

ANNUAL REPORT

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Massachusetts State Ethics Commission

ANNUAL REPORT
ON COMMISSION ACTIVITIES
FISCAL YEAR 1985

This Report covers the activities of the Massachusetts State Ethics Commission during FY85. It is issued pursuant to the mandate of Section 2(1) of Chapter 268B and is intended to serve as a guide to the responsibilities of the Commission and as a record of its major activities and decisions during FY85. Copies of the Annual Report provided to the Governor and General Court include names, salaries and duties of all individuals in the Commission's employ as well as money disbursed by the Commission in FY85.

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INTRODUCTION

HISTORY

The State Ethics Commission was created by Chapter 210 of the Acts and Resolves of 1978. That statute revised and strengthened the existing conflict of interest law, Chapter 268A, provided for annual disclosure of private business associations and interests by certain public officials and employees, and empowered the new, independent State Ethics Commission to enforce the law with civil penalties and sanctions. Chapter 210 became law on June 5, 1978; the Commission's charge to administer and enforce the new financial disclosure law, Chapter 268B, took effect on November 1, 1978.

General Laws c. 268A has regulated the conduct of public officials and employees in Massachusetts since 1963. The law limits public employees in three ways:

- 1) what they may do "on the job";
- 2) what they may do "on the side"; and
- 3) what they may do once they leave public sector employment.

It also sets the standards of conduct required of all individuals serving state, county and municipal government. The law articulates the basic premise that public employees owe undivided loyalty to the government which they serve -- that public officials and employees should not act, nor should they be in the position to act, for government when their private interests are involved.

MANDATE

The Commission is an independent, non-partisan agency which was established to:

Render written advisory opinions upon request to individuals covered by chapters 268A and 268B;

Administer the financial disclosure law, which covers some 5,000 candidates, elected officials, and employees holding major policy making positions in the legislative, executive and judicial branches of state and county government;

Provide advice and information to public officials and employees; and

Serve as the primary civil enforcement agency for the conflict of interest and financial disclosure laws.

MEMBERSHIP

The State Ethics Commission consists of five members appointed to staggered terms of five years. The commissioners serve part-time, are paid on a per diem basis, and employ a full-time staff. Three members are selected by the Governor, one by the Secretary of State and one by the Attorney General. No more than three may be from the same political party. Commission members and staff are prohibited from certain political activities during their tenure and for one year after leaving the Commission.

In FY85, the members of the Commission were:

Colin S. Diver, Administrative Law Professor,
Boston University School of Law, Chairman.

Frances M. Burns, Supervisor, Student Prosecutor
Program, Boston University School of Law, Vice-Chairman.

David Brickman, Publisher and Editor-in-Chief
of the Malden Evening News, Medford Daily
Mercury, and Melrose Evening News.

Reverend Bernard P. McLaughlin, Chaplain at Logan
International Airport, Vice-Chairman (term expired
October, 1984).

Joseph I. Mulligan, City of Boston Corporation
Counsel.

Constance M. Sweeney, former Springfield City
Solicitor, currently associated with the
Springfield-based firm, Matroni, Dimauro,
Fitzgerald & Sweeney.

INVESTIGATION AND ENFORCEMENT

INTRODUCTION

The Commission's enabling legislation, G.L. c. 268B, authorizes the Commission to initiate a confidential preliminary inquiry into any alleged violation of chapter 268A or 268B upon receipt of a complaint or other evidence which is deemed sufficient by the Commission to merit investigation. Anyone may call, write or visit the Commission to make a complaint. Complaints are initially reviewed by the staff in a screening process to assess whether the facts alleged, if proved, would constitute a violation of law within the Commission's jurisdiction. After screening, those which have been corroborated by some independent evidence are submitted to the Commission for authorization to begin a preliminary inquiry. Those complaints which do not suggest problems within the Commission's jurisdiction are closed at screening. A third category involves situations which raise concerns under the conflict law but where investigation and enforcement is not considered appropriate because of the nature of the violation or mitigating circumstances. In those cases, letters are written during screening to provide information to ensure future compliance with the law. (There were 99 such letters sent in FY85.)

When a preliminary inquiry is authorized, the staff investigates the matter and prepares a report of its findings for the Commission to consider. If the inquiry indicates that there is "no reasonable cause to believe" that either law (G.L. c. 268A or 268B) has been violated, the Commission terminates the inquiry and notifies the subject and the person who brought the complaint. All Commission records and proceedings of preliminary inquiries which are so terminated remain confidential. On the other hand, if "reasonable cause" is found, the Commission has a number of enforcement options:

1. The Commission may, upon a majority vote, authorize the issuance of an Order to Show Cause. The Order serves as a formal complaint and initiates an adjudicatory hearing to determine whether such a violation has occurred. (Adjudicatory hearings are governed by Rules of Adjudicatory Procedure, promulgated by the Commission - 930 CMR 1.00.) All Orders to Show Cause and materials filed in connection with Commission adjudicatory hearings are public records and are available from the Commission upon request.

2. The Commission may, in its discretion, enter into a Disposition Agreement with the subject of the reasonable cause finding. Disposition Agreements set forth the findings of fact and law, as well as the violations and sanctions agreed to by both parties. (G.L. c. 268B empowers the Commission to impose fines of up to \$2,000 per violation of either G.L. c. 268A or 268B.) All such Agreements are public records and are available from the Commission.

3. The Commission may sue in Superior Court to recover for the commonwealth, a county or a municipality any economic advantage gained by individuals or businesses in violation of the conflict of interest law and may seek to recover up to three times that amount in additional damages.

4. The Commission may refer any matter to the Attorney General, a district attorney or the United States Attorney for criminal investigation and prosecution.

Short of finding reasonable cause, and in lieu thereof, the Commission may issue a confidential compliance letter to advise an individual of violations and to explain the consequences of future misconduct of the same nature. The issuance of a compliance letter is limited to situations which do not involve willful misconduct, significant economic advantage or gain by the subject, the use of undue influence or confidential information, significant economic loss to the commonwealth, or the potential for serious impact on public confidence in government.

REVIEW OF FY85 ACTIVITIES

Complaints

In FY85, 665 matters were brought to the Commission for investigation. This represents a 20% increase over the number of complaints filed in FY84. Four hundred twenty-three (about 65%) of these complaints alleged violations by municipal officials or employees; another 193 involved people who work for the commonwealth; 31 complaints involved county officials; and 18 involved private individuals or corporations. Of the 665 complaints, 500 came from private citizens, 38 were referrals from law enforcement or other state agencies, 46 were generated by Commission staff members, 63 were drawn from information reported by the media and 18 were generated from staff review of Statements of Financial Interests.

The Commission responded as follows to the 665 complaints:

- 260 complaints were closed because the complainant did not suggest facts within the Commission's jurisdiction;
- 85 complaints were closed short of a formal preliminary inquiry either because the staff was unable to uncover independent information to corroborate the facts set forth in the complaint or because the situation was one in which an advisory letter seemed more appropriate than enforcement action, public disposition and penalty based on the substance of the alleged facts;
- 1 complaint was referred to another law enforcement agency;
- 168 complaints remain in screening;
- 52 complaints were merged with other cases already opened because they allege the same or additional violations by the same subject;
- 69 complaints resulted in the initiation of preliminary inquiries; and
- 30 complaints had not yet been acted upon as of the date of publication.

665 Total

Preliminary Inquiries

The staff initiated a total of 102 preliminary inquiries in FY85, 69 of which were based on complaints received during FY85; and the remainder of which were based on complaints received in prior years. Eleven of the preliminary inquiries involved alleged violations of the financial disclosure law. The remaining inquiries involved alleged violations of the conflict of interest law by:

- 43 municipal officials or employees,
- 41 state officials or employees, and
- 7 private businesses or individuals

The Commission completed 68 preliminary inquiries during FY85. Ten were terminated with findings of "no reasonable cause to believe" that either law had been violated. The Commission found "reasonable cause to believe" that either G.L. c. 268A or 268B had been violated in 46 inquiries. In 12 cases the Commission issued confidential compliance letters in lieu of finding reasonable cause.

The Commission assessed civil penalties totaling \$45,843 from 46 individuals who were found to have violated the conflict of interest law, the financial disclosure law, or both. Below is a summary of the Commission's most significant enforcement actions of FY85.

Disposition Agreements

Thomas Joy, chief building inspector for the city of Malden, admitted he violated G.L. c. 268A, §3 by giving his subordinate and the public reasonable basis for the impression that the subordinate might unduly enjoy his favor in his performance as chief building inspector. According to the Agreement, Joy and the subordinate entered into and later equally shared the profits of two private real estate transactions, even though the subordinate alone made the downpayments for both ventures and secured the financing for them based on his own credit worthiness. At or about the same time, the subordinate also made a no-interest loan of \$2,000 to Joy. All of these financial transactions occurred at a time when, or just prior to, Joy's inspection of his subordinate's private work.

In connection with the settlement, Joy paid a civil penalty of \$1,250. (In the Matter of Thomas Joy, September 12, 1984).

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Donald Sommer, regional special education director for the state Department of Education, acknowledged he violated §§4 and 23 of G.L. c. 268A in connection with the establishment of a special education school. To settle the Commission's action, Sommer agreed to pay a \$3,000 civil penalty, dispose of any interest he may have had in the school, and refrain from becoming involved with the school either through investment or employment for a period of five years.

According to the Agreement between Sommer and the Commission, Sommer was responsible for the oversight and regulation of private special education schools. Sommer agreed he violated §4 of the conflict of interest law, when, in his private capacity, he acted as agent for others in connection with the creation of the school. Section 4 prohibits a state employee from acting as agent for someone other than the commonwealth in connection with a particular matter of direct and substantial interest to the commonwealth.

Sommer also agreed he violated §23 of G.L. c.268A by engaging in private dealings with those involved with the establishment of the school, when matters concerning the school were pending before his own agency or when it was reasonably foreseeable that matters concerning the school would be pending before his agency in the near future. According to the Agreement, by so doing, Sommer gave reasonable basis for the impression that those involved with the school could improperly influence him or unduly enjoy his favor in his performance as regional special education director. (In the Matter of Donald Sommer, October 1, 1984).

* * *

John J. Willis, Sr., former town counsel for the town of North Andover, acknowledged he violated §20 of G.L. c.268A and paid a civil penalty of \$2,000 for having a financial interest in insurance contracts made by the town. Section 20 prohibits a town employee from having a financial interest in a town contract.

According to the Disposition Agreement, Willis, while he was town counsel, operated a private insurance agency. In his capacity as an insurance agent, he was a member of the North Andover Agents Association, an organization of insurance agents who live in North Andover, established to advise town officials on town insurance and provide the recommended coverage. The commissions generated from town policies were distributed among all agent members of the association whether or not an individual actually wrote any policies for the town. Through his receipt of such distributions, Willis violated §20. (In the Matter of John J. Willis, Sr., November 14, 1984).

* * *

In a Disposition Agreement between Boston School Committee member Rita Walsh-Tomasini and the Commission, Walsh-Tomasini admitted she violated §19 of the conflict of interest law first by appointing her son to a clerk/typist position on her staff and again when she took action to grant him a retroactive pay raise. In imposing a \$1,000 civil penalty, the Commission considered the fact that Walsh-Tomasini had received a conflict of interest opinion, rendered by the Commission, which generally discussed the propriety of school committee members hiring immediate family members to staff positions. When she requested the advisory opinion, she did not indicate that she had already hired her son. (In the Matter of Rita Walsh-Tomasini, December 19, 1984)

* * *

Newburyport Mayor Richard Sullivan admitted he violated §19 of G.L. c. 268A when he appointed his son to a provisional position on the City's police department. By the terms of the Agreement, Sullivan paid a civil penalty of \$300. (In the Matter of Richard E. Sullivan, December 19, 1984.)

* * *

In a Disposition Agreement between the Commission and former Cambridge Superintendent of Schools William Lannon, Lannon acknowledged that he violated §23 of G.L. c. 268A first by borrowing money from two employees subject to his official authority, and later by recommending that the Cambridge School Committee grant a sabbatical leave to one of the employees to whom he was indebted. The Commission assessed a \$500 civil penalty. (In the Matter of William C. Lannon, December 27, 1984).

* * *

Ashland town treasurer and tax collector Paul Romeo acknowledged he violated §19 of the conflict of interest law and agreed to pay \$3,323 to resolve his case with the Commission. According to the Agreement between Romeo and the Commission, Romeo admitted he violated §19 by participating, in his capacity as tax collector, in decisions as to when and how to collect his own delinquent real estate taxes. The conflict of interest law prohibits a municipal employee from participating in a particular matter in which he has a financial interest.

The \$3,323 settlement represents a \$1,500 civil penalty paid to the commonwealth and a \$1,823 payment to the town of Ashland to settle the delinquent tax debt. (In the Matter of Paul Romeo, February 5, 1985).

* * *

Kenneth Tarbell, a former engineer for the Department of Environmental Quality Engineering (DEQE) admitted he violated §5 of the conflict law, and in connection therewith agreed to pay a \$2,000 civil penalty. According to the Agreement, Tarbell, while employed by DEQE, participated in the establishment of a DEQE compliance order affecting the operation of a particular sanitary landfill. When he left the employ of DEQE, Tarbell went to work for the owners of the landfill, and, according to the Agreement, received compensation from his new employer in connection with his efforts to bring the landfill into compliance with the terms of the DEQE's compliance order. Both parties agreed that Tarbell violated §5 because he accepted compensation from someone other than the commonwealth (the owners of the landfill) in connection with the compliance order, a matter of direct and substantial interest to the commonwealth and one in which he had participated while employed by the commonwealth. (In the Matter of Kenneth Tarbell, February 12, 1985).

* * *

In separate disposition agreements with three fire and police officials from Revere and two corporations conducting business in that city, the Commission ended long-standing employment arrangements that violate the conflict of interest law. By the terms of those Agreements, four of the five subjects paid maximum civil penalties; the fifth paid a smaller penalty consistent with the seriousness of his offense. In total, the Commission collected \$12,000 in penalties.

According to the Disposition Agreements, the police and fire chiefs violated the conflict of interest law because they were employed and paid by the private corporations to perform functions that fell within their official municipal responsibilities and for which they were already paid through receipt of their government salaries. Section 3 of G.L. c. 268A prohibits municipal employees from accepting, and anyone from offering, something of substantial value for or because of official acts performed or to be performed. By the terms of the various agreements, the parties agreed to terminate those private employment arrangements which formed the bases of the §3 violations.

The Disposition Agreements also indicate that the two police officials violated one of the standards of conduct set forth under §23 of G.L. c. 268A by entering into private consulting arrangements with corporations which rely heavily on the police department for service and protection. Section 23 prohibits municipal officials from accepting outside employment which will impair their independence of judgment in the exercise of their

official duties. According to the Agreements, by accepting private employment with corporations with substantial need for their official services, both officials opened themselves up to divided loyalties and thus the impairment of their judgment in their performance for the city. (In the Matters of John DeLeire, James Connery, Adam DiPasquale, Northeast Theatre Corporation and Odgen Suffolk Downs, Inc., May 1985).

* * *

Dennis Flynn, acting superintendent of maintenance for the Boston fire department, acknowledged that he violated §23 of G.L. c. 268A when he used fire department vehicles to prepare his vacation home for summer use. Section 23 prohibits a municipal employee from using his official position to secure an unwarranted privilege. In connection with his acknowledgement, Flynn forfeited the \$500 economic advantage he gained by using city vehicles for personal business. He also paid a \$500 civil penalty. (In the Matter of Dennis Flynn, June 1985).

* * *

DECISIONS AND ORDERS

George Najemy, Worcester assistant city solicitor, was assessed a \$500 civil penalty in connection with a finding that he violated §19 of the conflict law. According to the Decision and Order, Najemy violated §19 when he directed the city treasurer's office to take certain action which would affect his own financial interests. (In the Matter of George Najemy, March 1985).

* * *

James Collins, Norfolk County treasurer and treasurer and chairman of that county's retirement system, was found to have twice violated two sections of the conflict law and was assessed a \$4,000 civil penalty. According to the Decision and Order, the Commission found that Collins, who had sole responsibility for the investment and management of retirement system funds, twice violated §11 of G.L. c. 268A in connection with steps he took on behalf of a trust to secure mortgages at favorable terms from banks where the retirement system had substantial funds on deposit. Section 11 of the conflict law prohibits a county official from acting as agent for someone other than the county in connection with a particular matter of direct and substantial interest to the county. (In the Matter of James M. Collins, 1985).

* * *

ADVISORY OPINIONS

INTRODUCTION

Individuals covered by the conflict of interest and financial disclosure laws are entitled to receive advice about whether their proposed activities are permissible under G.L. c. 268A or G.L. c. 268B. State, county and municipal employees may submit a written request to the Commission setting forth the material facts. Most requests will be answered fully within three weeks, and all formal opinions of the Commission serve as a legal defense in subsequent proceedings concerning the requesting employee's conduct, unless the request omits or misstates material facts.

Although advisory opinions issued by the Commission are confidential, the Commission periodically publishes summaries of recent advisory opinions and prepares public versions of the opinions with identifying information deleted. Copies of these opinions are available from the Commission.

SUMMARY OF FY85 OPINIONS

The Commission rendered 121 formal advisory opinions during FY 1985. Ninety-one of these were rendered to state employees. Four were issued to county employees, 24 to municipal employees, and two to persons or entities which were found not subject to G.L. c. 268A. Nineteen elected officials received advisory opinions, as did thirty-one attorneys. Additionally, the Commission staff issued 248 informational letters to individuals whose advisory opinion requests raised legal questions which had already been addressed in prior rulings.

Among the topics addressed in the Commission's FY85 advisory opinions were the following:

- * Clarification of the term "financial interest" as used in sections 6, 13 and 19 of the conflict law. EC-COI-84-96; 84-98; 84-123.
- * Restrictions on state employees who own rental property and rent to tenants who receive housing subsidies such as Section 8 and Chapter 707 Rental Assistance. EC-COI-84-105; 84-109.

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replied

- * Clarification of the distinction in section 3 of the conflict law between items of substantial value for public use as opposed to personal use. EC-COI-84-114.
- * Prohibition on a member of the judiciary from appearing in an advertisement for a commercial entity's product. EC-COI-84-127.
- * Determination that a bond issued by a municipal industrial development financial authority with the approval of the Massachusetts Industrial Financing Agency (MIFA) does not constitute a contract made by a state agency. EC-COI-84-141.
- * Determination that G.L. c. 268A does not preempt government agencies from promulgating their own employee regulations which address the subject of conflict of interest. EC-COI-85-12.
- * Restrictions on purchases, by employees of a state agency, of stock in a corporation whose product is undergoing testing by employees of that agency. EC-COI-85-23.
- * Application of G.L. c. 268A to physicians who have staff privileges at a municipal hospital. EC-COI-85-31.

FY85 COMMISSION ADVISORIES

In FY85, the Commission published three advisories. Advisories respond to questions that might have come up in the context of a request for an advisory opinion or complaint on specific facts and circumstances, but have the potential for broad range application. The advisories are reprinted in the BULLETIN, distributed to some 1700 subscribers.

In Advisory No. 6, the Commission addressed the application of section 17 of the conflict law to attorneys who are called upon to represent both the municipality and municipal employees in lawsuits based upon the employee's official acts.

In Advisory No. 7, the Commission clarified the application of section 20 of the conflict law to multiple office-holding on the local level.

In Advisory No. 8, the Commission addressed the application of section 3 of the conflict law to the entertainment industry practice of providing free passes to public officials for entertainment events.

FY85 COURT ACTION

The Commission was a party in two Superior Court actions in fiscal year 1985. In the first, State Ethics Commission v. Allison Goodsell (Suffolk Superior Court C.A. No. 50163), the Commission sought and obtained a judgment ordering Ms. Goodsell to file a Statement of Financial Interests (SFI) for 1979 with the Commission and to pay a \$1,000 civil penalty. Ms. Goodsell moved to Rhode Island, and refused to comply with the judgment. The Commission then filed an action in Rhode Island Superior Court and obtained a judgment recognizing the Massachusetts court order. Upon receipt of the Rhode Island judgment, Ms. Goodsell complied by filing her SFI and paying the civil penalty.

In the second case, Kenneth Strong v. State Ethics Commission (Suffolk Superior Court C.A. No. 72374), Mr. Strong appealed from a Commission decision finding him in violation of §20 of the conflict law. That violation was based on his simultaneously holding two municipal positions. Specifically, he was a common councilor for the City of Everett and an employee of the Everett Housing Authority. The court affirmed the Commission's decision and order although it raised on its own the question of whether the Commission had the authority to impose a penalty before a court had reviewed and upheld the Commission's decision. Both the Commission and Mr. Strong have appealed the decision.

LEGISLATION

Three amendments to G.L. c. 268A and G.L. c. 268B were signed into law during FY85:

1. Chapter 459 of the Acts and Resolves of 1984

AN ACT RELATIVE TO MULTIPLE ELECTIVE OFFICES

Chapter 459 was signed by the Governor on January 7, 1985 and went into effect immediately. It amended §20 of G.L. c. 268A to make it clear that an elected municipal official was not prohibited from holding other elected positions in the same municipality and could receive compensation for any such positions.

2. Chapter 98 of the Acts and Resolves of 1985

AN ACT ALLOWING TENANTS TO BE EMPLOYED BY
HOUSING AUTHORITIES

Chapter 98 was signed by the Governor on June 21, 1985 and will go into effect on September 20, 1985. It amends §20 of G.L. c. 268A to permit municipal employees, and housing authority employees in particular, to receive rental, home improvement and home rehabilitation assistance from any local, county state or federal source.

3. Chapter 118 of the Acts and Resolves of 1985

AN ACT CLARIFYING THE STATUTORY PENALTIES FOR
PERJURY BEFORE THE STATE ETHICS COMMISSION

Chapter 118 was signed by the Governor on June 28, 1985 and will go into effect on September 27, 1985. It amends §7 of G.L. c. 268B to clarify the sentence which may be imposed for committing perjury before the State Ethics Commission. Previously, the maximum penalty was incarceration in a state prison for not more than two and a half years. The amendment provides for imprisonment in a state prison for not more than three years, or in a house of correction for not more than two and one-half years.

FINANCIAL DISCLOSURE

INTRODUCTION

When the financial disclosure law was enacted in 1978, Massachusetts became the 41st state to require certain public employees and elected officials to disclose certain of their private financial interests. Chapter 268B requires annual disclosure of interests and associations which might give rise to conflict or the appearance of conflict between a person's public responsibilities and his private interests. The law covers all elected officials, all candidates and certain designated employees of state and county government. Municipal officials and employees are not included among those covered by the disclosure requirements of chapter 268B, although certain employees and officials of the city of Marlboro are now required to file as a result of the enactment of H. 5916, a home rule petition passed in 1983.

SFI FILINGS FOR FY85

Designations

Every candidate for state or county office, and every elected state or county official, must file an annual Statement of Financial Interests (SFI) for the preceding calendar year with the State Ethics Commission. In addition, certain state and county employees who hold "major policy making positions" must file. In order to determine which state and county employees should be required to file, the Commission requests that each year, by the first of the year, the administrative head of each state and county agency submit a "designation list" of individuals holding major policy-making positions within his or her department. By January 1, 1984, the Commission had received lists from over 200 heads of state and county agencies requiring SFI filing by a total of 4400 public employees and elected officials. (This is a decrease of 500 from the number of persons required to file in FY84.) In addition to the 4300 Forms and Instructions mailed to these individuals, about 400 Forms and Instructions were distributed to non-incumbent candidates for elective office.

The decrease in the number of individuals designated to file Statements of Financial Interests for calendar year 1984 was a direct result of special efforts made by the Commission to train agency staff responsible for making such designations. Since 1978, the first year for which SFI's were filed, there

has been an increase of over 1500 in the number of employees designated to file. This increase, at a time when there was no overall increase in the total number of state employees, caused concern among Commission members that people in other than "major policy-making" positions were being designated to file, exceeding the intent of chapter 268B. That is, a careful review of the positions designated as "major policy making positions," in conjunction with extensive discussions with various agency officials, revealed that there was considerable misunderstanding of chapter 268B's designation criteria. Many agencies were found to be defining "major policy making" on their own without regard to the criteria set forth in the statute.

To correct the misunderstandings, Commission staff administered a training program to assist agency officials in determining which positions meet the criteria for "major policy making" positions spelled out in c. 268B. Training programs were held for the Executive Office of Human Services, Consumer Affairs, Transportation and Construction and the Trial Court. In addition, there was a careful review of all designation lists when they were submitted, as well as discussion with officials in agencies where training sessions were not possible. The Commission intends to continue to work closely with agency staff and to assist them in determining those positions that fit the c. 268B designation criteria.

Education and Assistance

Each year the Commission receives hundreds of telephone and walk-in inquiries from filers seeking assistance in completing their Statements. Most inquiries come from first-time filers, i.e., new appointments and non-incumbent candidates for elective office. Several staff members were available throughout the filing period to respond to inquiries and to provide technical information. In addition, the Commission's pamphlet, which outlines the basic requirements of the financial disclosure law, was distributed as needed to address questions of a more general nature.

Staff Inspection of SFI's - Action Toward Compliance

Failure to file on time, or to amend a deficient or incomplete Statement within ten days of receipt of a Formal Notice of Delinquency, is a violation of c. 268B. The Commission may levy penalties, including fines of up to \$2,000 for each violation. The statute also provides criminal penalties of fine and imprisonment for filing a false Statement.

During and following the May SFI filing period, the Commission's staff reconciles received Statements with the designation lists to ensure timely compliance with the filing deadlines. In FY85, all but 320 of 4300 individuals (over 93%) filed on time. (This is about the same percentage as last year, when only 268 of 4800 designated filers missed the deadline.) This high rate of compliance may be attributed to: 1) the Commission's efforts to update mailing information; and 2) the Commission's record of imposing stiff civil penalties on those who in the past failed to file on time. (In FY84, 30 individuals filed their Statements of Financial Interests late and were assessed fines totalling \$2,560.)

This year, formal Notices of Delinquency were mailed to the 320 individuals who missed the May deadline. These people were warned to file within 10 days of receipt of that Notice. Failure to do so, they were told, would result in the imposition of civil penalties. Of the 320, only 38 individuals failed to so file. Of the 38 individuals who failed to file their SFIs within 10 days of receipt of a Formal Notice:

1. The Commission authorized eight preliminary inquiries, which are in the process of being settled;
2. Nineteen individuals filed shortly after their 10-day grace period expired, incurring fines of less than \$100;
3. Seven individuals did not formally respond to the Notice of Delinquency, but filed their SFIs; and
4. Four cases were either closed because the Commission was unable to locate the filer or due to a lack of evidence providing receipt of the Formal Notice of Delinquency.

PUBLIC ACCESS TO STATEMENTS OF FINANCIAL INTERESTS

Chapter 268B provides that any individual who submits a written request to the Commission may inspect and purchase a copy of any Statement filed with the Commission. In FY85, the Commission honored requests from 162 different sources, including requests from private citizens, journalists and representatives of law enforcement agencies. In all, Statements of 976 filers were reviewed by persons making such requests, the bulk of them in June, July and August just following the Commission's receipt of Statements filed for 1984.

PUBLIC EDUCATION

The Commission is committed to educating public employees and elected officials as to their obligations under the conflict of interest and financial disclosure laws. The goal has always been to help those who are trying to comply with these laws to do so. To that end, the Commission writes, publishes, and distributes a number of publications which keep constituents informed of recent Commission rulings and activities, as well as rulings of others which impact on the Commission's work. The agency also hosts workshops and conferences for public employees and officials and also for groups of private citizens who express interest in the Commission's activities.

In FY85, the following publications were available:

The 1983 Revised Guide to the Conflict of Interest Law;

The Guide to the Conflict of Interest Law for Municipal Employees;

The Annotated Guide to the Conflict of Interest Law;

Enforcement Actions and Advisory Opinions;

Pamphlets introducing:

- a) the Commission,
- b) financial disclosure, and
- c) conflict of interest at the state, county and municipal levels of government.

The Commission's quarterly BULLETIN.

The Commission's FY84 Annual Report.

