

16 December 1987

The Cambridge City Council
City Hall
Cambridge, MA 02139

To the honorable; The City Council:

At its meeting of 7 December 1987, the Cambridge City Council heard testimony from Jill Sullivan of 287 Huron Avenue about the Cambridge Rent Control Board's denial of a certificate of eviction for 20 Chilton Street #6 so Ms. Sullivan could occupy as the owner's relative. The owner of 20 Chilton Street #6 is the Chilton-Sullivan Trust whose beneficiaries are Ms. Sullivan's father and mother, Mr. and Mrs. David P. Sullivan also of 287 Huron Avenue. Ms. Sullivan presented her case to the City Council as an example of supposed inequitable and unjust treatment of property owners and their rights by the Rent Control Board. Councilor William Walsh's questions of Ms. Sullivan were directed to the same point. When councilor Thomas Danehy asked Ms. Sullivan why the Rent Control Board had denied her family the certificate of eviction, Ms. Sullivan responded by saying, "I don't know. Maybe they thought I wasn't old enough to have my own apartment."

This was not the reason given by the Rent Control Board. The case record (Case No. EV087-108; copy attached) clearly shows that the Rent Control Board denied the Sullivan's a certificate of eviction on the basis that their eviction attempt was a retaliatory action against the tenant, Cynthia Cox, for acting to enforce her rights --not under the city's rent control ordinance-- but under state law (EV087-108, Hearing Examiner's Recommendation, pp 12-13).

In reaching this conclusion, the Hearing Examiner cited two specific instances (EV087-108, p. 12): 1) In May of 1987, the tenant, Ms. Cox, had informed her landlord, David P. Sullivan, she would not pay a security deposit in excess of that allowed by state law; 2) In September of 1986, Patrick J. Sullivan, David P. Sullivan's father and Jill Sullivan's grandfather, and at that time the owner of 20 Chilton Street #6, attempted to evict Ms. Cox for nonpayment of a rent increase (Case No. EVN86-135; copy attached).

In this case, too, the Rent Control Board denied a certificate of eviction on the basis that Ms. Cox had legally withheld rent to guarantee that conditions in her apartment violating housing and health codes be repaired by the landlord. In its Notice of Ruling of 20 February 1987, the Rent Control Board set a rent abatement for Ms. Cox's apartment (this rate was revised downwards in favor of the landlord in a Corrected Notice of Ruling of 2 April 1987) and directed Ms. Cox to pay legally determined rent arrearages. This she promptly did.

During this earlier case, Patrick Sullivan, the landlord of 20 Chilton Street #6 at that time, was represented before the Rent Control Board by councilor William Walsh's law firm, Ferraro & Walsh. At no time during the City Council meeting of 7 December 1987 did either councilor Walsh or Jill Sullivan state that councilor Walsh's firm had represented the Sullivan family before the Rent Control Board in EVN86-135, a matter closely and directly related to the case brought up for discussion that evening by Jill Sullivan.

The background of this entire matter, involving the Sullivan family, Ms. Cox and councilor Walsh, is deeply troubling. Records of the two Sullivan/Cox rent board cases show that Patrick Sullivan had owned 20 Chilton Street since the early 1950's. By the summer of 1985, the building had been converted to condominiums via a master deed. Patrick Sullivan owned three of the condominiums, including #6, the one tenanted by Cynthia Cox. The condominiums were managed by Patrick Sullivan and his son, Brendan Sullivan, who is the chair of the Cambridge Board of Zoning Appeal.

Throughout the summer of 1985, councilor Walsh --not yet then sitting as a member of the City Council-- attempted to negotiate the sale of two condominiums at 20 Chilton Street, including the one occupied by Ms. Cox as tenant (EVN86-135, Exhibits H, I and J, letters of Walsh to Sullivan of 7/18/85 and 8/2/85 and letter of Walsh to Cox of 8/30/85).

The two condominiums were to be sold by Patrick Sullivan to Ms. Cox and her brother, Terrence, in a way that would circumvent provisions of the city's Removal Ordinance regarding owner occupancy of condominiums (see specifically EVN86-108, Exhibit I, letter of Walsh to Sullivan of 8/2/85, paragraph 1: "The whole theory behind buying was that she Ms. Cox would own #4 and her brother would own #6 and her brother would live in #4.") By the end of August of 1985, these arrangements for selling the condominiums had fallen through and councilor Walsh was already writing to Ms. Cox with reference to her allegations of code violations in her apartment.

On September of 1985, Ms. Cox informed Patrick Sullivan she would not pay a \$40.00 a month rent increase until conditions in her apartment were repaired. Instead she would place this money in a savings account. On 16 June 1986, while he was sitting as a member of the City Council, councilor Walsh, representing Patrick Sullivan, wrote to Ms. Cox informing her that Mr. Sullivan had checked on the balance of the savings account --an act about which Ms. Cox complained to the Banking Commission-- and found it short. Councilor Walsh then asked Ms. Cox to contact him about her rent withholding (EVN86-108, Exhibit N, letter of Walsh to Cox of 6/16/86).

Soon after this, Councilor Walsh's firm, Ferraro & Walsh, representing Patrick Sullivan, moved to evict Ms. Cox for nonpayment of a rent increase in an action before the Cambridge Rent Control Board. During December of 1986, while the case was in process, David P. Sullivan and his wife, acting as beneficiaries of the Chilton-Sullivan Trust, purchased 20 Chilton Street #6 from David's father, Patrick Sullivan. David Sullivan, as owner, then entered directly into the eviction case, specifically by writing a letter dated 2/10/87 to the Rent Control Board (EV087-108, Hearing Examiner's Exhibit 1).

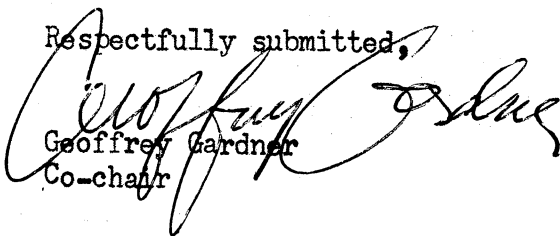
On the basis of the Cambridge Rent Control Board's record of the two cases cited above, we request that the Cambridge City Council affirm that councilor William Walsh acted improperly on 7 December 1987 by using the good offices of the City Council as a public forum to advance the personal interests of the Sullivan family who have been clients of councilor Walsh and his law firm in a matter where the city has had a substantial interest.

Further, we ask that the Cambridge City Council also affirm that councilor Walsh's impropriety in this matter is all the more grievous to the City Council, the city

and the citizens of Cambridge in light of the fact that neither he nor Jill Sullivan acted in any way to inform the City Council or the public that councilor Walsh and his firm had represented the Sullivan family in this matter.

Finally, we request that this letter be referred to the City Manager's report on this matter.

Respectfully submitted,


Geoffrey Gardner
Co-chair

enc. Cambridge Rent Control Board Cases
EVN86-135
EV087-108

16.

S-745
Comm. from Georffrey Gardner, Co-Chairman,
Cambridge Tenants Union, relative to the
Rent Control Board's denial of a certificate
of eviction for 20 Chilton Street so that it
could be occupied by the owners relative.
(Copies of pertinent Rent Control Board's
information are attached).

In City Council,

December 21, 1987

Placed on File