

MASSACHUSETTS Lawyers Weekly

Register of deeds' pleas to fund chief information officer position fall on deaf ears

By: Kris Olson July 23, 2021

Norfolk Register of Deeds William P. O'Donnell claims county commissioners are courting cyber danger and being pennywise and pound foolish by not allowing him to replace a retiring chief information officer.

But the majority of the commission prefers to leave the position open until a consultant completes a report that may recommend a consolidation of county services, particularly with respect to information technology.



In a July 12 letter to "friends" of the Norfolk Registry, O'Donnell calls attention to a June 30 vote in which two Norfolk county commissioners voted not to sign a "personnel paper" that would have enabled O'Donnell to hire what he says is an eminently qualified and desperately needed candidate.

Throughout the hiring process, O'Donnell says, he had no reason to suspect the position might be on the chopping block, given that it has been part of his office for more than 20 years and was included in the registry's budget for the upcoming fiscal year.

"Not once was it said this position would not be filled during the budget process that concluded in May," O'Donnell says.

Moreover, O'Donnell would have liked to think that the commissioners had a greater appreciation of how integral the CIO position has been in helping his office evolve to meet the needs of the registry's increasingly tech-savvy users, including closing attorneys.

"Technology has been the foundation of the modernization initiatives that have been implemented over the years at the Norfolk Registry of Deeds," he writes.

O'Donnell wonders how one could hear news of rampant ransomware attacks and security breaches and conclude that the funding of the CIO position is anything but mandatory. To that end, the commission's vote "is not a sound decision and just poor policy," he writes.

It would be one thing if the registry's technology were not being used to process millions of dollars of transactions, O'Donnell argues. But in Fiscal Year 2021, the registry took in more than \$81 million and recorded some 205,000

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services and Community Preservation Act projects, including those in Norfolk County, he notes. Another healthy chunk — nearly \$3.5 million in FY21 — remains in Norfolk County, he adds.

O'Donnell remains mystified that the commissioners voted on June 1 to impose a hiring freeze for all non-essential, non-seasonal employees, only to turn around two weeks later and approve the hiring of a special education director for the Norfolk County Agricultural High School. He says he doesn't begrudge the school its employee; he just thinks the CIO position is every bit as essential.

One commissioner, Richard R. Staiti of Canton, agrees, explaining that his dissenting vote to sign the personnel paper stemmed, first and foremost, from a belief that the registry CIO is a "critical position that should not be left open."

But at this point, Commissioners Joseph P. Shea and Peter H. Collins think the more prudent course is to wait for independent consultant Mark D. Abrahams, a certified public accountant, to complete his assessment of county operations in two areas, facilities management and information technology.

No one wants to presuppose Abrahams' conclusions, but consolidation in some form could be among his recommendations, Norfolk County Director John J. Cronin acknowledges. There are now a total of four positions, including the registry CIO job, being held in abeyance pending Abrahams' report, according to Cronin.

While not wanting to speak for Shea and Collins, Cronin says it would be fair to characterize their votes as indicating a willingness to endure a short-term vacancy to address the long-term needs of the county. Shea and Collins could not be reached for comment.

But in Staiti's view, the commissioners should be using Abrahams' forthcoming report to inform budget decisions for FY23 and beyond, not deciding whether to fill current, pressing vacancies.

Cronin says his office had reached out to O'Donnell "to attempt to communicate a [potential] short-term solution" to the office's IT needs, but O'Donnell was uninterested, "which is his prerogative."

O'Donnell rejects any suggestion that the CIO position is redundant with any other position, either in his office or across the county.

"This position is so crucial, it shouldn't be vacant for one day — and hasn't been vacant for 20 years," he says.

O'Donnell adds that he would love to make the case for the value of the CIO position directly to Abrahams, but until recently, the consultant had not sought out that opportunity, though they were scheduled to speak on July 20. O'Donnell finds that "very unfortunate," given that the study might be used to justify keeping the CIO position dark. Indeed, it seems very much like "last-minute posturing," given that Abrahams has been engaged since last October, he says.

The CIO position was set to be back on the agenda for the Norfolk County Commission's July 21 meeting, and Staiti says he has "no idea" what might happen with the register's renewed request.

But O'Donnell is already laying contingency plans, summoning the commissioners into Superior Court the week of July 26, Staiti notes.

O'Donnell, an attorney, says that his immediate focus is the July 21 vote to reconsider the CIO appointment. If that goes the way he thinks it should, there will be no need to pursue redress through the courts. But if not, all options are on the table.

"I feel a fiduciary duty, as register of deeds, to make sure registry operations run as well as they have for years," he says.

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