

FOR IMMEDIATE RELEASE

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Contact: David Giannotti, Communications Division Chief

617-371-9505

**Ethics Commission's Enforcement Division Alleges that Town of Harvard
School Superintendent and a Former School
Committee Chairman Violated the Conflict of Interest Law**

*Allegedly Used Official Positions to Secure Reimbursement of Private School
Tuition by Harvard Public Schools*

The State Ethics Commission's Enforcement Division, in two Orders to Show Cause ("OTSC"), alleged that Harvard Superintendent of Public Schools Thomas Jefferson ("Jefferson") and former Harvard School Committee Chairman Paul Wormser ("Wormser") violated G.L.c. 268A, the conflict of interest law, by using Jefferson's official position as Superintendent, and Wormser's official position as School Committee Chairman, to secure for Wormser an unwarranted privilege of substantial value not properly available to similarly situated individuals, namely, reimbursement of private school tuition by the Harvard School Department. The OTSCs also allege that Jefferson and Wormser further violated the conflict of interest law by knowingly, or with reason to know, acting in a manner that would cause a reasonable person, knowing all the facts, to conclude that they could unduly enjoy each other's favor in the performance of their official duties.

According to the OTSCs, Wormser asked Jefferson to consider reimbursing the cost of private school tuition for a student. The Harvard Public Schools had several procedures by which such a request could be made and considered by the School Department, but Wormser did not follow any of them, nor did Jefferson instruct or require him to do so. Instead, Jefferson directed a School Department employee to agree to reimburse the tuition cost, and the School Department provided reimbursement of \$30,000 in response to Wormser's request. During the time period when this occurred, Wormser participated in reviewing Jefferson's performance and voted to continue his contract.

Section 23(b)(2) of the conflict of interest law prohibits a public employee from using his official position to secure for himself or others unwarranted privileges or exemptions of substantial value not properly available to similarly situated individuals. By allegedly circumventing the Harvard School Department's procedures for tuition reimbursement requests, Jefferson and Wormser allegedly violated section 23(b)(2).

Section 23(b)(3) of the conflict of interest law prohibits a public employee from knowingly, or with reason to know, acting in a manner that would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position, or undue influence of any party or person.

Jefferson allegedly violated section 23(b)(3) by acting on Wormser's reimbursement request as described above, and Wormser allegedly violated the same section by participating in Jefferson's performance review after Jefferson had approved Wormser's reimbursement request.

The OTSCs in these matters were originally filed on April 30, 2009. They were accompanied by a motion to impound all documents in both cases, and to close the hearing, based upon an argument that such closure was required by certain federal and state education regulations. Both cases were treated as confidential pending a decision on that motion. In a ruling issued today, Presiding Officer Jeanne M. Kempthorne denied the motion, on the grounds that the constitutionally protected right of access to Ethics Commission adjudicatory proceedings require the hearing to be open to the public.

The Ethics Commission can impose civil penalties of up to \$2,000 for a violation of the conflict of interest law committed prior to September 29, 2009 (violations after that date are subject to higher penalties). The public hearing in these matters is scheduled for November 12 and 13, 2009.