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September 5, 2013

State Ethics Commissioners
c/o Karen L. Nober, Executive Director
One Ashburton Place, Suite 619
Boston, MA 02108

Dear Commissioners:

Thank you for your willingness to consider the enclosed petition and proposed regulation. At the outset, we emphasize that the proposed regulation is just that – a draft proposal for your and, we hope, the public’s review and comment.

We also note that the petitioners, which include former attorneys general, former judges, ethics commissioners and staff, prosecutors and others deeply concerned about the public integrity and the constitutional right to seek elected office, are not necessarily in lock step. Some petitioners may prefer a broader regulation that applies to non-elected state employees; others do not concede that the Commission’s application of § 7 in EC-COI-13-1 was correct; and still others may want different disclosure provisions.

Others believe that new legislation is warranted. The petition offers no view on this means of adjusting the terms of §7, or any other provision of c. 268A. All of the petitioners, however, agree that the most flexible and timely mechanism to address the issues raised in the aftermath of 13-1 is a regulation under the Commission’s c. 268B, § 3(a)(2), authority and that the proposed regulation is an excellent starting point to initiate the regulatory process under c. 30A. All of the petitioners also agree that the independent, non-partisan Ethics Commission is an appropriate venue to address the issues. And all of the petitioners hope, indeed encourage, the public and all interested persons to participate in the regulatory process.

Very truly yours,

Carl Valvo & Peter Sturges

Enclosures

cc: Petitioners (see below)

Francis X. Bellotti, former Attorney General

William D. Delahunt, former District Attorney for Norfolk County and former U.S. Representative for Massachusetts's 10th congressional district

Elizabeth J. Dolan, former justice of the Massachusetts Superior and Probate Courts and former Commissioner, State Ethics Commission

Nancy Gertner, former United States federal judge for the United States District Court for the District of Massachusetts

Scott Harshbarger, former Attorney General, former President and CEO of Common Cause, former General Counsel, State Ethics Commission

Jeanne M. Kempthorne, former Assistant U.S. attorney, former Commissioner, State Ethics Commission

James Roosevelt, President and Chief Executive Officer, Tufts Health Plan

Augustus F. Wagner, Jr., former justice of the Massachusetts Superior and Probate Courts and former Chair, State Ethics Commission

Pam Wilmot, Executive Director of Common Cause Massachusetts

Daniel B. Winslow, former presiding justice of the Wrentham District Court, former chief legal counsel to Governor Mitt Romney, current State Representative for the Ninth Norfolk District

Daniel A. Wolf, State Senator, Cape & Islands District, founder and CEO, Cape Air

Thomas Zampino, former Deputy Chief, Legal Division, State Ethics Commission