible Regulation, Inc. et al. v. EPA et al.** Following our Supreme Court victory in *MA v. EPA*, EPA was tasked with determining whether greenhouse gases (GHG) in motor vehicle emissions "cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare." EPA found that GHG emissions "threaten the public health and welfare of current and future generations," and GHG from new motor vehicles contributes to such pollution. Following issuance of the Endangerment Finding, EPA issued a Tailpipe Rule (emissions standards for cars and light trucks); determined that the federal Clean Air Act requires major stationary sources (like power plants) to obtain construction and operating permits; and, recognizing immediate regulation of all stationary sources for GHG would cause permitting burdens, issued the Timing Decision and Tailoring Rule. Multiple challenges to EPA's actions were filed. MA, NY, and CA led a successful intervention in defense of EPA's rules. The Endangerment Finding and related GHG regulatory actions were upheld in June 2012 by the D.C. Circuit Court of Appeals. Opponents of the rules requested en banc review which the Court denied on December 20, 2012.

**Xarras v. DEP.** When developer Xarras dumped asbestos and solid waste into wetlands, DEP ordered restoration and assessed a penalty. Rather than complying, Xarras sought to challenge DEP's actions with an untimely appeal of the assessed penalty. We secured a court order dismissing the appeal and collected a penalty from the developer in excess of \$63,000. This case should deter future violations by Xarras and other developers who would seek to disregard the law and DEP's administrative enforcement efforts.

**Commonwealth v. Santo Anza.** After receiving over 100 complaints of putrid odors emanating from property at 429 Whitney Street, the Commonwealth filed a complaint and motion for a preliminary injunction against Santo Anza and SA Farm for operating an illegal solid waste disposal facility on his property. We alleged in our complaint, and argued in court, that the stench impacted and disrupted the neighbors' daily lives to such an extent that in some cases they fell ill from the odors, cancelled parties, moved plans inside, closed windows, and stopped outdoor activities in the neighborhood. The court agreed and ordered the defendants immediately to cease and desist from bringing solid waste onto their property or from removing or moving solid waste from or around the site. The putrid odors have abated as a result of our action. The case remains open and pending in Suffolk Superior Court.

## Health Care Division

Recoveries: \$8,808,152

Attorney General Coakley created the Health Care Division in 2007 to place a heightened focus on promoting the interests of consumers as Massachusetts undertook its landmark health reform effort. Since its creation, the division has taken significant actions to protect Massachusetts consumers from unfair and illegal conduct by health insurers, pharmaceutical companies, and marketers deceptively selling medical discount cards. Over the past few years, the division has lead state efforts to examine the health care market, to control health care cost trends, and to develop standards for public reporting of cost and quality information to help consumers and employers make more prudent health care purchasing decisions.

The Health Care Division has been at the forefront of health care advocacy, enforcement, and consumer protection. The Division enforces health care laws to protect the rights of Massachusetts consumers and to halt unfair or deceptive practices that may harm consumers.

During FY 2012, the Health Care Hotline received more than 5,200 calls and 1,295 written complaints, and the division resolved 1,450 complaints returning \$387,000 to MA consumers.

The division's case work included judgments entered against hospitals, health plans, discount plans, and multi-state resolutions involving pharmaceutical companies which returned more than eight Million dollars to the Commonwealth and Commonwealth residents.

Building on the 2006 landmark Massachusetts health care coverage reform law, the division worked with key business and legislative leaders in the drafting of Chapter 224 of the Acts of 2012, "An Act Improving the Quality of Health Care and Reducing Costs Through Increased Transparency, Efficiency and Innovation." The divisions' work on Chapter 224 built on its health care cost examination work and on two previous laws enacted in 2008 and 2010 that expanded data transparency and reporting on cost trends and drivers.

HCD also teamed up with attorneys from the Administrative Law Division to file an important amicus brief in the U.S. Supreme Court supporting the Obama federal health care reform law, Patient Protection and Affordable Care Act (PPACA), which was modeled on the Massachusetts health reform law. The Court upheld PPACA and, while not the opinion of the court, the opinion of Justice Ginsberg favorably cited the Commonwealth's brief in support of PPACA.

### Significant Cases

A Consent Judgment entered against **Life Insurance of North America** to address improper health insurance sales to more than 1,000 Massachusetts veterans. The AG alleged that LINA violated the state's Consumer Protection Act by misrepresenting its insurance as a governmental veteran's benefit and failing to comply with Massachusetts health plan laws. Under the judgment, LINA paid \$650,000 in restitutions to veterans and paid an additional \$1 Million in penalties to the Commonwealth.

A Consent Judgment entered against **South Shore Hospital** to resolve allegations that it failed to protect the personal and confidential health information of more than 800,000 consumers. The investigation and settlement resulted from a data breach reported to the AG's Office in July 2010 that included individual's names, Social Security numbers, financial account numbers, and medical diagnoses. Under the Judgment, South Shore paid a \$250,000 civil penalty and contributed \$225,000 for consumer-privacy education fund.

### Insurance and Financial Services Division

Recoveries: \$71,080,125.29

FY12 Rate Savings for Consumers: \$18,000,000

Attorney General Coakley's Insurance & Financial Services Division aggressively represents consumers, cities, towns and the state in civil matters involving the insurance, securities and lending industries. The Division performs key consumer protection functions, including securities enforcement, insurance and lending enforcement, insurance rate cases and advocacy, and consumer mediation and advocacy.

The Division is tasked with investigating unfair or deceptive practices relating to investments and securities. The Attorney General also has specific powers under the Massachusetts False Claims Act to bring actions against securities professionals who mislead or defraud municipalities or state government entities.

IFSD continued to provide advice and guidance to legislators, industry groups, and regulators on a variety of important financial issues. IFSD staff testified before the Massachusetts Financial Services Committee on a variety of bills, provided suggestions and comments to the Securities and Exchange Commission, and requested that the Commissioner of Insurance take steps to protect ratepayers.

IFSD helped hundreds of Massachusetts consumers with financial services problems through its mediation program. In the last fiscal year, IFSD fielded thousands of hotline calls, mediated and reviewed over 500 consumer complaint files and generated \$673,948 in savings and recoveries for consumers.

### Significant Cases

**Securitization Cases:** As part of AG Coakley's ongoing efforts to hold Wall Street accountable, IFSD continued its investigation of the role of investment banks in the Massachusetts subprime collapse. Following last year's investigation of Morgan Stanley, which led to a \$102 Million recovery against the investment bank, IFSD completed its review of the Royal Bank of Scotland's conduct and obtained a \$52 Million recovery. The Assurance of Discontinuance, filed in Suffolk Superior Court, included over \$40.2 Million in restitution, a \$8.9 Million payment to the Commonwealth, and the repayment of \$1.6 Million invested by the state pension fund in subprime loan pool notes.

**FAIR Plan Rate Case:** As part of the AGO's ongoing responsibility to intervene in statewide insurance rate setting proceedings on behalf of the public, AG Coakley successfully argued against a proposed home insurance rate increase for more than 150,000 Massachusetts families. The Massachusetts Property Insurance Underwriting Association (the FAIR Plan) submitted a rate filing to the Division of Insurance requesting a double digit increase for various coastal and urban areas, including New Bedford, Lawrence, Lowell, and Springfield. The Division of Insurance (DOI) rejected the FAIR Plan rate increase, saving Massachusetts homeowners nearly \$18 Million.

**Pharmacy Cases:** As part of AG Coakley's ongoing review of workers' compensation billing practices in pharmacy retail stores, IFSD continued to obtain refunds for towns and cities across the Commonwealth. IFSD settled with Rite Aid and Walgreens, recovering over \$3M for governmental entities.

**Municipal Bond Bid-Rigging cases:** As part of a multistate group, IFSD investigated a bid-rigging scheme by national banks that had denied towns, cities and other issuers of municipal bonds of significant revenue. IFSD sued a broker (Tradition) for this illegal conduct and is currently litigating that case in Superior Court. IFSD also settled with JP Morgan Chase, Wachovia, and Trinity Funding, recovering \$4.7 Million for governmental entities.

**Motorcycles:** Attorney General Coakley continued her investigation of insurer overcharges in the motorcycle insurance arena. This year, AG Coakley brought cases regarding overcharges by Fireman's Fund, Electric, and Premier, obtaining recoveries totaling nearly \$6 Million. In total, the AGO's motorcycle cases, which began after a single consumer complained to the AGO, have now resulted in approximately \$40 Million in refunds to over 75,000 motorcycle riders in the Commonwealth.

## Investigations

The Civil Investigations Division employs a staff of trained civil investigators who primarily provide investigative support for divisions within the Public Protection and Advocacy Bureau and the Government Bureaus. On occasion the Division also investigates cases or matters for the Public Charities and the Executive Bureau. The Division's investigators locate and interview victims, witnesses, and subjects, obtain and review documentary evidence from numerous sources including individuals, corporations, and federal, state, county and municipal agencies; conduct surveillance, background checks and asset checks; analyze financial records and perform other forensic accounting functions; and testify at trial. In some cases investigators work closely with other state Attorneys General, local and State Police Departments, the U.S. Attorney's Office, the U.S. Postal Inspection Service, The Federal Bureau of Investigation and the Federal Trade Commission.

The division initiated 267 investigations in the following major areas:

- **Civil Rights:** The Division investigated Hate Crimes, Allegations of Police misconduct and other violations of the Massachusetts Civil Rights Act. Investigations were also conducted into allegations of discriminatory housing and employment practices and violations of the Public Accommodations statute. In addition, investigations were conducted to determine compliance with the rules and regulations established by the Americans with Disabilities Act. The Cure Nightclub settlement and subsequent grants made available are a direct result of investigations into violations of the Public Accommodations Statute.
- **Consumer Protection:** Investigators continued to assist the office in bringing G.L. c. 93A enforcement actions against businesses and individuals in major consumer areas. The division initiated several investigative surveys to determine compliance with existing consumer laws and regulations, including an investigation into Defacto gambling establishments/ Cyber Internet Cafes in Massachusetts.
- **Environmental Protection:** The division's role in EPD cases primarily involved locating and identifying assets of potentially responsible parties liable for paying costs incurred by the Commonwealth in the cleanup of polluted or hazardous waste sites. Investigators also located former employees and officers of defunct companies responsible in part for such violations and reviewed, evaluated and analyzed financial documents and prepared ability to pay analyses.
- **Health Care Division:** Investigations was involved in investigating many aspects of deceptive health insurance plans. These included computer forensics of websites and general investigation of these plans.
- **Insurance and Financial Services:** The AGO received a settlement with Morgan Stanley which reduced the interest rate on mortgages therefore reducing the principal on these loans. Investigations located consumers and assisted with interviews for this settlement.
- **Trial Division:** The division played a major role in tort actions filed against the Commonwealth by investigating allegations of wrongful termination of state employees/ and personal injuries and other damages occurring on state owned property and or in accidents on state roads or involving state vehicles. The division also investigated cases involving contract disputes.
- **Abandoned Housing Initiative:** The division assisted the Abandoned Housing Initiative by conducting research on target properties in several communities, primarily to determine the status of ownership and existence of encumbrances of the buildings. The division researched properties in Taunton, Fall River, Brockton, New Bedford, Quincy, Worcester, Lawrence, Dracut, Medford, Shrewsbury, Chelsea, Randolph, Haverhill, Saugus, Arlington, Leicester, Everett, Athol, Salisbury, Fall River. Investigations completed 153 cases for the AHI initiative. In addition, investigations conducted numerous background investigations on potential receivers.



## REGIONAL OFFICES

### Central Massachusetts

### Southeastern Massachusetts

Recoveries: \$1,340,335.44

While the above Fiscal Recoveries and Revenue are included in other AGO Division's annual reporting, they do represent the recoveries and revenue of the staff assigned to the Southeastern Massachusetts Regional Office.

The Southeastern Massachusetts (SEMA) regional office is a valuable resource for residents of the region. The SEMA staff is made up of personnel from the Attorney General's Government, Public Protection and Advocacy and Business and Labor Bureaus. SEMA Assistant Attorneys General litigate matters from the Administrative Law, Trial, Fair Labor, Consumer Protection and Civil Rights Divisions. The SEMA consumer mediator is extremely successful in mediating a number of consumer related issues including auto sales/repair problems, retail sale disputes and problems with home improvement projects. The SEMA Fair Labor investigators readily assist local workers with rights and wage issues. The SEMA insurance mediator assists with auto, life and homeowners insurance issues. All members of the SEMA team are knowledgeable of the resources available throughout the Attorney General's office and can provide referrals to community organizations or other government agencies most appropriate for specific needs.

Fiscal Year 2012 saw an increase in vacant and abandoned homes throughout Southeastern Massachusetts. Officials from New Bedford, Fall River, Taunton, and Brockton contacted the Attorney General's Office asking for assistance in dealing with this ongoing problem. Through the efforts of the Attorney General's Abandoned Housing Initiative (AHI) SEMA team, we were able to convince a majority of these owners to address the health and safety code violations associated with a number of these properties. When efforts to negotiate with the property owners failed, our office has been successful in petitioning the Housing Court to appoint receiver.

During Fiscal Year 2012, SEMA logged 2668 calls and 361 walk-in inquiries.

### Western Massachusetts

Recoveries: \$1,119,952.97

These recoveries are contained within the divisional or bureau reports for divisions/bureaus that the WMAS personnel are assigned to out of Boston. The revenues are attributed to work done by AAsG for their respective Boston based divisions.

The Western Massachusetts Division of the AGO is the largest regional division in Massachusetts. The division has 30 employees representing 11 different AGO Divisions. The Regional Division handles matters throughout the state with a particular focus on those matters within the jurisdictions of Hampden, Hampshire, Franklin and Berkshire Counties.

A number of WMASS divisions provide direct contact with consumers in the region. These convenient constituent services include walk-in aid for citizens with consumer protection, civil rights and fair labor based complaints. In addition to these walk-in services, WMASS has an active HomeCorps program that assists consumers facing foreclosure by attempting to modify their loans and delay foreclosure actions.

WMASS has investigative services which specialize in Medicaid fraud, fair labor, consumer protection and civil rights investigations. The State Police unit and criminal prosecutors use their specialized knowledge of local intelligence to enforce and prosecute crimes involving public corruption, serious financial fraud and cyber based crimes in the region.

**Commonwealth v. Leo Pelletier, et al.** - Successful criminal prosecution of Internet Cafe as an illegal lottery (slots parlor). Secured convictions on two individuals and approximately \$850,000 in criminal and civil penalties for the state.

**Commonwealth v. New England Pellet Company** - Affirmative civil case recovering over \$110,000 for Western MA consumers from a wood pellet company which violated the state's consumer protection laws.

**Commonwealth v. Lapointe** - Successful criminal prosecution of political operative in Chicopee who forged signatures on a petition for a ballot question.

**Commonwealth v. Michael Clair** - Successful Medicaid fraud investigation resulting in incarceration and restitution of \$130,000 from the defendant/dentist who defrauded Medicaid by, among numerous fraudulent acts, using paperclips in lieu of dental posts on MassHealth patients and illegally prescribing prescription pain killers.



## FISCAL YEAR 2012 ATTORNEYS

<b>A</b>	Carriker, Eric	Freeley, Mary	<b>J</b>
Ackil, Ann	Casey, Timothy	Freeman, William	Jacobson, Joshua
Adams, Stephen	Chintapalli, Pallavi		Johnson, Lois
Adreani, Jennifer	Choy-Seymour, Shannon	<b>G</b>	Johnson, Thomas
Alvarez-Jimenez, Iraida	Cho, Elizabeth	Geary, John	Joliat, Kiernan
Anderson, Bruce	Coakley, Martha	Gendron, Matthew	Jones, Miranda
Anderson, Deborah	Cofield, Jason	Gold, Eric	Jones, Jocelyn
Andrews, David	Collins, Jeffrey	Goldberg, I. Andrew	Joss, Sarah
Augenstern, Frederick	Connolly, Matthew	Goldman, Julie	
	Cooke, Margaret	Goldman, Lauren	<b>K</b>
<b>B</b>	Cosgrove, Audrey	Gonzalez-Pagan, Omar	Kaczmarek, Anne
Badway, Eva	Cotter, Jennifer	Goyer, Amy	Kahn, Stephanie
Balakrishna, Annapurna	Cournoyer, Madonna	Green, Jonathan	Kalka, Michelle
Barnett, Jessica	Cowin, William	Groff, Casey	Kalman, Judy
Barry-Smith, Christopher	Cray, Pierce	Guberman, David	Kaplan, JoAnn
Barshak, Jason	Cromack, Daniel	Gunagan, Kelli	Kaplan, Glenn
Basil, Kriss	Cunha, Glenn		Karangekis, Amy
Beagan, Edward	<b>D</b>	<b>H</b>	Kazanjian, Helene
Beckman, Mary	Dekermenjian, Krikor	Hammond, Daniel	Kehoe, Ronald
Bedrosian, Edward	DeSouza, Barbara Dillon	Hampton, John David	Kelly, Christopher
Benedetto, Annette	Doherty, Andrew	Hanley, Patrick	Killian, Bryan
Bercovitch, Deborah	Donnelly, Edmund	Hansen, Janna	Kim, Tori
Berge, Matthew	Donnelly, John	Hanson, Kirk	Klibaner, Alexander
Billman-Golemmme, Kate	Duhamel, Jessica	Harper, Nancy	Kosmetatos, Argiro
Blume, Todd	Dundin, Louis	Hartnagel, David	
Bocian, Thomas	<b>E</b>	Healey, Maura	<b>L</b>
Bookbinder, Sarah	Engel, Jonathan	Hettinger, Lee	Lamarre, Teresa
Bowen, John	English, April	Hirales, Lillian	Lamb, Aaron
Brock, Matthew		Hoffman, Steven	Langlois, Wendoly
Brookman, Monica	<b>F</b>	Hoitink, Timothy	Leight, Peter
	Feiner, Gillian	Hollander, Bart	Less, Daniel
<b>C</b>	Fitzpatrick, Kate	Hull, Charlynn	Licata, Daniel
Cable, Sara	Flynn, Jennifer	Hurley, Margaret	Lowe, Justin
Calkins, Sheila	Forster, Nathan		Lynch, Ann
Callanan, Joseph	Franck, Michael	<b>I</b>	Lyons, Matthew
Caprioli, Nicole		Iancu, Carol	
		Ireland, Matthew	

<p><b>M</b></p> <p>MacKenzie, Michael</p> <p>Maietta, Anita</p> <p>Mann, Nora</p> <p>Marks, David</p> <p>Maroney, Nancy</p> <p>Marshalek, Stephen</p> <p>Martland, Douglas</p> <p>Masinton, M. Claire</p> <p>Masotta, Gina</p> <p>Massey, Jessica</p> <p>Matlack, William</p> <p>Matthews, Gregory</p> <p>Mazlen, Emiliano</p> <p>Mazzone, Dean</p> <p>McBride, Britte</p> <p>McGuire, Timothy</p> <p>McKinlay, James</p> <p>Merrick, Sandra</p> <p>Meshnick, Howard</p> <p>Miller, Jennifer</p> <p>Miller, Jonathan</p> <p>Monahan, David</p> <p>Monroe, Natalie</p> <p>Moriarty Sousa, Marina</p> <p>Mullin, Peter</p> <p><b>N</b></p> <p>Nadeau, Genevieve</p> <p>Neal, Angela</p> <p>Nosal, Jed</p> <p><b>O</b></p> <p>O'Brien, Thomas</p> <p>O'Brien, James</p> <p>O'Brien, Eileen</p> <p>O'Donnell, Brian</p>	<p>Ogden, Nicholas</p> <p>O'Malley, R. Gabriel</p> <p>O'Neill, William</p> <p>Orr, Joshua</p> <p>O'Shea, Brendan</p> <p><b>P</b></p> <p>Pakstis, Joshua</p> <p>Parks, Margaret</p> <p>Patten, Robert</p> <p>Phillips, Mary</p> <p>Pina, John</p> <p>Pine, Michael</p> <p>Porter, William</p> <p>Price, Elisabeth</p> <p><b>Q</b></p> <p>Quinan, Robert</p> <p><b>R</b></p> <p>Ragland, Sarah</p> <p>Rainer, Andrew</p> <p>Ralph, Thomas</p> <p>Rathbun, Danielle</p> <p>Ravitz, Randall</p> <p>Reardon, Susanne</p> <p>Reutlinger, Gregory</p> <p>Reyes, Jesse</p> <p>Reynolds, Maryanne</p> <p>Rickard, Ericka</p> <p>Ritchie, Ronald</p> <p>Rogers, Joseph</p> <p>Rush, Hanne</p> <p><b>S</b></p> <p>Sacks, Peter</p> <p>Salinger, Kenneth</p>	<p>Scheffler, David</p> <p>Schofield, Seth</p> <p>Schrumpf, Matthew</p> <p>Scarsic, Jonathan</p> <p>Sharobem, Steven</p> <p>Shin, Sookyoung</p> <p>Snape, Mychii</p> <p>Soris, Johanna</p> <p>Spector, Amy</p> <p>Stakutis, Paul</p> <p>Stark, Jennifer</p> <p>Stephan, John</p> <p>Sterman, Anne</p> <p>Stetson, James</p> <p>Strayer, Kerry</p> <p>Sullivan, Catherine</p> <p>Sullivan, Jennifer</p> <p>Sutliff, Mark</p> <p>Sweeney, James</p> <p><b>T</b></p> <p>Tang, Evelyn</p> <p>Tarmey, Patrick</p> <p>Tarrow, Lorraine</p> <p>Thomas, Anne</p> <p>Thomson, Brooke</p> <p>Thornton, Gabriel</p> <p>Tosches, Jamie</p> <p>Trager, Bruce</p> <p>Tran, Liza Jean</p> <p>Triplett, Tracy</p> <p>Tseng, Karen</p> <p><b>U</b></p> <p>Unger, Toby</p>	<p><b>V</b></p> <p>Vanderweele, Sally</p> <p>Veenstra, Jeanne</p> <p>Viator, Gabrielle</p> <p>Villa, Amber</p> <p><b>W</b></p> <p>Walker, Jeffrey</p> <p>Walker, Suleyken</p> <p>Webb, Jeffrey</p> <p>Weber, Benjamin</p> <p>Werner, Gwen</p> <p>Whitcomb, James</p> <p>White, Doris</p> <p>Wisneski, Ashley</p> <p>Wylie, Susanna</p> <p>Wyse, Timothy</p> <p><b>Y</b></p> <p>Yeager, K. Nathaniel</p> <p><b>Z</b></p> <p>Zachos, George</p> <p>Zarbo, Karla</p>
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