



# City of Cambridge

Unfinished Business Item # 4A

IN CITY COUNCIL

November 16, 1992

COUNCILLOR MYERS

ORDERED: That the substantive issues raised in the communication received from Mr. Turk, dated October 22, 1992, along with procedural matters raised in the communication from the City Solicitor dated November 16, 1993 be referred by the City Manager to the State Ethics Commission; and be it further

ORDERED: That the City Manager be and hereby is requested to instruct the Cambridge Rent control Board to look thoroughly at some sample of cases, compile information and do an analysis regarding cases in which Sally Ackerman, as a member of the Cambridge Rent Control Board, may have voted on matters in which members of the Shrewsbury Trust appeared before the Board.

In City Council November 16, 1992.

Adopted by a ye and nay vote:

Yeas 5; Nays 0; Absent 0; Present 2; Abstaining 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

A handwritten signature in cursive script that reads "D. Margaret Drury".

ATTEST:-

D. Margaret Drury  
City Clerk



# City of Cambridge

Unfinished Business Item # 4B

IN CITY COUNCIL

November 16, 1992

COUNCILLOR DUEHAY

ORDERED: That the substantive issues raised in items one and two of the communication received from Mr. Turk, dated October 22, 1992, along with procedural matters raised in the communication from the City Solicitor dated November 16, 1992, be referred back to the City Solicitor for referral to the State Ethics Commission.

In City Council November 16, 1992.

Failed of adoption by a yea and nay vote:

Yeas 4; Nays 1; Absent 0; Present 2; Abstaining 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

A handwritten signature in cursive script that reads "D. Margaret Drury".

ATTEST:-

D. Margaret Drury  
City Clerk



# City of Cambridge

Unfinished Business Item # 4C

IN CITY COUNCIL

November 16, 1992

COUNCILLOR WALSH

ORDERED: That the City Manager be and hereby is requested to investigate the law suit mentioned in item number two of the communication received from Mr. Turk, dated October 22, 1992, as it pertains to Councillor Walsh's allegation that the law suit was brought to harass him; and be it further

ORDERED: That said investigation would include a detailed report on conversation of Ms. Cantor and/or Mr. Morris with Mr. Turk, Mr. Noble and Ms. Thibeault.

In City Council November 16, 1992.

Failed of adoption on a ye and nay vote:

Yeas 3; Nays 4; Absent 0; Present 0; Abstaining 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

*D. Margaret Drury*

ATTEST:-

D. Margaret Drury  
City Clerk

# #6 Myers grade City of Cambridge

C Myers: Refer publication MASSACHUSETTS  
 issues raised in Mr. Turle's communication, along w/  
 procedural matters raised in In City Council 11/16 1992

City Solicitor's 11/16/92 memo be referred to the  
 City Ethics Commission, along and also request that C. M. have CRCB,

Complete information through looking at some sample of cases, complete information  
 about cases in which said person as a member of the CRCB may have voted  
 on matters in which members of the Shrewsbury Trust appeared before the  
 Board.

and do  
 analysis  
 regularly

YEA	NAY	ABSENT	PRESENT	ABSTAIN
✓				Mr. Ed Cyr
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
				✓ Mrs. Sheila T. Russell
			✓	Mr. Walter J. Sullivan
	WMS		✓	Mr. Timothy J. Toomey, Jr.
				✓ Mr. William H. Walsh
✓				Ms. Alice K. Wolf
✓				Mayor Kenneth E. Reeves

5                      0                      0                      2                      2

# City of Cambridge

#6 Mayor Agenda

MASSACHUSETTS

In City Council

11/16

1998

Move the Question

YEA	NAY	ABSENT	PRESENT	ABSTAIN
✓				Mr. Ed Cyr
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
				✓ Mrs. Sheila T. Russell
			✓	Mr. Walter J. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
				✓ Mr. William H. Walsh
✓				Ms. Alice K. Wolf
✓				Mayor Kenneth E. Reeves

5                      1                      1                      2

# City of Cambridge

MASSACHUSETTS

In City Council No. 16 1992

*C. Duehay: Refer to Ethics Commission (A+B) - substantive issues raised in items one + two of Mr. Turk communication, along w/ procedural matters raised in City Solicitor's 11/16/92 memo to be referred back to City Clerk for referral to the Ethics Commission*

YEA	NAY	ABSENT	PRESENT	ABSTAIN
✓				Mr. Ed Cyr
✓				Mr. Francis H. Duehay
	✓			Mr. Jonathan S. Myers
				<sup>asked</sup> ✓ Mrs. Sheila T. Russell
			✓	Mr. Walter J. Sullivan
			✓	Mr. Timothy J. Toomey, Jr.
				<sup>asked</sup> ✓ Mr. William H. Walsh
✓				Ms. Alice K. Wolf
✓				Mayor Kenneth E. Reeves
4	1	0	2	2

Consent Agenda #16  
**City of Cambridge**

C. Walsh Amendment MASSACHUSETTS  
 to C. Myers motion?

To request that City Manager investigate lawsuit mentioned in no. 20 of M. Turk letter as it pertains to C. Walsh's allegation that the lawsuit was brought to harass him, and that investigation should include a detailed report on conversations of Mrs. Canton and/or Mr. Morris with Mr. Turk, Mr. Noble and Mr. Thebaud

In City Council Nov. 16 1992

YEA	NAY	ABSENT	PRESENT	
✓				Mr. Ed Cyr
	✓			Mr. Francis H. Duehay
	✓			Mr. Jonathan S. Myers
			<del>✓</del>	<sup>absent</sup> Mrs. Sheila T. Russell
✓				Mr. Walter J. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
			<del>✓</del>	<sup>absent</sup> Mr. William H. Walsh
	✓			Ms. Alice K. Wolf
	✓			Mayor Kenneth E. Reeves

3                      f                      0                      0                      2

Failed



## CITY OF CAMBRIDGE

Office of the City Solicitor  
City Hall

795 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Tel. (617) 349-4121

Fax. (617) 349-4307 4134

Russell B. Higley  
City Solicitor

Donald A. Drisdell  
Deputy City Solicitor

Michael C. Costello  
Assistant City Solicitor

Birge Albright  
Legal Counsel

Gail S. Gabriel  
Legal Counsel

Diane Wynshaw-Boris  
Legal Counsel

Laura H. Yager  
Legal Counsel

Linda A. Stamper  
Legal Counsel

Arthur J. Goldberg  
Legal Counsel

November 12, 1992

Robert W. Healy  
City Manager  
City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

Re: Opinion requested by City Council

Dear Mr. Healy:

At the City Council meeting on November 2, 1992, the Council took up a communication, dated October 22, 1992, addressed to it from Michael Turk of the Cambridge Tenants Union (CTU). A copy of this letter is attached hereto.

In this letter, the CTU requests that the City investigate "instances of what we believe to be serious abuses of public office". The letter then makes certain allegations against former Rent Control Board member Sally Ackerman and City Councillor William Walsh, and charges that they may have been guilty of violations of G.L. c. 268A, the Massachusetts conflict-of-interest statute.

I do not intend to discuss the specific allegations against Ms. Ackerman and Councillor Walsh. I should mention, however, that

one of the allegations is that they both are general partners in the Shrewsbury II Trust, a real estate trust having a total of 94 general partners. It is also alleged that Councillor Sheila Russell is a general partner.

Regarding Ms. Ackerman, Mr. Turk asks that the Law Department and the Rent Control Board conduct an investigation, and that the City "refer the matter, with all relevant materials gathered, to the appropriate authorities for legal action, where warranted ...." Mr. Turk makes essentially the same request with respect to the charges against Councillor Walsh.

The letter concludes as follows:

Finally, because Councillors Russell and Walsh were also partners in the Shrewsbury II Trust, we ask that they recuse themselves from any of the council discussions and deliberations regarding Ms. Ackerman's conduct. Because Councillor Walsh is directly involved in the other two matters we have raised, we ask that he recuse himself from any council discussions and deliberations on them.

The Council voted to refer the CTU communication to unfinished business, pending an opinion from the City Solicitor as to whether Councilors Russell and Walsh may discuss and vote on the communication when it next comes before the Council.

#### QUESTION

When the CTU communication next comes before the City Council, may Councilors Russell and Walsh properly participate in the discussion and vote on its disposition?

#### DISCUSSION

In order to answer this question, it is helpful to present an overview of the conflict-of-interest statute, G.L. c. 268A,

including the provisions for its enforcement.

General Laws, c. 268A, §1 defines the various terms used in the statute, including the term "municipal employee". It is clear that Ms. Ackerman and Councilors Russell and Walsh were/are municipal employees.

Sections, 2, 3, 17, 19, 20 and 23 are the substantive sections which deal with the conduct of municipal employees. With the exception of section 23, there is a criminal penalty for violating all of these sections. For example the penalty for violating section 19 is a fine of not more than \$3,000 or imprisonment for not more than two years, or both. Enforcement of these criminal penalties is in the hands of the Attorney General and the District Attorney.

In addition to the criminal penalties, G.L. c. 268B, §3 provides for the civil enforcement of c. 268A by the State Ethics Commission. Anyone can file a complaint with the Commission concerning a conflict of interest, and the Commission can initiate investigations based on these complaints or on other information. G.L. c. 268B, §4(a). The Commission is authorized to impose civil fines for violations of the law. See, e.g., Craven v. State Ethics Commission, 390 Mass. 191 (1983).

In addition to these remedies, a violation of sections 2, 3, 17, 19 and 20 of c. 268A, which has substantially influenced the action taken by a city council or other municipal agency in any particular matter, will be grounds for avoiding, rescinding or cancelling the action. G.L. c. 268A, §21(a). Furthermore, the

State Ethics Commission, the District Attorney or the city or state may bring a civil action against any person who has acted to his economic advantage in violation of sections 2, 3, 17, 19 or 20, and may recover damages for the city. G.L. c. 268A, §21(b).

If a municipal employee is in doubt as to whether he or she might be in danger of violating c. 268A, he or she may seek a written advisory opinion from the State Ethics Commission. G.L. c. 268A, §10; c. 268B, §3(g). Or the employee may seek an opinion from the City Solicitor. G.L. c. 268A, §22.

With this background, I turn to the question at hand, i.e. whether, when the CTU communication next comes before the City Council, Councilors Russell and Walsh may participate in the discussion and vote on its disposition.

I believe that G.L. c. 268A and 268B provide a comprehensive scheme for the enforcement of the prohibitions of c. 268A. This scheme consists mainly in criminal and civil penalties which are applied against individuals who violate one or more of the sections in c. 268A. If a city councillor or other municipal employee wants to protect himself, he may obtain a written advisory opinion from the State Ethics Commission or the City Solicitor. If a municipal employee chooses to engage in a course of conduct which may constitute a violation of c. 268A without seeking such an opinion, then he runs the risk of incurring the penalties set forth in the statute.

In short, I do not believe that G.L. c. 268A or any other statute or case prevents a City Councillor charged with conflict of

interest from answering those charges on the floor of the Council.

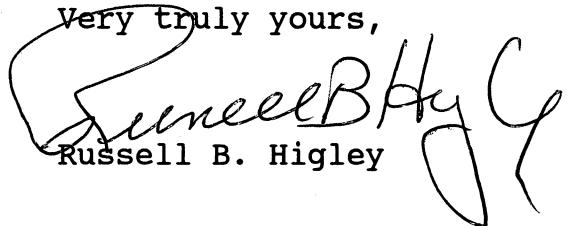
I note, however, that Rule 14 of the Rules Of The City Council As Amended (1990-91) states:

No member shall vote on any question, or serve on any committee, where his private interest is immediately concerned distinct from that of the public....

When the CTU communication next comes before the Council, I assume that there will be a discussion followed by a vote on its disposition. Before that vote, a member could invoke Rule 14. If a member asked that another member not be allowed to vote because of Rule 14, I believe that this would give rise to a "question of order" to be decided by the Mayor pursuant to Rule 4.

This will be a difficult Rule to interpret, because the Council considers many matters in which one or more Councillors may have a private interest, which is however, shared with the public in greater or lesser degree. In view of this difficulty of interpretation, if the Mayor were asked to rule on this question, I would advise him to seek an opinion from the State Ethics Commission, the agency primarily charged with enforcing the conflict of interest law.

Very truly yours,

  
Russell B. Higley

RBH/jab

6.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300

FAX. 349-4307

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

RICHARD C. ROSSI  
Deputy City Manager

November 16, 1992

To The Honorable, The City Council:

Please find attached, a legal opinion received from Russell B. Higley, City Solicitor, in response to the request by the City Council made at the November 2, 1992 meeting for an opinion on the communication from Michael Turk of the Cambridge Tenants Union.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mev

Consent Agenda # 6

Regarding a legal opinion requested by  
the City Council relative to the communica-  
tion from Michael Turk of the Cambridge  
Tenants Union.

In City Council,

November 16, 1992

*Referred to Unfinished  
Business # 4.*



# City of Cambridge

Unfinished Business Item # 4A

IN CITY COUNCIL

November 16, 1992

COUNCILLOR MYERS

ORDERED: That the substantive issues raised in the communication received from Mr. Turk, dated October 22, 1992, along with procedural matters raised in the communication from the City Solicitor dated November 16, 1993 be referred by the City Manager to the State Ethics Commission; and be it further

ORDERED: That the City Manager be and hereby is requested to instruct the Cambridge Rent control Board to look thoroughly at some sample of cases, compile information and do an analysis regarding cases in which Sally Ackerman, as a member of the Cambridge Rent Control Board, may have voted on matters in which members of the Shrewsbury Trust appeared before the Board.

In City Council November 16, 1992.

Adopted by a yea and nay vote:

Yeas 5; Nays 0; Absent 0; Present 2; Abstaining 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

*D. Margaret Drury*

ATTEST:-

D. Margaret Drury  
City Clerk



# City of Cambridge

Unfinished Business Item # 4B

IN CITY COUNCIL

November 16, 1992

COUNCILLOR DUEHAY

ORDERED: That the substantive issues raised in items one and two of the communication received from Mr. Turk, dated October 22, 1992, along with procedural matters raised in the communication from the City Solicitor dated November 16, 1992, be referred back to the City Solicitor for referral to the State Ethics Commission.

In City Council November 16, 1992.  
Failed of adoption by a ye and nay vote:  
Yeas 4; Nays 1; Absent 0; Present 2; Abstaining 2.  
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury  
City Clerk



# City of Cambridge

Unfinished Business Item # 4C

IN CITY COUNCIL

November 16, 1992

## COUNCILLOR WALSH

ORDERED: That the City Manager be and hereby is requested to investigate the law suit mentioned in item number two of the communication received from Mr. Turk, dated October 22, 1992, as it pertains to Councillor Walsh's allegation that the law suit was brought to harass him; and be it further

ORDERED: That said investigation would include a detailed report on conversation of Ms. Cantor and/or Mr. Morris with Mr. Turk, Mr. Noble and Ms. Thibeault.

In City Council November 16, 1992.

Failed of adoption on a ye and nay vote:

Yeas 3; Nays 4; Absent 0; Present 0; Abstaining 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

*D. Margaret Drury*

ATTEST:-

D. Margaret Drury  
City Clerk



# City of Cambridge

Unfinished Business Item # 4A

IN CITY COUNCIL

November 16, 1992

COUNCILLOR MYERS

ORDERED: That the substantive issues raised in the communication received from Mr. Turk, dated October 22, 1992, along with procedural matters raised in the communication from the City Solicitor dated November 16, 1993 be referred by the City Manager to the State Ethics Commission; and be it further

ORDERED: That the City Manager be and hereby is requested to instruct the Cambridge Rent control Board to look thoroughly at some sample of cases, compile information and do an analysis regarding cases in which Sally Ackerman, as a member of the Cambridge Rent Control Board, may have voted on matters in which members of the Shrewsbury Trust appeared before the Board.

In City Council November 16, 1992.

Adopted by a yea and nay vote:

Yeas 5; Nays 0; Absent 0; Present 2; Abstaining 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

*D. Margaret Drury*

ATTEST:-

D. Margaret Drury  
City Clerk



# City of Cambridge

Unfinished Business Item # 4B

IN CITY COUNCIL

November 16, 1992

COUNCILLOR DUEHAY

ORDERED: That the substantive issues raised in items one and two of the communication received from Mr. Turk, dated October 22, 1992, along with procedural matters raised in the communication from the City Solicitor dated November 16, 1992, be referred back to the City Solicitor for referral to the State Ethics Commission.

In City Council November 16, 1992.

Failed of adoption by a yea and nay vote:

Yeas 4; Nays 1; Absent 0; Present 2; Abstaining 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

A handwritten signature in cursive script that reads "D. Margaret Drury".

ATTEST:-

D. Margaret Drury  
City Clerk



# City of Cambridge

Unfinished Business Item # 4C

IN CITY COUNCIL

November 16, 1992

COUNCILLOR WALSH

ORDERED: That the City Manager be and hereby is requested to investigate the law suit mentioned in item number two of the communication received from Mr. Turk, dated October 22, 1992, as it pertains to Councillor Walsh's allegation that the law suit was brought to harass him; and be it further

ORDERED: That said investigation would include a detailed report on conversation of Ms. Cantor and/or Mr. Morris with Mr. Turk, Mr. Noble and Ms. Thibeault.

In City Council November 16, 1992.

Failed of adoption on a ye and nay vote:

Yeas 3; Nays 4; Absent 0; Present 0; Abstaining 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk



# City of Cambridge

Unfinished Business Item # 4A

IN CITY COUNCIL

November 16, 1992

## COUNCILLOR MYERS

**ORDERED:** That the substantive issues raised in the communication received from Mr. Turk, dated October 22, 1992, along with procedural matters raised in the communication from the City Solicitor dated November 16, 1993 be referred by the City Manager to the State Ethics Commission; and be it further

**ORDERED:** That the City Manager be and hereby is requested to instruct the Cambridge Rent control Board to look thoroughly at some sample of cases, compile information and do an analysis regarding cases in which Sally Ackerman, as a member of the Cambridge Rent Control Board, may have voted on matters in which members of the Shrewsbury Trust appeared before the Board.

In City Council November 16, 1992.

Adopted by a yea and nay vote:

Yeas 5; Nays 0; Absent 0; Present 2; Abstaining 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

*D. Margaret Drury*

ATTEST:-

D. Margaret Drury  
City Clerk





# City of Cambridge

Unfinished Business Item # 4C

IN CITY COUNCIL

November 16, 1992

COUNCILLOR WALSH

ORDERED: That the City Manager be and hereby is requested to investigate the law suit mentioned in item number two of the communication received from Mr. Turk, dated October 22, 1992, as it pertains to Councillor Walsh's allegation that the law suit was brought to harass him; and be it further

ORDERED: That said investigation would include a detailed report on conversation of Ms. Cantor and/or Mr. Morris with Mr. Turk, Mr. Noble and Ms. Thibeault.

In City Council November 16, 1992.

Failed of adoption on a yea and nay vote:

Yeas 3; Nays 4; Absent 0; Present 0; Abstaining 2.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk



# OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY  
CITY CLERK

JOHN E. FLYNN  
DEPUTY CITY CLERK

November 4, 1992

Russell B. Higley  
City Solicitor  
City Hall  
Cambridge, MA 02139


Dear Russ:

At the City Council meeting of November 2, 1992 the City Council referred a communication received from Michael Turk, Co-Chair, Cambridge Tenants Union, requesting an investigation into alleged abuses of public office to the City Solicitor for a report in one week.

I have attached a copy of this communication for your information.

Thank you for your cooperation in this matter.

Very truly yours,

  
D. Margaret Drury  
City Clerk

DMD/dl

Enc.

WOODMAN & EATON  
A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW  
801 MAIN STREET  
CONCORD, MASSACHUSETTS 01742  
(508) 369-0960  
FAX (508) 371-1343

BYRON E. WOODMAN, JR.  
WILLIAM L. EATON  
JAMES V. TAUBNER  
PETER R. JOHNSON

BOSTON OFFICE  
SIMONDS, WINSLOW, WILLIS & ABBOTT  
A PROFESSIONAL ASSOCIATION  
BOSTON, MASSACHUSETTS

FACSIMILE TRANSMISSION SHEET

TO: Margaret Drury  
FROM: Sally Ackerman  
DATE: 10/26/92  
TIME: 2:00 pm.  
FAX #: \_\_\_\_\_  
RE: \_\_\_\_\_

# OF PAGES 3 (including cover sheet)

MESSAGE:

The information contained in this facsimile is legally privileged information intended only for the use of the individual or entity named above. If you, the reader of this message, are not the intended recipient, you are hereby notified that you should not further disseminate, distribute or copy this telecopy. In addition, if you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service at our expense. Thank you.

Woodman & Eaton, P.C. Fax No. (508) 371-1343

If you have any problems receiving this facsimile/telecopy, please

October 26, 1992

Mr Robert Healy  
City Manager  
Cambridge City Hall  
Cambridge, MA 02139

Dear Bob:

It has come to my attention that the Cambridge Tenants Union alleges in a letter to the City Council that I violated the conflict of interest laws of the Commonwealth of Massachusetts because of a real estate investment I made in 1986. I have not violated any laws and would appreciate it if you would convey my response to these unfounded claims to the city council this evening by distributing a copy of this letter.

As you know, I took my duties as a landlord representative to the Cambridge Rent Control Board very seriously. I abstained from voting on all occasions where I thought I might have a personal interest in the outcome of a case. In one instance, I wrote you for guidance about my actions.

In 1986 I invested in an apartment complex with a group of men who, to the best of my knowledge, never appeared before the Rent Control Board from the time of my investment to when I left the Board.

Had any of them appeared before me, I would not have participated in the case.

I was a passive investor. I had no responsibilities for the project. I attended no meetings about the property. I never even visited the property. The only correspondence I ever received about this investment was an annual K-1 tax return and a couple of letters about the procedures for return of capital invested.

If there were other investors beyond the original group that I knew in 1986, I was not aware of them.

The situation is analogous to being a depositor in a mutual fund. There may be other investors, but one wouldn't know who they were and one would hardly think of oneself as having a financial relationship to them.

Thank you for your attention to this matter.

Sincerely,

Sally Ackerman

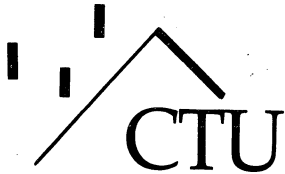
71 Hubbard Street

Concord, MA 01742

cc. Margaret Drury

Michael Teek

Comments -



CAMBRIDGE TENANTS UNION

October 22, 1992

Cambridge City Council  
City Hall  
795 Massachusetts Avenue  
Cambridge, Mass. 02139

RECEIVED  
CITY CLERK  
OCT 22 1992  
CITY HALL  
CAMBRIDGE, MA

To the Honorable; the City Council:

The Cambridge Tenants Union respectfully requests that the city investigate the following instances of what we believe to be serious abuses of public office.

1. Rent Control Board Member Sally Ackerman

During Sally Ackerman's tenure on the Cambridge Rent Control Board (the "Board"), as far as we have been able to determine, she failed to disclose that she was a general partner in the Shrewsbury II Trust, a real estate trust. Among other partners in this trust were both landlords and lawyers from Ferraro and Walsh who appeared routinely before the Board during the period in which Ms. Ackerman was both a partner in this trust and a voting member of the Board. Lists of the 94 partners in the Shrewsbury II Trust are attached as Exhibit A. The first page of a sample partnership tax return showing that the trust had 94 general partners is attached as Exhibit B.

Earlier this year, through a Freedom of Information Act request by the Cambridge Tenants Union, the city manager's office conducted a diligent search of all relevant records, and turned up neither a request by Ms. Ackerman nor a response by the city manager, as provided for under Section 19(b) of Chapter 268A of the Massachusetts General Laws, the conflict-of-interest statute, that would have allowed Ms. Ackerman to hear cases involving her real estate partners in the Shrewsbury II Trust. Consequently, we believe that Ms. Ackerman acted improperly in any and all Board cases in which her business partners appeared as parties or as lawyers representing parties before the Board.

Under the provisions of Chapter 268A, if Ms. Ackerman cast the deciding vote in any case where she had an undisclosed and unexcused conflict of interest, the Board's decisions in those cases may be invalidated.

We ask that the city's legal department and Board establish

which Board cases may have been tainted in this manner by Ms. Ackerman's failure to disclose her business relationships. We ask further that the city refer the matter, with all relevant materials gathered, to the appropriate authorities for legal action, where warranted, and consider ways of remedying the harm visited upon all those individuals--largely tenants, we believe--whose cases were, it appears, improperly decided. We also ask the city to consider ways of remedying the harm to the public interest that may have occurred, where apartments were, it appears, improperly removed or otherwise decontrolled.

## 2. City Councillor William Walsh

a) We believe that Councillor Walsh misused his public office when, on May 7, 1992, at the Budget Committee hearing on the Board, he attempted to block a Board inquiry into the actions of a Ferraro and Walsh lawyer, Mary Praught, in an alleged scheme to illegally remove a controlled rental apartment.

The Board had gone to court to seek enforcement of a subpoena against Ms. Praught. The subpoena required both testimony from Ms. Praught and the production of documents from the files of Ferraro and Walsh, of which Councillor Walsh is senior partner. Although the District Court had ordered Ms. Praught to comply with the subpoena, Ms. Praught had succeeded in enjoining the Board proceeding until she was able to appeal the decision of the District Court.

At the Budget Committee hearing Councillor Walsh stated that he had contacted the city manager about the case. In our view, Councillor Walsh appeared to be pressuring the city manager about the Board's actions with respect to Ms. Praught. Walsh also threatened the Board with legal action, then stated that his vote on approving the Board's budget would be based on whether the Board desisted from its efforts to pursue the subpoena issued to Ms. Praught. When representatives from the Board refused to agree to back down, Councillor Walsh voted against appropriating funds to allow the agency to operate.

We ask the city's legal department to review the tape of this committee session and determine whether Councillor Walsh's actions constitute violations of law, including, but not limited to, the state conflict-of-interest statute. Where a violation is deemed to have occurred, we request that it be referred to the appropriate authority.

b) On October 14, 1992, we learned, through public representations made by another lawyer, that, contrary to prior assertions by Councillor Walsh that he did not represent clients in matters

before city agencies, Councillor Walsh is currently representing a Cambridge landlord in a matter now before the Board.

At a hearing before the Board that evening, Mr. Frederick Hayes, who represents the bank that now owns the property at 9 Upland Road, requested that the Board delay making a final decision as to the property's status and the legal maximum rents allowed until he was able to obtain the testimony of Richard Farrington, the former owner of 9 Upland Road.

While this property--a multi-family structure that had not been constructed after January 1, 1969--had been listed as exempt, the agency could not find any basis for the exemption. Moreover, while the Board routinely maintains files on properties when exemptions are granted, no file for this property could be found. For these reasons, the agency declared the property subject to rent control and opened up a special case to determine the legal maximum rents. If the Board confirms the status of the property as controlled and establishes what the maximum rents should have been over the years, Mr. Farrington will likely be liable to substantial charges of rent gouging.

According to the representations made by Mr. Hayes to the Board, Farrington told Hayes that he would not speak directly to him. Instead, Farrington directed Hayes to contact his lawyer, William Walsh. Mr. Hayes then indicated to the Board that he had recently had difficulty reaching Mr. Walsh, and therefore he asked the Board for additional time to get Mr. Farrington to appear at an evidentiary hearing. On the basis of Mr. Hayes' representations, including both his need to contact Mr. Walsh as Mr. Farrington's lawyer and the problems that existed in reaching Mr. Walsh, the Board agreed to delay making a final decision and allowed for a remanded evidentiary hearing.

We believe it is a conflict of interest for William Walsh, as a city councillor, to represent, as a lawyer, individuals on matters that come before city agencies like the Board. Therefore, we request that the city's legal department investigate this matter.

We request the city issue a report on all three matters as soon as possible, but no later than January 1, 1993.

Where, after investigation, further actions appear warranted, we request that the city refer these matters to the appropriate legal authorities.

Finally, because Councillors Russell and Walsh were also partners in the Shrewsbury II Trust, we ask that they recuse themselves

from any of the council discussions and deliberations regarding Ms. Ackerman's conduct. Because Councillor Walsh is directly involved in the other two matters we have raised, we ask that he recuse himself from any council discussions and deliberations on them.

Respectfully submitted,

Handwritten signature of Michael Turk in cursive script.

Michael Turk,  
Co-chair  
Cambridge Tenants Union

MEMORANDUM

TO: Martha B. and Dennis C.  
FROM: Fran  
DATE: February 17, 1987  
RE: BRANDYWINE, GREENTREE AND BRIARCLIFF CONDOMINIUMS

Please provide as soon as possible any and all information regarding monies received from the investors in the front end purchasing in the above-named complexes and indicating the breakdown of investment applicable to the 80% cash-on-cash or 60% acquisition of units.

This information is imperative to setup the partnership and equally as important to verify the information with the investors so as to prepare the K-1 returns. We cannot afford this year to forward the MK-1 returns on April 14th.

Thank you,

AFGS

:tmf

cc: Bill

*L  
+ Fran*

*attached to the piece of information  
I would like to discuss with Bill  
you can see get time to sit down  
with him.*

*I do not have much to discuss  
info*

*Don*

**DEFENDANT'S  
EXHIBIT  
"F"**

Shrewsbury II  
 Weymouth  
 Laynhae

INVESTORS

	AMOUNT	SHREWSBURY	UNITS	WEYMOUTH	UNITS
Ackerman, Sally	15000.00	15000.00		15000.00	
Agrawal, Krishna	15000.00				
<del>Amerson, Diane</del>	<del>40000.00</del>	10000.00			
Bae, Francis	100000.00			100000.00	
Balk, Victor	20000.00	10000.00		10000.00	
Batasian, James	50000.00			50000.00	
Bavaro, Martha	40000.00	15000.00		25000.00	
Beaudoin, Richard	80000.00	40000.00		40000.00	
Beauvais, Aleza	12000.00			12000.00	
Beauvais, John	70000.00			90000.00	
Bederick-Yogel	15000.00	7500.00		7500.00	
Bereznicki, Ivan	40000.00	20000.00		20000.00	
Berke, Florence	100000.00	100000.00			10
Birnbaum, Murray	10000.00			10000.00	1
Bishop, Russell	50000.00			50000.00	
Bitoun, Lison	30000.00			30000.00	
Bitoun, Pierre	10000.00			10000.00	
Bombara, Genevieve	50000.00			50000.00	
Boyle, John	25000.00			25000.00	
Branley, Francis	15000.00	15000.00			
Briedes, John	25000.00	25000.00			
Brook's Family Tr.	60000.00	30000.00		30000.00	
Burke, James	25000.00	25000.00			
Candee, Daniel	180000.00	90000.00	4	90000.00	4
Candee, Morton	200000.00	100000.00	4	100000.00	4
Candee, Mrs	60000.00			60000.00	
Cannon, Joyce	60000.00			60000.00	4
Chan Ray	15000.00	15000.00			
Chafetz, Irwin	25000.00			25000.00	
Cohen, Anita	25000.00	25000.00			
Cohen, Murray	10000.00			10000.00	
Collier, John	15000.00	15000.00			
Connerton, Joseph	10000.00	10000.00			
Cutler, Theodore	40000.00			40000.00	
her, Brad	10000.00	10000.00			
Douras, John	20000.00	20000.00			
, Catherine	30000.00	15000.00		15000.00	
Eisenberg,	5000.00			5000.00	
Farrington, Richard	15000.00	15000.00			
Fernandez, Joseph	60000.00	20000.00		40000.00	
Ferraro, Anthony	30000.00	30000.00			
Fitzgerald, Michael	50000.00	50000.00			
Foley, Kallileen	20000.00			20000.00	
Foley, Kevin	10000.00			10000.00	
Foley, Martin	100000.00			100000.00	
Forgott Partnership	80000.00	80000.00			
Friedman, Nancy	25000.00	25000.00			
Gardner, Stanley	35000.00	35000.00			
Gere, Ada	20000.00	20000.00			

QUESTIONS

*Balanced*

PAYMENTS

BAKER CORE

CLIENT'S FUND

CHECK

CHECK

FORE

INVESTORS	AMOUNT	SHREWSBURY	UNITS	WEYMOUTH	UNITS	QUESTIONS
						CHECK/TRUST
Bussell, Sheila	15000.00	15000.00				
Caladini, Liza	25000.00	25000.00				
Sattin, Leah	5000.00			5000.00		
Sattin, Robert	25000.00			25000.00		
Scherr, Richard	80000.00	80000.00				
Schultz, Gordon	22500.00	15000.00		7500.00		
Schwartz, Frances	150000.00	100000.00		50000.00		
Schwartz, Moshe	150000.00	150000.00				50000.00
Sheehan, Regina	25000.00			25000.00		
Silva, Bernard	16500.00	5000.00		11500.00		
Silverblatt, Jerry	20000.00	20000.00				
Soelar, Howard	120000.00			120000.00		
Spadaro, Eve	30000.00	30000.00				
Speicher, Mary	10000.00			10000.00		
Sarague, Shaw	20000.00	20000.00				
Srebro, Zelean	25000.00	25000.00				
Stevens, Ronald	20000.00			20000.00	1	
Stuart Family Tr	10000.00			10000.00		
Sullivan, Michael	15000.00	15000.00				TRUST
Sullivan, Walter	15000.00	15000.00				BAL/AMES/27000
Tamburello, Paul	13000.00	13000.00				
Tamburro, Florence	10000.00	10000.00				
Tavilla, Mary	10000.00			10000.00		
Tracy Lake	100000.00			100000.00		
Turner, Jeff	10000.00			10000.00		
Vrotsos, Gary	35000.00	35000.00				
Warren, Bruce	50000.00	25000.00		25000.00		
Wasserman, Elsa	50000.00	25000.00		25000.00		
White, Elinor	100000.00	50000.00		50000.00		
Yogel, David	100000.00			100000.00		
Yogel, Eric	100000.00	15000.00		85000.00		
Zaman, Wasia	100000.00	50000.00		50000.00		7500 AMES
Zgonis, Charles	10000.00			10000.00		
	541000.00	237000.00	0.00	301200.00	0.00	50000.00

Shermsbury II  
Weymouth

ADDITIONAL

CORE INVESTORS	AMOUNT	SHERMSBURY	FLIP	WEYMOUTH	QUESTIONS
ARONSON, LEWIS	160000.00	160000.00	160000.00		
ARSHAD, GULREZ	75000.00	75000.00	75000.00	0.00	
BOLLES, SUZANNE	20000.00	20000.00	20000.00	0.00	
CARGILL, DENNIS	75000.00	75000.00	75000.00	0.00	
CHAUDRY, MOHAMMED	50000.00	50000.00	50000.00	0.00	
CHOWDHRY, FAZAL	75000.00	75000.00	75000.00	0.00	
ERIC MASHAGHEM	125000.00	0.00		125000.00	
GOLDMAN, JAY	215000.00	145000.00	145000.00	65000.00	
GOLDSTEIN, ALVIN	125000.00	125000.00	125000.00	0.00	
GORMAN, STEVE	200000.00	100000.00	100000.00	0.00	
GROSSBART, SAMUEL	120000.00	120000.00	120000.00	0.00	
KASPER, JAMES	150000.00	150000.00	150000.00	0.00	
MAHER, PATRICK	225000.00	100000.00	100000.00	125000.00	
MORAKIAN, THOMAS	230000.00	125000.00	125000.00	105000.00	
ROTHSCHILD, LAWRENCE	150000.00	100000.00	100000.00	50000.00	
UNITED REALTY	160000.00	160000.00	160000.00		
SH, WILLIAM	100000.00	100000.00	100000.00	0.00	
WATSON, CONRAD	100000.00	100000.00	100000.00	0.00	
	2355000.00	1780000.00	1780000.00	470000.00	

INVESTORS	AMOUNT	SHREWSBURY	UNITS	MEYMOUTH	UNITS	QUESTIONS
Gottlieb, David	20000.00			20000.00		
Griffin, Frances	50000.00			50000.00		
Grassian, Stuart	25000.00	25000.00				
Griffin, J. Gregory	80000.00	30000.00	4	500000.00	4	TOTAL ED/201000 / Jock 5000 (S.P. ...)
Griffin, Robert E.	100000.00			100000.00		
Grossbart, Ted	21000.00	21000.00				
Grossbart/Keboe	10000.00	10000.00				
Grossbart/Keboe	9000.00	9000.00				
H I T Realty Tr	25000.00			25000.00		
Hallett, Barry	140000.00	30000.00		110000.00		check
Hartwell, Stephen	10000.00	10000.00				
Hicks, George	10000.00	10000.00				
Highlander Tr.	25000.00	25000.00				
Honestead Not	100000.00			100000.00		MRD
Iocco, Victor	15000.00	15000.00				
Jarsiewicz, Ann	15000.00	15000.00		25000.00		
Jarsiewicz, Paul	50000.00	25000.00		30000.00		
Karpovsky, Aleksandr	30000.00			10000.00		
Kelso, Mary	10000.00					
Kohlberg, Lawrence	70000.00	70000.00				
Langill, Cynthia	10000.00			10000.00		
Langill, John	10000.00			10000.00		
Linsky, Martin	25000.00	25000.00				CHECK
Mahoney, K. Phyllis	15000.00	15000.00				
Malloy, Julia	35000.00			35000.00		
Manganello, James	100000.00			100000.00		
Mariner, Wendy	200000.00	100000.00		100000.00		
McEirr, John	10000.00			10000.00		
Mitchell, Gary	50000.00			50000.00		
Mahigian, Richard	25000.00	25000.00				
Miquerney, Jr.	100000.00	50000.00		50000.00		check
Muruzzaan, Syed	100000.00	100000.00				
Okun, Douglas	70000.00	15000.00		55000.00		
Oley, John	15000.00	7500.00		7500.00		
Owen, Don	20000.00	20000.00				
Pasquariello, Davis	50000.00			50000.00		
Pomeroy, Richard	35000.00	35000.00				
Pranght, Mary	15000.00	15000.00				
Pugliesi, Joseph	70000.00			70000.00		
Rapoport, Yury	20000.00			20000.00		
Rogers, Bertras	25000.00	25000.00				
Roos, Jan	30000.00	15000.00		15000.00		
Roos, Martin	30000.00	15000.00		15000.00		check
Rumyan, Rebecca	15000.00	15000.00				

# U.S. Partnership Return of Income

For calendar year 1987, or fiscal year  
beginning and ending

Exhibit B

OMB No. 1545-0046

1987

<b>A</b> Business activity SELL	Name <b>SHREWSBURY II TRUST C/O ERIC MANAGEMENT INC</b>	D Employer identification number <b>04-6557427</b>
<b>B</b> Principal product or service FONDO	Number and street <b>P.O. BOX 240</b>	E Date business started <b>1986</b>
<b>C</b> Business code number	City or town, state, and ZIP code <b>BROOKLINE MA 02146</b>	F Enter total assets at end of year <b>8,410,585.</b>

<p><b>G</b> Check accounting method:</p> <p>(1) <input type="checkbox"/> Cash</p> <p>(2) <input checked="" type="checkbox"/> Accrual</p> <p>(3) <input type="checkbox"/> Other</p> <p><b>H</b> Check applicable boxes:</p> <p>(1) <input type="checkbox"/> Final return</p> <p>(2) <input type="checkbox"/> Change in address</p> <p>(3) <input type="checkbox"/> Amended return</p> <p><b>I</b> Number of partners in this partnership: <b>94</b></p> <p><b>J</b> Is this partnership a limited partnership? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>K</b> Is this partnership a partner in another partnership? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>L</b> Are any partners in this partnership also partnerships? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>M</b> Does the partnership meet all the requirements shown in the instructions for Question M7? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>N</b> Was there a distribution of property or a transfer (for example, by sale or gift) of a partnership interest during the tax year? If "Yes," see the instructions concerning an election to adjust the basis of the partnership's assets under section 754. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><b>O</b> At any time during the tax year, did the partnership have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? (See the instructions for exceptions and filing requirements for Form TD F 90-22.1) If "Yes," write the name of the foreign country: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>P</b> Was the partnership the grantor of, or transferee to, a foreign trust which existed during the current tax year, whether or not the partnership or any partner has any beneficial interest in it? If "Yes," you may have to file Forms 3520, 3520-A, or 920. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Q</b> Was this partnership in operation at the end of 1987? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>R</b> Number of months in 1987 that this partnership was in operation: <b>12</b></p> <p><b>S</b> Check this box if the partnership has filed or is required to file Form 8254, Application for Registration of a Tax Shelter. <input type="checkbox"/></p> <p><b>T</b> Check this box if this is a partnership subject to the consolidated partnership audit procedures of TEFRA. <input type="checkbox"/></p>
---	---

**Caution:** Includes only trade or business income and expenses on lines 1a-21 below. See the instructions for more information.

	1a Gross receipts/less \$ <b>20,162,810.</b>	b Minus returns & allowances \$ <b>307,587.</b>	1a	<b>19,855,223.</b>
Income	2 Cost of goods sold and/or operations (Schedule A, line 7)		2	16,732,748.
	3 Gross profit (subtract line 2 from line 1a)		3	3,122,475.
	4 Ordinary income (loss) from other partnerships and fiduciaries		4	
	5 Net farm profit (loss) (attach Schedule F (Form 1040))		5	
	6 Net gain (loss) (Form 4797, line 18)		6	
	7 Other income (loss)		7	
	8 TOTAL income (loss) (combine lines 3 through 7)		8	3,122,475.
Deductions	9a Salaries and wages (other than to partners) \$	9b Minus job credit \$	9a	
	10 Guaranteed payments to partners		10	
	11 Rent		11	
	12 Deductible interest expense not claimed elsewhere on return		12	
	13 Taxes		13	
	14 Bad debts		14	
	15 Repairs		15	
	16a Depreciation from Form 4562 (attach Form 4562) Schedule A and elsewhere on return \$	16b Minus depreciation claimed on	16a	
	17 Depletion (Do not deduct oil and gas depletion)		17	
	18a Retirement plans, etc.		18a	
	18b Employee benefit programs		18b	
19 Other deductions		19		
20 TOTAL deductions (add amounts in column for lines 9a through 19)		20		
21 Ordinary income(less) from trade or business activity(ies) (subtract line 20 from line 8)		21	3,122,475.	

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of general partner: \_\_\_\_\_ Date: \_\_\_\_\_

Preparer's signature: \_\_\_\_\_ Date: \_\_\_\_\_ Check if self-employed:  Preparer's social security no: **034-36-5756**

Firm's name (or yours, if self-employed) and address: **MACDONALD, LEVINE, SAVY & CO., P.C.  
85 DEVONSHIRE STREET  
BOSTON, MASSACHUSETTS**

E.I. No: **04-2917369**  
ZIP Code: **02109**

H788

FILE COPY

EXHIBIT 3

FILE COPY

Consent Comm. # 7

5-967

Comm. from Michael Turk, Co-Chair,  
Cambridge Tenants Union, requesting  
an investigation into alleged abuses  
of public office.

In City Council,

October 26, 1992

*Charter Right  
exercised by*

*Councillor Wald*

*11/2/92 Referred to Unfinished  
Business on motion of  
Councillor Wald.*

*Report from City Solicitor  
in one week.*

*11/4/92 sent to City Solicitor for  
report @*