

Hayes, Clark, Hunt and Embry

ATTORNEYS AT LAW
POST OFFICE BOX 410206
43 THORNDIKE STREET
BULFINCH SQUARE
CAMBRIDGE, MASSACHUSETTS 02141-0002
617-494-4800
TELECOPIER 617-494-1522

RECEIVED
DEC - 4 AM 10:58
CAMBRIDGE MA.

STEPHEN S. CLARK
BRUCE J. EMBRY
FREDERICK B. HAYES, III
WILLIAM J. HUNT

RHODE ISLAND OFFICE:
350 SOUTH MAIN STREET
PROVIDENCE, RHODE ISLAND 02903
401-274-3388

JOHN G. F. RUGGIERI

December 1, 1992

Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

The Honorable City Council:

I am in receipt of a letter from the Cambridge Tenants Union to the City Council dated October 22, 1992 regarding City Councillor William Walsh concerning allegations that Counselor Walsh was representing clients in a case before the Cambridge Rent Control Board. The letter in my opinion is not factually accurate and misstates the nature of Mr. Walsh's activities in that case.

I have been retained by BayBank to represent them in a matter now pending before the Cambridge Rent Control Board. At issue is the status of a certain property which was previously owned by an individual by the name of Farrington. When I was contacted by the client, I was informed that Mr. Farrington had in the past been represented by Mr. Walsh. Therefore, after an initial investigation into the case, I contacted Attorney Walsh to determine if he could in turn contact his client so that I might be informed as to the past history of the property known as 9 Upland Road in Cambridge.

In that capacity, I had several conversations with Mr. Walsh in which he indicated that he did indeed represent Mr. Farrington, generally, and that he would contact Mr. Farrington with my request. After some time I had a conversation with both Mr. Walsh and Mr. Farrington concerning the property. I asked Mr. Farrington if he would voluntarily provide me certain information for use before the Cambridge Rent Control Board. Mr. Farrington requested that I provide his counsel, Mr. Walsh, with a list of

Hayes, Clark, Hunt and Embry

Cambridge City Council
Page Two
December 1, 1992

documents which I was seeking and that he would consider the matter. I did not wish to have to subpoena Mr. Farrington as I considered him to be a friendly witness. Thus, the list requesting documents from Mr. Farrington in a less formal fashion.

On the evening of October 14, 1992, the matter was before the full Rent Control Board. At that time I represented to the Board the status of my investigations, as outlined above, and noted that I had thus far been unable to obtain the documentation from Mr. Farrington. I asked for additional time either to obtain that information or to prepare a subpoena to have Mr. Farrington testify. I have since communicated that request again to Mr. Walsh and I expect that if Mr. Farrington does not agree to voluntarily cooperate I shall subpoena him.

I am puzzled, however, as to how this can translate into Counselor Walsh representing "individuals on matters that come before city agencies like the Board". Mr. Farrington at this point in time is not a party to the rent board action. He is not currently an owner of the property. If he appears before the Board, either voluntarily or under subpoena, it will be as a witness. Thus far, during the course of my involvement with this property, he has not appeared at all before the Board, and therefore, certainly has not appeared with Mr. Walsh.

In these circumstances, it seems to me that the most that has happened is that Counselor Walsh is representing a client. In the event that Mr. Farrington determined that he would testify voluntarily or was subpoenaed, it would be my expectation that Farrington would indeed have a lawyer other than Mr. Walsh. It would be my thought on the matter that if that did not occur, the Cambridge Tenants Union might have a legitimate point. However, that has not happened. To the best of my knowledge, Mr. Walsh has not represented Farrington before the board.

To the best of my knowledge, the Board was reacting to my request, as counsel, to continue a fairly complex case because of my inability to voluntarily secure the appearance of a witness. I do not believe that decision was based in any manner on the fact that Mr. Walsh may have represented Farrington in other matters.

I should also add, that I had also requested a continuance because I was seeking certain information regarding some fairly

Hayes, Clark, Hunt and Embry

Cambridge City Council
Page Three
December 1, 1992

old cases from the Cambridge District Court which I had at that time not been able to secure. Both reasons, as I understand it, were the reasons for the continuance.

I would ask that this letter be entered into the appropriate file of this matter that the record be clear on the nature of Mr. Walsh's involvement.

Very truly yours,



Frederick B. Hayes, III

FBH:dar

cc: William Walsh
Michael Turk,
Cambridge Tenants Union

[ltr\council]

Comm. from Frederick B. Hayes, III, Hayes, Clark, Hunt and Embry, regarding allegations that Councillor Walsh was representing clients in a case before the Cambridge Rent Control Board.

In City Council,

December 14, 1992

*Charter Right exercised
by Councillor
Quekay at the reconvened
meeting of Dec 16, 1992.
12/21/92 Referred to the
Ethics Commission on
voice vote of 8 members
Councillor Walsh recorded
as abstaining.
Mayor Reeves has filed
reconsideration on referral.*

RECEIVED BY
CITY CLERK

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR _____

DEC 22 AM 8:37

CAMBRIDGE MA.

Date

Hayes, Clarke & Embry Inc.

Mayor Reeves and Vice Mayor Cyr's intention to move reconsideration of the action taken on December 21, 1992 referring to the State Ethics Commission a communication from Frederick B. Hayes, III, Hayes, Clark, Hunt and Embry regarding allegations that Councillor Walsh was representing clients in the case before the Cambridge Rent Control Board.

Kenneth J. Reeves

Signature
Edward H. J.

Cal # 1 S-6

Reconsideration filed by Mayor Reeves
on the action taken on December 21, 1992
referring to the State Ethics Commission
a communication from Frederick B. Hayes,
III, Hayes, Clark, Hunt and Embry regarding
allegations that Councillor Walsh was
representing clients in the cases before
the Cambridge Rent Control Board.

In City Council,

January 4, 1993

1/4/93 Placed on file
on a voice vote of
seven members on
motion of Vice Mayor
Cyr,

Councillor Walsh
Abstained.