



CITY OF CAMBRIDGE

639 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 498-9077

RENT CONTROL BOARD

EXECUTIVE DIRECTOR

MEMORANDUM

TO: Board Members

FROM: Roger Mervis *RM*

RE: Appointment of Pat Cantor

DATE: December 8, 1982

*OK 12/21/82
Sumell by
City Solicitor
File a copy of this
opinion with
City Clerk.*

I am forwarding to the City Manager a recommendation that Pat Cantor be appointed as General Counsel of the Rent Control Board effective January 3, 1983. I have discussed the potential conflict-of-interest situation with Pat relative to both her husband, Jeff Petruccelli, and his legal associate, Saul Shapiro, and I believe that it can be satisfactorily resolved. Nevertheless, I think that it is essential that the Board feel comfortable with this resolution as well. Therefore, I would appreciate it if each of you would study my proposal and the attached ethical opinions which Pat has obtained. If you have any concerns, please let me know immediately.

I propose that in any case before the Board, its Hearing Examiners, or other staff members wherein Jeff Petruccelli or Saul Shapiro represent one of the parties, Pat should remove herself from any involvement whatsoever in the case. Moreover, where any such case is appealed to Court by the parties or the Board, the Board should be represented by someone other than Pat who will again have no involvement whatsoever with the matter. Finally, in any case where Jeff or Saul represent one of the parties, the Board shall disclose to all the parties (and to the Court where an appeal is taken) that the Board's General Counsel has a familial relationship to one of the counsel but that she has in no way participated in the Board's handling of the case or in any way influenced the ultimate resolution of the case.

My proposal is based on the premise that Jeff and Saul should be treated as one entity. Even though their new stationery will list them as a "professional association" rather than as a partnership, they will still share office space and a phone number. Moreover, they will share office expenses although not a financial interest in each other's cases. While they are probably independent of each other in a strictly legal sense for conflict-of-interest purposes, this legal distinction would probably be lost on the public. Treating Saul's cases as we do Jeff's would allow the Board to maintain the appearance of propriety which I believe is essential if the Board is to maintain the public's confidence and respect.

A-171

Comm. from Roger Mervis, Rent Control Board
Re: appointment of Pat Cantor as General
Counsel of the Rent Control Board.

December 8, 1982