

# Town of Franklin

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OFFICE OF THE TOWN ADMINISTRATOR

## **Cantoreggi Reinstatement**

April 11, 2024

From: Jamie Hellen, Town Administrator

### **Introduction**

On February 15, 2024 the [Massachusetts State Ethics Commission](#) announced that Franklin DPW Director, Robert “Brutus” Cantoreggi violated Conflict of Interest Law relative to the unethical acceptance of gifts, G.L. chapter 268A, section 23(b)(2)(i). In the [attached Press Release from the State Ethics Commission](#) and the [Disposition Agreement](#) between the Ethics Commission and Mr. Cantoreggi, Mr. Cantoreggi admits to the proposed violations and waives his right to a hearing.

On February 9, 2024, when the Town was in receipt of this information, Mr. Cantoreggi was placed on unpaid [administrative leave indefinitely](#) and until further notice. Since this time, the Town has been working to gather information in order to fully understand the extent of Mr. Cantoreggi’s actions in his official capacity as Department of Public Works Director. He has been unpaid during this time.

In my February 9, 2024 leave announcement, I pledged:

“But rest assured that, when appropriate, all information that led to this decision will be made available to the public in full view. I do not have any timeline. In the meantime, your patience is greatly appreciated.”

To fulfill this commitment, I have created a [website](#) with all materials surrounding this episode, which proactively include the release of the Town Council [Executive Session materials from March 13, 2024](#).

### **Findings**

My staff conducted a thorough review of town records to ensure this incident did not represent broader conduct affecting taxpayer money. I am pleased to report this was not the case. Town staff performed due diligence and reviewed contracts, procurement bid documents, emails, records and reports that may have been related to this incident, and looked into some of the anonymous rumors and allegations that surfaced and spread around town in light of the ethics

violation. As part of its own internal investigation, the Town would like to highlight the following points based on findings:

- Zero taxpayers' dollars were affected by this violation. Mr. Cantoreggi did not use his Town truck to travel to the events and no other public funds were used for this trip. This trip was not work related and discipline has been applied to compensate for this finding (see below);
- No bribery allegations, charges, or findings relevant to a quid pro-quo or any other illegal or criminal act were alleged or found;
- The finding and violations in the decision are the extent of the state ethics investigation, which is complete. The Ethics Commission investigation was thorough and took approximately 7-8 months;
- No other active town employees have been found in violation of the ethics statute;
- The water meter manufacturer and distributor mentioned in the decision has been the Town's vendor since the 1980s - prior to Mr. Cantoreggi's start date of employment with the Town. The procurements were "sourced from the manufacturer's sole source authorized New England distributor" and are a common vendor for Massachusetts and New England municipalities;
- According to the decision by the Ethics Commission, the accepted gifts were derived from two three-day trips to Vermont in 2019 and 2022 and limited to hotel, meals and some recreation expenses for a total value of \$1,330. This violation did not include alcohol, gratuity or tax. Mr. Cantoreggi admitted to the trips upon inquiry and stated that he was invited by others and carelessly accepted;
- The nexus of these violations were carelessness and hubris, rather than any alleged or confirmed systemic pattern of behavior in his official duties as DPW Director;
- The State Ethics Commission fined Mr. Cantoreggi the sum of \$15,000, without further civil enforcement proceedings;
- Mr. Cantoreggi fully cooperated with the Ethics Commission in their investigation and took ownership of his actions before the Ethics Commission and the Town Administration;
- There were no procurement violations found based on our internal review of recent contracts and documents;
- Mr. Cantoreggi does not manage or conduct purchasing and procurement. The Town maintains an independent [purchasing office](#) that coordinates all town contracts and procurement. Town Administrator policy is to have required approvals from the Town

Attorney, Chief Procurement Officer and Finance Director prior to execution of any contract. I have included two sample contracts on the website. The Town has strict internal controls between town departments and town finance and those are independently audited every year;

- Independent [Annual Financial Town Audits](#) have never exposed any impropriety or insolvency at the DPW. There are extensive internal and external checks and balances within the DPW (as is with all town departments) and with the Town Finance Department on all public spending to prevent misuse of funds. These audits are presented publicly annually at Town Council meetings and posted [online](#);
- In his role as DPW Director, Mr. Cantoreggi has provided invaluable public service to the Town of Franklin for over 19 years with no disciplinary record up until this point, and e has been in compliance with all state ethics trainings requirements;
- Subsequent rumors, speculation, conspiracy theories, and allegations have been investigated and proven baseless. I have never received any evidence confirming any rumor or allegation, such as procurement violations, against Brutus in my eight and a half years in Franklin, nor has any internal inquiry found that any of the speculation has ever been accurate.

It was my decision to not hire an additional third party investigator. These types of investigations cost tens of thousands of dollars and take many months to complete. Given the facts we tracked down internally, I did not believe it was necessary to hire an outside investigator. Furthermore, the Town already pays over \$50,000 a year on a townwide independent financial audit. That audit reviews all town finances, including all internal controls. The Town has developed very effective policies and controls. Our audits are strong and have been made public. We also transparently present the audit publicly at a Town Council meeting each year and discuss improvements that can be made.

### **Town Discipline**

In addition to a \$15,000 fine from the State Ethics Commission and significant embarrassment to his reputation, both personally and professionally, the Town instituted a series of disciplinary matters and contingencies for Mr. Cantoreggi. The Town has a progressive discipline policy as outlined in our [employee policy](#):

- An unpaid suspension for two months, while and internal review was completed; a wage loss of \$29,935 from his Town of Franklin salary, or \$44,935, total when considering the civil penalty from the state;
- A six (6) day redaction of employee Earned Time (aka vacation time) for time off during the two ski trips as they were not work related. Additional Earned Time was not accrued during the time of the two-month suspension, which is lost time for a total of approximately 11.3 days (91 hours);

- One year prohibition on attendance at industry sponsored events and conferences in an effort to focus on DPW staff needs and succession planning;
- Execution of a “Last Chance” Agreement for any unknown past and future incidents that warrant discipline;
- Release and waive all legal and privacy rights;
- Public apology acknowledging impacts on the organization and community;
- Repeating his state mandated Ethics Training certificate and documenting he has received and reviewed the Conflict of Interest Law Summary.

### **Final Decision**

Based on the facts of the Ethics Investigation, as well as additional factors that have been laid out in a Google Slides presentation that was given at the March 13, 2024 Town Council meeting, I have decided to reinstate Robert “Brutus” Cantoreggi as the DPW Director, effective Thursday, April 11, 2024 at 7:00 AM.

To arrive at my final decision, I took into consideration many factors, including public and elected official feedback, town policy on disciplinary matters, Mr. Cantoreggi’s personnel file, work track record, the market for a new DPW Director, the context surrounding the incident, as well as his honesty and cooperation during this situation, among many more factors.

I am well aware of the mixed feelings many will have with my decision. Since placing Brutus on unpaid leave on February 9th, I have heard a wide spectrum of opinions and in a far greater quantity than any budget debate. Few may feel fully satisfied with the final result, which partially reflects the very diverse and passionate viewpoints that I have received. At the end of the day, I made a final decision that I thought was in the best interest of the entire community based on all of the information I have gathered. I am grateful to all who reached out and expressed their views. As always, I am available to speak with anyone who wishes to discuss this matter further.

Regardless of how one feels about my final decision, I have provided the public with an unprecedented, proactive and transparent look into a personnel decision that is typically prohibited from discussing in public, but with Brutus’ cooperation, I agreed to do so in this case. The DPW impacts every single parcel of land and every citizen in this community, and I believe the community deserves to know the facts and thought-process behind my decision.

The Town of Franklin has an exceptionally great staff culture. We are a highly respected and effective team and this incident should have no reflection on the high ethical standards of the entire organization. I am fully confident in the personnel we have hired, and know that this situation does not represent our team in the slightest bit. One incident, by one person, does not

incriminate an entire organization.

I also do not believe the final decision sends a message to staff members that a violation like this is acceptable. In fact, I am highly certain it sends the opposite message. The final decision will reinforce the rules, there are several consequences to one's career, and that playing by them will ensure a greater level of public trust and how fragile it can be. To maintain that high level of public trust, in this day and age with the current media construct, takes a constant reflection on how every public official can avoid these situations.

I have attached links to all materials relative to this incident.

Links to relevant resources

- [February 9, 2024 Notice of Unpaid Leave](#)
- [February 15, 2024 Ethics Commission Press Release](#)
- [February 15, 2024 Disposition Agreement between the Massachusetts State Ethics Commission and Robert "Brutus" Cantoreggi](#)
- [March 13, 2024 Town Council Executive Session Minutes](#)
- [March 13, 2024 Town Council Executive Session Minutes Presentation from the Town Administrator](#)
- [April 11, 2024 Town Press Release](#)
- [Fence Contract #1](#)
- [Fence Contract #2](#)
- [Town Administrator Website with all materials](#)

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