



Commonwealth of Massachusetts
STATE ETHICS COMMISSION

One Ashburton Place - Room 619
Boston, Massachusetts 02108

Hon. Merita A. Hopkins (ret.)
Chair

David A. Wilson
Executive Director

June 24, 2026

David Teixeira
c/o Sean Murphy, Esq.
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12 Harding Street, Suite 104
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Re: Preliminary Inquiry No. 2025-12

Dear Mr. Teixeira:

As you know, the State Ethics Commission ("Commission") conducted a preliminary inquiry into whether you violated the state's conflict of interest law by, as a Brockton City Councilor, discussing and voting to enact an anti-camping ordinance in 2024 and voting to override the mayor's veto of the ordinance in 2025.

On January 22, 2026, the Commission voted to find reasonable cause to believe that you violated the conflict of interest law's prohibition against municipal employees participating in matters in which they have a financial interest and authorized adjudicatory proceedings. The Commission further decided, however, that the public interest would be better served by issuing this Public Education Letter to you rather than commencing adjudicatory proceedings.

The Commission chose this educational resolution because it has not before publicly explained specifically how the conflict of interest law applies to an elected municipal official's participation in the enactment of an ordinance which on its face applies broadly to all real estate within the municipality but will in effect have a significantly different and greater impact on a relatively small subset of properties, including property owned by the elected official. The Commission expects that, through reading this Public Education Letter, you, and other public employees in similar circumstances, will have a better understanding of the conflict of interest law and how to comply with it.

The Commission and you have agreed that this matter will be resolved by this letter and without an adjudicatory proceeding. In so agreeing, you have chosen not to exercise your right to a public hearing before the Commission.

Facts

You were elected to a two-year term as an at-large Brockton City Councilor in November 2021 and reelected in 2023 and 2025. Prior to that, you were an appointed member of the Brockton Housing Authority and the Brockton License Commission. You resigned from the two appointed positions when you became a City Councilor.

Since February 2007, you have owned a commercial property, 200 Montello Street, Brockton, located in the area bounded by Montello, Crescent, and School Streets and the MBTA commuter rail right-of-way. The property, a 45,000 square foot parcel with buildings and a parking lot, directly abuts the MBTA right of way, the School Street commuter rail bridge (“School Street bridge”), and the Crescent Street commuter rail bridge (“Crescent Street bridge”). During the relevant period, this property was the site of two of your several Brockton businesses, the Mattress Maker of New England (“Mattress Maker”) and American Dream Homecare Agency (“American Dream”). Mattress Maker has a manufacturing facility and a large retail showroom on the property and American Dream has offices. Both businesses have employees on site.

The number of people in Brockton without housing greatly increased in recent years, according to news media reports. During the period of 2023 to 2025, unhoused people reportedly gathered primarily at three downtown locations, including public property beneath the School Street bridge.¹ Also reportedly, many unhoused people took to sleeping and camping under the bridge and criminal activity increased in the surrounding area. You testified during the preliminary inquiry that you personally found hypodermic needles under the School Street bridge, in the parking lot on your 200 Montello Street property, and on the Mattress Maker loading dock. You also told us you found human feces on your property and alleged that some employees of area businesses were attacked by unhoused persons.

A 2023 Brockton Enterprise article titled, *Is the School Street bridge Brockton’s Mass and Cass?*, after noting you had found fifteen needles dropped behind your store and a portion of a newly erected fence was “desecrated,” quoted you as stating that your “business was down by about 43 percent this year.”² The article also quoted you as stating at a Brockton Finance Committee meeting during a discussion of Brockton’s unhoused population, that “It’s not easy being a business owner in this area, especially downtown. This past year, I’m really thinking hard to move out of that location.” Reportedly, during this period some businesses left downtown Brockton due to safety and other problems many attributed to the city’s unhoused population.

¹ Reportedly, the two other locations were the Centre Street bridge area and Salisbury Brook Park. You told us that another location was around a shelter on North Main Street, which has since moved to outside downtown Brockton.

² During the preliminary inquiry, however, you claimed to have misspoken and asserted that your Mattress Maker business, which you say is primarily wholesale, had in fact not declined, but that other area business owners had told you that their business had declined 43 percent.

In August 2024, the City Council began considering a proposed municipal ordinance apparently intended to address certain issues raised by the increase in Brockton's unhoused population titled "An Ordinance Prohibiting Camping on Public Property" ("the Ordinance").

The Ordinance was filed with the City Council on August 26, 2024, by Ward 5 City Councilor Jeffrey Thompson. The stated purpose of the Ordinance was "to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by prohibiting camping and storage of personal property on public property, which interferes with the rights of others to use the area in the manner for which it is intended." The Ordinance provides that, "[n]o person may sleep on Public Property at any time" and "[n]o person may sleep in any pedestrian or vehicular entrance to public, or private property abutting a public sidewalk." The Ordinance also provides that, "[n]o person may occupy a campsite in or upon any sidewalk, street, alley, lane, public right of way, park, bench, or any other publicly-owned property *or under any bridge or viaduct*" (emphasis added).

The Ordinance was read and referred to the City Council's Ordinance Committee of which you were then a member. On October 10, 2024, the Ordinance Committee discussed the Ordinance and reported it back favorably to the full City Council. As a member of the Ordinance Committee, you voted to report the Ordinance back favorably to the City Council.

On November 12, 2024, the City Council held a hearing on the Ordinance. As a City Councilor, you advocated for the Ordinance, including by expressing your concern for children walking home from school under the School Street bridge while unhoused persons gathered there used drugs and alcohol. The Ordinance passed by a 7-4 vote, with you voting in favor.

On November 25, 2024, Mayor Robert Sullivan vetoed the Ordinance, stating that he believed the Ordinance violated Brockton residents' constitutional right to occupy public spaces throughout the city. On January 13, 2025, the City Council voted 8-3 to override Mayor Sullivan's veto of the Ordinance. You voted in favor of overriding the mayor's veto.

The enacted Ordinance provides a process for removing encampments on public property. The "Penalty for Violations" section of the Ordinance provides that any person who violates the Ordinance shall be given a written warning for the first offense and that the city shall seek a criminal complaint for any subsequent violations.

Brockton is a city of approximately 105,000 residents. There are nearly 27,520 assessed real estate parcels in the city, of which about 24,290 are residential and about 3,230 are commercial, industrial, agricultural or other. The city is home to about 4,000 to 5,000 businesses.

Legal Discussion

As a Brockton City Councilor, you were, at all relevant times, a municipal employee. As such, you were subject to the restrictions of the state conflict of interest law, General Laws chapter 268A.

Section 19

Section 19 of the conflict of interest law, with limited exceptions, prohibits a municipal employee from participating as such an employee in a particular matter in which to their knowledge they have a financial interest. Simply stated, this means that, with very few exceptions, a municipal employee may not act in their official capacity in any matter they know may affect them financially.

The enactment of the Ordinance was a particular matter. You participated in this matter as a City Councilor by taking part in City Council discussions about the Ordinance, voting to enact the Ordinance, and voting to override the mayor's veto of the Ordinance.

You had a financial interest in the Ordinance as a Brockton real estate and business owner

In applying section 19, the Commission presumes that a real estate owner has a financial interest in matters affecting their own and abutting real estate.³ Because the Ordinance prohibits camping, sleeping, and the storage of personal belongings on public property "or under any bridge or viaduct," including under the School Street bridge and the Crescent Street bridge, and on other public property directly abutting your 200 Montello Street property, including the commuter rail right-of-way and the public sidewalks around your property, the enactment of the Ordinance was clearly a particular matter affecting your own and abutting real estate. Accordingly, you are presumed to have had a financial interest in the enactment of the Ordinance.

In addition and more importantly, if enforced by the city, the Ordinance would operate to stop unhoused persons, including the many who reportedly were already doing so, from sleeping, camping, and storing their personal belongings under the School Street bridge and thus curtail the congregation of such persons on or near your 200 Montello Street property and your Mattress Maker and American Dream businesses. As you had previously publicly maintained that the presence of many unhoused persons in the School Street bridge area directly negatively affected area businesses, including your own to such an extent that you were "really thinking hard" about moving your businesses from 200 Montello Street, you plainly had to your knowledge a financial interest in the Ordinance when you participated as a City Councilor in its enactment.

Accordingly, your participation as a City Councilor in the enactment of the Ordinance by discussing and voting for the Ordinance in 2024 and by voting to override the mayor's veto of the Ordinance in 2025 was prohibited by section 19 unless an exception to that section applied in your situation.

³ See Commission Advisory 05-02: *Voting on Matters Affecting Abutting or Nearby Property*. The presumption can be rebutted if the public official first obtains an independent real estate appraisal concluding that the matter will in fact not affect their financial interest.

Exceptions to Section 19

In this instance, only one of the three statutory exceptions to section 19,⁴ section 19(b)(3),⁵ was possibly available to you when you participated as a City Councilor in the enactment of the Ordinance.

The section 19(b)(3) exception applies only if the particular matter in question involves a determination of general policy and the financial interest of the municipal employee is shared with a substantial segment of the population of the municipality. “Substantial segment” is ten percent or more of the municipality’s population. *See* EC-COI-92-34. Under the exception, if a matter of general policy will financially affect a municipal employee in the same way as it will financially affect at least ten percent of the municipality’s residents, then the municipal employee may participate officially in the matter despite their financial interest in it. Examples of particular matters affecting the financial interest of a substantial segment of the municipal population are the adoption of a municipality-wide real estate tax rate and the enactment of a comprehensive zoning by-law.

General Policy Determination

The enactment of the Ordinance was a determination of general policy as it generally prohibits sleeping, storing personal belongings, and camping on public property in Brockton. Thus, whether the section 19(b)(3) exception applied to permit your participation in the adoption of the Ordinance turns on whether your financial interest, both as a real estate owner and as a business owner in the School Street bridge area, was shared by ten percent or more of the Brockton’s approximately 105,000 residents, or at least around 10,500 residents.

As the Commission observed in its formal opinion EC-COI-92-34, this second requirement of section 19(b)(3) “seems intended to prevent its application to a matter that, although couched in terms of general policy, in fact affects the interests of only relatively few ... residents.” In determining whether this second requirement is met, the Commission focuses on whether ten percent or more of all of the residents of the municipality share the same or a substantially similar financial interest in the particular matter.⁶

⁴ Section 19(b)(1) applies only to appointed municipal employees and not to elected officials, and section 19(b)(2) only applies to elected officials making demand bank deposits of municipal funds. In addition, while there are also regulatory exceptions to section 19, none applied to your situation.

⁵ Section 19(b)(3) provides in relevant part that “it shall not be a violation of this section... (3) if the particular matter involves a determination of general policy and the interest of the municipal employee... is shared with a substantial segment of the population of the municipality.”

⁶ The Commission considers whether the interest is the same “kind rather than degree.” *See* EC-COI-93-20.

City-wide Impact - Prevention

The Ordinance broadly bans sleeping, storing personal belongings, and camping on all public property in Brockton, including all city streets and sidewalks, which, taken together, abut nearly all private real estate in the city and, thus, real estate most likely owned by ten percent or more of Brockton's population.⁷ Thus, nearly all Brockton real estate owners, who together most likely constitute a substantial segment of Brockton's population, had a presumed financial interest in the enactment and enforcement of the Ordinance as abutters to public property, as well as a financial interest to the extent that they may possibly benefit from the prevention of health or safety problems arising from people sleeping, storing personal belongings, and camping on public property city-wide, which could possibly affect the desirability and value of their real estate.

Downtown Impact - Remediation

At the time of the Ordinance's enactment, however, Brockton's unhoused population reportedly gathered and camped mainly in three downtown locations, including under the School Street bridge. Enactment and enforcement of the Ordinance would thus have not only a much greater but also a different kind of impact on real estate parcels and businesses abutting or near to those three locations than on parcels and businesses elsewhere in the city. For that relatively small number of real estate parcels, including 200 Montello Street, and businesses, including Mattress Maker and American Dream, enactment and enforcement of the Ordinance was more than just a preventative measure. For the owners of these relatively few parcels, enactment and enforcement of the Ordinance would remedy or substantially mitigate significant existing problems believed to be associated with the congregation of large numbers of unhoused people. Problems which were making your real estate less desirable for business use and causing you to think "hard" about relocating your businesses.

Thus, for you and other owners of real estate and businesses located in or near these three downtown congregation areas, the enactment of the Ordinance and its enforcement was a means to remedy or significantly reduce existing problems attributed to the ongoing gathering of large numbers of unhoused people that were reportedly causing area business to decline and companies to relocate and making area real estate less desirable. In short, for School Street bridge area real estate and business owners like you, the Ordinance was a way of preventing or, at least reducing, further business losses and avoiding the financial cost of relocation.

Your Financial Interest as a Commercial Real Estate and Business Owner was not Shared with a Substantial Segment of Brockton's Population

Your financial interest in the enactment and enforcement of the Ordinance as an owner of commercial real estate and businesses in the School Street bridge area was apparently not shared by ten percent or more of Brockton's population. There were, in 2024-2025, likely well under

⁷ Brockton's 27,520 assessed real estate parcels likely have more than 10,500 owners who are city residents.

500 real estate parcels and businesses in the city similarly impacted by unhoused people. While the actual number is not determinable with precision, it is more likely than not that there were not 10,500 or more Brockton residents who owned commercial real estate and businesses in or adjacent to the three areas in the city where unhoused people congregated and camped at the time you participated in the enactment of the Ordinance.⁸ Thus, the business and real estate owners in these areas were not, for the purposes of section 19(b)(3), a substantial segment (*i.e.*, ten percent or more) of Brockton's population of approximately 105,000 residents.

Summary and Conclusion

Your financial interest in having the Ordinance enacted and enforced to address the existing problems you said resulted from many unhoused people congregating and camping near your real estate and businesses was not only greater than but also different from that of the overwhelming majority of other Brockton property owners. Thus, as the owner of 200 Montello Street, Mattress Maker, and American Dream, you had a financial interest in the enactment and enforcement of the Ordinance that was not shared by as substantial segment (*i.e.*, ten percent or more) of Brockton's approximately 105,000 residents.

Accordingly, the Commission concluded that the exception of section 19(b)(3) did not apply to your actions. Therefore, the Commission found reasonable cause to believe you violated § 19 by, as a Brockton City Councilor, in 2024 participating in discussions of and voting to enact the Ordinance and, in 2025, voting to override the mayor's veto of the Ordinance.

In conclusion, you should understand from this letter that section 19 of the conflict of interest law prohibits you from participating as a City Councilor in the city's adoption of a general policy in the form of an ordinance or otherwise, in which, as in this case, you have a financial interest of a kind that is not shared by at least ten percent of Brockton residents. In the future, if in doubt, you should seek advice from the Brockton City Solicitor or the Commission's Legal Division or abstain from participating as a City Councilor.

Disposition

Based upon its review of this matter, the Commission has determined that the public interest will be best served by the issuance of this Public Education Letter to you and that your receipt and reading of this letter should be sufficient to ensure your understanding of and future compliance with the conflict of interest law. This matter is now closed.

Sincerely,



David A. Wilson
Executive Director

⁸ With about 3,230 nonresidential parcels and 4,000 to 5,000 businesses in the city, of which some are not owned by Brockton residents, likely fewer than 10,500 residents own commercial real estate and businesses in the entire city.