

8/11/15

Dear Ms. O'Donoghue

Kerry Costello asked me to hand deliver this letter to you for tonight's BOS meeting. She has mailed you one, but realized you would not have it by tonight. She also wants me to let you know she's left for Peru and will be back on 8/20.

She requests that this is put on the agenda and read for the minutes
Thank you,

Kathy Meltzaks ^{not} VP

ANDOVER EDUCATION ASSOCIATION
80 Shawsheen Rd., Andover, MA 01810

August 6, 2015

Karen L. Nober, Executive Director
State Ethics Commission
Commonwealth of Massachusetts
One Ashburton Place, Room 619
Boston, MA 02180

Dear Ms. Nober:

The Andover Education Association hereby requests that the Massachusetts Ethics Commission conduct an investigation and issue a formal opinion regarding the potential for and/or actual conflict of interest of Robert A. Landry of 4 Seminole Circle, Andover, MA. Mr. Landry is a new member of the Andover Board of Selectmen, who was elected last March. Mr. Landry is a licensed insurance broker who works out of his home advising and obtaining various insurance products for his small business clients. His business website is: www.newenglandbenefits.com

We believe Mr. Landry has either a real or a very strong potential for a conflict of interest violation because of his past attempts to influence the Town of Andover's decision to move from Blue Cross Blue Shield to Tufts Health Plan for the provision of employee and retiree health insurance benefits. Mr. Landry receives brokerage commissions from various insurance providers, including Tufts Health Plan.

In early 2014, Mr. Landry was publically and privately advocating for the Town to switch to Tufts Health Plan under the guise of savings to the taxpayers. We believe that he may have been in contact with one or more of the Tufts sales representatives who were in active negotiations with Town of Andover officials at that time. Mr. Landry then tried to influence the voters at the May 2014 Annual Town Meeting to underfund the Town's health insurance budget appropriation, apparently as a way to force the Town to move to Tufts, even after it had already made the decision to stay with Blue Cross Blue Shield. The Town also had to seek a legal opinion to help prevent Mr. Landry's attempt at Town Meeting to undermine its previous decision to stay with Blue Cross Blue Shield.

We believe that as a private insurance broker Mr. Landry would have received some sort of direct or indirect benefit if he had been successful in getting the Town to move to the Tufts Health Plan. The Town of Andover would have represented a very lucrative \$20 million dollar per year contract for Tufts. We believe that at the very least, Mr. Landry would have received some sort of preferential or special treatment by Tufts in future dealings and requests for rate quotes for his existing or prospective future clients. But there is really no way to know for sure at this point, other than knowing how private sector business dealing are and can be conducted.

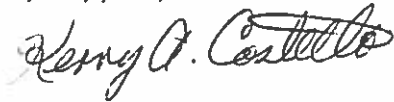
But now that Mr. Landry is a public official, he is subject to the Massachusetts Conflict of Interest Law. Shortly after he was elected last March he was advised by Andover's Town Counsel to voluntarily seek a conflict of interest opinion from the State Ethics Commission. Mr. Landry subsequently filed the requisite disclosure form with the Andover Town Clerk, and announced at a Selectmen's meeting that he had spoken to officials at the State Ethics Commission, and summarily declared that he had no conflict of interest as a private insurance broker in being involved in matters associated with the Town of Andover's employee and retiree health insurance.

Since that time he has taken an active role in seeking health insurance related subscriber and cost information from Town officials and from the Town's insurance consultant. He has also participated in closed door Board of Selectmen executive sessions on collective bargaining and health insurance strategy.

Although Mr. Landry may not currently have a direct conflict of interest, we believe there is certainly the potential for one to occur; and surely, he has a strong appearance of a conflict of interest when he seeks to participate in, and perhaps even take a lead role in, developing the Town's health insurance strategies, actions and/or policies. As a private insurance broker, how would the public ever know if he were to derive some kind of personal benefit from something he had a hand in regarding Town of Andover insurance matters? Is there really any way of knowing for sure? We therefore believe it would be in the Town's and Mr. Landry's best interest for the State Ethics Commission to render a written opinion that can serve as an advisory and guide for his involvement in Town health insurance related matters, if indeed he should even be involved in them at all.

On behalf of the Andover Education Association, we would appreciate your prompt response to this request. I am available to speak with your investigations staff to provide additional clarification and background information, and can direct them to other Town officials who may provide further facts and information. I can be contacted at (978) 623-8629 or kcostello@aps1.net. Thank you.

Very truly yours,



Kerry A. Costello, President
Andover Education Association

Cc: Andover Board of Selectmen
Andover School Committee
Eagle-Tribune