



TOWN OF CHILMARK  
CHILMARK, MASSACHUSETTS

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Hours: 9am to 2pm, M-F

To: Chilmark Board of Selectmen  
On: May 20, 2014  
Fm: Marina Lent

Re: Request for written determination re: §19 Disclosure

I am serving as the Administrative Assistant to the Chilmark Housing Committee. My duties include preparing agendas for and publically posting meetings of the Committee under direction of the Chair, providing copies of background documents for such meetings as requested, and producing a written record of decisions taken by the Committee as required under the Open Meeting Law, MGL c.30A, §§ 18-25. These duties do not imply approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise concerning the responsibilities of the Housing Committee. I also perform similar functions for the Molly Flender-Chilmark Affordable Housing Trust Fund.

I am hereby submitting a §19 Disclosure (MGL c.268A §19) as I have recently decided that I would like to apply for a homesite lot at Nab's Corner. I request your consideration and a written determination from you as to whether the reasonably foreseeable financial interest this intention could entail is not such as to affect the integrity of the services described above which the Town may expect from an Administrative Assistant to the Chilmark Housing Committee.

I await your determination and any instructions you may have in this regard as to how I should conduct my work for the Town in a manner consistent with the requirements of the Conflict of Interest Law MGL c.268A.

Thank you for your consideration,

Marina Lent  
Administrative Assistant  
Chilmark Housing Committee

**PART IV** CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES**TITLE I** CRIMES AND PUNISHMENTS**CHAPTER 268A** CONDUCT OF PUBLIC OFFICIALS AND EMPLOYEES**Section 19** Municipal employees, relatives or associates; financial interest in particular matter

Section 19. (a) Except as permitted by paragraph (b), a municipal employee who participates as such an employee in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

(b) It shall not be a violation of this section (1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee, or (2) if, in the case of an elected municipal official making demand bank deposits of municipal funds, said official first files, with the clerk of the city or town, a statement making full disclosure of such financial interest, or (3) if the particular matter involves a determination of general policy and the interest of the municipal employee or members of his immediate family is shared with a substantial segment of the population of the municipality.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST  
AND DETERMINATION BY APPOINTING AUTHORITY  
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Marina Lent
Title or Position:	Administrative Assistant, Chilmark Housing Committee and Molly Flender-Chilm. Affordable Housing Trust
Municipal Agency:	Town of Chilmark
Agency Address:	401 Middle Road, P.O. Box 119 Chilmark MA 02535
Office Phone:	(508) 645-2105
Office E-mail:	mlent@chilmarkma.gov
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter  E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter.  I intend to apply for a homesite lot at Nab's Corner
Your required participation in the particular matter:  E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter.  I attend Housing Committee meetings, prepare and post the Agenda, provide copies of required documentation to the meeting, and produce a written record of Housing Committee decisions
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a <sup>potential</sup> financial interest in the matter. <input type="checkbox"/> NA My immediate family member has a financial interest in the matter. <input type="checkbox"/> NA My business partner has a financial interest in the matter. <input type="checkbox"/> NA I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> NA I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. If I prove eligible to participate, and if I am selected to received a homesite lot lease, my financial interest will be to build a home as provided for under the Chilmark Zoning Bylaw.
Employee signature:	<i>Maria Ault</i>
Date:	5/21/2014

**DETERMINATION BY APPOINTING OFFICIAL**

APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
DETERMINATION	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

**The appointing authority shall keep this Disclosure and Determination as a public record.**

**INSTRUCTIONS FOR DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE  
UNDER G.L. c. 268A, § 19**

**FINANCIAL INTEREST IN A PARTICULAR MATTER**

**WHEN TO USE THE § 19 DISCLOSURE FORM**

You are an **appointed or non-elected municipal employee**, as defined by G.L. c. 268A, § 1(g). **Your duties as a municipal employee include participating in a particular matter. You may not participate in the matter** because one or more of the following individuals or entities listed below has a **financial interest in the matter**:

- **You;**
- **Your immediate family member** (you and your spouse, and each of your parents, children, brothers and sisters);
- **Your business partner;**
- **A business organization** for which you are serving as an **officer, director, trustee, partner or employee;**
- **A person or organization** with whom you are **negotiating or have made an arrangement about prospective employment.**

You may file a **§ 19 Disclosure** with your appointing authority describing the particular matter, your responsibilities in relation to it, and the financial interest that is preventing you from participating.

Your appointing authority has discretion to make a written **§ 19 Determination** that the financial interest you have identified is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from you as its employee. **You may not participate in the particular matter unless your appointing authority files a written Determination allowing you to do so.**

If you choose not to seek authorization to participate, and do not file a § 19 disclosure, you may need to inform your appointing authority or agency that you will not perform your duties as you usually would.

**PARTICIPATION IN A PARTICULAR MATTER**

In a § 19 disclosure, you must explain in what way you participate in a particular matter.

A **particular matter** is any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination or finding.

You are expected to **participate** through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.

Explain in what way you are required to participate – e.g., reviewing a proposal, approving an application, deciding about a grant; making a recommendation about a budget, providing advice about a case, conducting an investigation, performing a task or taking an action – in relation to the particular matter.

**FINANCIAL INTEREST**

In the disclosure, you must explain the financial interest that prevents you from participating in a particular matter. You should include the dollar amount of the financial interest, if known.

A financial interest must be **direct and immediate or reasonably foreseeable** (and not remote, speculative or not sufficiently identifiable), and may be **large or small, positive or negative** – a gain or loss, a benefit or an obligation.

For example, a financial interest exists when the outcome of a particular matter may:

- **Cause or prevent a financial gain or loss;**
- **Create or eliminate a financial opportunity;**

- Determine who will make decisions affecting your or an immediate family member's **wages, hours or working conditions** as a municipal employee.

**Abutters and Owners of Nearby Property:** The following people are presumed to have a financial interest in a particular matter regarding real estate:

- An abutter;
- An abutter to an abutter within 300 feet of the property line;
- A person who may suffer an injury in fact which is different in kind or magnitude from that suffered by members of the general public.

**Competitors:** Your business interest will have a financial interest if the outcome of a particular matter would affect the financial interests of a competitor in a way that would likely decrease or increase your business or the business of your immediate family, your partner, or your private employer.

#### **FILING THE § 19 DISCLOSURE AND DETERMINATION**

##### **For the municipal employee**

**Sign your completed Disclosure and submit it to your appointing authority.**

##### **For the appointing authority**

You have received a § 19 Disclosure from a municipal employee who may not participate in a matter because of a financial interest in the matter. **You may make a written Determination** that the financial interest is not so *substantial* as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee. **You also may decide not to make this Determination.** If you make such a Determination, you should provide a copy to the employee. Keep a copy of the § 19 Disclosure as a public record.

**If you need advice about completing the disclosure, please call the Attorney of the Day at (617) 371-9500 or e-mail the State Ethics Commission at [opinions@eth.state.ma.us](mailto:opinions@eth.state.ma.us).**