

State Ethics Commission

Fiscal Year 2016 Annual Report

**Massachusetts State Ethics Commission
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mass.gov/ethics
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The Ethics Commission – Fiscal Year 2016

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

Martin F. Murphy, Vice-Chair**

Partner, Foley Hoag LLP – Boston, MA

William J. Trach, Vice-Chair

Partner, Latham & Watkins LLP – Boston, MA

Hon. Regina L. Quinlan

Superior Court Judge (ret.)

Hon. David A. Mills

Appeals Court Associate Justice (ret.)

Thomas J. Sartory*

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

* Appointed October 2015

** Term Expired September 2015

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.

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.

The Commission began FY 2016 with 22 employees and ended the fiscal year with 20. In FY 2016, the Commission received an appropriation of \$2,068,969. The Commission also continued to manage a multi-year capital account in the amount of \$813,416 for the continued development and testing of its new electronic filing system for Statements of Financial Interests. The Commission imposed civil penalties totaling \$50,000 and secured \$4,000 in restitution for conflict of interest law violations, and \$300 in civil penalties for financial disclosure law violations in FY 2016. All penalties collected by the Commission revert to the Commonwealth's General Fund.

In FY 2016, the Legal Division responded to a total of 6,257 requests for advice and also responded to 5,339 calls and emails related to the filing of Statements of Financial Interests. The Enforcement Division received 853 complaints alleging violations of the conflict of interest and financial disclosure laws; and the Public Education and Communications Division conducted 69 seminars.

In addition, in FY 2016, the Commission issued Advisory 15-1: Avoiding Conflicts of Interest While Seeking a New Job and After Leaving Public Employment.

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 three years to 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 also directed the Commission to prescribe and publish, pursuant to G.L. c. 30A, rules and regulations providing exemptions to certain section 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 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.

Executive Administration

At the beginning of FY 2016, the Commission was staffed with 22 employees. In October 2015, a part-time receptionist was hired. In November 2015, a long-time attorney in the Commission's Enforcement Division left for a position with another state agency. In early 2016, the Enforcement Division Chief and one of the Commission's part-time receptionists also left the Commission. The Commission was unable to fill any vacant positions due to anticipated mid-year budget cuts and pay increases for Commission staff who are paid in accordance with the NAGE Unit 6 Salary Chart. The Commission will seek to fill the positions in FY 2017.

On September 21, 2015, Commissioner Martin F. Murphy's five-year term as a Commissioner expired. On October 28, 2015, Attorney General Maura Healey appointed Attorney Thomas J. Sartory to replace Commissioner Murphy. Commissioner Sartory was sworn in on November 5, 2015.

New Electronic Filing Application for Statements of Financial Interests

Nearly 4,000 state and county employees file Statements of Financial Interests (SFIs) with the Commission each year. Since 2002, filers have been able to electronically file SFIs. In FY 2015, the Commission secured capital funding to replace the filing application. In January 2016, the Liaison Module of the new application was launched which allowed SFI liaisons at agencies, for the first time, to submit their annual list of filers, enter new filers, and update information about existing and departing filers online. In May 2016, the Filer Module of the new application was launched to allow filers to electronically file calendar year 2015 SFIs. Work on the application is continuing in FY 2017 and will include fixing technical issues, providing enhancements and completing the Public Inspection Module allowing the public to obtain SFIs online with minimal involvement by Commission staff.

Commonwealth Management Certificate Program (CMCP)

For the third consecutive fiscal year, two of the Commission's employees successfully completed the Commonwealth's Management Certificate Program (CMCP). The CMCP offers managers the opportunity to develop and enhance their management skills. CMCP participants attend seven 1-day classes designed to build skills and competencies in such areas as Leadership, Problem-Solving, Teaming and Collaboration, Developing Inter and Intra-Organizational Relationships and Organizational Responsibility. In FY 2016, the Commission's Assistant General Counsel and its Financial Disclosure Administrator/Analyst graduated from the CMCP.

Council of Government Ethics Laws (COGEL) Annual Conference

The Commission maintains membership in 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 37th Annual COGEL Conference was held in Boston December 6-9, 2015. The Commission and the Office of Campaign and Political Finance co-hosted the event, which drew over 400 attendees from the US, Canada and Australia. The Conference offered over 40 break-out sessions covering a variety of topics in the fields of governmental ethics, campaign finance, elections, lobbying and freedom of information. Highlights included remarks by Governor Charles D. Baker, Boston Mayor Martin J. Walsh, Secretary of State William F. Galvin and the Commission's Chair, Barbara A. Dortch-Okara. Staff from the Commission and the Office of Campaign and Political Finance were involved in ensuring the Conference was a success. Staff served as presenters, subject matter experts on panels and moderators for break-out sessions.

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 these 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. Legal Division attorneys will confirm oral advice by email if the requestor needs written confirmation of advice. 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 did not issue any formal opinions in FY 2016. In addition to providing advice, the Legal Division reviews conflict of interest law opinions issued by municipal counsel under G.L. c. 268A, section 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 orders, rulings on motions, and drafts of decisions and orders in connection with adjudicatory proceedings.

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 Legal Division Administrative Assistant and the Commission's IT Specialist comprise the Commission's SFI Team. The SFI Team provides assistance both to filers who have questions about how to complete their SFI as well as agencies which 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 must complete a request form and provide a valid picture ID with their name. Prior to making an SFI available to a requestor, Commission staff redact legally protected information from the SFIs, including home addresses and the names of family members.

In FY 2016, 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 Attorneys, an Assistant General Counsel, an SFI Administrator/Analyst and an Administrative Assistant.

FY 2016 Legal Division Accomplishments

Advisories

In September 2015, the Commission approved Advisory 15-1: Avoiding Conflicts of Interest While Seeking a New Job and After Leaving Public Employment.

Agency Policies

Legal Division attorneys were involved in drafting revisions to the Commission's Personnel Manual to address changes in the law or agency policy in the following areas:

- G.L. c. 149, section 148C, pertaining to earned sick leave;
- G.L. c. 149, section 52E, pertaining to domestic violence leave;
- Revised the workplace violence policy to reflect requirements contained in the new state workplace violence policy; and
- Revised the agency policy on internal conflicts of interest and recusal requirements.

Legal Division attorneys also assisted in updating and revising the Commission's Enforcement Procedures and policies concerning remote access to information technology resources.

Advice Requests

During FY 2016, the Legal Division answered a total of 6,257 requests for advice, the largest annual number of requests ever received, and a 3% increase from the prior fiscal year. The Division continues a 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 13 during FY 2016, up from 6.5 during the prior fiscal year. The Legal Division also reviewed 505 conflict of interest law disclosures filed by state and county employees, and 351 disclosures of financial interest filed by charter school trustees pursuant to G.L. c. 71, section 89(u).

In FY 2016, the Legal Division obtained Commission approval to delegate to the Chair of Legal Committee the authority to act on behalf of the Commission to discuss and determine the Commission's response to law enforcement requests and subpoenas for Commission records; began revising the training materials used for newly hired Commission staff; reviewed and commented on proposed legislation and budget language affecting the conflict of interest and financial disclosure laws; participated in an internal working group to develop possible recommendations for an anticipated

legislative Joint Task Force on Ethics Reform; updated the internal procedures for handling requests for advice; and revised the Scheduling Order template used for adjudicatory proceedings.

Statements of Financial Interests

New Electronic Filing Application

In FY 2016, members of the Legal Division's SFI Team continued work on a new SFI electronic filing application. In December 2015, the Commission's Chief Financial Officer and the SFI Project Manager demonstrated the new application at the Council of Government Ethics Law annual conference held in Boston. The Liaison Module of the new application was launched in January 2016. In May 2016, filers were able to electronically file their calendar year 2015 SFIs using the Filer Module. To accommodate candidates for office who had earlier deadlines for filing 2015 SFIs, a hard copy of the SFI form as well as instructions were developed.

In advance of the launch, the Commission engaged a vendor to perform extensive accessibility testing on the new application. The SFI Team also completed 10 training sessions for all agency designators, liaisons and general counsels on the use of the new Liaison Module and developed a liaison training manual and instruction sheet.

SFI Filing Season

During FY 2016, 4,171 state and county employees were required to file calendar year 2015 SFIs. The SFI Team conducted training sessions for state and county agency liaisons to educate them about the functionality of the Liaison Module in the new application, including the filer designation and notification process. The Filer Module of the new application launched on May 10, 2016, after the filing deadline for appointed state and county employees to file their 2015 SFIs. As a result, the filing deadline for appointed employees and elected state and county officials who were not running for re-election or election to a different public office was extended to June 21, 2016. All elected state and county officials who were running for re-election or election to a different public office, and all other candidates for elected state and county office, had a May 31, 2016 filing deadline.

The SFI team handled a total of 1,720 requests for assistance during the period of December 2015 through June 2016, compared to 3,859 requests in FY 2015. Due to the delay in the opening of the Filer Module and the technical issues experienced by filers using the new application for the first time, the SFI Team focused its efforts on assisting filers. As a result, no formal notices of lateness were sent to filers who missed their filing deadline and no individuals were referred to the Enforcement Division as late/non-filers for CY 2015.

The Commission received 66 requests from the media and public to inspect 566 SFIs in FY 2016. To comply with public records law requirements, home addresses and the names of family members are redacted before an SFI is produced.

Adjudicatory Proceedings

During FY 2016, Legal Division attorneys served as legal advisors in five ongoing adjudicatory proceedings alleging violations of c. 268A: *In Re Christopher*, *In Re McGovern*, *In Re Murphy*, *In Re Nichols*, and *In Re Hansen*. A Legal Division attorney also served as legal advisor in one adjudicatory proceeding alleging violations of c. 268B: *In Re Nelson*. A hearing was conducted in *In Re McGovern* during FY 2016.

Litigation

During FY 2016, the Legal Division represented the Commission in three matters before the Superior Court: (1) *Richard P. McClure v. State Ethics Commission*, Superior Court Civil Action No. MICV2013-04186-L, a challenge pursuant to chapter 30A of a finding of violations of G.L. c. 268A, section 17 by the Commission against the plaintiff; (2) *Edward McGovern v. State Ethics Commission*, Hampden Superior Court Civil Action No. 1679CV00082, a challenge pursuant to chapter 30A of a finding of violations of G.L. c. 268A, section 23(b)(2)(ii) by the Commission against the plaintiff and a request to stay the imposition of the \$7,500 civil penalty; and (3) an action in the Superior Court where the plaintiffs sought declaratory and injunctive relief against the Commission.

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

During FY 2016, Legal Division attorneys also assisted with conducting two training sessions for public employees on the conflict of interest law requirements.

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. The majority of complaints to the Commission are resolved confidentially, often with educational letters to the subjects. At the beginning of FY 2016, the Enforcement Division consisted of a Chief, a Deputy Chief/Investigations, two staff attorneys, and four full-time investigators. By the end of FY 2016, the Enforcement Division consisted of an Acting Chief, a Deputy Chief/Investigations, three full-time investigators and an investigator working an eighty percent of full-time schedule. The Division received a total of 853 complaints in FY 2016 alleging violations of the conflict of interest law. No complaints were received alleging violations of the financial disclosure law.

Investigation Process

The Enforcement Division receives between 800 and 1,200 complaints annually. Complaints are made by telephone, mail, email, online, and in-person. Roughly seventy percent of these complaints involved municipal officials; the remainder involved state or county officials. The Enforcement Division reviews all complaints received by this Office. 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.

About thirty percent of the complaints are referred to a Division attorney. Many complaints 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, and 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. If, after the investigation is complete, the Commission finds 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 Enforcement Division present evidence. If, based on the evidence presented at the hearing, the Commission decides 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). The Division civilly prosecutes approximately 3 to 8 cases annually.

The Division may also resolve matters that reach the formal investigation stage without an adjudicatory hearing. If the subject agrees to settle the matter, he or she may enter into a Disposition Agreement. In such agreements, the subject admits to the facts and the violation, 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 fairly widespread. In these cases, the subject does not admit to the wrongdoing or pay a civil penalty.

Civil Penalties

The Commission imposed civil penalties totaling \$50,000 and secured \$4,000 in restitution in FY 2016 for violations of the conflict of interest law. In addition, the Commission received a total of \$300 in civil penalties paid by SFI late-filers. All civil penalties collected by the Commission revert to the Commonwealth's General Fund.

FY 2016 Cases

In FY 2016, the Commission concluded twelve 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 Gerry Foskett

The Commission approved a Disposition Agreement in which Gerry Foskett, the Town of Charlton Highway Department Superintendent, admitted to violating the conflict of interest law on multiple occasions by hiring three of his brothers and his son to plow snow for the Town, and by hiring his son to build a retaining wall at the new Highway Department Barn. Foskett paid a \$7,500 civil penalty.

In Re Lori Nelson

The Commission issued a Final Order suspending an adjudicatory hearing involving Lori Nelson, the former Deputy Chief of Staff for MassDOT-MBTA. Nelson agreed to pay a \$200 civil penalty for failing to timely file her calendar year 2014 Statement of Financial Interests.

In Re Edward McGovern

The Commission issued a Decision and Order concluding an adjudicatory proceeding involving Agawam Police Department Lieutenant Edward McGovern by finding that McGovern violated the conflict of interest law by giving preferential treatment to a fellow Agawam police officer suspected of driving her personal vehicle the wrong way on a state highway in Agawam while intoxicated. The Commission ordered McGovern to pay a \$7,500 civil penalty.

In Re Thomas Snell

The Commission approved a Disposition Agreement in which Thomas Snell, a member of the West Bridgewater Zoning Board of Appeals, admitted to violating the conflict of interest law by participating

as a Zoning Board member in granting variances for two properties while knowing that he had a financial interest in those matters. Snell paid a \$6,500 civil penalty.

In Re James Wettlaufer, Michael Kennedy, Christian Petersen, Lynn Arnold and Brian Johnson

The Commission issued a Public Education Letter to Town of Holland Board of Selectmen members James Wettlaufer, Michael Kennedy, Christian Petersen and Lynn Arnold for authorizing the use of Town funds to pay for Town Highway Surveyor Brian Johnson's private civil lawsuit against a local blogger, and to Johnson for receiving payment of the legal fees in his private civil lawsuit. Rather than authorizing adjudicatory proceedings, the Commission chose to resolve the matter by issuing a Public Education Letter because, among other reasons, the subjects agreed to reimburse the Town for the amount it spent on the lawsuit

In Re Mark Stevenson

The Commission approved a Disposition Agreement in which Mark Stevenson, the former Chairman of the Town of Marshfield Conservation Commission, admitted to violating two sections of the conflict of interest law. In the agreement, Stevenson admitted he used his public position to obtain private work with a local marina project, and drafted an Enforcement Order against the marina after his private company was not selected to do the work. Stevenson paid a \$2,500 civil penalty.

In Re Robert Murphy

The Commission issued a Decision and Order concluding an adjudicatory proceeding involving Robert Murphy, a former consultant to the Town of Canton Conservation Commission, by finding that Murphy violated the conflict of interest law by receiving compensation from clients in relation to particular matters before the Conservation Commission, and by reviewing and acting on applications and plans in his public role that were submitted by his engineering business on behalf of private clients. The Commission ordered Murphy to pay a \$10,000 civil penalty.

In Re Robert Nichols

The Commission issued a Final Order concluding an adjudicatory proceeding involving Robert Nichols, a former member of the Town of Blandford Board of Selectmen. The Commission found that Nichols violated the conflict of interest law by participating as a Selectman in selecting his private employer to do work on a culvert near his home; by having a financial interest in the contract that the Town awarded to his private employer; by using his position as Selectman to secure the contract by misrepresenting the unavailability of the Town's engineering consultant to work on the project; and by mischaracterizing his relationship with his private employer to his fellow Selectmen. The Commission ordered Nichols to pay a \$12,500 civil penalty.

In Re Kathryn Christopher

The Commission issued an Order dismissing the adjudicatory proceeding involving Kathryn Christopher, a former Home Care Coordinator for the Town of Belmont Council on Aging. Christopher allegedly

repeatedly violated the conflict of interest law by coordinating services for an elderly COA client and selecting herself to provide those services to the Client for private compensation; by accessing the Client's funds and assets to pay for Christopher's personal and family expenses; and by using those funds and assets for the benefit of Christopher and her family. Christopher was criminally indicted in September 2011 for conduct that related to the adjudicatory proceeding, which was stayed pending resolution of the criminal case. The Commission proceeding was dismissed after Christopher was convicted of one criminal charge, obtaining a signature by false pretense, and was sentenced to a term of probation for five years. As a condition of her probation, Christopher is prohibited from working with the elderly or being employed by an elder services provider or acting as a care giver for anyone over age 65.

In Re Steven Tompkins

The Commission approved a Disposition Agreement in which Steven Tompkins, the Suffolk County Sheriff, admitted to violating the conflict of interest law in 2013 by identifying himself as Sheriff when asking eight business owners in his district to take down his opponent's campaign signs that were displayed in their shops. Tompkins paid a \$2,500 civil penalty.

In Re Seth Peterson

The Commission issued a Public Education Letter to Massachusetts State Police Trooper Seth Peterson for using his position as a State Trooper to intervene with a tow company to have a family member's tow charge reduced, and subsequently depriving the tow company of work to which it would have been entitled, and by participating in an inspection of the tow company which resulted in the temporary removal of the company from the regional State Police tow lists. The Commission chose to resolve the matter by issuing a Public Education Letter rather than through an adjudicatory hearing because, among other reasons, the State Police took disciplinary action against Peterson in this matter by imposing a forfeiture of fifteen vacation days, at a cost to Peterson of approximately \$5,500.

In Re Joyce Campagnone

The Commission approved a Disposition Agreement in which Joyce Campagnone, a Methuen City Councilor and a full-time paid employee of the Greater Lawrence Sanitary District, admitted to violating the conflict of interest law by having a prohibited financial interest in a municipal contract. Campagnone was a municipal employee, both as a Sanitary District employee and as a City Councilor. An exemption to the conflict of interest law allows a municipal employee to also serve as a member of the City Council, provided that she does not receive compensation for more than one office or position. Campagnone was notified that she was prohibited by from receiving compensation as a full-time Sanitary District employee while also receiving the monthly stipend from the City Council. Campagnone continued to be paid for both municipal positions for ten months after being so notified, receiving \$4,000 in stipends for the City Council position in addition to her compensation as Sanitary District employee. Campagnone paid a \$1,000 civil penalty as well as \$4,000 in restitution to the City of Methuen.

Enforcement Division FY 2016 Statistics

Complaints	
Conflict of interest and financial disclosure law complaints pending at the beginning of FY 2016	311
Conflict of Interest Law complaints received during FY 2016	853*
Financial Disclosure Law complaints received during FY 2016	0
Complaints closed after informal investigation with no action taken	714
Complaints closed after informal investigation with private educational letters to the subjects	67
Complaints that were consolidated with other complaints	37
Complaints assigned for preliminary inquiry recommendation	12
Conflict of interest law and financial disclosure law complaints pending at the end of FY 2016	334

*Complaints involving more than one subject are counted as one complaint, although allegations may be resolved individually. 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.

Subjects of Complaints	
Municipal employees	674
State employees	95
County employees	4
Private entities	24
Complaints involving unspecified subjects	42

Preliminary Inquiries	
Preliminary inquiries pending from FY 2015	14*
Preliminary inquiries authorized by the Commission during FY 2016	12*
Preliminary inquiries concluded by the Commission in FY 2016	16
Preliminary inquiries concluded with the	4

authorization of an adjudicatory proceeding	
Preliminary inquiries terminated by the Commission	7
Preliminary inquiries terminated with a private education letter to the subject	2
Preliminary inquiries concluded with a confidential compliance letter to the subject	5
Preliminary inquiries involving financial disclosure law violations resolved by the Commission by a civil penalty for a late-filed SFI	2
Preliminary inquiries carried over to FY 2017	10

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

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 2016, the Public Education and Communications Division consisted of the Division Chief. A deputy chief position, which had been vacant since April 2015, went unfilled during FY 2016 due to budget considerations. A Division Administrative Assistant was reassigned to work in the Enforcement Division beginning in FY 2016.

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 remained steady in FY 2016, although seminar attendance was down about 18% as compared to FY 2015. 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 2016. Participation by webinar for the bi-monthly seminars conducted at the Commission office continues to be used as a convenience for public employees who cannot easily travel to Boston.

Public and Media Relations

The Public Education and Communications Division receives on average 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 neither confirms nor denies the existence of any complaint or investigation, or whether anyone has sought or received advice from the Commission. The Public Education and Communications Division provides 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

are revised periodically to reflect any 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 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 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. During the compliance period in FY 2016, all public employees were required to acknowledge receipt of the summary of the law.

Website

The Public Education and Communications Division manages and maintains the Commission's website, 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. Website traffic continued to increase in FY 2016 as compared with FY 2015, with a 10% increase in the average number of monthly visitors and a nearly 13% increase in the average number of monthly page views.

Public Education and Communications Division Activities	
Press releases issued	15
Educational seminars conducted	69
Seminar attendance	2,120
Inquiries from media and general public	550
Inquiries concerning the education and training requirements	808
Website average monthly visitors	15,367
Website average monthly page views	167,098

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 2016, needed replacements and improvements were made to equipment and software supporting the network environment, such as switches, printers, battery back-ups, desktop computers and the internal case management application. The Information Technology Specialist worked with the MassIT Massmail team to upgrade the email server environment from Microsoft Exchange 2007 to Exchange 2013. Work also continued on the development of a new electronic SFI filing application and revisions to Commission policies on the use of, and remote access to, information technology resources.

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