

Governor Patrick's Public Integrity Task Force Issues Ethics and Lobbying Reform Recommendations

Stronger penalties, greater enforcement authority, enhanced investigative tools aimed at restoring public confidence in government

BOSTON- Tuesday, January 6, 2009 - Governor Deval Patrick's Task Force on Public Integrity today issued a report outlining several recommendations to strengthen the state's ethics and lobbying laws. The series of proposals call for expanded investigative and enforcement authority as well as tougher penalties.

"Right now, thanks to several recent serious charges of misconduct, our citizens are questioning the integrity of their government," said Governor Patrick. "Now is the time to assure ourselves and the public that the consequences for breaching the public trust will be serious, swift and certain."

Formed in November by Governor Patrick and chaired by the Governor's Chief Legal Counsel Ben Clements, the 13-member bi-partisan task force examined the current regulatory structure governing ethics, lobbying and public employee conduct and received input from experts and the public. Specifically, the report outlines the following enhancements to existing ethics and lobbying laws. For the full report, please visit www.mass.gov/governor/publicintegrity.

Tougher Penalties

- Increase the maximum punishment for **bribery** to \$100,000 and 10 years imprisonment. The current penalty is up to \$5,000 and to 3 years imprisonment.
- Increase the maximum penalties for **conflict of interest law violations involving gifts and gratuities, revolving door violations and other abuses** to \$10,000 and 5 years imprisonment. Currently, penalties are up to \$3,000 and two years imprisonment.
- Increase penalties for a **civil violation of the conflict of interest laws** from up to \$2,000 per violation to up to \$10,000 per violation. For **bribery**, the civil penalty would increase to \$25,000.
- Increase the **civil penalty for a violation of the financial disclosure law** from \$2,000 per violation to \$10,000 per violation.
- Increase the **criminal penalty for violating registration-related lobbying rules** to up to \$10,000 and 5 years imprisonment. Currently, offenses are a misdemeanor punishable by not less than \$100 and not more than \$5,000, with no possibility of imprisonment.

- Grant the Secretary of State authority to **suspend or permanently revoke a legislative or executive agent's license**.

Stronger Lobbying Laws

- Define **lobbying to include strategizing**, preparing and planning related to a communication with a public official for the purpose of influencing legislative or executive policy.
- Expand the **revolving door provision** to apply to members of the executive branch.
- Reduce the amount of allowable **incidental lobbying** from 50 hours in each 6-month reporting period to 10 hours in each 3-month reporting period.

Expanded Enforcement Authority

- Make compliance with the **Ethics Commission's summons mandatory**.
- Grant the Ethics Commission rulemaking authority to implement the ethics laws.
- Increase the amount of time the Ethics Commission can proceed on an ethics violation from 3 years to 5 years.
- Grant the **Secretary of State rule-making authority** to implement the lobbying laws.
- Give the **Secretary of State authority to impose fines** and to have the same civil enforcement authority over lobbying violations as the Ethics Commission has over ethics violations.
- Give the **Attorney General** concurrent jurisdiction with the Ethics Commission to enforce civil violations of the conflict of interest laws.

Significant Investigative and Enforcement Tools

- Expand law enforcement authority to **record conversations in public corruption investigations**. Current law requires that the case involve organized crime.
- Impose penalties for a new statutory **obstruction of justice** offense.
- Authorize the convening of a **statewide grand jury** with jurisdiction extending throughout the Commonwealth.

"Over the course of 60 days, the Task Force on Public Integrity was able to develop extensive proposals that lay the groundwork for meaningful improvements and strengthening of the Commonwealth's ethics and lobbying laws," said task force chair and Chief Legal Counsel Ben Clements. "I commend the members for their thoughtful and diligent work."

The report's recommendations will be included in legislation Governor Patrick will file tomorrow. In November, the Governor urged the Legislature to act on the package within the first 30 days of the new legislative session. He renewed his call today.

"Swift movement on this legislation will show how serious we are about restoring our citizens' confidence in their government," said Governor Patrick.