



Commonwealth of Massachusetts **STATE ETHICS COMMISSION**

One Ashburton Place - Room 619
Boston, Massachusetts 02108

Hon. Barbara A. Dortch-Okara (ret.)
Chair

David A. Wilson
Acting Executive Director

MINUTES OF THE STATE ETHICS COMMISSION MEETING **July 7, 2016**

One Ashburton Place, Room 619
Boston, MA 02108

PUBLIC SESSION

MEETING CONVENED

Chairman Barbara Dortch-Okara called the meeting to order at 10:07 a.m. Also in attendance were Vice-Chairman William J. Trach, Commissioner Regina L. Quinlan, Commissioner David A. Mills and Commissioner Thomas J. Sartory.

Recruitment Process for Hiring an Executive Director

Chairman Dortch-Okara informed the Commission that we have received an application for the executive director position in response to our meeting notice on our website, and that the applicant submitted a letter requesting that the Commission consider opening the executive director position to non-attorneys. Chairman Dortch-Okara stated that the hiring subcommittee could address this question when drafting the position requirements.

The Commission asked about the hiring process for former Executive Director Karen L. Nober's position. Legal Division Deputy Chief/SFI Lauren Duca responded that the hiring was done internally, with a subcommittee selecting 5 finalists who were then interviewed by the full Commission. CFO/Director of Budget & Administration Michael Memmolo informed the Commission that other agencies have used search firms in the past. The Commission discussed the costs and benefits of using a recruitment firm, including the potential cost to the agency, any time-saving benefits, and the procurement process. Vice-Chairman Trach suggested the possibility of posting the position and evaluating the quality of the response we get to determine whether we need to look into using a search firm or other options. He stated that because the agency has an excellent acting director, the agency can afford to engage in a longer search process. After discussion by the Commission, the Commission agreed by consensus that for the July 20 Commission meeting, staff and the Commission would report back on the cost of

possible search firms, Mr. Memmolo would report back on the procurement process for engaging a search firm, and that Assistant General Counsel Pauline Nguyen would distribute any job descriptions the agency has for the executive director position. Acting Executive Director David Wilson stated that he, as acting executive director, is staying out of the hiring process for the executive director position, because he would be a candidate.

EXECUTIVE SESSION

At 10:29 a.m., on the motion of Chairman Dortch-Okara, seconded by Vice-Chairman Trach, the Commission voted 5-0 to enter into executive session to discuss a matter subject to the provisions of G.L. c. 30A, § 21, subparagraph (a)(1), G.L. c. 4, § 7, Clause Twenty-Sixth, exemption (c), and G.L. c. 66, § 10.

VOTE:	Chairman Dortch-Okara	yes
	Vice-Chairman Trach	yes
	Commissioner Quinlan	yes
	Commissioner Mills	yes
	Commissioner Sartory	yes

Chairman Dortch-Okara stated that the Commission will not reconvene in public session following the executive session.

PUBLIC SESSION

At 11:08 a.m., the Commission voted to convene in public session for the purpose of discussing the Commission's authority to initiate discipline action against Commission staff, pursuant to G.L. c 30A, § 20(a).

After discussion by the Commission, on the motion of Commissioner Quinlan, seconded by Commissioner Mills, the Commission voted 2-3 to find that the Commission does not have authority to take disciplinary action against Commission employees with the exception of the executive director. Chairman Dortch-Okara, Vice-Chairman Trach and Commissioner Sartory opposed the motion. The motion does not carry.

On the motion of Vice-Chairman Trach, seconded by Chairman Dortch-Okara, the commission voted 3-2 to find that, pursuant to its statutory authority, the Commission has authority to take disciplinary action against any Commission employee. Commissioner Quinlan and Commissioner Mills opposed the motion. The motion carries.

EXECUTIVE SESSION

At 11:18 a.m., on the motion of Chairman Dortch-Okara, seconded by Commissioner Sartory, the Commission voted 5-0 to enter into executive session to continue discussion on a matter

subject to the provisions of G.L. c. 30A, § 21, subparagraph (a)(1), G.L. c. 4, § 7, Clause Twenty-Sixth, exemption (c), and G.L. c. 66, § 10.

VOTE:	Chairman Dortch-Okara	yes <u> </u>
	Vice-Chairman Trach	yes <u> </u>
	Commissioner Quinlan	yes <u> </u>
	Commissioner Mills	yes <u> </u>
	Commissioner Sartory	yes <u> </u>

Chairman Dortch-Okara stated that the Commission will not reconvene in public session following the executive session.

LIST OF DOCUMENTS USED AT THIS MEETING

None.

Respectfully submitted,



Pauline Nguyen
Assistant General Counsel