Conflict of Interest Law

Chapter 268A of the General Laws governs your conduct as a public official or employee. This pamphlet contains some of the general rules that you must follow.

You could face civil and criminal penalties if you take a prohibited action.

*There **are** some exemptions to these rules, so you may seek free and confidential legal advice from the State Ethics Commission or your agency's or municipality's legal counsel regarding how the law would apply to a particular situation.*

Political Activity

Chapter 55 of the General Laws regulates your political activity. Appointed, compensated employees may not directly or indirectly solicit contributions, or anything else of value, for campaigns or other political purposes.

For more information about political activity, contact the Office of Campaign and Political Finance at ***(617) 727-8352 or (800)462-OCPF.***

"Whenever you do a thing...ask yourself how you would act were all the world looking at you, and act accordingly."

-- Thomas Jefferson

State Ethics Commission

One Ashburton Place
Boston, Massachusetts 02108
(617)727-0060 or (888)485-4766
fax: (617)723-5851
www.mass.gov/ethics

COMMISSIONERS

E. George Daher, Chairman
Christine M. Roach
Elizabeth J. Dolan
J. Owen Todd
Tracey Maclin

Peter Sturges
EXECUTIVE DIRECTOR

STATE ETHICS COMMISSION

INTRODUCTION TO THE

CONFLICT OF INTEREST LAW

MASSACHUSETTS

IN GENERAL:

♦ You may *not* ask for or accept *anything* (regardless of its value), if it is offered in exchange for your agreeing to perform or not perform an official act.

♦ You may *not* ask for or accept anything worth $50 or more from anyone with whom you have official dealings. Examples of regulated "gifts" include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. *If a prohibited gift is offered*: you may refuse or return it; you may donate it to a non-profit organization, provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered "a gift to your public employer", provided it remains in the office and does not ever go home with you. You may *not* accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.

♦ You may *not* hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.

u You may *not* take any type of official action which will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not participate in licensing or inspection processes involving a family member's business.

♦ You may *not* take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director or trustee. For instance: you may not take any official action regarding an "after hours" employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact that organization, or its competitors.

♦ Unless you qualify for an exemption, you may *not* have more than one job with the same municipality or county, or more than one job with the state.

♦ Except under special circumstances, you may *not* have a financial interest in a contract with your public employer. For instance: if you are a town employee, a company you own may *not* be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.

♦ You may *not* represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.

♦ You may not *ever* disclose confidential information, data or material which you gained or learned as a public employee.

♦ Unless you make a proper, public disclosure - including all the relevant facts- you may *not* take any action that could create an appearance of impropriety, or could cause an impartial observer to believe your official actions are tainted with bias or favoritism.

♦ You may *not* use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance: you may not approach your subordinates, vendors whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.

♦ You may *not* use public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.

♦ You may *not*, after leaving public service, take a job involving public contracts or any other particular matter in which you participated as a public employee.