



State Ethics Commission

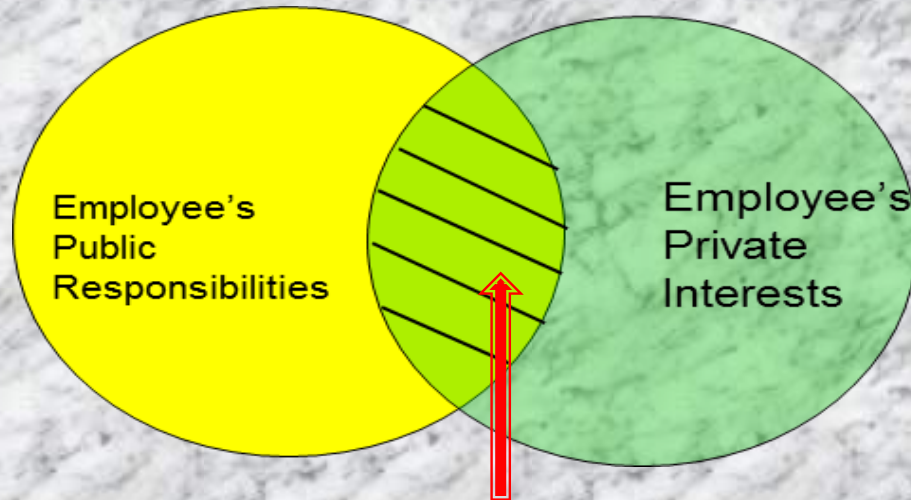
The Conflict of Interest Law



State Ethics Commission

CONFLICTS 101

Professional Life ↔ Personal Life



Focus of the Conflict of Interest Law



State Ethics Commission

Website

www.mass.gov/ethics

- Educational materials
- Formal Legal Opinions
- Enforcement Decisions
- Disclosure Forms
- Links to the Online Training Program and Summary of the Conflict of Interest Law for Municipal Employees



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Obtaining Legal Advice

Speak to the Attorney of the Day

- Advice is Confidential
- Advice can be given by telephone (617-371-9500), email, or letter.
- Online request for advice, www.mass.gov/ethics.
- No third party or past conduct advice given.
- Disclosure forms available on the website.



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Conflict of Interest Law: Gifts

- **§ 2-** Bribery: prohibits corrupt gifts, offers, and promises to influence official acts.
- **§ 3-** Gifts and Gratuities: prohibits gifts of substantial value given for or because of official acts performed or to be performed.
- **§ 23(b)(2)(i)-** Gifts: prohibits gifts of substantial value given for or because of official position.



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Conflict of Interest Law: Gifts

- **§ 23(b)(3)- Standards of Conduct:** prohibits gifts valued at less than \$50 if the receipt of a gift creates the appearance that the public employee could be improperly influenced in the performance of their duties, unless a written disclosure is filed.



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Conflict of Interest Law: Gifts

GIFTS THAT MAY BE PROHIBITED

- Meals
- Event Tickets
- Free Travel or Expense Reimbursements
- Gift Certificates
- Floral Arrangements/Fruit Baskets
- Lottery Tickets
- Gifts offered through sales promotions



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Regulatory Exemption: Gifts

930 CMR 5.08: Gifts Worth \$50 or More and Related to Official Action or Position: Exemptions

(Disclosure and Prior Approval Required in Certain Circumstances)

- **Travel expenses where the purpose of the travel serves a legitimate public purpose.**
- **Incidental Hospitality at events that serve a public purpose.**
- **Legitimate speaking engagements.**
- **Unsolicited perishable items (food/floral bouquets).**



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Regulatory Exemption: Gifts

**930 CMR 5.08: Gifts Worth \$50 or More and Related to
Official Action or Position: Exemptions**
(Disclosure and Prior Approval Required in Certain Circumstances)

- Awards - meritorious public service or lifetime achievement.
- Discounts and waived membership fees available to all public employees.
- Gifts among public employees.



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§6: NEPOTISM

A state employee may not in general participate in “particular matters” in which he, his immediate family, a partner, a business organization with which he has certain affiliations or someone with whom he is negotiating prospective employment has a financial interest.

- **State employees must disclose in writing to their Appointing Authority and the State Ethics Commission.**
- **Appointing Authority can then handle the matter, reassign it, or grant an exemption.**
- **Disclosures/exemptions must be maintained as public records.**



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§23: CODE OF CONDUCT

A state employee shall not knowingly:

- Act in a manner such that a reasonable person might conclude that he or she might act with bias.
 - *One-step written disclosure to dispel appearance of conflict.*
- Secure unwarranted privileges for his/herself or others.
- Use state resources for private or personal use.
- Disclose confidential information.



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POLITICAL ACTIVITY

- **SOLICITING CAMPAIGN SUPPORT FROM COLLEAGUES, SUBORDINATES OR CONSTITUENTS**
- **CAMPAIGN ACTIVITIES IN PUBLIC BUILDINGS**
- **CANNOT USE STATE RESOURCES FOR POLITICAL PURPOSES|**

Advisory 11-1: Public Employee Political Activity



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§23: CODE OF CONDUCT

Available on the website, www.mass.gov/ethics

Advisory 13-1: Making and Receiving Recommendations
for Employment

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



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§4: Divided Loyalties

A public employee may not act on the behalf of, or receive compensation from, a third party in connection with any matter of direct and substantial interest to their public employer.

- Conflict of Interest Law imposes a duty of loyalty on public employees. They cannot represent private interests before their level of government unless certain conditions apply.
- Positions classified as special employees are less restricted.
- Public employees may always represent their own interests.
- Contractors/Consultants cannot compensate a state employee to work on any project where the conflict of interest law restricts the state employee.



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A Special state employee is a state employee who is performing services or holding an office, position, employment or membership for which no compensation is provided . . .



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§7: FINANCIAL INTERESTS IN CONTRACTS

- Multiple state positions, one of which is paid.
- Contracts to provide goods or services.

State Employees may teach a course at a state college or university as long as they have no responsibility for the financial management of the school.

State Employees can receive Dept. of Children and Families payments to serve as foster parents, guardians, pre-adoptive or adoptive parents.



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WHEN YOU LEAVE STATE SERVICE

- **THE FOREVER BAN**

A former state employee is prohibited from receiving compensation from or representing a third party in any “particular matter” in which he participated as a state employee.

- **THE ONE YEAR COOLING OFF PERIOD**

A former state employee is prohibited for one year from appearing personally before any court or agency of the Commonwealth on behalf of a third party if, within two years prior to his last day of employment, the matter was under his official responsibility.

- **AFFECTS BUSINESS PARTNERS FOR ONE YEAR**

- **CANNOT ACT AS A LOBBYIST BEFORE YOUR FORMER AGENCY FOR ONE YEAR.**



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RESTRICTIONS ON APPOINTMENT

- **Trustees are ineligible to hold any other paid office or position with the institution for three years after leaving the board.**
- **Elected student trustees may not hold any other paid office or position for one year after leaving the board, but may have part-time employment with the institution while a student.**
- **Trustees may be appointed to an unpaid office or position with the institution after leaving the board.**



State Ethics Commission Quick Tips

When in doubt **DON'T**

If a bell goes off or a flag goes up **CALL**

617/371-9500

888/485-4766

Visit us on the Web at **www.mass.gov/ethics**