

# State Ethics Commission

Fiscal Year 2018 Annual Report

**Commonwealth of Massachusetts**

**State Ethics Commission**

**One Ashburton Place, Room 619**

**Boston, MA 02108**

**[www.mass.gov/orgs/state-ethics-commission](http://www.mass.gov/orgs/state-ethics-commission)**

**617-371-9500**

# State Ethics Commission – Fiscal Year 2018

## State Ethics Commission Members

**Hon. Barbara A. Dortch-Okara, Chair**

Chief Justice for Administration and Management of the Trial Court (ret.)  
Professor, New England School of Law

**Hon. Regina L. Quinlan, Vice-Chair\***

Superior Court Associate Justice (ret.)

**Hon. David A. Mills**

Appeals Court Associate Justice (ret.)

**Thomas J. Sartory**

General Counsel, Goulston & Storrs, PC – Boston, MA

**Maria J. Krokidas**

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

**Hon. R. Marc Kantrowitz\*\***

Appeals Court Associate Justice (ret.)

\* Term Ended October 2017

\*\* Appointed March 2018

## Executive Summary

The State Ethics Commission is a non-partisan, independent state agency which administers, provides advice and training concerning, and civilly enforces the conflict of interest and financial disclosure laws. There are five Commissioners who serve staggered five-year terms. Three Commissioners, including the Chair, are appointed by the Governor, one Commissioner is appointed by the Secretary of the Commonwealth, and one Commissioner is appointed by the Attorney General. No more than two of the gubernatorial appointees, and no more than three members of the Commission overall, may be from the same political party.

The Commission's Executive Director is responsible for the day-to-day management of the agency and its staff and reports to the Commission. The Commission's Chief Financial Officer and three Division Chiefs report to the Executive Director, except that the Legal Division Chief, who is also the Commission's General Counsel, reports to both the Executive Director and the Commission. The Commission's three Divisions are: the Legal Division, which provides advice to public employees and others on how the conflict of interest law applies to their prospective conduct, provides advice to filers and agencies regarding the financial disclosure law, and also administers the requirements of the financial disclosure law; the Enforcement Division, which investigates alleged violations of the conflict of interest and financial disclosure laws, and, in some cases, prosecutes alleged violators; and the Public Education and Communications Division, which provides educational programming on the conflict of interest law, responds to news media and other requests for information about the Commission, its activities, and the conflict of interest and financial disclosure laws, and maintains the Commission's website.

The Commission began and ended FY 2018 with 23 employees. In FY 2018, the Commission received an appropriation of \$2,093,969, the same as in FY 2017. The Commission assessed \$35,100 and collected \$31,100 in civil penalties in FY 2018. Civil penalties collected by the Commission each year revert to the Commonwealth's General Fund.

In FY 2018, the Legal Division responded to 6,211 requests for advice, the Enforcement Division received 1,008 complaints alleging violations of the conflict of interest and financial disclosure laws, and the Public Education and Communications Division conducted 63 seminars and responded to 633 requests for information: 378 from the general public and 255 from members of the news media.

### Mission Statement

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

## Introduction

Since 1963, the Massachusetts conflict of interest law, G.L. c. 268A, has regulated the conduct of public officials and employees in the Commonwealth. Chapter 268A governs what public employees may do “on the job,” “after hours” or “on the side,” and after they leave public service. It also sets standards of conduct for all state, county, and municipal employees, including elected officials. The law requires that public employees give their undivided loyalty to the level of government for which they work, and that they act in the public interest rather than for private gain. Until 1978, the law was enforced by the Attorney General and the District Attorneys.

In addition to strengthening the conflict of interest law, Chapter 210 of the Acts and Resolves of 1978 established a financial disclosure law, G.L. c. 268B, requiring public officials, candidates for public office, and state and county employees in designated major policymaking positions to annually file a Statement of Financial Interests for the preceding calendar year. Chapter 210 also created the State Ethics Commission, and empowered it to interpret and enforce G.L. c. 268A and c. 268B. Commission staff provide advice on how to comply with the conflict of interest and financial disclosure laws, investigate allegations of violations of those laws, conduct seminars, and provide other information. The Commission serves as the primary civil enforcement agency for these laws.

Chapter 28 of the Acts of 2009 further strengthened the conflict of interest law by: increasing the maximum civil penalty for violations; creating a specific statute of limitations for G.L. c. 268A and c. 268B violations of five or six years, depending on the circumstances; strengthening the Commission’s summons authority; prohibiting gifts to public employees that are given because of their official position; authorizing the Commission to order restitution and repayment of any economic advantage obtained by a violator; adding a false or fraudulent claims provision to the conflict of interest law; and creating education and training requirements for all public employees. The financial disclosure law was also amended to ban gifts of any amount from lobbyists to certain public officials and their immediate family members. Chapter 28 directed the Commission to prescribe and publish, pursuant to G.L. c. 30A, rules and regulations providing exemptions to certain sections of G.L. c. 268A. Pursuant to this direction and after completing the formal process to issue regulations, the Commission approved new regulations codified at 930 CMR 5.00 and 6.00.

The conflict of interest law was further amended by Chapter 93 of the Acts of 2011, which added a new section 6B, requiring an applicant for state employment to disclose the names of certain family members employed by the state. Chapter 194 of the Acts of 2011 amended the conflict of interest law by adding a new section 5(b½), imposing a one-year restriction on any former state, county, or municipal employee who worked on any expanded gaming legislation or its implementation from becoming employed by a gaming licensee or from having a financial interest in an applicant for a gaming license or a gaming licensee. Chapter 194 also amended section 6 of the financial disclosure law to include gaming licensees and gaming license applicants within the definition of “legislative agents” for the purposes of that section.

## Executive Administration

### Personnel

While at the beginning and end of FY 2018, the Commission was staffed with 23 employees, the Commission operated at a reduced staffing level during much of the fiscal year. The Commission's long-time General Counsel/Legal Division Chief passed away in December 2017, and the position remained vacant for the remainder of the fiscal year. During the search for a new General Counsel/Legal Division Chief, the Senior Assistant General Counsel became Acting General Counsel, and the Legal Division Deputy Chief/SFI became Acting Legal Division Chief. The Commission voted on June 28, 2018 to approve the Executive Director's appointment of a new General Counsel/Legal Division Chief. In October 2017, the SFI Administrator/Analyst was promoted to a new role as the Commission's newly configured Government Affairs Officer. A longstanding vacancy in the Public Education and Communications Division was filled in late January 2018 with the hiring of a Public Information Officer.

In October 2017, Commissioner Regina L. Quinlan's five-year term as a Commissioner ended. In March 2018, Secretary of the Commonwealth William F. Galvin appointed the Hon. R. Marc Kantrowitz (ret.) to replace Commissioner Quinlan. Commissioner Kantrowitz was sworn in to a five-year term on March 26, 2018.

### Office Improvements

The Commission coordinated with the Division of Capital Asset Management and Maintenance (DCAMM) to have two new modular work stations installed in the Commission's office. The installation did not require construction, permitting, or architectural services and was completed in June 2018.

### Case Management Application Replacement Project

The Commission's case management application, Ethos, has been in service since June 2005. The underlying technology and supporting software has become dated and difficult to maintain in recent years. During FY 2018, the Commission continued to plan for the replacement of Ethos with a new system that meets the current needs of Commission staff and will be flexible enough to meet future needs. Commission staff determined an easily configurable and ready "right-out-of-the-box" technology solution would be the best option for the Commission. In May 2018, the Executive Office of Technology Services and Security (EOTSS) included \$500,000 in the Executive Office of Administration and Finance's Five-Year Capital Plan to begin the process of identifying one or more legal Statewide Case Management Systems for use by state agencies. Commission staff worked closely with the EOTSS staff to identify legal case management systems that meet the Commission's unique needs and would also work well for other independent and executive branch agencies.

## Council on Governmental Ethics Laws (COGEL) Annual Conference

The Commission is a member of the Council of Government Ethics Laws (COGEL), an international organization of government ethics administrators whose members include government agencies in the fields of governmental ethics, freedom of information, elections, lobbying and campaign finance. The Commission Chair, Executive Director, Enforcement Division Chief, and Investigations Director attended the 39<sup>th</sup> annual COGEL conference from December 3-6, 2017, in Toronto, Canada.

## Legal Division

Public employees and others who fall within the jurisdiction of G.L. c. 268A, the conflict of interest law, and G.L. c. 268B, the financial disclosure law, may ask for and receive free, confidential advice about whether their own proposed activities are permissible under those laws. Requests for advice may be made by telephone, through the Commission's website, by letter or email, or in-person, and are answered by Legal Division attorneys. The Legal Division strives to respond to telephone requests for advice on the same day and to requests for written advice within 30 days. Division attorneys will confirm oral advice by email if the requestor needs written confirmation of advice. Division attorneys give confidential advice based on prior Commission rulings. If there is no Commission precedent for the issue to be addressed, the issue may be submitted to the full Commission for a formal opinion. Although formal opinions are also confidential, the Commission publishes summaries and public versions of such opinions with the requestor's identifying information redacted. The Commission did not issue any formal opinions in FY 2018.

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

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

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

The Legal Division administers the SFI filing process. The Deputy Chief/SFI, the Government Affairs Officer, the Division Administrative Assistant and the Commission's IT Specialist comprise the Commission's SFI Team. The SFI Team assists filers who have questions about how to complete their SFI as well as agencies that have questions about designating positions as major policymaking positions.

SFIs are public records and are available to the public upon request. The law requires that filers be notified whenever their SFIs have been requested. As a result, requestors may register to review redacted SFIs online using the Public Inspection Module of the SFI system or by completing a request form as well providing a valid photo ID with their name. Prior to making an SFI available to a requestor, the SFI system redacts legally protected information, including home addresses, from electronically filed SFIs. Commission staff redacts that legally protected information from manually filed SFIs before providing them to requestors.

At the beginning of FY 2018, the Legal Division consisted of the Division Chief (who also serves as the Commission's General Counsel), the Deputy Chief/SFI, three staff attorneys, the Senior Assistant General Counsel, the SFI Administrator/Analyst, and an administrative assistant. In October 2017, the SFI Administrator/Analyst left the Division to become the Commission's Government Affairs Officer and the former position was discontinued. The Division operated throughout much of FY 2018 with diminished staffing due to the illness and death of the General Counsel/Legal Division Chief. Following her December 2017 passing, the General Counsel/Legal Division Chief position remained vacant through the remainder of the fiscal year, with the Senior Assistant General Counsel serving as Acting General Counsel and the Deputy Chief/SFI serving as Acting Division Chief. On June 28, 2018, the Commission voted to approve the Executive Director's appointment of a new General Counsel/Legal Division Chief.

## **FY 2018 Legal Division Activities**

### **Advice**

During FY 2018, the Legal Division answered a total of 6,211 requests for advice, a 7% increase from the prior fiscal year and the second-highest volume ever received. These requests consisted of 5,341 telephone or walk-in requests, 837 written requests, and a review of 33 letters issued by municipal counsel pursuant to G.L. c. 268A, § 22. The Division continued its practice of responding to telephone requests on the same day, or the following day, in most cases. The Division's average monthly backlog of written opinion requests older than 30 days was 3.8 during FY 2018, a significant decrease from seven during the prior fiscal year and 13 during FY 2016. The Division also reviewed approximately 340 conflict of interest law disclosures filed by state and county employees, down from 749 disclosures reviewed during the prior fiscal year, and 283 disclosures of financial interest filed by charter school employees pursuant to G.L. c. 71, § 89(u).

### **Adjudicatory Proceedings**

During FY 2018, Legal Division attorneys acted as Legal Advisors in two adjudicatory proceedings alleging violations of c. 268A. In *In re Hansen*, Legal Division attorneys assisted the Commission with its deliberations and drafting and issuance of a decision and order. In *In re MacGilvray*, a pre-hearing conference was held and an order on the pre-hearing conference was prepared and delivered to the parties. An adjudicatory hearing was scheduled to be held in FY 2019.

Legal Division attorneys also worked on two adjudicatory proceedings alleging violations of G.L. c. 268B, the financial disclosure law, *In re Jones* and *In re Fox*. In each proceeding, a pre-hearing conference and adjudicatory hearing were scheduled. The Commission issued a decision and order approving a motion to dismiss each proceeding after the parties paid civil penalties.

## Litigation

During FY 2018, the Legal Division represented the Commission in three matters before the Superior Court:

*Edward McGovern v. State Ethics Commission*, Hampden Superior Court Civil Action No. 1679CV00082, involved a challenge pursuant to G.L. c. 30A of a finding of a violation of G.L. c. 268A, § 23(b)(2)(ii) by the Commission against the plaintiff and a request to stay the imposition of the \$7,500 civil penalty. On May 2, 2018, the court issued a decision and order denying McGovern’s motion for judgment on the pleadings and affirming the Commission’s decision. On May 25, 2018, McGovern filed a Notice of Appeal from the Superior Court’s decision. The matter was not concluded in FY 2018.

*Howard Hansen v. State Ethics Commission*, Norfolk Superior Court Civil Action No. 1782CV1384, involved an appeal pursuant to chapter 30A of a finding of violations of G.L. c. 268A, § 19, § 20, and § 23(b)(2)(ii) by the Commission and a request to stay the imposition of the \$4,000 civil penalty. On June 6, 2018, the Superior Court issued a Notice of Dismissal for Lack of Prosecution of the G.L. c. 30A Appeal.

In the third matter, *Commonwealth v. Marcia Langelier*, Worcester Superior Court Criminal Action No. 2013 WPCR 1134, the Commission opposed a motion for Rule 17 summons of records from the Commission pursuant to M.R.C.P. 17(a)(2). Responsive documents were reviewed and produced to the court pursuant to a protective order.

## Trainings on the Conflict of Interest Law and the Financial Disclosure Law

During FY 2018, Legal Division attorneys developed and conducted a training session on the conflict of interest law and financial disclosure law for new judges and conducted a training session on Statements of Financial Interests for the Cannabis Control Commission. Legal Division attorneys also conducted numerous training sessions for Commission staff members.

## Statements of Financial Interests

### SFI Filing Season

During FY 2018, the total number of filers — appointed state and county employees, elected state and county officials, and candidates for state and county office — required to file an SFI for calendar year 2017 was 4,014. Ninety-five percent of all filers filed by their respective deadlines of May 1, 2018 (appointed state and county employees), and May 29, 2018 (elected state and county officials). A total of 160 Formal Notices of Lateness were sent to those who missed their filing deadline. Two of the total 3,765 public employee and public official filers were referred to the Enforcement Division for late or non-filing.

Historically, most filers choose to file electronically rather than manually. That trend continued during FY 2018, when 3,847, or 95%, of the total 4,014 filers filed electronically. The SFI Team encouraged electronic filing, which makes the process simpler and faster for the filer. In addition, an electronically filed SFI is automatically redacted by the SFI system so it is immediately available for review by both the filer and a member of the public using the SFI system’s Public Inspection Module. During the filing season, 232 SFIs were filed manually.

When a filer fails to file by the deadline, the financial disclosure law, G.L. c. 268B, requires that a Formal Notice of Lateness (Formal Notice) be sent giving the filer an additional 10-day grace period to file without incurring a civil penalty. With the functionality available in the electronic filing system, 141 Formal Notices were sent automatically by email to individuals with an email address in the system; 19 were sent by conventional mail. By comparison, 300 Formal Notices were sent in FY 2017. The SFI Team encouraged agency liaisons in FY 2018 to obtain and enter personal email addresses of former employees who were still required to file SFIs. Because of those efforts, filers received more timely filing reminders and notices. Two individuals failed to file their 2017 SFI within 10 days of receiving a Formal Notice and are subject to potential civil penalties.

The SFI Team conducted nine training sessions for state and county agency liaisons to educate them about the functionality of the Liaison Module in the SFI system and met with agency representatives as requested. The SFI Team fielded a large volume of SFI-related inquiries during the filing season.

### **Public Inspection Module**

SFIs are public records and may be requested by members of the public. The financial disclosure law, G.L. c. 268B, provides that an SFI shall be available for public inspection and copying upon written request of any individual. Such requests must be accompanied by proof of the requesting individual's identity. The law further requires the Commission to notify the filer of the name and affiliation, if any, of the individual who has viewed their SFI.

The new online Public Inspection Module launched in June 2017. Using the Public Inspection Module, anyone can now view a searchable index of all the public employees, public officials and candidates required to file an SFI for a selected calendar year, beginning with CY 2015. A public user can search for specific filers by name or search for all filers from a particular agency. In addition, a public user may view whether a filer has completed their SFI filing. An individual who wants to view or download a copy of a redacted SFI from the system may do so only if he or she first registers online as a public user, which includes providing a photo ID and identifying their affiliation, if any.

If a filer's redacted SFI is viewed by a registered public user, the SFI system sends an email to the filer if they have an email address in the system. That notice, a copy of which is also sent to the Commission, provides the filer with the name and affiliation, if any, of the public user who viewed their redacted SFI, as well as which year's SFI was reviewed. If a filer does not have an email address in the SFI system, the Commission receives a notification instructing it to provide notice to the filer by mail. Finally, if the email address associated with a filer is no longer valid, the Commission sends the original notice to the filer by mail. Since it became available for use, more than 3,000 redacted SFIs have been viewed using the Public Inspection Module.

## Enforcement Division

The Enforcement Division investigates alleged violations of the conflict of interest and financial disclosure laws, and, when appropriate, civilly prosecutes the alleged violators of those laws. Most complaints to the Commission are resolved confidentially, often with educational letters to the subjects. The Division received a total of 1,008 complaints in FY 2018 alleging violations of the conflict of interest or financial disclosure laws.

A top priority for the Division in FY 2018 was to resolve cases that had been in the preliminary inquiry stage or awaiting the preliminary inquiry stage for a substantial length of time. Due to decreased staffing levels in FY 2016 and FY 2017, the Division developed a significant backlog of cases. In FY 2018, the Division was successful in moving many cases it had on its docket. By the end of FY 2018, all remaining cases from FY 2014 and FY 2016 were closed, and only one case from FY 2015 was still outstanding. The Division also opened and resolved 5 cases involving statements of financial interests.

In FY 2018, the Division consisted of the Division Chief, a Staff Counsel, an Assistant Enforcement Counsel, an Investigations Director, three full-time investigators, an investigator working 80 percent of a full-time schedule, and an administrative assistant.

### Investigations

The Enforcement Division generally receives between 750 and 1,100 complaints annually. Complaints are made by telephone, mail, email, online, and in-person. Roughly seventy percent of these complaints involve municipal officials; the remainder involve state or county officials. The Enforcement Division reviews all complaints received by the Commission. If the matter falls within the Commission's jurisdiction, the Division initiates an informal investigation. Informal investigations, conducted by the Division's five investigators, generally include phone interviews and requests for documents. If, based on this investigation, the Division believes the complaints have merit, they are referred to a Division attorney for further action.

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

If the apparent violation is of a more serious nature, the Enforcement Division will seek authorization from the Commission to conduct a formal investigation, called a preliminary inquiry, in which Division attorneys may issue summonses for documents and testimony under oath. All preliminary inquiries and summonses must be authorized by a majority vote of the Commission. If, after the investigation is complete, the Commission finds by a majority vote that there is reasonable cause to believe that the subject may have violated the conflict of interest law, the subject has a right to an adjudicatory hearing, at which both the subject and the Division present evidence. If, based on the evidence presented at the hearing, the

Commission decides by a majority vote that the subject violated the law, it may impose a civil penalty up to \$10,000 per violation, except that a civil penalty of up to \$25,000 per violation may be imposed for G.L. c. 268A, § 2 violations (bribes).

After the Commission votes to authorize adjudicatory proceedings, the Enforcement Division generally attempts to resolve the matter without an adjudicatory hearing through a Disposition Agreement between the subject and the Commission. In such agreements, the subject admits to the facts and the violation, waives the right to a hearing, and agrees to pay a civil penalty. Alternatively, the Commission may, with the subject's agreement, issue a Public Education Letter to resolve a matter without a hearing. Public Education Letters are typically issued when the circumstances are novel or believed to be widespread. In Public Education Letter cases, the subject does not admit to violating the law or pay a civil penalty.

### Enforcement Division FY 2018 Investigations Statistics

Complaints	
Conflict of interest and financial disclosure law complaints pending at the beginning of FY 2018	463
Conflict of interest law complaints received during FY 2018	1,003*
Financial disclosure law complaints received during FY 2018	22
Complaints closed after informal investigation with no action by an enforcement attorney	744
Complaints closed after informal investigation with private educational letters to the subjects	131
Complaints assigned for preliminary inquiry recommendation	24
Conflict of interest law and financial disclosure law complaints pending at the end of FY 2018	596

\*Complaints against more than one subject are counted as separate complaints.

Subjects of Complaints	
Municipal employees	742
State employees	161
County employees	14
Private entities	40
Complaints involving unspecified subjects	51

Preliminary Inquiries	
Preliminary inquiries and post-reasonable cause matters pending from FY 2017	25*
Preliminary inquiries authorized by the Commission during FY 2018	14*

<b>Preliminary inquiries concluded by the Commission in FY 2018</b>	23
<b>Preliminary inquiries concluded with the authorization of an adjudicatory proceeding</b>	8**
<b>Preliminary inquiries terminated by the Commission</b>	4
<b>Preliminary inquiries terminated with a private education letter to the subject</b>	1
<b>Preliminary inquiries concluded with a confidential compliance letter to the subject</b>	3
<b>Preliminary inquiries involving financial disclosure law violations resolved by the Commission by a civil penalty for a late-filed SFI</b>	5
<b>Preliminary inquiries and post-reasonable cause matters carried over to FY 2019</b>	23

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

*\*\*This figure does not include 5 adjudicatory proceedings authorized in FY 2018 but still pending at year's end.*

## **FY 2018 Public Enforcement Actions**

The Commission can resolve public enforcement cases with an adjudicatory hearing, a Disposition Agreement, or a Public Education Letter. In FY 2018, the Commission issued a Decision and Order in a matter that was adjudicated in FY 2017; reached Disposition Agreements in seven cases; and issued three Public Education Letters. The Commission issued one Order to Show Cause to initiate an adjudicatory proceeding in FY 2018. That adjudicatory proceeding was pending as of the end of FY 2018. The cases, listed below, are posted on the Commission's website.

### **In Re Howard Hansen**

The Commission issued a Decision and Order finding that former Town of Stoughton Moderator Howard Hansen violated sections 19, 20, and 23(b)(2)(ii) of the conflict of interest law by directing Town business to Hansen Brothers Printing Co., a company he owned as the sole proprietor. Hansen was ordered to pay a \$4,000 civil penalty.

### **In Re Keith Mackenzie-Betty**

The Commission approved a Disposition Agreement in which Keith Mackenzie-Betty, a Town of Barnstable Department of Public Works (DPW) building design architect, admitted to violating section 23(b)(2)(ii) of the conflict of interest law by using his DPW position to obtain free inmate labor to install a new roof on his home. The agreement required Mackenzie-Betty to pay an \$8,000 civil penalty for the violation.

### **In Re Denis Nadeau**

The Commission approved a Disposition Agreement in which Amesbury Building Inspector Denis Nadeau admitted to violating section 19 of the conflict of interest law by intervening in his official capacity as building inspector in work performed at the home of neighbors with whom he had a personal dispute, and section 23(b)(3) of the conflict of interest law by failing to make a disclosure to dispel the appearance of a conflict of interest. Nadeau agreed to pay a \$3,500 civil penalty.

**In Re Gloria Fox**

The Commission allowed a motion to dismiss an adjudicatory proceeding against former State Representative Gloria Fox after she paid a \$1,250 civil penalty for violating the financial disclosure law by failing to file a 2016 Statement of Financial Interests on time.

**In Re James Jones**

The Commission allowed a motion to dismiss an adjudicatory proceeding against former State Police Major James Jones after he paid a \$1,250 civil penalty for violating the financial disclosure law by failing to file a 2016 Statement of Financial Interests on time.

**In Re Vincent Michienzi, Sr.**

The Commission approved a Disposition Agreement in which Vincent Michienzi, Sr. admitted to violating sections 19 and 23(b)(3) of the conflict of interest law by voting as a member of the Bourne Planning Board to approve a special permit for one of his commercial tenants. Michienzi paid a \$5,000 civil penalty.

**In Re Robert MacDonald**

The Commission approved a Disposition Agreement in which Dighton Police Chief Robert MacDonald admitted to violating sections 19 and 23(b)(2)(ii) of the conflict of interest law by participating in his son's appointment as a full-time police officer. MacDonald paid a \$7,000 civil penalty.

**In Re Sharon Napier**

The Commission approved a Disposition Agreement in which Hingham Housing Authority Executive Director Sharon Napier admitted to violating sections 20 and 23(b)(3) of the conflict of interest law by having a financial interest in a Housing Authority contract and by approving and co-signing Housing Authority payments to a friend's company, which she co-founded. Napier paid a \$2,500 civil penalty.

**In Re Vicki Banas**

The Commission issued a Public Education Letter to Department of Developmental Services (DDS) employee Vicki Banas to resolve allegations that she violated section 6 of the conflict of interest law by soliciting quotes and approving work performed at DDS facilities by a company owned by a family member and another company owned by a close family friend.

**In Re Richard Puccini**

The Commission issued a Public Education Letter to Bristol-Plymouth Regional Technical School carpentry instructor Richard Puccini to resolve allegations that he violated section 20 of the conflict of interest law by contracting with the school to provide it with architectural design services.

**In Re Scott Parseghian**

The Commission issued a Public Education Letter to Wayland High School Head Football Coach Scott Parseghian to resolve allegations that he violated sections 17, 19 and 23 of the conflict of interest law by making purchases of athletic apparel for Wayland High School sports teams from his father's businesses, and by representing those businesses in merchandise purchases by other Wayland High School teams, clubs and departments.

## Civil Penalties

All civil penalties imposed and collected by the Commission to resolve violations of the conflict of interest and financial disclosure laws revert to the Commonwealth’s General Fund. In FY 2018, the Commission assessed \$35,100 and collected \$31,100 in civil penalties.

## FY 2018 Private Education Letters

The Enforcement Division sends private education letters when it believes the conflict of interest law was violated but the matter does not warrant a public resolution. Letters are sent to ensure the subjects do not continue their apparent misconduct and to provide clear guidance on how to comply with the conflict of interest law in the future. The Division sent 113 private education letters in FY 2018.

- Seven of the letters were sent to state employees; two were sent to county employees. The remaining 104 were sent to municipal employees.
- The highest number of letters went to those in the following positions:

Selectman/City Councilor	31
Police Officer	8
School Employee	7
Mayor/Town Administrator	6
Fire Chief	5
Financial Committee member	4
School Committee member	4
DPW Employee	4

- The Division sent letters to employees of 68 towns or cities. The municipalities with employees receiving the most letters included:

Boston	7
Hinsdale	6
Charlton	4
Billerica	3

- The letters issued by the Enforcement Division this year addressed the following allegations:

Acting as an agent for a private party before the state, county, or municipal employer (§§ 4, 11, and 17)	8
Participating in matters pertaining to abutting property (§§ 6, 13, and 19)	9
Supervising or approving the salary of a family member (§§ 6, 13, and 19)	10
Participating in other matters that directly affect the employee’s or employee’s family member’s financial interest (§§ 6, 13, and 19)	21

Holding multiple municipal positions (§ 20)	12
Having another financial interest in a contract with the employing municipality (§ 20)	10
Employing or entering into a business arrangement with subordinates (§§ 23(b)(2) and 23(b)(3))	6
Using public resources for political activity (§ 23(b)(2)(ii))	15
Using public resources for other private purposes (§ 23(b)(2)(ii))	12
Accepting a gift (§§ 3 and 23(b)(2)(i))	2
Creating the appearance of a conflict (§ 23(b)(3))	23
Releasing confidential information (§ 23(c)(2))	1

## Public Education and Communications Division

The Public Education and Communications Division provides free educational seminars throughout the Commonwealth, responds to requests for information from the media and public, maintains the Commission’s website, prepares and issues press releases and Commission publications, and manages the education and training requirements for public employees. At the start of FY 2018, the Division consisted of the Division Chief. A Public Information Officer was hired in January 2018, filling a longstanding vacancy in the Division.

### Seminars

The Public Education and Communications Division conducts free seminars on the conflict of interest law for state, county, and municipal employees. In the seminars, staff provide an overview of the law, provide illustrative examples, and explain how to avoid potential conflicts that may arise between the private interests of public employees and their public positions and responsibilities. The number of seminars decreased slightly in FY 2018, and cumulative seminar attendance decreased by 6% as compared to FY 2017. Participation in seminars via webinar was introduced in FY 2014 as an option for agencies and municipalities that could not meet minimum attendance requirements. Webinar use remained steady during FY 2018. Participation by webinar for the bi-monthly seminars conducted at the Commission office continues to be offered as a convenience for public employees who cannot easily travel to Boston.

### Public Information

In FY 2018, the Public Education and Communications Division responded to 633 telephone and email inquiries from the news media and the general public. Due to the confidentiality restrictions imposed on the Commission by law, the Commission neither confirms nor denies the existence of any complaint or investigation, or whether anyone has sought or received advice from the Commission. The Division does, however, provide general explanations of the law and other public information concerning the Commission and its activities, and will refer individuals to the Commission’s website for additional information.

## Education and Training Requirements

The conflict of interest law requires that the Commission publish and maintain on its website summaries of the conflict of interest law for state, county, and municipal employees, respectively. The summaries are revised periodically to reflect any changes to the law. Spanish and Portuguese translations of the summaries are also available on the website.

In December 2012, the Commission launched two new online training programs: one for state and county employees and the other for municipal employees. These interactive programs use multimedia to provide a comprehensive overview of the conflict of interest law.

The conflict of interest law requires all public agencies and municipalities to each year give their employees the summary of the conflict of interest law prepared by the Commission. In addition, every other year, all public employees must complete the Commission's online training program. Public employees must provide a written acknowledgment to their employers that they received the summary, as well as a completion certificate evidencing their completion of the online training program. The Division collects the summary acknowledgments and online training program completion certificates from all elected state and county officials. During the compliance period in FY 2018, all public agencies were required to distribute the summary of the law to all employees.

## Website

The Public Education and Communications Division manages and maintains the Commission's website, [www.mass.gov/orgs/state-ethics-commission](http://www.mass.gov/orgs/state-ethics-commission). The website includes information about the history, activities, and precedents of the Commission. The Commission's educational materials, disclosure forms and instructions, enforcement actions, advisory opinions (summaries of all – and full texts of many), press releases, and meeting minutes and meeting notices are available online. The website contains more than 45 different educational materials, ranging from summaries of the law for specific municipal employees, such as selectmen or school committee members, to primers and advisories which address specific topics or issues. Visitors to the website can also submit complaints or requests for advice through the website. Website activity has increased dramatically due to the education and training requirements added to the conflict of interest law in 2009.

## Website Migration Project

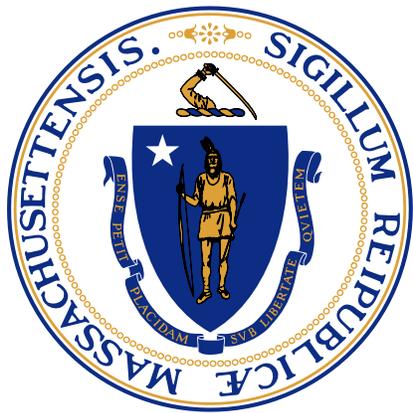
During FY 2018, the Public Education and Communications Division continued work that began the previous year, when the Commonwealth announced that it would begin work to change its website portal platform and improve portal usability by adopting a customer-focused approach to website design. Approximately 1,770 pieces of content were migrated to the new website and converted into the proper format and work was completed to redirect all links from the old website to the new website. Before work could begin to migrate content to the new platform, staff first analyzed all website content in FY 2017 and removed any content that was no longer needed.

<b>Public Education and Communications Division Activities</b>	
<b>Press releases issued</b>	12
<b>Educational seminars conducted</b>	63
<b>Seminar attendance</b>	2,533
<b>Inquiries from media and general public</b>	633
<b>Inquiries concerning the education and training requirements</b>	529
<b>Website average monthly visitors, July-December 2017*</b>	13,291
<b>Website average monthly page views, July-December 2017*</b>	185,357

\*Due to the conversion to a new website platform in 2018, data for January-June 2018 is not available.

## Information Technology Services

The Commission's information technology and network resources are maintained and updated by the Commission's Information Technology (IT) Specialist, who reports to the Public Education and Communications Division Chief and to the Legal Division Deputy Chief/SFI. The IT Specialist provides technical support for the Commission's internal case management application, the SFI electronic filing application, and the conflict of interest law online training programs for all public employees. During FY 2018, needed replacements and improvements were made to equipment and software supporting the network environment. The IT Specialist worked with the Executive Office of Technology Services and Security to migrate Commission email accounts from Microsoft Outlook 2010 to Outlook 2016. All Commission staff email addresses now have *mass.gov* as the domain, replacing *massmail.state.ma.us*. The IT Specialist was part of the project team working to replace the aging case management application.



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