

# State Ethics Commission

Fiscal Year 2014 Annual Report

**Karen L. Nober, Executive Director**

Massachusetts State Ethics Commission

One Ashburton Place, Room 619

Boston, MA 02108

[mass.gov/ethics](http://mass.gov/ethics)

617-371-9500

# The Ethics Commission – Fiscal Year 2014

## Ethics Commission Members

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

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

**Hon. Charles B. Swartwood, III, Chair\*\***

United States District Court Chief Magistrate Judge (ret.)  
Arbitrator-Mediator, JAMS, Inc. – Boston, MA

**Paula Finley Mangum, Vice-Chair**

Principal, Law Office of Paula Finley Mangum – Wareham, MA

**Martin F. Murphy**

Partner, Foley Hoag LLP – Boston, MA

**William J. Trach**

Partner, Latham & Watkins LLP – Boston, MA

**Hon. Regina L. Quinlan**

Superior Court Judge (ret.)

\* Appointed December 2013

\*\* Term Expired 2013

## Executive Summary

The State Ethics Commission is a non-partisan, independent commission whose five members are appointed to staggered, five-year terms. Three Commissioners, including the Chair, are appointed by the Governor, one member is appointed by the Secretary of State, and one member by the Attorney General. No more than two of the gubernatorial appointments, and no more than three members of the Commission as a whole, may be from the same political party. In FY 2014, Chairman Charles B. Swartwood, III's term expired, and the Honorable Barbara Dortch-Okara (ret.) was appointed by Governor Deval Patrick as the Commission's new Chair.

Reporting to the Commission is the Executive Director, who is responsible for the day-to-day management of the Commission's staff. The Chief Financial Officer and the Commission's three division chiefs report to the Executive Director. 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 and also administers the requirements of the financial disclosure law; the Enforcement Division, which investigates complaints alleging 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 conducts seminars on the conflict of interest law and responds to requests for general information from the media and others. In FY 2014, the Commission had 25 employees and received an appropriation of \$1,921,788. The Commission imposed civil penalties for conflict of interest law violations in the total amount of \$48,000 in FY 2014. The Commission imposed civil penalties totaling \$4,100 for late-filed Statements of Financial Interest (SFIs). Additionally, the Commission received payment of a \$4,000 penalty in a case in which the Commission's 2010 decision was upheld and affirmed by the Massachusetts Appeals Court. All penalties collected by the Commission revert to the Commonwealth's General Fund.

In FY 2014, the Legal Division received a total of 6,254 requests for advice and also responded to 2,397 requests for technical and other assistance from those filing financial disclosure forms; the Enforcement Division received 962 complaints alleging violations of the conflict of interest and financial disclosure laws, and underwent a reorganization to better align the division's staffing with the division's workload; and the Public Education and Communications Division conducted 56 seminars and introduced a webinar option for those who cannot travel to Boston to attend in-house seminars on the conflict of interest law.

In addition, in FY 2014, the Commission approved a new regulation, 930 CMR 6.26, creating an exemption from §§ 7, 14, and 20 of G.L. c. 268A, the conflict of interest law. The regulation permits public employees to have financial interests in government contracts that pre-dated their public service, and, in some circumstances, to have financial interests in new or amended government contracts entered into after they became public employees, if they are similar to prior government contracts, and

so long as certain safeguards are in place. The Commission also issued Advisory 14-1, on Public Employees' Private Business Relationships and Other Private Dealings With Those Over Whom They Have Official Authority or With Whom They Have Official Dealings; revised Advisory 13-1, on Making and Receiving Job Recommendations; and revised Advisory 05-05, on the Rule of Necessity, clarifying how the rule of necessity applies to individual elected officials.

## 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, what they may do after hours or “on the side,” and what they may do 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 the law was revised in 1978, it was enforced solely as a criminal matter under the jurisdiction of the Attorney General and the various local 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 policy-making 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, and 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; codifying and increasing the statute of limitations from 3 years to 5 or 6 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.

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 also 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.

## Legal Division

### Overview

Public employees and others who fall within the jurisdiction of G.L. c. 268A and G.L. c. 268B may ask for and receive free, confidential advice about whether their own proposed activities are permissible under these laws. Requests for advice may be made over the phone, through the Commission's website or in writing, 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 thirty (30) days. Legal 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 referred to the full Commission for a formal opinion. Although formal opinions are also confidential, the Commission publishes summaries and public versions of such opinions with the requestor's identifying information redacted. The Commission issued one formal opinion in FY 2014.

In addition to issuing advice, the Legal Division reviews conflict of interest law opinions issued by municipal counsel under G.L. 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, Legal Division attorneys serve as legal advisors to the Commission in connection with adjudicatory proceedings. At the direction of the Commission or the hearing officer, Legal Division attorneys prepare drafts of decisions and orders in connection with adjudicatory proceedings.

In FY 2014, the Legal Division consisted of the Chief of the Legal Division (who also serves as the Commission's General Counsel), two Deputy Chiefs, two staff counsels, an SFI administrator/analyst and an administrative assistant.

### Division Activities

During FY 2014, the Legal Division responded to 6,254 requests for advice on the conflict of interest law, its highest number ever, representing a nearly 4% increase over FY 2013. The following are some highlights from FY 2014:

- Division staff assisted in drafting a new regulation, 930 CMR 6.26, creating an exemption from §§ 7, 14, and 20 of G.L. c. 268A, which restrict public employees from having financial interests in contracts with the same level of government that employs them. The Legal Division also assisted with two public hearings in Barnstable and Boston, and responded to comments on the

draft regulation, culminating in the approval of the new regulation by the Commission on January 16, 2014.

- Division staff drafted Advisory 14-1, an educational advisory on Public Employees' Private Business Relationships and Other Private Dealings With Those Over Whom They Have Official Authority or With Whom They Have Official Dealings. Several meetings were held with the Commission's Legal Committee to discuss revisions to the draft, and the Commission approved Advisory 14-1 on July 16, 2014.
- Division staff revised Advisory 05-05, an educational advisory on the Rule of Necessity, clarifying how the rule applies to individual elected officials. It was approved by the Commission on October 17, 2013.
- Division staff drafted a Policy Against Harassment and Sexual Harassment, which was approved by the Commission on December 19, 2013, and distributed to all Commission employees.
- An arrangement was agreed to with the Registry of Motor Vehicles in which the Commission would be allowed to access RMV records, including social security numbers, to obtain information needed to facilitate the Commission's ability to collect civil penalties.

<b>Legal Division FY 2014 Statistics</b>	
<b>Requests for informal written opinions carried over from FY 2013</b>	40
<b>Total requests for advice received in FY 2014</b>	6,254
<b>Total responses to requests for advice</b>	6,107
<b>Responses given orally and via email</b>	5,641
<b>Responses given through informal written opinions</b>	466
<b>Requests for informal written opinions carried over to FY 2015</b>	20
<b>Municipal opinions reviewed</b>	58
<b>Conflict of interest law disclosures received</b>	444
<b>Adjudicatory proceedings in which Legal Division attorneys served as legal advisors</b>	11

## Statements of Financial Interests

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

The Legal Division administers the SFI filing process. The Legal Division Deputy Chief/SFI, the SFI Administrator/Analyst, the Public Education and Communications Division Administrative Assistant and the Commission’s IT Specialist comprise the Commission’s SFI Team. Division staff are available to assist filers who have questions on how to complete the SFI. Division staff provide advice to agencies on the process for designating positions as policy-making 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 must complete a request form and produce valid identification. Prior to making an SFI available to a requestor, Commission staff redact legally protected information from the SFIs, including home addresses and names of family members.

The filing season begins in the fall with educational seminars and agency liaison meetings. In FY 2014, the SFI Team was able to open the season two weeks early, providing additional time for filers to complete their SFIs. Ninety-seven percent of appointed employees met the Calendar Year 2013 SFI filing deadline of May 1, 2014. Three percent of appointed employees missed the filing deadline, and were sent late notices, down from 15% in FY 2013. Those who failed to file by the end of the grace period were subject to civil penalties. Elected officials had a filing deadline of May 27, 2014, and none filed late.

In FY 2014, 90% of all SFI filers submitted their forms electronically, up from 88% in FY 2013.

## Educational Forums and Agency Liaison Meetings

In the fall of 2013, the SFI Team hosted two educational forums and six specialized training sessions with agency liaisons. More than 200 state and county agencies have employees required to file SFIs with the Commission, and those agencies are required to designate a liaison to work with the Commission. The agency liaisons’ primary responsibilities are to maintain and update their agencies’ designation lists of the employees who are required to file SFIs with the Commission and to encourage their employees to file in a timely manner. During FY 2014, Commission staff met with agency liaisons to discuss the SFI process, the liaisons’ role in that process and the importance of timely compliance with the financial disclosure law. More than 50 employees participated in the educational forums and liaison meetings.

## Electronic Filing Application

The SFI electronic filing application was developed for the Commission in 2002 and is no longer technologically supported. In FY 2013, the Commission contracted with Public Consulting Group, Inc. (“PCG”) to review the SFI filing application and make recommendations regarding its replacement. The primary goals in developing a new system are to: replace an aging system with new “off-the-shelf” technology to ensure system viability; reduce the time spent by filers, agency liaisons and Commission staff on the filing process; automate the redaction function to expedite the Commission’s ability to produce SFIs requested by the public; revise the SFI form to make the questions easier to understand; and improve the filer’s ability to navigate the form and access instructions.

In February, 2014, based on the recommendations from PCG, the SFI Team prepared and submitted a request for bond funds to pay for the costs associated with replacing the SFI filing application. Commission staff, in consultation with the Massachusetts Information Technology Division, refined the Commission’s request for funding, which was ultimately approved in July, 2014.

<b>SFI Statistics – FY 2014</b>	
<b>Number of individuals required to file SFIs</b>	4,087
<b>Number of filers who submitted SFIs electronically</b>	3,664
<b>Number of individuals who made requests for SFIs</b>	125
<b>Number of SFIs produced in response to requests</b>	1,088
<b>Number of late and non-filers referred to the Enforcement Division</b>	46
<b>Number of calls for assistance in compiling designation lists, completing the SFI or accessing the electronic filing application</b>	2,397

## Enforcement Division

The Enforcement Division investigates alleged violations of the conflict of interest and financial disclosure laws, and, when appropriate, prosecutes the alleged violators of those laws. The majority of complaints to the Commission are resolved confidentially, often with educational letters to the subjects. Allegations that fall outside the Commission's jurisdiction or otherwise do not warrant continued investigation are closed during the informal investigation stage. During the informal investigation stage, Enforcement Division investigators present certain cases to the Commission for input on whether those complaints should be further investigated. More serious matters that potentially warrant a public resolution are presented to the Commission by the Division's attorneys for authorization to commence a formal investigation, referred to as "preliminary inquiries." Matters under review by the Commission's Enforcement Division are confidential. The Commission cannot confirm the nature or existence of a complaint or investigation, and must keep the identities of all complainants confidential.

In FY 2014, the Enforcement Division consisted of a Chief, two Deputy Chiefs, one staff attorney, four full-time investigators and an administrative assistant. The Division received a total of 962 complaints in FY 2014 alleging violations of the conflict of interest or financial disclosure law, including 46 involving the late- or non-filing of Statements of Financial Interests.

### Investigation Process

In FY 2014, the Enforcement Division was reorganized to realign its staffing to better match the Division's workload. The reorganization added more staffing to the initial investigation stage, where the caseload is the heaviest, and streamlined the investigation process by creating just two investigatory stages: an initial informal investigation stage, and the preliminary inquiry stage, which is the formal investigation.

The reorganization resulted in the creation of a new Investigations Unit consisting of all five of the Commission's investigators, including the Deputy Chief, Investigations. Under the previous structure, only two investigators conducted the intake and initial investigation of all complaints received by the Commission. By putting resources where they were most needed, the reorganization was intended to enable the Division to more efficiently tackle its caseload.

The Enforcement Division annually receives between 900 and 1,200 complaints alleging violations of the conflict of interest and financial disclosure laws, and an investigator reviews each complaint received. If it falls within the Commission's jurisdiction, an initial, informal investigation is undertaken. Most complaints are resolved at this stage, many with a private educational letter to the subject.

If, during the informal investigation stage, the Enforcement Division determines the case warrants more extensive investigation, authorization is sought from the Commission to conduct a preliminary inquiry, a formal investigation in which Division attorneys may be authorized to issue summonses for documents and testimony under oath. At the conclusion of the preliminary inquiry, the Enforcement Division

reports the results of its investigation to the Commission, which votes on whether there is “reasonable cause” to believe the law has been violated.

If the Commission finds reasonable cause to believe a violation has occurred, the subject is entitled to an adjudicatory hearing before the Commission to present evidence and testimony on his or her own behalf. At the conclusion of the adjudicatory hearing, the Commission issues a decision and order as to whether the Enforcement Division has proven a violation of the law, and, if appropriate, imposes a civil penalty. A person has the right to appeal the Commission’s decision directly to the Superior Court. If a subject does not wish to contest the reasonable cause finding through the adjudicatory process, he or she may settle the matter by means of a public disposition agreement in which the subject admits to violating the law and agrees to pay a civil penalty. In some cases, the Commission may vote to find reasonable cause, but choose to resolve the matter through the issuance of a Public Education Letter. In those cases, the subject is not required to pay a penalty. Public Education Letters are typically issued when the circumstances are novel or believed to be fairly widespread.

## Civil Penalties

Civil penalties totaling \$48,000 were imposed by the Commission in FY 2014 for violations of the conflict of interest law. In addition, the Commission received payment of a \$4,000 penalty in a case in which the Commission’s 2010 decision was upheld and affirmed by the Massachusetts Appeals Court, and received a total of \$4,100 in civil penalties paid by SFI late filers. All civil penalties collected by the Commission revert to the Commonwealth’s General Fund.

## FY 2014 Cases

In FY 2014, the Commission concluded 12 public enforcement cases, resolving them through an adjudicatory hearing, a disposition agreement or a Public Education Letter. These cases, listed below, are posted on the Commission’s website.

### **In Re Charles Borstel**

The Commission dismissed the adjudicatory proceeding involving the alleged late-filing of a 2011 SFI by the former Assistant to the Director of the Division of Professional Licensure. In allowing the Joint Motion to Dismiss the Adjudicatory Proceeding, the Commission noted that Borstel contacted the Enforcement Division and explained that he mistakenly believed that he did not have to file a 2011 SFI. Borstel also provided evidence that he did not receive a Formal Notice of Lateness that was sent to an e-mail address he no longer used.

### **In Re Dennis O’Brien**

The Commission approved a Disposition Agreement in which a former Templeton Board of Selectmen member admitted to violating the conflict of interest law by participating in the Town’s purchase of a

vacant factory building located directly across the street from his residence, and paid a \$1,000 civil penalty.

### **In Re Algird Sunskis**

The Commission dismissed the adjudicatory proceeding involving a Lawrence Public Schools teacher and owner of Wellington Publishing, Inc. In granting the Joint Motion to Dismiss the Adjudicatory Proceeding, the Commission did not make any determination as to whether Sunskis violated the conflict of interest law, but rather dismissed the proceedings based on a written report of an evaluation of Sunskis, which indicated that Sunskis was “not appropriate for prosecution.”

### **In Re Richard McClure**

The Commission issued a Decision and Order finding that a private attorney who served on the Chelmsford Planning Board violated the conflict of interest law by representing clients in two separate lawsuits in which the Town of Chelmsford was a party. The Commission denied a motion by McClure to dismiss the proceedings and ordered McClure to pay a \$5,000 civil penalty. Collection of the penalty has been deferred pending appeal of the Commission’s decision.

### **In Re Cheryl Jacques**

The Commission issued a Decision and Order finding that the Commission’s Enforcement Division failed to prove its allegation that an administrative law judge for the Department of Industrial Accidents attempted to use her official position to demand that a dental office write off a debt of more than \$1,000 incurred by her brother-in-law.

### **In Re Delwin Dickinson**

The Commission approved a Disposition Agreement in which the former Hosting Services Director for the Commonwealth of Massachusetts Information Technology Division admitted to violating the conflict of interest law by awarding contracts and approving payments to a hardware and software reseller after entering into employment negotiations with the company, and paid a \$30,000 civil penalty.

### **In Re Alesandro Basile**

The Commission approved a Disposition Agreement in which a former Suffolk County Sheriff’s Office captain admitted to violating the conflict of interest law by meeting with his tenants to demand a rent increase, while in uniform, and while accompanied by a uniformed correctional officer, who was visibly armed with a gun, pepper spray and baton. Basile paid a \$1,000 civil penalty.

**In Re James McCormick**

The Commission approved a Final Order and a Disposition Agreement concluding the adjudicatory proceeding involving the former Superintendent of the North Middlesex Regional School District, who admitted to violating the conflict of interest law voting to approve the payment of \$5.5 million by the Merrimack Special Education Collaborative to the Merrimack Education Center, a private, nonprofit organization, while he was a member of the Center's board of directors and while he was also negotiating or had an arrangement with the Center for prospective employment, and paid a \$2,000 civil penalty.

**In Re Blake Lamothe**

The Commission approved a Disposition Agreement in which the Palmer Redevelopment Authority ("PRA") Chairman admitted to violating the conflict of interest law by participating as a PRA member in efforts to secure millions of dollars in state funding to revitalize Union Station, a train depot he owns. Lamothe paid a \$5,000 civil penalty.

**In Re Robert Wilson and In Re Karen Durant**

The Commission approved Disposition Agreements in which two Leicester Emergency Medical Services Department employees each admitted to violating the conflict of interest law by submitting false records claiming that several Emergency Medical Technicians had completed 24 hours of recertification training in 2008. Wilson, the EMS executive director, and Durant, an EMT, each paid a \$2,000 civil penalty.

**In Re John Barranco and In Re Richard McDonough**

The Commission dismissed the adjudicatory proceedings involving two Merrimack Special Education Collaborative employees. In approving the Joint Motion to Dismiss the Proceedings against both Barranco and McDonough, the Commission cited the existence of an ongoing related federal investigation by the U.S. Attorney's Office. As to McDonough, the Commission also noted that McDonough is in federal prison after being convicted on unrelated charges and that he is not scheduled to be released until January 2018.

**In Re Demetrius Atsalis**

The Commission approved a Final Order and Disposition Agreement concluding the adjudicatory proceeding involving former State Representative Demetrius Atsalis. According to the Agreement, Atsalis admitted to violating the financial disclosure law by failing to timely file his 2012 Statement of Financial Interests, and paid a \$100 civil penalty.

## Enforcement Division FY 2014 Statistics

Below are statistics describing the work of the Enforcement Division in FY 2014. Please note: complaints that involve allegations against more than one subject are counted as single complaints, although the allegations may be resolved separately as to each subject. Complaints with multiple subjects are statistically recorded as to the subject who reached the furthest point in the investigative process. For example, if a complaint involves two subjects, and one subject's case is resolved informally through a private educational letter, but the other one's case is assigned for a preliminary inquiry recommendation, that complaint will be reported as a preliminary inquiry recommendation.

The reorganization of the Enforcement Division eliminated entirely the "screening" stage, essentially, a second informal investigatory stage. As a result, the statistics involving pending cases are not comparable with those in previous fiscal years.

Complaints	
Conflict of interest and financial disclosure law complaints pending at the beginning of FY 2014	393**
Conflict of Interest Law complaints received during FY 2014	912*
Financial Disclosure Law complaints received during FY 2014	50
Complaints closed after informal investigation	833
Complaints closed after informal investigation with private educational letters to the subjects	140
Complaints that were consolidated with other complaints	77
Complaints assigned for preliminary inquiry recommendation	41
Conflict of interest law and financial disclosure law complaints pending at the end of FY 2014	264

\*Complaints involving more than one subject are counted as one complaint.

\*\*Cases that were in the former "screening" stage were moved into this category.

Subjects of Complaints	
Municipal employees	696
State employees	199
County employees	8
Private entities	18
Complaints involving unspecified subjects	41

Complaints that result in a preliminary inquiry recommendation generally involve allegations which, if the facts can be proven, suggest significant or egregious violations of the conflict of interest or financial

disclosure laws, such that a public resolution and the imposition of a civil penalty would be appropriate. The Commission reviews preliminary inquiry recommendations submitted by the Enforcement Division and decides whether to authorize a preliminary inquiry. The Commission authorized 35 preliminary inquiries in FY 2014. Once authorized, the case is investigated by an Enforcement Division attorney, who can then issue summonses for sworn testimony and documents. Summonses may not be issued without the prior authorization of the Commission. Once the preliminary inquiry has been completed, a preliminary inquiry report is submitted for review and action by the Commission. The Commission then decides whether there is reasonable cause to believe that a subject violated the conflict of interest or financial disclosure law. If there is a reasonable cause finding, the Commission will authorize adjudicatory proceedings.

The Commission reviewed 31 preliminary inquiry reports in FY 2014. Twelve cases resulted in a reasonable cause finding and the authorization of adjudicatory proceedings. Twelve cases were either terminated by the Commission or concluded with a confidential compliance letter to the subject explaining how the law applied to the matter under investigation. Seven cases were resolved by the subjects paying a civil penalty for a late-filed SFI.

<b>Preliminary Inquiries</b>	
<b>Preliminary inquiries pending from FY 2013</b>	18*
<b>Preliminary inquiries authorized by the Commission during FY 2014</b>	35*
<b>Preliminary inquiries concluded by the Commission in FY 2014</b>	31
<b>Preliminary inquiries concluded with a reasonable cause finding and the authorization of an adjudicatory proceeding</b>	12
<b>Preliminary inquiries terminated by the Commission</b>	6
<b>Preliminary inquiries concluded with a confidential compliance letter to the subject</b>	6
<b>Preliminary inquiries involving financial disclosure law violations resolved by the Commission by a civil penalty for a late-filed SFI</b>	7
<b>Preliminary inquiries carried over to FY 2015</b>	22

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

In cases where the Commission found that there was reasonable cause to believe that the conflict of interest or financial disclosure law was violated, 5 cases were settled with public disposition agreements, in which subjects admitted to violating the law and agreed to pay a civil penalty (one case involving two subjects resulted in two disposition agreements). Two cases were settled by disposition agreements after the issuance of an order to show cause. Three orders to show cause were issued, initiating public adjudicatory proceedings, and 3 adjudicatory hearings were concluded. Decisions and orders were issued by the Commission in 7 adjudicatory proceedings during FY 2014.

## Public Education and Communications Division

### Overview

The Public Education and Communications Division provides free educational seminars throughout the state, responds to requests for information from the media and general public, maintains the Commission's website, prepares and issues press releases and Commission publications, and manages the education and training requirements for public employees.

In FY 2014, the Public Education and Communications Division consisted of a Chief, a Deputy Chief and an Administrative Assistant.

### 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. Seminar attendance increased 12 percent in FY 2014 as compared with FY 2013. During FY 2014, the Division introduced a webinar option for agencies and municipalities. In January 2014, the Division added the webinar attendance option for its monthly in-house seminars as a convenience for those public employees who cannot easily travel to Boston, and began a collaborative effort with Harvard University's Edward Safra Center for Ethics to explore ways to improve seminars.

### Public and Media Relations

The Public Education and Communications Division receives more than 500 telephone and email inquiries each year from the media and general public. Due to the confidentiality restrictions imposed on the Commission by law, the Commission's policy is to neither confirm nor deny the existence of any complaint, investigation or whether anyone has sought or received advice from the Commission. The Public Education and Communications Division staff will provide general explanations of the law, and will refer individuals to the 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 were revised during FY 2014 to reflect amendments 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 one 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 give their employees each year 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 that they completed the online training program. The Division collects the summary acknowledgments and online training program completion certificates from all elected state and county officials.

## Website

The Public Education and Communications Division manages and maintains the Commission's website, [www.mass.gov/ethics](http://www.mass.gov/ethics). 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 particular municipal employees, such as selectmen or school committee members, to primers and advisories which address particular topics or issues. Visitors to the website can also submit complaints or requests for advice through the website. Website activity has increased dramatically as a result of the education and training requirements added to the conflict of interest law in 2009. Traffic to the website increased in FY 2014 as compared with FY 2013, with a nearly 15% increase in the average number of monthly visitors and a 3% increase in the average number of monthly page views.

<b>Public Education and Communications Division Activities</b>	
<b>Press releases issued</b>	17
<b>Educational seminars conducted</b>	56
<b>Seminar attendance</b>	2,253
<b>Inquiries from media and general public</b>	578
<b>Inquiries concerning the education and training requirements</b>	1,982
<b>Website average monthly visitors</b>	12,328
<b>Website average monthly page views</b>	129,241

## Information Technology Services

The Commission's information technology and network resources are maintained and updated by the Commission's Information Technology 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 2014, the Commission replaced two network servers, along with the data backup and recovery system, and upgraded the network firewall. A data archive system was also implemented, and a webinar application was tested for use by the Public Education Division and SFI team to provide a more efficient means of conducting public education seminars and SFI liaison meetings.

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