



Town of Franklin

Robert "Brutus" Cantoreggi Ethics Violation

Jamie Hellen, Town Administrator

March 13, 2024

Town Council Executive Session

Opening Statement

- I want the public to know the goal tonight is to inform them of everything that I know and what is allowed to be discussed legally in an open forum.
- As the Town Attorney will verify, we are not allowed to discuss any details of an Ethics investigation **outside of what has been disseminated from the Ethics Commission.**
 - The Ethics publication is what we are allowed to discuss and/or analyze.
 - Some questions may not be able to be answered, but I will give you as much as I know.
- That said, everyone will learn quite a bit tonight and will learn more than they think they may know.
- The [Ethics Commission](#) has complete independent autonomy to pursue, engage, and investigate any reported ethics accusation.

Chapter 268A MGL #1

1. The [State Ethics Commission](#) is an “independent state agency that administers and enforces the provisions of the conflict of interest law and financial disclosure law.”
2. They have autonomous jurisdiction with full subpoena power, and unilateral control over all decisions, scopes of cases, responses, public information dissemination and penalties (within established statutory boundaries).
3. The gift statute allows for gifts up to \$50 per person, per incident (including aggregate)
 - a. Exceptions: gifts can be shared equally among a group of employees (EG - fruit basket)
4. Town of Franklin actually has a **ZERO** dollar recommendation for all employees:
 - a. With Karen Bratt, Amy and Stacy as my witnesses, I give every new hire a “welcome” talk and highlight the Ethics statute rules, required training and encourage this best practice to ensure a good work culture.
 - b. Recent assertions that if we turn allow him to be reinstated, all staff will think taking gifts are OK is an unfounded myth. The organization's expectations and best practices are clear.

Chapter 268A MGL #2

1. State Mandated Ethics Training: As required by state law, all staff, employees, volunteers, boards and committees, and elected officials complete a conflict of interest law online training program every two years. We are all required to produce a biennial certificate and sign each year an acknowledgement of the summary of the conflict of interest law for municipal employees.
 - a. Human Resources and Town Clerk Nancy Danello coordinate this administrative task and frequently send us announced Ethics Trainings to sign up for.
2. While not legally required, every two years after the election, the Town Attorney and Town Administrator give an overview town presentation on state ethics and open meeting law in an open session for public comment.
3. Staff are not the “Ethics Police”. No town or school employee, including the Town Attorney, has the statutory authority or privilege to handle ethics complaints or cases. If anyone feels a violation has occurred, they should call or file a complaint with the Commission. The Town has employee policies on these matters here in our employment manual for whistleblowers.
4. Ethics Commission website for more details:
 - a. <https://www.mass.gov/orgs/state-ethics-commission>

The Violation & Key Facts, Slide 1

1. The Ethics Commission attorney contacted Town Attorney Mark Cerel in the Spring of 2023 to subpoena records and to interview the Town Attorney on our form of government within the context of the investigation. Franklin has an independent procurement office.
2. The Commission subpoenaed extensive amounts of public records. The Town complied with all of their requests in a timely manner and within the guidelines presented by the Commission.
3. The investigation took approximately seven to eight months.
4. The Town Administrator never spoke to the State Ethics Commission during the entire investigation.

The Violation & Key Facts, Slide 2

1. On February 15, 2024, the Ethics Commission [announced a civil penalty](#) for Mr. Cantoreggi for violating the state's conflict of interest law.
2. The Ethics Commission issued a "[Disposition Agreement](#)", which is the equivalent to a final court order. Mr. Cantoreggi accepted the penalty.
 - a. The Disposition Agreement is the end of the investigation.
 - b. Sections 7-10 are the most relevant sections.
3. There are technically four violations within one case:
 - a. Two (2) separate three-day trips. Wednesday to Friday morning for two people.
 - b. The total value the gifts are "at least" **\$1,330**.
 - i. Note: We assume that if the evidence proved a greater value, it would have suggested the higher amount.
 - ii. Which means we assume those are the general quantities of money accepted.
 - c. He attended the "ski trips" with a "friend" even though "they are not skiers".
 - d. The trips were open invitation events for clients, much like you would see in the private sector.

The Violation & Key Facts, Slide 3

1. The Ethics decision is not an investigation, nor allegation, of:
 - a. Bribery or other criminal act; procurement violation; quid pro quo or “something for something”; fraud; or an allegation of misuse of franklin tax payer or rate payer dollars.
2. In the past five weeks, I have heard a lot of rumors, speculation, conspiracy theories, and allegations of other issues that have absolutely had nothing to do with the ethics violation and are untrue.
 - a. Staff have conducted numerous reviews of allegations in the past, as well as now.
 - b. We have found absolutely nothing to verify any of the rumors, speculation, conspiracy theories, or allegations that have floated throughout the community.
 - c. I have also never received evidence from anyone on any of their claims.
3. The findings and violations stated in the decision are the extent of the investigation.
4. No other town employee has been found in violation of any ethics statute.

The Violation & Key Facts, Slide 4

1. In a [Milford Daily News Article re: the civil penalty](#), a Ethics Commission Spokesman said:
 - a. “Gerry Tuoti, the public information director for the Ethics Commission, **said he was not able to release the name of the manufacturer, or any information that was not already in the disposition agreement.**”
2. The “friend” “manufacturer” or “employees of several municipal water districts and departments of public works, the vendors, and the vendors’ private clients...[and] limited number of spouses and other guests” **will remain anonymous.**
 - a. At the advice of our Town Attorney and the Ethics Commission Spokesman, a local municipality may not extend information that is beyond the scope of the Disposition Agreement.
 - b. If the Ethics Commission finds additional prohibitive conduct, they will communicate this to the public.
 - i. EG - Recent example in [Natick](#).

Internal Findings, #1

1. Independent [Annual Financial Town Audits](#) have never exposed any impropriety or insolvency at the DPW.
 - a. There are extensive internal and external checks and balances within the DPW and with the Town Finance Department.
 - b. We are currently in the midst of our Audit and will make note of this incident.
2. No allegations, nor evidence, of procurement violations:
 - a. We have an [autonomous and independent procurement and purchasing office](#) in the Finance office run by our Chief Procurement Officer (CPO), Pam Vickery, in tandem with our Town Attorney who reviews (and signs) our contracts.
 - b. Brutus (and the DPW) actually do not register, open or track procurements and bids. All procurement is conducted between the CPO, Town Attorney, and Finance Director.
 - c. Town has extensive financial policies on out of state travel, and public spending parameters.
 - d. We follow auditors' recommendations and DOR best practices at all times.

Internal Findings, #2

1. No bribery allegations, charges or findings relevant to a quid pro quo or any criminal act:
 - a. The manufacturer has been our water meter vendor since as far back as the early 80's.
 - b. The procurements were "sourced from the manufacturer's sole authorized New England distributor," which is a sole source contract;
 - c. Brutus has nothing to do with the actual procurement or securing of contracts.
2. Brutus has complied with the state required ethics training certificate and the conflict of interest law.
3. Brutus has a completely clean personnel file with no prior discipline.
4. Zero taxpayer dollars were affected by this violation.
5. Brutus did not use his town truck for travel to the ski trips.
6. The Commission also acknowledged his violation did not include alcohol or gratuity or tax.

Boiled Down: What Happened?

1. Franklin's DPW Director made a careless, ignorant and stupid mistake.
2. He invited a friend to open invitation trips, paid for on behalf of a vendor the Town does business with (and across New England), to get outta town during a very busy and exhausting period of the year.
3. The violation is a massive error in judgement that has caused a lot of pain. His actions have impacted the trust and faith of many staff, town officials, citizens, industry professionals, and stakeholders. His actions have also impacted his wife, children, friends, and family. He is committed to regaining trust.
4. "Honesty is the Best Policy" - he admitted to the Ethics Commission the complete truth.
 - a. He did not hire a lawyer, never fought the case, and admitted the error right away.
 - b. His story was corroborated with the Ethics Commission, which generated significant leniency, as well as concluding the case quickly, which resulted in the first public release.
 - c. Fine could have been \$40,000 total - \$10,000 for each of the four penalties.
5. He has certainly learned a very big lesson that we have all learned, or will learn, a few times in life.

The Penalty, #1 - State Civil Penalty

1. Statute gives Ethics Commission full authority to handle these matters with full independence. To view previous cases, [go here](#).
2. The state fined Mr. Cantoreggi a \$15,000 violation for \$1,330 worth of gifts.
 - a. The fine could have been a maximum of \$40,000, without cooperation.
 - b. His cooperation and admittance of guilt significantly contributed to a lesser penalty.
3. Damage to professional and personal reputation, including emotional and embarrassing impacts to his family, friends and colleagues.

The Penalty, #2 - Town Compensatory

1. Our DPW Director made a careless, ignorant and stupid mistake. which has had impacts on the organization and image of the community.
2. Indefinite, unpaid leave since February 9th. Reinstatement on Tuesday, April 9th.
 - a. Suspension is for two months; anticipated wages lost for 40 paid days = \$27,846, or
 - b. \$42,846 total when considering the Civil penalty by the state.
3. Six (6) days of Earned Time have been deducted for those days that were NOT work related.
4. One-year prohibition on attendance at industry sponsored events and conferences to focus on his staff.
5. Last chance agreement
 - a. Any further disciplinary incident for either an unknown past incident or any new incident arises.
 - b. This is a standard approach in progressive discipline.
6. Releases and waves all legal and privacy rights
 - a. This presentation and report will be public.
 - b. We will host a media interview on Franklin TV concerning this issue.

How did I arrive at my final decision?

Factors and Considerations

1. Accountability and honesty
 - a. Brutus immediately took ownership of his actions with the Ethics Commission and me.
2. Community and stakeholder input
 - a. I took into consideration the wide range of opinions throughout the community.
 - b. I have received dozens upon dozens of opinions, feelings, emotions and arguments that range a wide spectrum. All feelings and viewpoints are fully respected and understandable.
3. [Progressive Discipline Policy](#)
 - a. The Town employs industry standard progressive discipline policies (see HR Manual)
 - b. He has spent 19 years of extremely valuable service to the town with no disciplinary record.
4. The Future of DPW Leadership
 - a. His current skills are needed to lead the town through some of the largest projects in town history.
 - i. Nearly \$60 million in public sewer, water, stormwater, & recycling infrastructure projects.
 - ii. He is still one of the most knowledgeable and best in the business.
 - iii. His wide spectrum of knowledge will be valuable to ensure proper succession planning.
 - b. Succession planning has also been a focused conversation with staff recently.
 - c. Brutus has compiled an incredible senior staff with a very bright future in Franklin.

How did I arrive at my final decision?

Factors and Considerations

1. Turn a Negative into a Positive
 - a. If there is anyone who can restore his reputation by being a better role model it is Brutus.
 - b. He has the attitude and skill to be able to make the situation better for everyone.
 - c. He has volunteered to be a part of any Ethics related programming for staff and MMA.
2. Franklin has a remarkable staff culture.
 - a. We have effective standards, trainings, and policies in place.
 - b. The incident did NOT incriminate the entire organization, nor does the actual acts that were done arise to the suspicion that this sends the wrong message to every employee.
3. Like the community of Franklin itself, the organization is like a large family, too.
 - a. We are allowed to be angry and disappointed at one another; and still understand and work toward forgiveness, if that path exists. In this case, Brutus has agreed to my terms.
 - b. The incident did not warrant immediate termination.
 - c. My final decision will make people unhappy across the board. Many say we have been too harsh and many think we should be tougher and everything in between.
 - d. I fully respect everyone will not agree with me and that is OK, too. Everyone will not share the same opinion on this matter, or any matter. But I feel confident this is the right decision for the Town based on the facts.