

Fwd: Your Inquiry

Ricardo Arroyo <ricardo.arroyo@boston.gov>

Sat 1/23/2021 12:00 PM

To: Menard, Fausto <faustorm@bu.edu>

----- Forwarded message -----

From: **McDonald, TMichael (ETH)** <tmichael.mcdonald@state.ma.us>

Date: Fri, Jan 22, 2021 at 2:58 PM

Subject: Your Inquiry

To: ricardo.arroyo@boston.gov <ricardo.arroyo@boston.gov>

Mr. Arroyo,

Per your request, I am writing to confirm the advice that I provided you over the phone regarding the conflict of interest law, G.L. c. 268A.

You are a Boston City Councilor. You advised that you introduced a home rule petition that seeks to eliminate the 2021 special election for Mayor. You inquired as to whether the conflict of interest law would restrict your participation in the discussion or vote on the home rule petition if there is a possibility that you may run in an upcoming election.

As we discussed, while Section 19 of the conflict of interest law prohibits municipal employees from participating in any particular matter in which they have a financial interest, the definition of "particular matter" specifically excludes home rule petitions:

*"Particular matter", any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and **petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property.** G.L. c. 268A, sec. 1(k).*

Therefore, you may participate in the discussion and vote on the home rule petition regardless of whether you have an interest in running in any of the upcoming elections.

I hope this advice has been helpful. Let me know if you have any questions about this advice.

Confidentiality. Both this e-mail and your request for advice are confidential by statute. This means that you are free to disclose this advice to anyone you wish, but that the State Ethics Commission may not disclose your request or any other identifying information unless you consent, or unless you misrepresent the contents of this e-mail.

T. Michael McDonald

Assistant General Counsel

State Ethics Commission

One Ashburton Place, Room 619

Boston, MA 02108

(617) 371-9516 (direct)

(617) 371-9500 (main)

(617) 723-5851 (fax)

tmichael.mcdonald@mass.gov

www.mass.gov/orgs/state-ethics-commission

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