

**Town of Mashpee  
Board of Selectmen**

**Policy No: 56**

**Determination of Financial Interests  
Pursuant to M.G.L. Chapter 268A, Section 19(b)(1)**

**PURPOSE**

This policy is adopted to assist Town employee appointing authorities in rendering a determination as to whether a Town of Mashpee employee's financial interests in a particular matter is so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from the employee in accordance with the provisions of M.G.L. Chapter 268A, §19(b)(1). By adopting this policy, the Board of Selectmen acknowledges the importance of maintaining the integrity of the performance of duties and responsibilities by all Town employees, whether paid or unpaid, elected or appointed. This policy is intended to facilitate the implementation of the provisions of the Conflict of Interest statute, Chapter 268A, and the guidelines, rules, and advisories promulgated pursuant thereto by the Massachusetts Ethics Commission.

**I. Role of Appointing Authority**

Pursuant to said M.G.L. Chapter 268A, §19(b)(1) when an employee of the Town believes that he/she, a member of his/her immediate family or partner, a business organization in which he/she is serving as an officer, director, trustee, partner or employee, or any person or organization with whom he/she is negotiating or has an arrangement concerning perspective employment, has a financial interest in a particular matter before any Town board, committee, commission or agency in which he/she serves as a member or employee, the Town employee must either recuse him/herself from any involvement in that particular matter or:

- A. Advise the board or officer responsible for his/her appointment of the nature and circumstances of the particular matter and make full disclosure of any such financial interest affected thereby. Notification of the nature and circumstances of the matter and disclosure of the financial interest(s) shall be submitted to the appointing board or officer, in writing, and shall set forth, in detail, any and all facts or circumstances relating to the particular matter and the financial interest(s) involved.
- B. Upon receipt of such notification of financial interest, the appointing board or officer shall review all facts and circumstances relating to the particular matter and may, in its/his/her discretion, request further documentation or clarification from the employee as it/he/she deems appropriate.
- C. Upon receipt of all information and documentation deemed necessary by the appointing board or officer, said board or officer shall issue a written determination whether

it/he/she deems the interest of the Town employee to be so substantial as to be likely to affect the integrity of the services which the Town may expect from said employee.

## **II. Criteria for Determining Effect on Integrity of Services**

A. When determining whether a financial interest is so substantial as to be deemed likely to affect the integrity of the services of a municipal employee, the appointing authority shall consider the following:

1. The relationship and interest of any family members or business associates of the Town employee who may receive financial benefit from the employee's involvement in a particular matter.
2. The nature and extent of the actual or potential impacts that the Town employee's involvement in such matter may have on the private interest of the employee, his/her immediate family members or business associates.
3. Whether the financial impacts relating to the employee's involvement in a particular matter would be specific to the employee, members of his/her immediate family or business associates or, alternatively, whether such impacts would be shared by a substantial segment of the population of the Town of Mashpee.

B. Criteria relating to interest in real property:

1. In accordance with the guidelines, policies and advisories of the Massachusetts Ethics Commission, a Town employee property owner is presumed to have a financial interest in matters affecting abutting and nearby properties. Thus, unless an employee who possesses an interest in real property can clearly demonstrate that he/she does not have a financial interest in a particular matter, said employee shall not take any action in his/her official capacity which affects property that is near or directly abuts:
  - a. His/her property
  - b. Property owned by a business partner
  - c. Property owned by an immediate family member
  - d. Property owned by a private employer or prospective employer; or property owned by any organization in which the Town employee is an officer, director, partner or trustee
2. When an appointing board/officer is requested to make a determination as to whether a Town employee's involvement in a particular matter would be deemed likely to affect the integrity of the services which the Town may expect from an employee, said appointing authority shall consider the criteria set forth in subsection 1, above.

3. A Town employee who possesses an interest in real property, as defined above, may, if he/she, in good faith, believes that he/she does not have a financial interest in matters affecting other abutting and nearby properties, rebut or refute the presumption of such financial interest by obtaining an independent real estate appraisal that concludes that the matter affecting the abutting or nearby property will not affect the financial interest of the Town employee. Such an appraisal must be a bona fide appraisal and include the credentials of the appraiser, sufficient detail about the property referenced in the appraisal, and a description of the basis of the appraiser's opinion.

***Adopted by the  
Mashpee Board of Selectmen  
March 8, 2010***