



MEMORANDUM

TO: Eugene O’Flaherty, Esq.
Corporation Counsel
City of Boston

FROM: Brian T. Kelly
Nixon Peabody LLP

RE: *United States v. John Lynch*,
No. 19-cr-10319 (D. Mass)
Report of Investigation

DATE: October 10, 2019

Introduction

On August 30, 2019, the Boston U.S. Attorney’s Office charged John Lynch with two felonies—one count of federal program bribery (18 U.S.C. § 666) and one count of filing a false tax return (26 U.S.C. § 7206). *See United States v. Lynch*, No. 1:19-cr-10319-PBS (D. Mass.). The government alleged that Lynch accepted a \$50,000 bribe from a real estate developer in exchange for influencing a Boston Zoning Board of Appeal (“ZBA”) vote on a permit extension for the developer’s property in May 2017. On September 12, 2019, Lynch pled guilty to both charges.

In the response to these developments, the City of Boston retained Nixon Peabody LLP to conduct an investigation into the facts and circumstances surrounding the allegations contained in the federal criminal charges against Lynch. This memorandum summarizes Nixon Peabody’s findings and conclusions to date.

Method of Investigation

The investigation included multiple witness interviews and an analysis of relevant documents and videos provided by the City. Of course, as private attorneys, we did not have the power to compel interviews of witnesses who refused to cooperate. All current ZBA members cooperated fully with this investigation and provided voluntary interviews. Numerous former ZBA members and City staff were also cooperative and were interviewed. However, several individuals refused to cooperate with the investigation. Through counsel, former ZBA members Craig Galvin and Anthony Pisani refused interview requests. Likewise, and again through counsel, John Lynch and real estate developer Stephen Turner also refused to speak with us. Given these underlying limitations, this report is based on the evidence available at this time and subject to change if new evidence becomes available.

Executive Summary of Findings

John Lynch pled guilty to federal charges that he took a \$50,000 bribe from “Individual A” in exchange for advising “Zoning Board Member” to vote in favor of a permit extension in May 2017. Media reports have identified “Individual A” as real estate developer Steven Turner. Turner was the owner of a property located at 27-29 H Street in South Boston that was the subject of two consecutive ZBA hearings in May 2017.

At the May 9, 2017 ZBA meeting, 27-29 H Street was on the meeting agenda for a permit extension request. The permit in question, for the demolition of existing structures and the erection of condominium units, originally had been granted in 2014 but had expired by the time of the May 9, 2017 hearing. Prior to this meeting, John Lynch contacted ZBA staff to ask that they add this property to the meeting agenda. The extension request was announced and called at the meeting, but no one appeared on behalf of the property to discuss it. At one point, former Executive Secretary Matt Fitzgerald mentioned Lynch’s name in connection with the property and indicated that Lynch “spoke with the applicant” (i.e., Steven Turner) who apparently was unavailable on that particular day. Because the permit had expired, ZBA Chair Christine Araujo made a motion to deny the extension request. The Board then voted 5 to 1 to deny the extension request. Craig Galvin was the only Board member to vote against the extension denial. For reasons which are unclear, Anthony Pisani recused himself from considering the request for an extension.

After this first meeting where his request for an extension was denied, Steven Turner made a written request for an extension to the ZBA. At the next meeting on May 23, 2017, 27-29 H Street was on the meeting agenda again to request an extension of the expired permit. This time, developer Turner appeared at the hearing with his attorney, George Morancy, and project architect James Christopher. After brief remarks by attorney Morancy, ZBA member Craig Galvin quickly made a motion to grant a one-year extension and, with little discussion, the Board unanimously voted to grant the extension.

It appears to us that none of the current ZBA members had any involvement with Lynch’s improper conduct related to these May 2017 hearings. Two of the current ZBA members were alternates at that time and were not called to sit on the Board for either of these hearings. Three other current ZBA members were only recently appointed (August 2019) and thus had no involvement in the 2017 hearings. However, three current ZBA members were present for the May 2017 hearings. All three of these current Board members stated unequivocally, and in our view credibly, that they had no knowledge of any bribe and no contact with John Lynch regarding this matter. Additionally, two former Board members who were present for the May 2017 hearings were interviewed and both were emphatic that they had no contact with Lynch and no knowledge of any bribe related to a ZBA vote. None of the Board members interviewed—current or former— had any contact with developer Steven Turner outside of the ZBA public hearings.

However, as noted at the outset, we were unable to speak with two former board members present for the May 2017 hearings: Craig Galvin and Anthony Pisani. Galvin was present and voted at both of the May 2017 hearings—first as the sole opponent to the motion to deny the extension, then as the member moving to allow a one-year extension. Pisani recused himself and did not officially take part in either vote related to this property. Due to these limitations, this investigation is unable to fully confirm

whether Craig Galvin—who abruptly resigned from the ZBA shortly after the charges against John Lynch became public—is the “Zoning Board Member” referenced in the government’s charging document.

The federal government’s inquiry into this matter is still ongoing. The U.S. Attorney’s Office has recently requested certain documents which pertain to various Boston properties (linked to the Galvin Group, a real estate agency owned by Craig Galvin) which have come before the ZBA. This request does not change our conclusion that none of the current ZBA members appear to have had any involvement with John Lynch’s criminal misconduct with respect to 27-29 H Street in South Boston.