

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 23-0002

IN THE MATTER

OF

STEVEN TOMPKINS

DISPOSITION AGREEMENT

The State Ethics Commission (“Commission”) and Steven Tompkins (“Tompkins”) enter into this Disposition Agreement pursuant to Section 3 of the Commission’s *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, § 4(j).

On November 18, 2020, the Commission initiated a preliminary inquiry, pursuant to G.L. c. 268B, § 4(a), into possible violations of the conflict of interest law, G.L. c. 268A by Tompkins. On October 18, 2022, the Commission concluded its inquiry and found reasonable cause to believe that Tompkins violated G.L. c. 268A, §§ 23(b)(2)(i); 23(b)(2)(ii) and 23(b)(3).

The Commission and Tompkins now agree to the following findings of fact and conclusions of law:

Findings of Fact

1. On January 22, 2013, then Governor Deval Patrick appointed Tompkins as the Suffolk County Sheriff after then Sheriff Andrea Cabral resigned to become the Massachusetts Secretary of Public Safety.

2. Tompkins ran successfully for election as Suffolk County Sheriff in November 2014 and for re-election in November 2016 and November 2022.

3. As Suffolk County Sheriff, Tompkins is and was, at all relevant times, a state employee.

4. All Suffolk County Sheriff Department (SCSD) employees are subordinate to Tompkins as Suffolk County Sheriff and subject to his official authority as Sheriff. Tompkins is the appointing authority for all non-elected SCSD employees.

5. Tompkins' wife died on October 5, 2016, leaving Tompkins with two minor children.

Hiring his Niece to Work in the Suffolk County Sheriff's Department

6. Shortly after his wife's death, Tompkins' adult niece moved from New Jersey to Massachusetts to assist him with the care of his two minor children. Shortly thereafter, the niece took up residence in Tompkins' home.

7. On or about November 7, 2016, Tompkins, as Suffolk County Sheriff, hired his niece as a full-time entry level Management Assistant with the SCSD. Tompkins assigned her to SCSD's External Affairs Division as a Public Information Officer. Her SCSD annual salary was \$45,000.

8. On or about November 7, 2016, Tompkins informed the Chief of the External Affairs Division that he was putting his niece in her Division. The Chief of External Affairs had not requested the filling of any such position and did not interview the niece or receive or review her resume prior to her joining the Division. As was SCSD practice with such positions, the position had not been posted.

9. Tompkins' niece's SCSD job duties included writing a newsletter, posting social media content, and organizing community events.

10. From the start of Tompkins' niece's SCSD employment until her resignation on January 31, 2018, she left work during normal business hours once or twice a week to transport Tompkins' daughter with his knowledge and approval.

11. The value of the compensation the Commonwealth paid Tompkins' niece as an SCSD employee for the time during which she personally assisted Tompkins with childcare exceeded \$50.

Obtaining Assistance in Private Matters from other SCSD Employees

12. Between 2014 and 2022, Tompkins, on multiple occasions, asked SCSD employees other than his niece to assist him personally by caring for or transporting his children.

13. This transportation and childcare generally occurred during normal business hours, while the SCSD employees were being paid by the Commonwealth.

14. In addition to providing occasional transportation or childcare, Tompkins' Executive Assistant also performed personal errands for Tompkins, including scheduling personal appointments, until her retirement in 2019.

15. None of the SCSD employees who provided the assistance with private matters described above were privately paid for their services by Tompkins.

16. Tompkins' requests for assistance with private matters inherently created pressure on the SCSD employees from whom he requested assistance to provide that assistance.

17. The value of the compensation the Commonwealth paid the SCSD employees for the time during which they were assisting Tompkins with childcare or other private matters exceeded \$50.

18. The value of the childcare and assistance with other private matters SCSD employees, including Tompkins' niece, provided to Tompkins exceeded \$50.

Conclusions of Law

19. As the Suffolk County Sheriff, Tompkins was a state employee as that term is defined in G.L. c. 268A, § 1(q).

Section 23(b)(2)(i) Violation

20. General Laws chapter 268A, § 23(b)(2)(i) prohibits a state employee from knowingly, or with reason to know, soliciting or receiving anything of substantial value for such officer or employee, which is not otherwise authorized by statute or regulation, for or because of the officer or employee's official position.

21. Tompkins, while Suffolk County Sheriff, repeatedly solicited and received from subordinate SCSD employees personal assistance, including but not limited to childcare and personal errands, performed by them.

22. Tompkins knew, or had reason to know, that when he solicited and received personal assistance from SCSD employees other than his niece, the services provided were rendered in whole or in part because of his official position as Suffolk County Sheriff.

23. The personal assistance, including childcare and private errands, performed by SCSD employees, including Tompkins' niece, was of substantial value

because the services rendered and/or requested had a value of \$50 or more and because the compensation the Commonwealth paid the SCSD employees for the work time during which they assisted Tompkins with childcare or other private matters also exceeded \$50.

24. Tompkins' solicitation of and receipt from SCSD employees of their assistance with his private matters, including childcare and personal errands, was not otherwise authorized by statute or regulation.

25. Therefore, by, while Suffolk County Sheriff, asking for and receiving childcare and other assistance with private matters from SCSD employees, Tompkins knowingly, or with reason to know, solicited and received things of substantial value not otherwise authorized by statute or regulation for or because of his official position. In so doing, Tompkins violated G.L. c. 268A, § 23(b)(2)(i).

Section 23(b)(2)(ii) Violations

26. General Laws chapter 268A, § 23(b)(2)(ii) prohibits a public employee from knowingly, or with reason to know, using his official position to secure for himself or others an unwarranted privilege of substantial value that is not properly available to similarly situated individuals.

Creating a Position for his Niece at the SCSD

27. Tompkins used his position as the Suffolk County Sheriff to effectively create a paid position for his niece in the SCSD which facilitated her remaining in Massachusetts to assist him with the care of his children.

28. Notwithstanding his niece's qualifications, creating a paid position in state government for his niece afforded her and Tompkins unwarranted privileges.

29. The unwarranted privileges were of substantial value because the annual salary for the position Tompkins created for his niece was \$45,000 and because Tompkins otherwise would have had to pay for childcare, at a cost of \$50 or more.

30. The unwarranted privileges were not properly available to similarly situated individuals.

31. Therefore, by, as Suffolk County Sheriff, effectively creating a paid SCSD position for and hiring his niece to fill it, Tompkins, knowingly, or with reason to know, used his official position to provide his niece and himself with unwarranted privileges of substantial value, not properly available to similarly situated individuals. In so doing, Tompkins violated G.L. c. 268A, § 23(b)(2)(ii).

Using Public Resources for Private Matters

32. Tompkins, as Suffolk County Sheriff, repeatedly solicited and/or allowed members of his SCSD staff to perform personal tasks for him, including childcare, during their normal SCSD work hours on multiple occasions between 2014 and 2022.

33. When Tompkins solicited his SCSD staff for personal assistance, he was knowingly, or with reason to know, using his position as Sheriff to obtain a personal benefit because his superior position inherently placed pressure on his staff to provide the personal services he requested.

34. The use of state agency staff work time for personal purposes and the use of one's public position to solicit one's subordinates to provide assistance in personal matters are unwarranted privileges. Here, these unwarranted privileges were of substantial value because the time SCSD staff spent assisting Tompkins with childcare

and personal errands was worth \$50 or more and because, when SCSD staff assisted him with childcare, Tompkins avoided the cost of obtaining private childcare.

35. These unwarranted privileges were not properly available to similarly situated individuals.

36. Therefore, by, as Suffolk County Sheriff, soliciting and/or allowing his staff to perform personal services for him on their SCSD work time, Tompkins knowingly, or with reason to know, used his official position to secure for himself an unwarranted privilege of substantial value not properly available to similarly situated individuals. In so doing, Tompkins violated G.L. c. 268A, § 23(b)(2)(ii).

Section 23(b)(3) Violations

37. General Laws chapter 268A, § 23(b)(3) prohibits a public employee from acting in a manner which would cause a reasonable person, knowing all of the facts, to conclude that anyone can improperly influence or unduly enjoy that person's favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.

Hiring his Niece as a SCSD Employee

38. By, as Suffolk County Sheriff, hiring his niece for an unposted, paid position with the SCSD when his niece had recently moved to Massachusetts to assist Tompkins with caring for his children, Tompkins acted in a manner which would cause a reasonable person with knowledge of the relevant facts to conclude that his niece could unduly enjoy Tompkins' favor in the performance of his official duties as Sheriff. In so doing, Tompkins violated G.L. c. 268A, § 23(b)(3).

Receiving Childcare and other Assistance from SCSD Employees

39. By requesting and receiving significant assistance with childcare and other private matters from SCSD staff members while he was serving as Suffolk County Sheriff, Tompkins knowingly, or with reason to know, acted in a manner that would cause a reasonable person with knowledge of the relevant facts to conclude that those staff members could improperly influence or unduly enjoy Tompkins' favor in the performance of his official duties as Sheriff. In so doing, Tompkins violated G.L. c. 268A, § 23(b)(3).


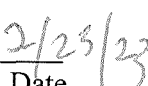
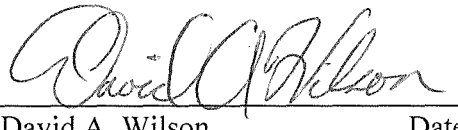
Disposition

In view of the foregoing violations of G.L. c. 268A by Tompkins, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the following terms and conditions agreed to by Tompkins:

- (1) that Tompkins pay to the Commonwealth of Massachusetts, with such payment to be delivered to the Commission, the sum of \$12,300 as a civil penalty for violating G.L. c. 268A, §§ 23(b)(2)(i), 23(b)(2)(ii), and 23(b)(3); and
- (2) that Tompkins waive all rights to contest, in this or any other administrative or judicial proceeding to which the Commission is or may be a party, the findings of fact, conclusions of law and terms and conditions contained in this Agreement.

By signing below, Tompkins acknowledges that he has personally read this Disposition Agreement, that it is a public document, and that he agrees to its terms and conditions.

STATE ETHICS COMMISSION

			
Steven Tompkins	Date	David A. Wilson Executive Director	Date 3/6/23