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Attorney Candies Pruitt-Doncaster
State Ethics Commission
One Ashburton Place, Room 619
Boston, MA 02108 -1501
(617) 371-9502 fax: (617) 723-4086

Re: Brian Johnson vs. Peter Frei
Palmer District Court, Civil Action #: 1143CV293

Dear Attorney Pruitt-Doncaster:

I am enclosing copies of the verdict slips reached by the trial jurors in the above.

In addition to the Mr. Johnson's statement under oath that he was off-duty during the 2/19/11 incident that occurred on the ice outside Mr. Frei's home, participating in a local fishing derby as a private citizen, the jury made the following findings:

- 1, Mr Johnson "intended to inflict emotional distress, or knew or should have reasonably known that emotional distress was likely to result from his conduct;
2. Mr. Johnson's conduct was "extreme and outrageous, was beyond the bounds of decency and intolerable in a civilized society.
3. A reasonable person under the circumstances of this case would have suffered emotional distress.
4. Mr. Johnson knowingly and falsely accused Mr. Frei of having committed a crime.
5. Mr. Johnson communicated said knowing and false accusation of crime to at least one other person.

You will recall it was some weeks after this outrageous conduct that Mr. Johnson apparently sought and obtained approval from the Town Select Board to not only file suit against the victim of his bullying but to engage the services of town counsel (at reduced rates) and use tax payer dollars to do so.

It is difficult to understand any set of circumstances in which a tax payer should have to pay for a public official's on or off-duty conduct toward a resident found to be extreme, outrageous, beyond the bounds of decency and intolerable in a civilized society.

In light of the Select Board's pre-authorization awareness of the Mr. Frei's allegations; their further awareness of the knowing and intentional falsity of Mr. Johnson's statements to the police; and the Board's well documented animus toward Mr. Frei, it is equally difficult to perceive any set of circumstances in which the knowing and intentional offer and receipt of legal representation by town counsel paid for with public funds is not a violation of G. L. 268A § 23(b)(2)(i) and (ii). The real question is whether there is probable cause to establish a violation of G.L. c. 268A Sec. 26(a).

Please let me know if I can provide any additional information and thank you again for taking the time to review and evaluate this very troubling matter.

Sincerely,

Henry L. Rigali, Esq.

Enclosures