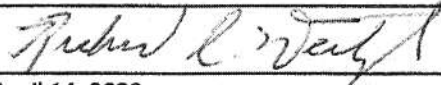





**DISCLOSURE BY NON-ELECTED STATE EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 6**

Name:	Richard S. Weitzel
Title or Position:	Assistant Attorney General
State Agency:	Office of the Attorney General (AGO)
Agency Address:	One Ashburton Place Boston, MA 02108
Office Phone:	c/o General Counsel's Office 617-963-2018
Office E-mail:	c/o Juliana.Rice@mass.gov
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>Melissa Pixley, et al., individually and on behalf of all other persons similarly situated v. Michael J. Heffernan, in his capacity as the Commissioner of the Massachusetts Department of Revenue, Best Buy Stores, L.P., Best Buy Co., Inc., Celco Partnership d/b/a Verizon Wireless, and AT&T Mobility, LLC, Appeals Court No. 2021-P-0805</i>
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: Continued representation of the Commissioner of Revenue ("Commissioner") in connection with the above-referenced appeal before the Appeals Court. I was not involved in this matter during the lower court proceedings, which began in 2017.
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input checked="" type="checkbox"/> <input type="radio"/> I have a financial interest in the matter. (possible, disclosing to err on the side of caution) <input checked="" type="checkbox"/> <input type="radio"/> My immediate family member has a financial interest in the matter. (same) <input type="checkbox"/> <input type="radio"/> My business partner has a financial interest in the matter. <input type="checkbox"/> 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"/> 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	<p>One of the Commissioner of Revenue's co-defendants in this matter is Cellco Partnership d/b/a Verizon Wireless ("Cellco"), which I understand to be a subsidiary of Verizon Communications, Inc. ("Verizon"). My wife and I own shares of the common stock of Verizon in a joint brokerage account. The shares were purchased in 2016, six years before my participation in this case, and they represent a relatively small percentage of our total assets, which are diversified in various stocks, bonds, mutual funds and other investments.</p> <p>It is unclear whether this joint ownership gives my wife and me a "financial interest" in the <i>Pixley</i> matter, as that phrase is used in G.L. c. 268A, § 6. The <i>Pixley</i> matter was brought in 2017 by cell phone purchasers who challenge the manner in which Massachusetts sales tax has been imposed and collected on sales of cell phones in "bundled" transactions. The plaintiffs sought monetary and declaratory relief against the Commissioner of Revenue, and also against several cell phone vendors, including Cellco. The Commissioner moved to dismiss the complaint in Superior Court, and that motion was granted in 2018. Thereafter, plaintiffs stipulated to the dismissal of Cellco and the other vendor defendants from the case without prejudice. Plaintiffs have now appealed the dismissal of its claims against the Commissioner to the Appeals Court, and that appeal is in the process of being briefed. It appears that Cellco and the other vendor defendants will not be filing any briefing, or otherwise participating, in the Appeals Court case that I am currently working on (by their own choice). However, it is possible that the financial interest of Cellco could be affected by resolution of the appeal. In the case, the legal and financial interests of the co-defendants Commissioner and Cellco are aligned in certain respects (for example, full dismissal of all claims in the case would presumably inure to their mutual benefit), but they are not necessarily aligned in all respects.</p> <p>The amount at stake for Cellco with respect to the claims of the named plaintiffs in the <i>Pixley</i> case is very small (probably in the hundreds of dollars). However, the matter was originally brought as a putative class action, which could increase Cellco's exposure. But no class has been certified to date, and no motion for class certification has been filed. Verizon's net income for 2021 was approximately \$ 22 billion, and its revenue was approximately \$133 billion.</p> <p>I have disclosed our Verizon common stock ownership to my supervisor Timothy Casey, Chief of the Constitutional and Administrative Law Division of the Attorney General's Office, and he has no objection to my continuing representation of the Commissioner.</p> <p>I am 100% confident that my and my wife's ownership of Verizon stock will have no impact on the manner in which I litigate and handle this case, and will not affect any position that I take on behalf of the Commissioner in this case.</p>
Employee signature:	
Date:	April 14, 2022

DETERMINATION BY APPOINTING OFFICIAL APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	Maura Healey, Attorney General
Title or Position:	By:
Agency/Department:	General Counsel
Agency Address:	Office of the Attorney General
Office Phone:	One Ashburton Place Boston, MA 02108

DETERMINATION BY APPOINTING OFFICIAL

APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	Maura Healey, Attorney General
Title or Position:	By: Juliana deHaan Rice, General Counsel
Agency/Department:	Office of the Attorney General
Agency Address:	One Ashburton Place Boston MA 02108
Office Phone:	617 963 2583
Office E-mail	Juliana.Rice@mass.gov
DETERMINATION	
Determination by appointing authority: Write an X by your selection.	As appointing official, as required by G.L. c. 268A, § 6, I have reviewed the particular matter and the financial interest identified above by a state employee. ___ I am assigning the particular matter to another employee, or ___ I am assuming responsibility for the particular matter, or <u> x </u> 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 Commonwealth may expect from the employee.
Appointing Authority signature:	
Date:	4/15/22
Comment:	

Attach additional pages if necessary.

File copy with:

State Ethics Commission, One Ashburton Place, Room 619, Boston, MA 02108