State Ethics Commission

Fiscal Year 2015 Annual Report

Massachusetts State Ethics Commission
One Ashburton Place, Room 619
Boston, MA 02108
mass.gov/ethics
617-371-9500

The Ethics Commission – Fiscal Year 2015

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

Paula Finley Mangum, Vice-Chair**
Principal, Law Office of Paula Finley Mangum – Wareham, MA

Martin F. Murphy, Vice-Chair
Partner, Foley Hoag LLP – Boston, MA

William J. Trach
Partner, Latham & Watkins LLP – Boston, MA

Hon. Regina L. Quinlan
Superior Court Judge (ret.)

Hon. David A. Mills*
Appeals Court Associate Justice (ret.)

* Appointed November 2014
** Term Expired October 2014

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 2015 with 25 employees and ended the fiscal year with 22. In FY 2015, the Commission received an appropriation of $1,960,456, which was reduced by $35,092 in February 2015 in connection with the state's attempts to address the Commonwealth's FY 2015 budget shortfall. The Commission also received approval for capital funding in the amount of $850,000, to be used in FY 2015 and FY 2016 for the creation of a new electronic filing system for Statements of Financial Interests, the financial disclosure forms filed annually with the Commission by certain state and county public officials, employees and candidates for public office. The Commission imposed civil penalties for conflict of interest and financial disclosure law violations in the total amount of $62,100 in FY 2015, and collected $54,600. All penalties collected by the Commission revert to the Commonwealth's General Fund.

In FY 2015, the Legal Division responded to a total of 6,064 requests for advice and also responded to 3,859 calls and emails related to the filing of Statements of Financial Interests. The Enforcement Division received 875 complaints alleging violations of the conflict of interest and financial disclosure laws; and the Public Education and Communications Division conducted 67 seminars.

In addition, in FY 2015, the Commission issued Advisory 14-1: Public Employees' Private Business Relationships and Other Private Dealings With Those Over Whom They Have Official Authority Or With Whom They Have Official Dealings.

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.

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 2015 the Commission was staffed with 25 employees. In December 2014 the long time administrative assistant for the Commission's Enforcement Division retired. Her departure was followed by the departures of one of the Commission's part-time receptionists and the Deputy Chief of the Public Education and Communications Division, both of whom left the Commission for jobs in the private sector. The Commission hired a newly created position of Assistant General Counsel. The Commission was unable to fill any of the other budgeted but unfilled positions due to 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 2016.

On October 11, 2014, Commissioner Paula Mangum's five-year term as a Commissioner expired. The Secretary of State appointed former state Appeals Court Judge David A. Mills to replace Commissioner Mangum. Commissioner Mills was appointed to the Commission on November 6, 2014 and sworn in on November 17, 2014.

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 current application. Once the capital funding was approved, the Commission established a project management team which met weekly to oversee the procurement and selection process for the Commission. The procurement and selection process took place between November 2014 and June 2015, and in May 2015, the Commission selected PCC Technology Group as its vendor to develop the new electronic filing application. The Commission also engaged Susan Laniewski to serve as its project manager.

Personnel/Policy Changes

A working group consisting of the Executive Director, Chief Financial Officer, General Counsel and Assistant General Counsel, substantially updated and revised the Commission's Personnel Manual, which had not been comprehensively revised since 2005. Significant changes included updating policies regarding leave time, flex time, work hours and agency governance. The revised personnel manual was approved by the Commission in November 2014 and took effect in January 2015.

In addition, a new agency policy prohibits weapons of any kind in the Commission office.

Commonwealth Management Certificate Program (CMCP)

For the second consecutive fiscal year, two of the Commission's managers 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, one-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 2015, the Commission's Public Education and Communications Division Chief and Legal Division Deputy Chief/ SFI 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 is scheduled for December 6-9, 2015 in Boston. The Commission and the Office of Campaign and Political Finance are the host agencies and are involved in extensive planning for the event. The Commission's Executive Director serves on the event planning committee.

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 over the phone, through the Commission's website and by letter or email, 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 2015. In addition to issuing 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 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 Public Education and Communications Division Administrative Assistant and the Commission's IT Specialist comprise the Commission's SFI Team. Legal Division staff assist filers who have questions on how to complete the SFI, and assist agencies with the process for designating positions as policy-making 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 produce valid identification. 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 2014, 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 2015 Legal Division Accomplishments

Advisories

In July 2014, the Commission approved Advisory 14-1: Public Employees' Private Business Relationships and Other Private Dealings With Those Over Whom They Have Official Authority or With Whom They Have Official Dealings. Work was also substantially completed on 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 completing substantial revisions to the Commission's personnel manual during FY 2015. During FY 2015, Legal Division attorneys also drafted a policy prohibiting weapons in the Commission office. The Commission approved the policy in February 2015, and it is posted on the Commission's website.

Advice Requests

During FY 2015, the Legal Division answered a total of 6,064 requests for advice, a slight decrease from the two previous fiscal years. The Division continues a practice of responding to telephone requests on the same day or day after in most cases. The Division's average monthly backlog of written opinion requests older than 30 days was 6.5 during FY 2015, down from 16 during the prior fiscal year. The Legal Division also reviewed 350 conflict of interest law disclosures filed by state and county employees, and 283 disclosures of financial interest filed by charter school trustees pursuant to General Laws chapter 71, section 89(u).

In FY 2015, the Legal Division updated its procedures for providing conflict of interest law advice to improve its customer service. The Division also created new disclosure forms and instructions for public employees to use to comply with regulatory exemption 930 CMR 6.26, which allows public employees who held contracts with their level of government prior to becoming public employees to retain those contracts. The Legal Division also completed significant revisions to other disclosure forms and instructions that provide exemptions to the conflict of interest law gift restrictions, 930 CMR 5.08.

Statements of Financial Interests

New Electronic Filing Application

In FY15, the Legal Division completed a comprehensive review and revision of the SFI form to make the form more user-friendly and eliminate areas of confusion. Legal Division staff reviewed financial disclosure requirements in other states to aid in revising the SFI form. After completion of the procurement process to select a vendor to develop a new electronic filing application, Legal Division staff, in conjunction with the Chief Financial Officer, negotiated all required contractual documents with PCC Technology Group, the selected vendor. The new filing application will be available for the Calendar Year 2015 filing season.

SFI Filing Season

During FY 2015, 3,960 state and county employees were required to file calendar year 2014 SFIs. The SFI Team conducted additional outreach to state and county agencies to educate them about the filer designation and notification process. The SFI Team revised and updated the Designation List form and revised the materials sent to agency liaisons with their designation lists for CY 2014. In FY15, the SFI Team was able to open the electronic filing application to allow filers to file 2014 SFIs almost two weeks earlier than in FY 2014. The SFI Team was able to provide an increased level of follow-up with agencies to assist them with their designation lists, send timely reminder notices to employees and contact agency liaisons and general counsels about late filers and non-filers.

The SFI team handled a total of 3,859 requests for assistance during the period of October 16, 2014 through May 30, 2015, compared to 2,368 requests in FY 2014. Ninety-five percent of the approximately 3,960 appointed public employees and elected public officials required to file 2014 SFIs filed their forms by the filing deadlines. Thirty-eight formal notices of lateness were sent to filers who missed the deadlines, a 32% reduction from FY 2014, and only three individuals were referred to the Enforcement Division as late/non-filers for CY 2014, in addition to one late filer for CY 2013.

The Commission received 58 requests from the media and public to inspect 1,599 SFIs in FY 2015. 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 2015, Legal Division attorneys served as legal advisors in eight ongoing adjudicatory proceedings alleging violations of c. 268A: *In Re Christopher, In Re Clark, In Re Duarte, In Re Gorski, In Re Hyde, In Re McGovern, In Re Murphy, and In Re Nichols.* A Legal Division attorney also served as legal advisor in one adjudicatory proceeding alleging violations of c. 268B: *In Re Franck.* Hearings were conducted in two of these matters during FY 2015: *In Re Duarte* and *In Re Murphy.*

Litigation

During FY 2015, the Legal Division represented the Commission in two matters before the Superior Court: *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; and a case in litigation that sought to prevent an Enforcement Division investigation from going forward.

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

During FY 2015, Legal Division attorneys also assisted with conducting 14 training sessions for public employees on the conflict of interest law requirements. The SFI Team also conducted three trainings on financial disclosure law requirements for agency designators, liaisons and general counsels.

Enforcement Division

The Enforcement Division investigates alleged violations of the conflict of interest and financial disclosure laws, and, when appropriate, prosecutes the alleged violators of those laws. The majority of complaints to the Commission are resolved confidentially, often with educational letters to the subjects. Allegations that fall outside the Commission's jurisdiction or otherwise do not warrant continued investigation are closed during the informal investigation stage. During the informal investigation stage, Enforcement Division investigators present certain cases to the Commission for input on whether those complaints should be further investigated. More serious matters that potentially warrant a public resolution are presented to the Commission by the Division's attorneys for authorization to commence a formal investigation, referred to as "preliminary inquiries." Matters under review by the Commission's Enforcement Division are confidential. The Commission cannot confirm the nature or existence of a complaint or investigation, and must keep the identities of all complainants confidential.

In FY 2015, the Enforcement Division consisted of a Chief, a Deputy Chief/Investigations, two Staff Attorneys and four full-time Investigators. The Division received a total of 875 complaints in FY 2015 alleging violations of the conflict of interest or financial disclosure law, including six involving the late or non-filing of Statements of Financial Interests.

Investigation Process

The Enforcement Division annually receives between 900 and 1,200 complaints alleging violations of the conflict of interest and financial disclosure laws, and an investigator reviews each complaint received. If a complaint falls within the Commission's jurisdiction, an initial, informal investigation is undertaken. Most complaints are resolved at this stage, many with a private educational letter to the subject.

If, during the informal investigation stage, the Enforcement Division determines the case warrants more extensive investigation, authorization is sought from the Commission to conduct a preliminary inquiry, a formal investigation in which Division attorneys may be authorized to issue summonses for documents and testimony under oath. At the conclusion of the preliminary inquiry, the Enforcement Division reports the results of its investigation to the Commission, which votes on whether there is "reasonable cause" to believe the law has been violated.

If the Commission finds reasonable cause to believe a violation has occurred, the subject is entitled to an adjudicatory hearing before the Commission to present evidence and testimony on his or her own behalf. At the conclusion of the adjudicatory hearing, the Commission issues a decision and order as to whether the Enforcement Division has proven a violation of the law, and, if appropriate, imposes a civil penalty. The subject has the right to appeal the Commission's decision directly to the Superior Court. If a subject does not wish to contest the reasonable cause finding through the adjudicatory process, he or she may settle the matter by means of a public disposition agreement in which the subject admits to violating the law and agrees to pay a civil penalty. In some cases, the Commission may vote to find reasonable cause, but choose to resolve the matter through the issuance of a Public Education Letter. In

those cases, the subject is not required to pay a penalty. Public Education Letters are typically issued when the circumstances are novel or believed to be fairly widespread.

Civil Penalties

The Commission imposed civil penalties totaling $61,000 in FY 2015 for violations of the conflict of interest law and collected $53,500. The Commission secured a restitution payment of $21,235 to a municipality in one case. In addition, the Commission received a total of $1,100 in civil penalties paid by SFI late filers. All civil penalties collected by the Commission revert to the Commonwealth's General Fund.

FY 2015 Cases

In FY 2015, 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 Richard Prue

The Commission approved a Disposition Agreement in which Richard Prue, the transportation director of the Greater Lawrence Educational Collaborative, admitted to repeatedly violating the conflict of interest law by, as transportation director, approving payments to a transportation vendor which employed his wife as a bus monitor. Prue paid a $5,000 civil penalty.

In Re Michael Potaski

The Commission approved a Disposition Agreement in which Uxbridge Conservation Commission member Michael Potaski admitted to violating the conflict of interest law by appearing on several occasions before the Conservation Commission and by sending an email to the state Department of Environmental Protection on behalf of Uxbridge Housing Associates, which owns the 66 unit Crown and Eagle housing development. Potaski paid a $2,500 civil penalty for the violations.

In Re Darryl Clark

The Commission issued a Decision and Order in which it found that the Commission's Enforcement Division failed to prove allegations that Massachusetts Bay Transportation Authority Painters Foreman Darryl Clark violated the conflict of interest law by soliciting loans from two temporary MBTA painters who were his subordinates.

In Re Kevin Franck

The Commission issued a Final Order to allow a motion to suspend proceedings and accept the payment of the civil penalty, concluding the adjudicatory proceeding involving Kevin Franck, the former Director of Communications for the Executive Office of Labor and Workforce Development. Franck paid a $300 civil penalty for failing to timely file his calendar year 2012 Statement of Financial Interests.

In Re Bruce Duarte

The Commission issued a Decision and Order finding that Bruce Duarte, a senior property manager at the New Bedford Housing Authority, violated the conflict of interest law by directing NBHA staff to stop the eviction of his brother from an NBHA apartment. The Commission ordered Duarte to pay a $1,000 civil penalty.

In Re Elizabeth Gorski

The Commission issued a Decision and Order finding that Elizabeth Gorski, a Selectman in Groveland, violated the conflict of interest law by taking certain actions after Chief of Police Robert Kirmelewicz placed her son, a Groveland Police officer, on administrative leave. The Commission ordered Gorski to pay a $2,500 civil penalty. In a separate order, the Commission also addressed a motion to dismiss the proceeding filed by Gorski on the ground that the Enforcement Division improperly failed to produce documents during the discovery process.

In Re Stephen Hyde, Sr.

The Commission issued a Decision and Order finding that former Southampton Fire Department Chief Stephen Hyde, Sr. violated the conflict of interest law by altering duty records to credit his son, an SFD call firefighter, for work his son did not perform, and by submitting those false records to the Town of Southampton for payment to his son in 2011. The Commission ordered Hyde to pay a $7,500 civil penalty. The Commission found that the Enforcement Division failed to prove an allegation that Hyde violated the conflict of interest law by installing an SFD-owned generator at his home.

In Re Henry Richenburg

The Commission approved a Disposition Agreement in which Henry Richenburg, a member of the Salisbury Board of Selectmen, admitted to violating the conflict of interest law by his actions as Selectman in connection with the Selectmen's consideration and approval of an application for a license to operate a poultry business submitted by Richenburg's son-in-law. Richenburg paid a $2,500 civil penalty.

In Re John Rose

The Commission issued a Public Education Letter to John Rose, the Chief of the Oak Bluffs Fire-Emergency Medical Services Department, after voting to find reasonable cause to believe that Rose violated the conflict of interest law by participating in the hiring and supervision of his immediate family members.

In Re Gary Kellaher

The Commission approved a Disposition Agreement in which Rutland Department of Public Works Superintendent Gary Kellaher admitted to violating the conflict of interest law by hiring his son into a seasonal DPW position without posting the position. Kellaher paid a $2,500 civil penalty.

In Re Mary Aspden, James Pereira, Raymond Frizado & Richard Silvia

The Commission issued a Public Education Letter to Somerset Recreation Commission members Maryellen Aspden, James Pereira, Raymond Frizado and Richard Silvia after voting to find reasonable cause to believe that Aspden, Pereira, Frizado and Silvia violated the conflict of interest law by requesting that the Recreation Department Director hire their family members for summer jobs with the Recreation Department and/or by approving the summer jobs lists in 2012 and 2013 that included those family members or others with whom they had private relationships.

In Re Joseph Tulimieri

The Commission approved a Disposition Agreement in which Joseph Tulimieri, the former Executive Director of the Cambridge Redevelopment Authority, admitted to violating the conflict of interest law by increasing his own compensation on five separate occasions. Tulimieri paid a $37,500 civil penalty and was required to also make restitution to the Cambridge Redevelopment Authority in the amount of $21,245.

Enforcement Division FY 2015 Statistics

Below are statistics describing the work of the Enforcement Division in FY 2015. Please note: complaints that involve allegations against more than one subject are counted as single complaints, although the allegations may be resolved separately as to each subject. Complaints with multiple subjects are statistically recorded as to the subject who reached the furthest point in the investigative process. 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.

Complaints	
Conflict of interest and financial disclosure law complaints pending at the beginning of FY 2015	274
Conflict of Interest Law complaints received during FY 2015	870*
Financial Disclosure Law complaints received during FY 2015	5
Complaints closed after informal investigation with no action taken	721
Complaints closed after informal investigation with private educational letters to the subjects	68
Complaints that were consolidated with other complaints	31
Complaints assigned for preliminary inquiry recommendation	18
Conflict of interest law and financial disclosure law complaints pending at the end of FY 2015	311

**Complaints involving more than one subject are counted as one complaint.*

Subjects of Complaints	
Municipal employees	658
State employees	133
County employees	6
Private entities	29
Complaints involving unspecified subjects	44

Complaints that result in a preliminary inquiry recommendation generally involve allegations which, if the facts can be proven, suggest significant or egregious violations of the conflict of interest or financial disclosure laws, such that a public resolution and the imposition of a civil penalty would be appropriate. The Commission reviews preliminary inquiry recommendations submitted by the Enforcement Division and decides whether to authorize a preliminary inquiry. The Commission authorized 12 preliminary inquiries in FY 2015. Once authorized, the case is investigated by an Enforcement Division attorney, who can then issue summonses for sworn testimony and documents. Summonses may not be issued without the prior authorization of the Commission. Once the preliminary inquiry has been completed, a preliminary inquiry report is submitted for review and action by the Commission. The Commission then decides whether there is reasonable cause to believe that a subject violated the conflict of interest or financial disclosure law. If there is a reasonable cause finding, the Commission will authorize adjudicatory proceedings.

The Commission reviewed 17 preliminary inquiry reports in FY 2015. Eleven cases resulted in a reasonable cause finding and the authorization of adjudicatory proceedings. Nine cases were either terminated by the Commission or concluded with a confidential compliance letter to the subject

explaining how the law applied to the matter under investigation. One case was resolved by the subject paying a civil penalty for a late-filed SFI.

Preliminary Inquiries	
Preliminary inquiries pending from FY 2014	22*
Preliminary inquiries authorized by the Commission during FY 2015	12*
Preliminary inquiries concluded by the Commission in FY 2015	20
Preliminary inquiries concluded with a reasonable cause finding and the authorization of an adjudicatory proceeding	9
Preliminary inquiries terminated by the Commission	7
Preliminary inquiries concluded with a confidential compliance letter to the subject	2
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 2016	14

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

In cases where the Commission found that there was reasonable cause to believe that the conflict of interest or financial disclosure law was violated, five cases were settled with public disposition agreements, in which subjects admitted to violating the law and agreed to pay a civil penalty. One case was settled by disposition agreement after the issuance of an order to show cause. Four orders to show cause were issued, initiating public adjudicatory proceedings, and five adjudicatory hearings were concluded. Decisions and orders were issued by the Commission in five adjudicatory proceedings during FY 2015.

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 2015, the Public Education and Communications Division consisted of a Chief, a Deputy Chief and an Administrative Assistant.

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 increased 10% and seminar attendance increased 15% in FY 2015 as compared with FY 2014. During FY 2014, the Division introduced a webinar option for agencies and municipalities and saw a significant increase in the use of webinars during FY 2015. Participation by webinar for monthly in-house seminars continued to be used as a convenience for those public employees who cannot easily travel to Boston. The Division also continued its collaborative effort with Harvard University's Edward Safra Center for Ethics to explore ways to improve seminars.

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 policy is to neither confirm nor deny the existence of any complaint, investigation or whether anyone has sought or received advice from the Commission. The Public Education and Communications Division staff will provide 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 one 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 2015, all public employees were required to both acknowledge receipt of the summary and complete the online training program.

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. Traffic to the website increased in FY 2015 as compared with FY 2014, with a nearly 13% increase in the average number of monthly visitors and an increase of over 14% in the average number of monthly page views.

Public Education and Communications Division Activities	
Press releases issued	18
Educational seminars conducted	67
Seminar attendance	2,599
Inquiries from media and general public	472
Inquiries concerning the education and training requirements	1,723
Website average monthly visitors	13,910
Website average monthly page views	148,075

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 2015, the Commission converted its in-house email system to the state MassMail system, and work continued on the development of a new electronic SFI filing application.

State Ethics Commission

Fiscal Year 2015 Annual Report