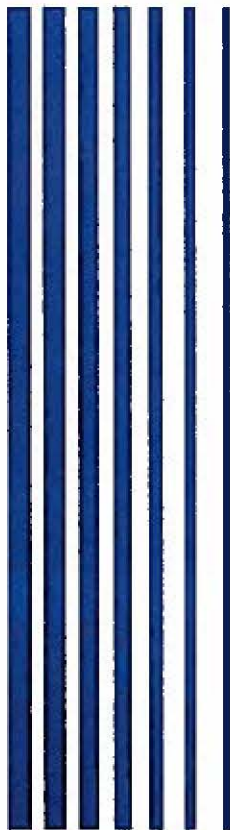


**STATE
ETHICS
COMMISSION**



MASSACHUSETTS

ANNUAL REPORT

for Fiscal Year 1994

STATE ETHICS COMMISSION ANNUAL REPORT FISCAL YEAR 1994

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STATE ETHICS COMMISSION

This report covers the activities of the Massachusetts State Ethics Commission during FY94. It is issued pursuant to the mandate of §2(1) of Chapter 268B and is intended to serve both as an explanation of the Commission's responsibilities and as a record of its major activities during the fiscal year.

INTRODUCTION TO THE ETHICS COMMISSION

HISTORY

Since 1963, the Massachusetts conflict of interest law has regulated the conduct of public officials and employees in the Bay State. Massachusetts General Laws c. 268A limits 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 required of all state, county and municipal employees and officials, articulating the premise that public servants owe undivided loyalty to the government they work for and must 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 statute, Chapter 210 of the Acts and Resolves of 1978 established a financial disclosure law requiring public officials, political candidates and certain designated public employees to annually file a statement of their financial interests and private business associations. Chapter 210 also created the State Ethics Commission, and empowered it to interpret and enforce G.L. c. 268A and 268B. The Commission now serves as the primary civil enforcement agency for the conflict of interest and financial disclosure laws. It also provides free legal advice, education and other information regarding these laws.

The non-partisan Commission consists of five members appointed to staggered, five-year terms. Three commissioners are selected by the Governor, one by the Secretary of State and one 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. The commissioners serve part-time, are paid on a *per diem* basis, and employ a full-time staff.

The Commission staff is made up of four separate divisions, under the supervision of the executive director. The Legal Division provides free, confidential advice to public employees regarding the legality of proposed activities; it also represents the Commission in court. The Statements of Financial Interests ("SFI") Division administers the financial disclosure law and audits SFIs filed with the agency. The Public Education Division conducts free seminars for public employees and publishes a wide range of educational materials. The Enforcement Division investigates and prosecutes alleged violations of the laws.

SUMMARY OF FISCAL YEAR 1994

The Legislature appropriated \$1,073,540 for the Ethics Commission in FY94. During the year, 13% of the Commission's staff positions were vacant due to lack of funding. The Commission does not retain revenue.

In FY94, the Legal Division handled 4,920 oral and written requests for confidential advice regarding the conflict of interest and financial disclosure laws, reviewed an additional 147 advisory opinions issued by municipal counsels, and prepared 17 formal Commission Advisory Opinions. Due to staff shortages, the division carried a backlog of 74 unanswered requests for advice into FY95.

Almost 5,000 elected officials, candidates and designated policy-making public employees filed Statements of Financial Interest ("SFIs") with the Commission during FY94. The SFI Division also started a complete audit of all filings for accuracy and completeness. Because of continued staff shortages, such a review has not been done since 1987.

A total of 3,251 people attended the 97 seminars taught by the Public Education Division in FY94. The Division distributed more than 18,000 copies of various educational materials during the year. The

Division also published a new educational brochure, *Introduction to the Conflict of Interest Law*, and assisted several organizations with public integrity initiatives.

The Commission's Enforcement Division investigated 831 complaints in FY94. It issued 117 educational letters and recommended 29 cases for formal review by the Commission. The Division also negotiated 27 Disposition Agreements, totalling \$146,420 in fines and forfeitures. In April of 1994, the Commission's enforcement authority was diminished when a divided Supreme Judicial Court called into question the Commission's ability to issue summons during the investigative stages of a case.

MEMBERSHIP

During FY94 the members of the Ethics Commission were:¹

Edward F. Hennessey, Chair
Former Chief Justice
Supreme Judicial Court
Boston, MA

George D. Brown, Chair
Full Professor
Boston College Law School
Newton Center, MA

Constance J. Doty, Vice Chair
Administrator
Rent Equity Board
Boston, MA

Nonnie S. Burnes
Member
Hill & Barlow, P.C.
Boston, MA

Herbert P. Gleason
Partner
Kearney and Gleason
Boston, MA

Paul F. McDonough, Jr.
Partner
Goodwin, Procter & Hoar
Boston, MA

Marilyn Lyng O'Connell
President
Waterville Valley Foundation
Waterville, NH

¹ Nonnie S. Burnes was appointed by Governor William F. Weld on January 10, 1994 to fill out the unexpired term of Marilyn Lyng O'Connell. George D. Brown was appointed by Governor Weld on February 28, 1994 to replace Chairman Edward F. Hennessey.

ADVISORY OPINIONS

COMMISSION OPINIONS

Individuals covered by G.L. c. 268A and G.L. c. 268B are entitled to receive confidential advice about whether proposed activities are permissible under the laws. Most requests for advisory opinions are answered fully within two to four weeks. The Commission's Legal Division handled 662 requests for advice through informal letters, and 4,245 requests via telephone calls. Among independent regulatory commissions nationwide, only California's Fair Political Practices Commission issues more advisory opinions each year than the Massachusetts State Ethics Commission.*

* Information derived from 1993 Council on Governmental Ethics Laws "Blue Book" survey of ethics commissions nationwide; status recently confirmed by Massachusetts State Ethics Commission staff.

Formal opinions of the Commission serve as a legal defense in subsequent proceedings concerning the requesting individual's conduct, unless the request omits or misstates material facts. The Commission issued 17 formal advisory opinions in FY94. Although advisory opinions issued by the Commission are confidential, the Commission publishes summaries of formal advisory opinions and also prepares public versions of such opinions with the identifying information deleted. Copies of these opinions are available from the Ethics Commission. Some of the Commission's formal advisory opinions during FY94 included:

- **EC-COI-93-17** -- The conflict of interest law limits the circumstances under which a Selectman who is also a school teacher can participate in decisions involving the Town Manager, who by law negotiates school teacher contracts.
- **EC-COI-93-20** -- An appointed Town Sewer Commissioner, who owns several undeveloped acres of land on which he is planning to build residential units, has a financial interest in potential new sewer regulations and therefore may not participate in adopting the new regulations unless he receives prior, written approval from his appointing authority.
- **EC-COI-93-22** -- Members of a Governor's advisory council principally serve to provide the Governor with outside viewpoints and advice, and do not perform tasks ordinarily expected of state employees. Therefore, they are not considered "state employees" or "special state employees" for the purposes of the conflict of interest law, and are not bound by its restrictions on state employees' conduct.
- **EC-COI-93-23** -- The conflict of interest law allows state and municipal agencies to adopt additional standards of conduct which are more strict than the law itself. Therefore, a municipal agency may enforce, as personnel policy, ethics standards that are more stringent than G.L. c. 268A.
- **EC-COI-94-2** -- State agencies may provide reduced-fee or free benefits to public officials as long as the benefits are used only for job-related purposes.
- **EC-COI-94-3** -- A municipal building inspector cannot display his status as a "Massachusetts Certified Inspector of Buildings" on business cards to be used in his private business activities, because the certification is derived from his municipal position. In addition, the municipal inspector may not privately inspect buildings within the municipality by which he is employed. Due to the statutory obligation that the municipal building inspector take action upon encountering certain situations, the inspector's independent judgement might be impaired by a private business relationship with a paying client.
- **EC-FD-93-01** - Two county Deputy Sheriffs who are shareholders in a private process-serving business are "public employees" for the purposes of the Financial Disclosure Law, and are therefore properly designated as "public employees" required to file annual statements of financial interest.

MUNICIPAL ADVISORY OPINIONS

All conflict of interest opinions issued by city solicitors or town counsel must be filed with the Commission for review, to ensure that these opinions are consistent with Commission precedent. The Commission has 30 days to notify the municipal counsel of any objections to an opinion; if there are no objections, the advisory opinion can serve as a legal defense in any subsequent Commission proceeding. A municipal counsel's opinion is legally binding only with respect to the person who requested the opinion, and is not binding if material facts were omitted or misstated by the requestor, if the opinion was not obtained in advance of the relevant action, or if the requestor otherwise acted in bad faith in securing the opinion.

In FY94, the Commission reviewed 147 municipal opinions, concurring with 57% of them. The Commission staff provided clarification of 45 municipal opinions, and informed municipal lawyers in 15 instances that their advice was inconsistent with Commission precedent and therefore would not be binding on the Commission.

FINANCIAL DISCLOSURE

Massachusetts G.L. c. 268B requires the annual disclosure of financial interests and private business associations by all elected officials, candidates and "designated" public employees of state and county governments. "Designated" employees include individuals holding major policy-making positions within their employing agencies. Commission staff are available to assist filers in completing their SFIs. Failure to file on time or to amend a deficient or incomplete statement within 10 days of receipt of a formal notice of delinquency is a violation of the financial disclosure law. The Commission may levy fines of up to \$2,000 for each violation. In the event a false statement is filed, the Commission may levy additional fines, withhold pay or seek criminal penalties.

In FY94, 4,577 public employees and elected officials were required to file SFIs; an additional 379 candidates for public office also filed. About 7% missed the May filing deadlines, and formal notices of delinquency were mailed to 175 individuals. Of these, 154 people filed during a 10-day grace period. Nine people filed shortly after the expiration of the grace period, and were fined a total of \$550. Ten delinquent filers are the subjects of pending preliminary inquiries. The remaining two filers' cases were closed due to special circumstances.

Upon written request, any individual may inspect and obtain a copy of any SFI filed with the Commission. In FY94, the Commission honored 1,442 such requests from 266 sources, including the media, private citizens and law enforcement agencies.

The Commission started a complete review of all SFI filings during FY94. Such a comprehensive audit has not been done since 1987, due to continued staff shortages. The SFI auditor reviewed 5,686 filings during FY94; 1,601 filers were contacted and requested to amend deficient SFIs.

PUBLIC EDUCATION

SEMINARS

The Commission provides free seminars on the conflict of interest and financial disclosure laws. A total of 3,251 people attended the Commission's 97 seminars during FY94. Seminar sponsors included:

Municipalities:

Amesbury	Douglas	Plymouth
Andover	Dover	Provincetown
Berkley	Duxbury	Royalston
Brookline	Easton	Sheffield
Cambridge	Gloucester	Somerville
Chatham	Hanover	Winthrop
Chelmsford	Medfield	Wrentham
Chicopee	Medford	Yarmouth
Concord	Orleans	
Dennis	Pepperell	

Professional Associations:

City Solicitors and Town Counsel Association
Fire Prevention Association of Massachusetts
Massachusetts Town Clerks' Association
Massachusetts Collectors and Treasurers Association
Massachusetts Government Finance Officers Association
Metro Fire Chiefs of Greater Boston
National Association of Housing and Redevelopment Officials, Massachusetts Association
South Shore Assessors Association

State Agencies:

Attorney General's Office	Exec. Office of Public Safety
Bay State Skills Corporation	Exec. Office of Labor
Cable Commission	Governor's Office
Criminal Justice Training Council	Group Insurance Commission
Criminal History Systems Board	Mass. Rehabilitation Commission
Dept. of Food and Agriculture	Mass. Developmental Disabilities Council
Dept. of Public Safety	Massachusetts Port Authority
Dept. of Public Utilities	Office of Refugees and Immigration
Dept. of Corrections	Office on Disability
Disabled Person's Protection Commission	Office of Management Information Systems
Division of Insurance	Office of the Comptroller
Exec. Office of Communities & Development	Rate Setting Commission
Exec. Office of Health and Human Services	State Library
Exec. Office of Administration and Finance	State Appellate Tax Board
Exec. Office of Economic Affairs	

PUBLICATIONS

The Commission publishes a wide variety of educational materials explaining various provisions of the conflict law and keeps constituents informed of recent rulings. The Commission's newsletter, *The Bulletin*, is distributed to an estimated 3,500 subscribers. About 4,000 copies of publications were distributed in FY94 in response to phone or "walk-in" requests for information, and 6,455 copies of publications were provided to seminar sponsors to be copied for seminar participants. The Commission distributed 3,800 copies of publications to individuals as part of enforcement actions, legal opinions, or in response to written requests for information. About 300 copies of the Commission's *FY93 Annual Report* were distributed, as were about 60 copies of the annual compilation of the Commission's public actions, *State Ethics Commission Rulings*. The Commission also issued a new publication, *Introduction to the Conflict of Interest Law*, during FY94; this brochure was designed as an easy-to-understand reference covering the tenets of the conflict law.

PUBLIC INTEGRITY INITIATIVES

The Commission provides information and technical assistance to municipalities, community groups and other organizations promoting integrity in government. FY94 integrity initiatives included:

- Commission staff advised Boston Mayor Menino's Office during the drafting and implementation of the Boston Ethics Initiative of 1994. Public Education Division materials were distributed to all city managers, and a brochure produced by the Commission was distributed to all city employees with their paychecks. The Public Education Division will hold a series of seminars for city managers during FY95.
- Commission staff worked with the Attorney General's Public Integrity Advisory Group to develop a comprehensive state-level educational program. Under the sponsorship of the Advisory Group,

an in-depth training seminar for all state agencies' legal counsels was held on March 29, 1994. Newly-hired state employees will be required to sign a receipt acknowledging their obligation to follow conflict of interest and campaign finance laws. Newly-hired managers will be directed to attend an Ethics Commission educational seminar. Also, an introductory brochure produced by the Commission will be distributed to all state employees in September 1994.

- Under the sponsorship of local chapters of the League of Women Voters, the Commission held educational seminars in Westford and Wilmington during FY94.

INVESTIGATION AND ENFORCEMENT

COMPLAINTS

Each year, the Commission investigates more civil cases than any other ethics commission in the country.* Anyone may call, write or visit the Commission to make a complaint regarding an alleged violation of the conflict of interest or financial disclosure laws. In FY94, the Enforcement Division received 779 complaints from the following sources: 68% from private citizens, 19% from anonymous sources, 2% from media reports, 3% from other law enforcement agencies, 0.5% from public officials, 1% from reviews of financial disclosure forms; an additional 3% were "self-reports" made by public employees regarding their own conduct. About 72% of the complaints alleged violations by municipal employees or officials, 19% implicated state employees or officials, 5% referenced county officials and 4% cited private individuals or corporations.

A total of 875 complaints were received or pending in FY94. About 61% were closed within two weeks of being received, because the allegations fell outside the Commission's jurisdiction, were clearly frivolous or otherwise did not justify continued investigation. About 8% of the complaints were consolidated with existing cases. About 5% of the complaints opened were pending at the end of the fiscal year.

STAFF INVESTIGATIONS

About 26% of the complaints received or pending in FY94 were assigned to an attorney/investigator team in the Commission's Enforcement Division. The Commission closed 195 cases following informal staff investigations: 76% because the situation was one in which a private educational letter was appropriate; and 24% because staff determined there was little likelihood that the conflict laws had been violated. About 12% of the informal staff investigations led to formal inquiries. As of June 30, 1994, there were 139 ongoing informal staff investigations.

FORMAL INQUIRIES

The Commission authorized a total of 28 formal inquiries in FY94: 24 regarding alleged violations of the conflict of interest law and 4 involving alleged violations of the financial disclosure law. Several of these inquiries involved more than one subject. Fifteen of the subjects of preliminary inquiries were municipal officials or employees, 54 were state officials or employees, nine were county officials or employees, and one was a private-sector company.

* Information derived from 1993 Council on Governmental Ethics Laws "Blue Book" survey of ethics commissions nationwide; status recently confirmed by Massachusetts State Ethics Commission staff.

Enforcement Division staff completed 20 formal inquiries during FY94, including investigations begun during previous fiscal years. In 16 instances, the Commission found "reasonable cause" to believe the conflict of interest or financial disclosure laws had been violated. The Commission also issued two confidential Compliance Letters regarding conflicts of interest, advising subjects of their violations and explaining the consequences of future misconduct. Two cases were terminated without a finding.

At the end of the fiscal year, the Commission had one public hearing pending; in eight additional cases, the Commission had found "reasonable cause" to believe laws had been violated, but had yet to institute the formal hearing process.

PUBLIC RESOLUTIONS

In FY94, the Commission entered into 27 Disposition Agreements: 18 with state officials, five with municipal officials, two with county officials and two with private companies. In these signed documents, subjects admit violating G.L. c. 268A or 268B, and agree to pay civil fines up to \$2,000 per violation.

PENALTIES

The Ethics Commission levied civil penalties totalling \$146,420 in FY94. Fines are deposited in the General Fund, as the Commission does not retain revenue.

SUMMONS AUTHORITY

During FY94, the Commission's authority to issue summons during its formal investigations was called into question. In November 1993, a Superior Court justice refused to enforce a Commission summons issued during a preliminary inquiry, ruling that the summons authority provided by G.L. c. 268B, §4(d) was available only during adjudicatory proceedings, not during preliminary inquiries.

The Commission appealed the ruling to the Supreme Judicial Court. In a 4 - 2 decision, with the Chief Justice recusing himself because of prior dealings with the subject of the Commission's investigation, the SJC struck down the particular summons. Three justices held, with the lower court, that the Commission's summons authority was available only during adjudicatory proceedings. One justice held that the Commission had summons authority during preliminary inquiries, but that the particular summons was overbroad. Two justices held that the particular summons, as issued, was valid.

The Commission has continued to issue summons during preliminary inquiries, but notifies recipients of the SJC's split decision on the question of the summons' validity. While some recipients have voluntarily complied with the summons, others have declined to provide the Commission with requested material or testimony. The uncertainty over this issue has clearly diminished the Commission's ability to investigate cases. During FY95, the Commission will seek a final judicial resolution of the issue, and may also seek a legislative remedy to the situation.

Currently, the Massachusetts State Ethics Commission is one of only four independent commissions in the country lacking summons authority during investigations.*

* Information derived from 1993 Council on Governmental Ethics Laws "Blue Book" survey of ethics commissions nationwide, status recently confirmed by Massachusetts State Ethics Commission staff.

FY 94 ENFORCEMENT ACTIONS

In the Matter of Russell Smith (October 19, 1993)

Former Chairman of the Gay Head Board of Selectmen Russell Smith was fined \$500 for his involvement in a town inquiry into the federal criminal investigation of his brother. In a Disposition Agreement, Smith admitted he violated the conflict of interest law by participating as a public official in matters affecting the financial interest of an immediate family member.

In the Matter of William Reinertson (October 19, 1993)

Former Hopkinton Tree Warden William Reinertson was fined \$10,000 for awarding town contracts to two companies he personally owned and operated, and for attempting to conceal his financial interest in the contracts. The fine was one of the highest imposed by the Ethics Commission in its 15-year history.

In a Disposition Agreement, Reinertson admitted he violated §19 of the conflict law between 1987 and 1991 by awarding town contracts for tree work to two companies he owned and operated. Reinertson admitted he was the sole owner and operator of McDonald Tree Service and McRein Tree Service during the years of the violations. He prepared and sent the town bills for tree work contracts he awarded to the companies. The bills were on McDonald Tree Service stationery and listed a Natick, Massachusetts address. The owner of the property at the Natick address was a laborer for Reinertson who had no financial interest or operating authority in either of the two companies. As Tree Warden, Reinertson verified that tree work contracted to his companies had been performed, authorized payment of bills he himself had submitted, and forwarded those bills to the Hopkinton Selectmen for payment. In the Disposition Agreement, Reinertson also admitted he used the Natick mailing address in order to deliberately conceal the fact that he had a financial interest in the tree work contracts.

Section 19 of the conflict law prohibits municipal employees from officially participating in particular matters in which they have a financial interest. By awarding the contracts to his own companies, certifying that the work had been completed, and authorizing payment to his own companies, Reinertson participated in his official capacity in particular matters in which he knew he had a financial interest, and thereby violated §19 of G.L. c. 268A. Reinertson lost his bid for re-election in 1992.

In the Matter of Stanley Bates (December 8, 1993)

Easton Police Chief Stanley Bates was fined \$500 for awarding town contracts either to his son, Gerry Bates, or to Eastern Sound, a company wholly owned and operated by Gerry Bates.

Between October 1992 and May 1993, Bates awarded nine contracts, totalling \$1,469, either to his son or to Eastern Sound. The contracts involved work on police vehicles, including the installation of cellular phones, repair of police radios, and window tinting in surveillance vehicles.

In the Matter of Charles W. Mann (March 1, 1994)

Rep. Charles W. Mann (R-Hanson) was fined \$500 for his involvement in a certification dispute between then-Banking Commissioner Michael C. Hanson and the ousted board of directors of Bridgewater Credit Union, while he was in litigation against the credit union and while he and a business partner had a credit union mortgage loan which was delinquent. If the ousted directors had been reinstated through a reversal

of Hanson's certification. they would have been responsible for making litigation and loan workout decisions regarding Mann's loans.

Mann admitted in a Disposition Agreement that he violated the conflict of interest law by participating as a public official in matters which could affect his own financial interests and the financial interests of his business partner, who was a former Director of the Bridgewater Credit Union.

In the Matter of John Hancock Mutual Life Insurance
(March 21, 1994)

John Hancock Mutual Life Insurance Company ("Hancock") was fined \$110,000 for illegally entertaining Massachusetts legislators during a six-year period. In a Disposition Agreement, the company admitted violating §3 of the Massachusetts conflict of interest law by providing more than \$30,000 in illegal gratuities to state legislators between August 1, 1987 and May 30, 1993. Section 3 of Massachusetts General Laws Chapter 268A prohibits the giving of gifts worth more than \$50 to a public employee "for or because of any official act performed or to be performed by such an employee."

According to the Disposition Agreement, on approximately 300 occasions, lobbyists in Hancock's Government Relations Department illegally provided food, drinks, greens fees or other entertainment to various legislators in order to cultivate personal relationships with -- and thereby gain access to -- those legislators. "Hancock's lobbyists believed that they used this access effectively" as part of their efforts to influence legislation of interest to Hancock, the Disposition Agreement stated. It quoted internal Hancock documents, prepared by Hancock lobbyist F. William Sawyer, that partially attributed the enactment or defeat of various bills to the efforts of Hancock lobbyists. Each year between 1985 and 1993, the Government Relations Department's internal reports identified, on average, about 125 bills filed with the Massachusetts legislature which were deemed to be of interest to Hancock. During this same period, an average of 10 bills of interest to Hancock were enacted into law each year. The Disposition Agreement also cited evidence that Hancock employees had knowingly violated the conflict law.

The Ethics Commission considered mitigating factors when imposing the fine. According to the Disposition Agreement, Hancock "cooperated with the Commission throughout this investigation. Moreover, it has taken prompt, aggressive, and thorough steps to correct its unlawful practices," including reassigning personnel, adopting new written procedures for entertainment expenses, and instituting special training for Government Relations employees.

Hancock is the ninth company to be cited by the Ethics Commission for illegally providing drinks, meals or other entertainment to public officials or employees. The fine issued against Hancock was the largest in the Commission's history, and is believed to be the largest imposed by any state ethics commission. Hancock also entered into a civil settlement with the United States' Attorney's Office, agreeing to pay \$900,000 to resolve a federal investigation into the company's lobbying activities.

In the Matter of Wayne Newton
(April 5, 1994)

Royalston Fire Chief Wayne Newton was fined \$250 for violating the "appearances" provisions of the conflict law by awarding a town contract to a town Selectman who annually votes on Newton's reappointment as Fire Chief, and with whom he had an ongoing business relationship.

Newton awarded the \$1,700 contract to Selectman John Kirkman in April 1992. Kirkman had previously been employed by Newton, and Newton currently subcontracts carpentry work to Kirkman. Newton awarded the contract, to board up a condemned property, to Kirkman despite the fact that Kirkman's bid did not meet the bid specifications. Newton then allowed Kirkman to charge materials on the Fire

Department account; he also allowed Kirkman to borrow equipment personally owned by Newton. After inquiries by the town's Board of Health, Kirkman's bill was reduced to \$1,450, reflecting the difference in price between the original specifications and the materials actually used.

Section 23(b)(3) of G.L. c. 268A, the Massachusetts Conflict of Interest Law, prohibits public officials from acting in a manner which would cause a reasonable person to conclude that anyone could enjoy his favor in the performance of his official duties. Newton admitted in a Disposition Agreement that he violated §23(b)(3) by awarding Kirkman the contract despite his use of materials that were below the bid specifications, by allowing him to charge materials to the Fire Department account, and by allowing Kirkman to use his (Newton's) personal equipment to perform the work.

In the Matter of Suzanne M. Bump
(May 12, 1994)

Former Rep. Suzanne M. Bump (D-Braintree) was fined \$600 for accepting gratuities from John Hancock lobbyist F. William Sawyer. According to a Disposition Agreement, Rep. Bump admitted she violated the conflict law in March 1992 by accepting dinner and theater tickets for herself and her husband worth \$195.82.

In the Matter of William F. Cass
(May 12, 1994)

Rep. William F. Cass (D-Wakefield) was fined \$550 for accepting gratuities in 1993. According to a Disposition Agreement, Rep. Cass admitted he violated the conflict law by accepting \$184 worth of golf from John Hancock lobbyist F. William Sawyer during a conference for insurance legislators at Plantation Resort at Amelia Island, Florida in March 1993.

In the Matter of John F. Cox
(May 12, 1994)

Rep. John F. Cox (D-Lowell) was fined \$1,750 for accepting gratuities from John Hancock lobbyist F. William Sawyer, Medical Malpractice Joint Underwriting Association of Massachusetts lobbyist George Traylor, and Life Insurance Association of Massachusetts lobbyist William Carroll. According to a Disposition Agreement, Rep. Cox admitted he violated the conflict law by accepting meals for himself and his wife totalling \$125 from insurance lobbyists during a trip to Las Palmas del Mar Resort in Puerto Rico in December 1992; and by accepting dinner for himself and his wife and golf totalling \$334 during a trip to Plantation Resort at Amelia Island, Florida in March 1993. Rep. Cox also admitted he violated the conflict law by accepting a fishing boat excursion for himself and his wife worth \$128 from Traylor in December 1992.

In the Matter of Frank A. Emilio
(May 12, 1994)

Former Rep. Frank A. Emilio (D-Haverhill) was fined \$4,200 for accepting gratuities from John Hancock lobbyist F. William Sawyer, Life Insurance Association of Massachusetts lobbyist William Carroll, Massachusetts Life Insurance Company ("Mass. Mutual") lobbyist Edward Dever, New England Mutual Life Insurance Company lobbyist Alvaro Sousa, Paul Revere Insurance Company lobbyist John Spillane and American Insurance Association lobbyist James T. Harrington. According to a Disposition Agreement, Rep. Emilio admitted he violated the conflict law by accepting \$96.98 worth of golf and dinner from Sawyer during a conference in Burlington, Vermont in August, 1988; by accepting a dinner for himself and his wife worth \$181.41 from Sawyer at a conference in Atlanta, Georgia in November 1988; by accepting drinks, meals and Red Sox tickets totalling \$283.68 from Sawyer in 1989 and 1990; by accepting Epcot Center tickets, meals and golf worth \$241.12 from Sawyer, and meals worth \$117

from Carroll, during a November 1990 conference at Disney World; and by accepting a \$404.25 set of golf clubs from Sawyer, Dever, Carroll, Spillane, Harrington and Sousa during a private testimonial dinner given by the lobbyists in January 1991 to commemorate Rep. Emilio's departure from the state legislature.

In the Matter of Kevin G. Honan

(May 12, 1994)

Rep. Kevin G. Honan (D-Allston) was fined \$1,050 for accepting gratuities from John Hancock lobbyist F. William Sawyer, Life Insurance Association of Massachusetts lobbyist William Carroll and Hancock lobbyist Ralph Scott. According to a Disposition Agreement, Rep. Honan admitted he violated the conflict law by accepting a Boston Celtics skybox ticket worth \$70 from Scott in 1991; and by accepting golf totalling \$130 from Sawyer during a trip to Amelia Island, Florida in March 1993. Rep. Honan also admitted he violated the conflict law by accepting a dinner for himself and a guest worth \$150 from Carroll during the trip to Amelia Island.

In the Matter of Robert Howarth

(May 12, 1994)

Former Rep. Robert Howarth (R-Springfield) was fined \$2,850 for accepting gratuities from John Hancock lobbyist F. William Sawyer. According to a Disposition Agreement, Rep. Howarth admitted he violated the conflict law by accepting a hotel room worth \$131.64 in November 1988; by accepting meals and golf during an annual "Cape Cod weekend" each year between 1988 and 1991 (gratuities totalling \$110.03 in 1988, \$221.93 in 1989, \$203.10 in 1990 and \$181.73 in 1991); and by accepting dinner for himself and his wife worth \$107.75 in January 1991.

In the Matter of Francis G. Mara

(May 12, 1994)

Rep. Francis G. Mara (D-Brockton) was fined \$1,700 for accepting gratuities from John Hancock lobbyist F. William Sawyer, Medical Malpractice Joint Underwriting Association of Massachusetts lobbyist George Traylor and Life Insurance Association of Massachusetts lobbyist William Carroll. According to a Disposition Agreement, Rep. Mara admitted he violated the conflict law by accepting drinks and theater tickets for himself and his wife worth \$171 from Sawyer in September 1992; and by accepting a fishing boat excursion for himself and his wife worth \$128 from Traylor during a trip to Las Palmas del Mar, Puerto Rico in December 1992. Rep. Mara also admitted he violated the conflict law by accepting dinners for himself and his wife worth \$125 from Sawyer during the December 1992 trip; and by accepting dinners for himself and his wife worth \$150 from Carroll during a conference for insurance legislators at Amelia Island, Florida in March 1993.

In the Matter of Peter B. Morin

(May 12, 1994)

Former Rep. Peter B. Morin (R-Barnstable) was fined \$700 for accepting gratuities from John Hancock lobbyist F. William Sawyer. According to a Disposition Agreement, Rep. Morin admitted he violated the conflict law by accepting dinner and drinks for himself and his wife totalling \$81.79 in July 1988; and by accepting dinner and drinks totalling \$150.91 in July 1990.

In the Matter of Kevin Poirier

(May 12, 1994)

Rep. Kevin Poirier (R-N. Attleborough) was fined \$2,250 for accepting gratuities from John Hancock lobbyist F. William Sawyer. According to a Disposition Agreement, Rep. Poirier admitted he violated the conflict law by accepting dinners for himself and his wife during an annual Cape Cod dinner each year between 1988 and 1991 (gratuities totalling \$81.79 in 1988, \$160.79 in 1989, \$150.91 in 1990 and \$125.54 in 1991); and by accepting meals for himself and his family totalling \$230 during a conference for insurance legislators at Disney World, Florida in November 1990.

In the Matter of Thomas P. Walsh

(May 12, 1994)

Rep. Thomas P. Walsh (D-Peabody) was fined \$2,500 for accepting gratuities from John Hancock lobbyist F. William Sawyer, Hancock lobbyist Ralph Scott, Life Insurance Association of Massachusetts lobbyist William Carroll and Massachusetts Medical Society lobbyist Andrew Hunt. According to a Disposition Agreement, Rep. Walsh admitted he violated the conflict law by accepting dinner and Bruins tickets worth more than \$128 from Scott in 1989; by accepting dinner and Celtics tickets for himself and his wife worth more than \$141 from Sawyer in January 1990; by accepting concert tickets worth \$68 from Sawyer in 1991; by accepting theater tickets worth \$92 from Sawyer in December 1992; by accepting meals and golf totalling \$184 from Sawyer during a conference for insurance legislators at Amelia Island, Florida in March 1993; and by accepting golf totalling \$80 from Hunt during the Amelia Island conference. Rep. Walsh also admitted he violated the law by accepting dinner for himself and his wife worth \$150 from Carroll during the Amelia Island conference in March 1993.

In the Matters of Tilcon Massachusetts, Inc. and Arthur Hermenau

(April 21, 1994 and May 17, 1994)

Former Pembroke Highway Surveyor Arthur Hermenau and Tilcon Massachusetts, Inc. ("Tilcon") were fined \$1,000 each for violating the conflict of interest law in 1987 when Tilcon paved Hermenau's private driveway and charged him a discounted "town rate" for the work. In separate Disposition Agreements, Tilcon and Hermenau admitted that, at Hermenau's request, the company paved his driveway in July and November 1987. Tilcon charged Hermenau approximately \$500 less than Hermenau would have been charged by a residential paving contractor at the then-customary market rate for such work. At the time of the paving, Tilcon was a vendor to the Pembroke Highway Department, subject to Hermenau's official authority to award town paving contracts and oversee vendors' performance.

State Ethics Commission

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