

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 23-0007

IN THE MATTER

OF

BARBARA DAVIS-HASSAN

FINAL ORDER

On August 11, 2023, the parties filed a Joint Motion to Dismiss ("Joint Motion") with a proposed Disposition Agreement requesting that the Commission approve the Disposition Agreement in settlement of this matter and dismiss the adjudicatory proceeding. The Presiding Officer, Thomas A. Connors referred the Joint Motion, with the Disposition Agreement, to the full Commission for deliberations on September 21, 2023.

In the proposed Disposition Agreement, Respondent Barbara Davis-Hassan, Town of Lanesborough ("Town") Planning Board (PB) member and Economic Development Committee (EDC) Chair admits that she violated G.L. c. 268A, §§ 17(c) and 19.

Section 17(c)

Davis-Hassan admits that she violated G.L. c. 268A, § 17(c) by acting as an agent for Durga Property Holdings, Inc. ("Durga") in connection with its Baker Hill Road District ("BHRD") taxes, the proposed dissolution of the BHRD, Durga's application for an abatement of its property taxes, and a water and sewer infrastructure grant for the Berkshire Mall ("Mall").¹ Davis-Hassan acted as an agent for Durga in connection with these particular matters that were of a direct and substantial interest to the Town by: (1) repeatedly appearing at BHRD meetings on behalf of Durga regarding its BHRD Mall-related taxes; (2) submitting to the Town Manager a proposed resolution regarding the dissolution of the BHRD, appearing on behalf of Durga at BHRD meetings where she discussed the proposed dissolution of the BHRD, and by speaking, on Durga's behalf, with a Legislator about the proposed dissolution of the BHRD; (3) filing an abatement application on Durga's behalf and representing Durga in connection with an abatement application at a Board of Assessor meeting; and (4) by contacting the Select Board

¹ G.L. c. 268A, § 17(c), prohibits a municipal employee from, otherwise than in the proper discharge of her official duties, acting as agent for anyone other than the municipality in connection with a particular matter in which the municipality is a party or has a direct and substantial interest.

and others, as Durga's representative, about a water and sewer infrastructure grant the Town was seeking for the Mall.

Section 19

Davis-Hassan also admits that she violated G.L. c. 268A, § 19 by participating as a PB member: (1) in a proposal to rezone the Mall while having an exclusive marketing agreement with Durga to lease space in, or to sell the Mall and (2) in a proposal to rezone property located at 20 Williamstown Road ("WR Property").²

As a member of the PB, Davis-Hassan participated in the PB's discussion and vote on whether to rezone the Mall when she had an exclusive marketing agreement with Durga to lease space in, or to sell the Mall. Davis-Hassan had a financial interest in the PB's decision to rezone the Mall because it was reasonably foreseeable that the zoning change would affect the sale of the Mall and Davis-Hassan's commission on the sale.

As a member of the PB Davis-Hassan participated in the PB's decision to rezone the WR Property when she was also serving as the listing agent for the sale of the property. Davis-Hassan had a financial interest in the PB's decision to rezone the WR Property because it was reasonably foreseeable that the zoning change would affect the sale of the property and Davis-Hassan's commission on the sale.

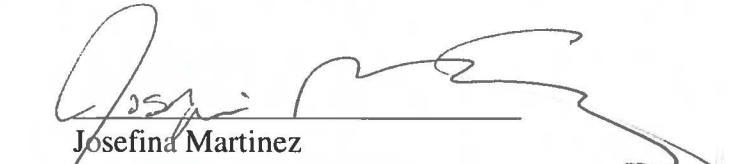
The Respondent agrees to pay a civil penalty of \$30,000 and to waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in the Disposition Agreement in this and any other administrative or judicial proceeding to which the Commission is or may be a party.

In support of the Joint Motion, the parties assert that this matter would be fairly and equitably resolved by the terms set forth in in the Disposition Agreement and that this resolution would obviate the need for a hearing on any factual issues, saving time and resources for all involved. The parties assert that the interests of justice, the parties and the Commission will be served by the Disposition Agreement.

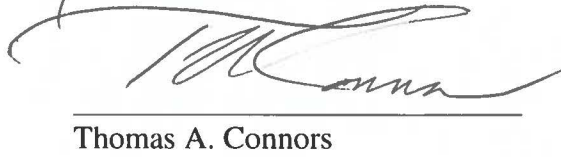
WHEREFORE, the Commission hereby ALLOWS the Motion. Respondent's tendered payment of the \$30,000 civil penalty for violating G.L. c. 268A, §§ 17(c) and 19 is accepted. Commission Adjudicatory Docket No. 23-0007, *In the Matter of Barbara Davis-Hassan* is DISMISSED.

² G.L. c. 268A, § 19 prohibits a municipal employee from participating in a particular matter in which, to her knowledge, she has a financial interest.


Margot Botsford


Josefina Martinez


Wilbur P. Edwards


Thomas A. Connors

DATE AUTHORIZED: September 21, 2023

DATE ISSUED: September 26, 2023

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