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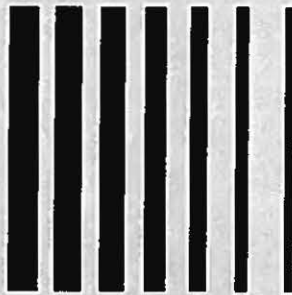
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MASSACHUSETTS

ANNUAL REPORT • FISCAL YEAR 1986

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# STATE ETHICS COMMISSION



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## MASSACHUSETTS

This Report covers the activities of the Massachusetts State Ethics Commission during FY86. 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 FY86. Copies of the Annual Report provided to the Governor and General Court include a breakdown of the Commission's expenditures over the fiscal year.

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# Introduction to the Commission

## 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.

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:

- what they may do "on the job";
- what they may do "on the side"; and
- 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. The central goal of the conflict law is to ensure that public servants act in the public interest rather than for private gain.

## Mandate

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

- Render written advisory opinions upon request to individuals covered by the conflict of interest and financial disclosure laws;
- 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 engaging in political activities during their tenure and for one year after leaving the Commission.

During FY86, the members of the Commission were:

**Colin S. Diver**, Chairman  
Associate Dean,  
Boston University School of Law.

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

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

**Andrea W. Garglulo**,  
City of Boston Licensing Commission

**Joseph I. Mulligan, Jr.**,  
City of Boston Corporation Counsel.

**Constance M. Sweeney**,  
former Springfield City Solicitor;  
partner in the Springfield-based  
firm, Matroni, Dimauro, Fitzgerald &  
Sweeney; named Superior Court  
Judge by Governor Dukakis in  
September 1986.

# 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 the conflict of interest or financial disclosure laws 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 formal investigation. Those complaints which do not suggest problems within the Commission's jurisdiction are closed at screening. Other complaints may involve situations which raise concerns under the conflict law but investigation and enforcement is not considered appropriate because of the nature of the violation or mitigating circumstances. In these cases, letters are written during screening to provide information to ensure future compliance with the law. (There were 78 such letters sent in FY86.)

When an investigation 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 terminated remain confidential. On the other hand, if "reasonable cause" is found, the Commission has a number of enforcement options:

- 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 a violation of the law 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.
- 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 the conflict law. All such Agreements are public records and are available from the Commission.
- 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.
- 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. The issuance of a compliance letter is limited to situations which do not involve wilful misconduct, significant economic advantage or gain by the subject, significant economic loss to the Commonwealth, the use of undue influence or confidential information, or the potential for serious impact on public confidence in government.



## Review of FY86 Activities

### Complaints

In FY86, 612 matters were brought to the Commission for investigation. This represents a decrease under the 665 complaints filed in FY85. Three hundred seventy-eight (about 62%) of these complaints alleged violations by municipal officials or employees; another 174 involved people who work for state government; 53 complaints involved county officials; and 7 involved private individuals or corporations. Of the 612 complaints, 435 came from private citizens, 27 were referrals from law enforcement or other state agencies, 36 were generated by Commission staff members, 51 were drawn from information reported by the media and 63 were generated from staff review of Statements of Financial Interests.

The Commission responded as follows to the 612 complaints:

- 239 complaints were closed because the complainant did not suggest facts within the Commission's jurisdiction;
- 42 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 based on the substance of the alleged facts;
- 4 complaints were referred to another law enforcement agency;
- 109 complaints remain in screening;
- 66 complaints were merged with other cases already opened because they alleged the same or additional violations by the same subject;
- 94 complaints resulted in the initiation of preliminary inquiries; and
- 58 complaints had not yet been acted upon as of the date of publication.

**612 Total**

### Preliminary Inquiries

The staff initiated a total of 94 preliminary inquiries in FY86, 35 of which were based on complaints received during FY86; 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:

- 11 municipal officials or employees,
- 26 state officials or employees, and
- 2 county officials or employees
- 2 private businesses or individuals

The Commission completed 94 preliminary inquiries during FY86. Fifty-seven 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 20 inquiries. In 16 cases the Commission issued confidential compliance letters in lieu of finding reasonable cause.

The Commission assessed civil penalties totaling \$11,460 from 33 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 FY86.

## **FY86 Enforcement Actions**

### **In the Matter of Thomas Newcomb (July 16, 1985)**

Thomas Newcomb, the former director of security at the Hynes Auditorium and a Boston Police officer assigned to the Hynes, was found to have violated §4 of the conflict of interest law by having his state salary supplemented by the Boston Police Department.

Section 4 prohibits a state employee from receiving compensation from anyone other than the Commonwealth in connection with a particular matter of direct and substantial interest to the state. In a Decision and Order the Commission concluded that Newcomb violated §4 by receiving compensation for the work he performed as director of security (a state position) from the Boston Police Department.

Prior to this enforcement matter, the Commission had advised Newcomb in an advisory opinion that as an employee of the Convention Center Authority and, in particular, as chief of security at Hynes, he could not receive compensation from the Boston Police Department in connection with security work at the Hynes. Ignoring the Commission's advice, Newcomb continued to receive compensation from the Police Department until he was suspended by the Convention Center Authority for his failure to resolve the conflict to their satisfaction.

For the §4 violation, the Commission ordered Newcomb to pay a \$1,000 civil penalty.

### **In the Matter of William A. Burke, Jr. (October 15, 1985)**

William A. Burke, Jr., a former member of the Massachusetts Public Health Council, was found to have violated §3 of the conflict of interest law and was assessed a \$1,000 civil penalty.

Section 3(b) prohibits a public official from soliciting for himself anything of substantial value from a private party for or because of official acts performed or to be performed by him.

Burke, who in his private capacity was working as a paid consultant selling supplemental life insurance to hospitals, solicited and received access to the chief executive officer of a hospital while that hospital had matters pending before the Health Council. As Burke needed to make additional contacts to keep his consulting job, the meeting was of substantial value to him.

### **In the Matter of John J. Hanlon, Louis H. Sakin, Raymond Sestini (February 6, 1986)**

The State Ethics Commission fined three Department of Public Safety employees between \$250 and \$500 each for playing substantial roles in the testing and demonstration of a Lo-Jack anti-theft device being considered for purchase by the state while owning Lo-Jack stock at the same time.

The Commission found these employees to have violated Section 6 of the conflict of interest law, which prohibits a state employee from participating in a particular matter in which he has a financial interest.

The three individuals who entered into disposition agreements with the Commission in this case are:

- State Police Captain John J. Hanlon, the liaison between the State Police and Lo-Jack, who oversaw all aspects of the Department of Public Safety's role in the demonstration of the Lo-Jack device. Fined \$500.



■ Louis Sakin, the executive director of the state's Criminal History Systems Board, was the liaison for this agency for the demonstration project. Fined \$250.

■ Raymond Sestini, a civilian communications coordinator assigned to the State Police, met with Lo-Jack officials to discuss and resolve technical issues involving the installation of the anti-theft system while owning Lo-Jack stock. Fined \$250.

According to the disposition agreements signed by these individuals in February, the Commission did not have any evidence that the ownership of the Lo-Jack stock adversely affected the performance of their state jobs. In addition, all three demonstrated some sensitivity to the conflict law by either disclosing their stock ownership to their appointing authority (the Executive Director of Public Safety) or by receiving, directly or indirectly, legal advice that the stock ownership did not present a problem. The Commission took these mitigating factors into account in levying relatively small fines. A \$2,000 fine could have been imposed for each violation.

**In the Matter of Donald Hatch**  
*(February 20, 1986)*

Donald Hatch, of West Springfield, an inspector for the Department of Public Utilities, was fined \$2,000 by the Ethics Commission for violating section 6 of the conflict of interest law.

In a Disposition Agreement entered into the Commission, Hatch admits he violated the law by participating in six official DPU inspections of a Holyoke bus company at the same time he had a private business arrangement with the company to conduct bus inspections.

Section 6 of the conflict law prohibits a state employee from participating in a matter in which, to his knowledge, a business organization by which he is employed, has a financial interest.

**In the Matter of Mary J. Kurkjian**  
*(March 26, 1986)*

Mary J. Kurkjian, former Deputy Director with the Division of Employment Security (DES), was found to have violated the conflict of interest law for participating in state contract negotiations with a company, while, at the same time, discussing future employment with the company.

Kurkjian was fined \$1,000 for violating Section 6 of the conflict of interest law which prohibits a state employee from participating in a particular matter in which to her knowledge a business organization with whom she is negotiating or has a prospective arrangement for employment has a financial interest.

**In the Matter of Ralph Antonelli**  
*(April 29, 1986)*

The State Ethics Commission fined a former Department of Revenue (DOR) official \$500 for representing a taxpayer before DOR on a matter in which he had participated as a state worker.

Ralph Antonelli of Somerville, in a signed disposition agreement with the Commission, admitted to having violated Section 5 of the conflict of interest law which regulates what state employees may do after they leave state government. In part, Section 5 bars a person who worked on a matter while a state employee from ever working on that same matter for a private party when he leaves state service, whether or not he is compensated.



Antonelli, as Assistant Chief of the DOR's Compliance Bureau, had approved a payment agreement with a Hyannis-based company which was delinquent in paying state taxes.

About a year after Antonelli left state service, he assisted the same company in its negotiations with DOR to prevent a seizure. (The company had failed to meet the terms of the first payment schedule which Antonelli had approved.)

According to Antonelli, he acted on behalf of the Hyannis businessman as a favor for a mutual friend and did not receive compensation for his efforts. The Commission took this into account in determining the amount of the fine though a violation occurs whether or not a person has been compensated by a private party for dealing with his former agency.

**In the Matter of George W. Ripley, Jr.**  
*(April 30, 1986)*

George W. Ripley, Jr., former Commissioner of the Department of Labor and Industries (DLI), was fined \$2,000 for hiring his two daughters in violation of the conflict of interest law.

Ripley, in a disposition agreement signed with the Commission, admitted to having violated Section 6 of the conflict law which prohibits a state employee from participating in the hiring, promotion, performance review or salary recommendation of an immediate family member.

The Commission found no evidence that Ripley intentionally violated the conflict of interest law. He had, in fact, sought advice from an assistant who had the initial responsibility for personnel decisions for DLI. The Commission, however, has stated in previous cases that neither ignorance of the law nor reliance on bad advice will act as a defense.

**In the Matter of Robert J. Quinn**  
*(May 6, 1986)*

In a decision handed down in May 1986, the State Ethics Commission ruled that a full-time state employee may not serve as a bail commissioner.

The Commission decision involved Robert Quinn of Norwood, acting comptroller for the Massachusetts Water Resources Authority, who serves as bail commissioner in Norfolk County.

In its decision, the Commission stated that setting bail in exchange for fees constitutes a contract with the state under the conflict of interest law. This is so, the Commission said, despite the fact that the bail commissioner's compensation comes from the person whose bail is being determined by the bail commissioner, rather than directly from the Court. Section 7 prohibits a state employee from having a direct or indirect financial interest in a contract made by a state agency.

There is an exemption that would allow a full-time state employee to serve as bail commissioner. If the bail commissioner's job were publicly advertised; a qualified full-time state employee could apply for and serve as bail commissioner. The Office of Bail Administrator, however, selects the bail commissioners without public notice or advertising. Given the closed selection process, the Commission ruled the Section 7 exemption is presently not available to full-time state employees.

Both Quinn, individually, and the Bail Committee of the Superior Court, have filed appeals of the Commission's decision. (As of the date of this summary the Bail Committee's appeal is pending the Supreme Judicial Court.)

# 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 for an advisory opinion. 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 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 FY86 Opinions

The Commission received 405 formal requests for advisory opinions during FY86. Fifty-one of these requests were answered with formal Commission advisory opinions; the remaining requests were handled through informal letters issued by the Commission's Legal Division. Among the topics addressed in the Commission's formal advisory opinions during FY86 were the following:

- whether G.L. c. 268A jurisdictionally applies to certain public employees, See EC-COI-85-66, 85-77, 85-78, 86-4, 86-5, and 86-8.
- the receipt of public employees of discounts from car dealerships which have official dealings with the employees or their agencies. EC-COI-86-4.
- The limitations which G.L. c. 268A places on the outside law practice of public employees and the partners of public employees. EC-COI-85-59, 85-73, 85-85 and 86-7.
- The limitations which G.L. c. 268A places on the outside activities of legislators. EC-COI 85-79, 85-82, 86-12 and 86-15.
- The conditions under which a state employee may have a financial interest in a contract made by a state agency. EC-COI-85-56, 85-63, 85-79, 85-80, 86-1 and 86-7.



## **FY86 Commission Advisories**

In FY86, the Commission published two 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 and distributed to some 1900 subscribers.

In Advisory No. 9, the Commission reviewed the principles of the conflict of interest law which apply to state employees who own stock in corporations which contract with state agencies.

In Advisory No. 10, the Commission provided guidelines to Boards of Selectmen and City Councils to aid them in restructuring a police chief's employment arrangement so as to permit paid detail work without violating the conflict law.

## **Municipal Advisory Opinion Regulation**

In April 1986, the Commission formally adopted a regulation concerning the issuance and review of advisory opinions to municipal employees. The new rules clarify the Commission's role with respect to municipal advisory opinions and also offers additional support to municipal counsel.

The new regulation requires all advisory opinions issued on the local level to be filed with the Commission for review. The rule will require the Commission to be bound by all municipal opinions, unless the Commission notifies the city or town counsel within 20 days of any objections to the opinion.

The opinion will be binding on the Commission in any subsequent proceedings *only* with respect to the person who requested the opinion and those upon whose behalf he requested the opinion.

The Commission will not be bound by municipal opinions if material facts were omitted or misstated by the person or if the person acted in bad faith in securing the opinion.

Under the new policy the Commission will render opinions at the local level upon receipt of a written request unless the employee has already requested an opinion on the same set of facts from municipal counsel. In the past, the Commission declined to render opinions on the local level.

The Commission will also make its services available to former and prospective municipal employees, as well as employees of regional municipal bodies. These employees have traditionally been in "no man's land" not knowing who to turn to for advice on the conflict of interest law.

The regulation is intended to insure that opinions issued to municipal employees and officials are correct statements of the law, which the Commission will be bound by.

## Legislation

Three amendments to G.L. c. 268A and c. 268B were signed into law during FY86. The most significant was Chapter 12 of the acts of 1986, an act further regulating the conduct of public officials which was signed into law April 8, 1986. The act restored to the Commission powers which had been nullified by the Supreme Judicial Court ruling in *Saccone v. State Ethics Commission*, 395 Mass. 326 (1985). The new law also clarified certain procedural and substantive provisions relating to the administration of the conflict of interest law.

The following is a summary of the five changes which resulted from the passage of Chapter 12.

1. The Commission is authorized to enforce §23 of the conflict of interest law, the so-called "standards of conduct". The new language amended the Commission's enabling statute, G.L. c 268B, §3(i), to permit the enforcement of *all* sections of G.L. c. 268A, including §23, and thereby eliminated the ambiguity which led to the *Saccone* decision. The Commission's jurisdiction applies to any violation of §23 occurring on or after April 8, 1986; the Commission does not have retroactive jurisdiction with respect to §23 violations.
2. The Commission is also authorized to enforce all sections of G.L. c. 268A which apply to municipal employees. Because the *Saccone* decision had raised doubt over the Commission's municipal authority, the Commission had put on hold for nine months its investigations of municipal employees. The authority to enforce G.L. c. 268A with respect to municipal officials applies retroactively to all complaints and other Commission proceedings which were pending as of the date of the announcement of *Saccone*, July 9, 1985.
3. Chapter 12 rewrote the §23 standards of conduct which apply to all state, county and municipal employees.

Chapter 12 clarified what is acceptable employee conduct and identified those conflicts which are unacceptable and involve benefits of substantial value. (The law emphasizes that these are minimum standards and that government agency heads may establish and enforce additional standards of conduct.) The major changes of §23 are outlined below:

- a. Prior law prohibited employees from accepting other employment which would impair their independence of judgment in the exercise of official duties. Chapter 12 continued the restriction with two changes: the prohibited employment must involve compensation of substantial value and must be inherently incompatible with the responsibilities of public employment.
- b. Public employees continue to be prohibited from using or attempting to use their official position to secure unwarranted privileges or exemptions "which are of substantial value and which are not properly available to similarly situated individuals". Substantial value is considered by the Commission to be \$50 or more in most cases. With the passage of the new law, receiving privileges or exemptions of nominal value or those available to similarly situated individuals does not violate the law.



c. Public employees must also continue to avoid conduct which creates a reasonable impression that any person can improperly influence or unduly enjoy their official favor, or that they are likely to act or fail to act because of kinship, rank, position or undue influence of any party or person. But Chapter 12 established new guidelines for dispelling such an improper impression through disclosure to an appointing official and, for elected officials, to the public. Specifically, the law states that it would be unreasonable to conclude that an elected official has been improperly influenced if the official discloses the facts (which would normally lead to such a conclusion) in a public manner. In cases where a public employee has an appointing official, the factual disclosure must be in writing to that authority.

4. Chapter 12 made minor amendments to the Commission's procedure in investigating and adjudicating alleged violations of G.L. c. 268A or G.L. c. 268B. These changes largely conformed to Commission practice.

5. Chapter 12 retained the right of any person to inspect a statement of financial interest filed by a public official under G.L. c. 268B, as long as the person provides identification and his affiliation, if any.

Chapter 252 of the acts of 1985 was signed into law on September 8, 1985. This act amends G.L. c. 268A, §20 to permit a municipal employee to hold the elective office of town councillor, subject to several conditions. The legislation parallels the 1982 amendment to §20 permitting a municipal employee to hold the elective office of selectman.

The legislature enacted a further amendment to §20 in October, 1985. The amendment, Chapter 415 of the acts of 1985, permits a municipal employee to receive a housing subsidy administered by a housing authority of the same municipality, provided the employee is not responsible for administering the subsidy program.

# 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 information concerning 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 required to file as a result of the enactment of H. 5916, a home rule petition passed in 1983.

## SFI Filings for FY86

### 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 by the first of each 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, 1985, the Commission had received lists from over 200 heads of state and county agencies requiring SFI filing by a total of 4300 public employees and elected officials. In addition to the 4300 Forms and Instructions mailed to these individuals, about 300 Forms and Instructions were distributed to non-incumbent candidates for elective office.

### 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.

### 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 for fines and imprisonment for filing a false statement.

During and following the May SFI filing period, the Commission's staff reconciles received Statements within the designation lists to ensure timely compliance with the filing deadlines. In FY86, all but 290 of 4300 individuals (over 93%) filed on time. (This is about the same percentage as last year, when only 320 of 4400 designated filers missed the deadline.) This high rate of compliance may be attributed to : 1) the Commission's efforts to mail the Statements of Financial Interest early in March 1986; 2) sending a special letter to individuals who had left government service during the year reminding them of their obligation to file; 3) sending reminder cards in mid-April to all those who had not yet filed; and 4) the Commission's record of imposing stiff civil penalties on those who in the past failed to file on time. (In FY85, 30 individuals filed their Statements of Financial Interest late and were assessed fines totaling \$2,560.)



In FY86 formal Notices of Delinquency were mailed to the 290 individuals who missed the May deadline. These people were warned to file within 10 days of receipt of that Notice or face civil penalties. Of the 290, only 28 individuals failed to file. Of the 28 individuals who failed to file their SFI's within 10 days of receipt of a Formal Notice:

- The Commission authorized five preliminary inquiries, which are in the process of being settled;
- Four individuals filed shortly after their 10-day grace period expired, incurring fines of less than \$100;
- Eight individuals did not formally respond to the Notice of Delinquency, but filed their SFI's; and
- Three 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 FY86, the Commission honored requests from 170 different sources, including requests from private citizens, journalists and representatives of law enforcement agencies. In all, Statements of 956 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 1985.

## **Public Education**

The Commission is committed to educating public employees and elected officials about their obligations under the conflict of interest and financial disclosure laws. The goal of public education is to help public officials comply with these laws. To that end, the Commission writes, publishes, and distributes a number of publications which keep constituents informed of recent Commission rulings and activities. The agency also hosts workshops and conferences for public employees and officials and for groups of private citizens on the conflict of interest law.

In FY86, the following publications were available:

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

The Annotated Guide to the Conflict of Interest Law;

Enforcement Actions and Advisory Opinions (1979 to present);

Pamphlets introducing:

- a) The Commission,
- b) financial disclosure, and
- c) conflict of interest for state, county and municipal employees and officials;

The Commission's quarterly newsletter, The BULLETIN

The Commission's FY85 Annual Report.



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STATE  
ETHICS  
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