

**INVESTIGATION OF COMPLAINT
FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS**

CONFIDENTIAL

I. INTRODUCTION

This report is the result of two (2) separate incidents that occurred on November 26, 2025, in the Town of Swampscott (“Town”), involving two of the Town’s Select Board Members (“Board”), David Grishman (“Mr. Grishman”), and Mary Ellen Fletcher (“Ms. Fletcher”).

II. SUMMARY OF ALLEGATIONS AND SCOPE OF INVESTIGATION

On November 2, — 5, Swampscott Police (“Department”) responded to a report of a motor vehicle hit-and-run at the Vinnin Liquors and Whole Foods parking lot located in Town. [REDACTED] reported that his car was struck. [REDACTED] report resulted in a Swampscott PD Incident Report. Later that same night, [REDACTED] emailed the Chair of the Board (“[REDACTED] Email”), Katherine Phelan (“Ms. Phelan”), cc’ing Ms. Fletcher, accusing Mr. Grishman of hitting [REDACTED] car. On November 28, 2025, Ms. Phelan forwarded the [REDACTED] Email to Mr. Grishman, which prompted Mr. Grishman to file a public records request. A Department document returned to Mr. Grishman from the public records request indicated that Ms. Fletcher went into the Department police station after receiving the [REDACTED] Email, inquired about the hit-and-run, and asked the police to investigate the matter.

On January 22, 2026, Mr. Grishman wrote a letter to Ms. Phelan, copying Town Administrator Nicholas Connors, alleging that Ms. Fletcher improperly involved herself in a Department investigation in violation of the Board and Committee Handbook and Code of Conduct. The Town then engaged Clifford & Kenny, LLP to determine whether Ms. Fletcher violated the Town’s Board and Committee Code of Conduct.

III. WITNESSES INTERVIEWED

1. David Grishman, Select Board Member, Town of Swampscott
2. Katherine Phelan, Chair of the Select Board, Town of Swampscott
3. [REDACTED] own of Swampscott Police Department
4. Mary Ellen Fletcher, Select Board Member, Town of Swampscott

IV. DOCUMENTS REVIEWED

1. The Town of Swampscott’s Board and Committee Handbook
2. The Town of Swampscott’s Board and Committee Code of Conduct
3. David Grishman’s Complaint, dated January 22, 2026
4. Swampscott Police Incident Report #25078050, dated November 26, 2025
5. [REDACTED] Memo to Chief Quesada, dated November 26, 2025
6. Email from [REDACTED] to Ms. Phelan and Ms. Fletcher (“Car Damage Parked at Wholefoods/Vinnan Liquors”), dated November 26, 2025

7. Email from Ms. Fletcher to [REDACTED] (“Car Damage Parked at Wholefoods/Vinnin Liquors”), dated November 26, 2025
8. Email Exchange between Lt. Michael Frayler to Chief Quesada (“Car Damaged Parked at Wholefoods/Vinnin Liquors”), dated November 28-29, 2025

V. RELEVANT POLICIES

1. The Town of Swampscott Board and Committee Handbook
2. The Town of Swampscott Board and Committee Code of Conduct

VI. FINDINGS OF FACT

1. David Grishman (“Mr. Grishman”) has lived in Town since 2012. Since 2015, Mr. Grishman has been involved in several Town committees as a Town Meeting member and the Chair of Swampscott’s Outdoor Event Committee. From approximately 2020 to 2026, Mr. Grishman has been a member of the Town’s Select Board. Mr. Grishman is employed as a commercial loan officer at [REDACTED] (Interview of Mr. Grishman).
2. Mary Ellen Fletcher (“Ms. Fletcher”) has lived in Swampscott since 1988. Since approximately 1990, she has served as the Chair of the Recreation Commission, the Vice Chair of the Finance Committee, the Article 6 Commission, and PTO liaison to the Kaplan Committee. (Interview of Ms. Fletcher).
3. Catherine Phelan (“Ms. Phelan”) has lived in Swampscott since 2015. Ms. Phelan was elected to the Select Board in April of 2022 and ran for re-election in 2025. She currently serves as the Chair of the Select Board. (Interview of Ms. Phelan).
4. [REDACTED] is a Lieutenant in the Police Department. [REDACTED] has been a Lieutenant with the Department for approximately 30 months. [REDACTED] has worked for the Department for two (2) decades, having previously held the rank and assignments of Sergeant, School Resource Officer, and Crisis Negotiator. (Interview of [REDACTED]).
5. Both Mr. Grishman and Ms. Fletcher acknowledged that in recent years, they have experienced regular conflict with one another while working together on the Select Board. (Interview of Mr. Grishman; Interview of Ms. Fletcher).
6. Mr. Grishman stated that on the morning of November 26, 2025, he was running errands for Thanksgiving when he stopped in at the Vinnin Liquors and Whole Foods parking lot in Town. Mr. Grishman drives a white Mercedes sedan. As Mr. Grishman was approaching his car in the parking lot, a man stood in front of his vehicle and asked Mr. Grishman whether he hit his car. Mr. Grishman recalled telling the man, “No, I didn’t hit your car” and drove out of the parking lot. (Complaint of Mr. Grishman; Interview of Mr. Grishman).
7. In response to a call from a public citizen to dispatch, on November 26, 2025 at approximately 9:52 AM, Department Officer Michael Kenyon (“Officer Kenyon”) was dispatched to the parking lot of Vinnin Liquors, located at 371 Paradise Road, for a reported motor vehicle hit and run. Officer Kenyon encountered [REDACTED], the public citizen, in the

parking lot.¹ [REDACTED] reportedly told Officer Kenyon that he went in Vinnin Liquors, and upon returning to the parking lot, found that his Toyota Yaris had a side swipe scrape and that a quarter panel of the vehicle was pushed in. Officer Kenyon authored an Incident Report about the incident. (Swampscott Police Incident Report #25078050).

8. On the night of November 26, 2025 at 5:56 PM, [REDACTED] sent the [REDACTED] Email to Ms. Phelan, cc'ing Ms. Fletcher, which stated, in part:

Just a heads up, one of your board members, David Grishman, is quite a character...I was parked a Vinnin Liquors/Wholes, picking up my Thanksgiving dinner. I was inside for 5 minutes and come out to this lovely scene of the front driver side of my car busted up and scrapped up by a white car as you can see from the white streaks on my tire and fenders/door. By coincidence there's a white car owned by Mr. Grishman parked right next to me on the same side when I came back outside from the store... Needless to say I contacted the police and Vinnin Liquors owners for their security camera footage. I also reported the white car's plate to my insurance as the potential culprit (hence how I got David's name). Waiting for the video footage to prove it. I'm going to get to the bottom of this and make sure whoever hit my car and ran will be accountable...

(Email from [REDACTED] to Ms. Phelan and Ms. Fletcher; Complaint of Mr. Grishman).

9. Mr. Grishman, Ms. Fletcher, and Ms. Phelan stated that they had no prior dealings with [REDACTED] and did not know him prior to the incident. (Interview of Mr. Grishman; Interview of Ms. Fletcher; Interview of Ms. Phelan).
10. Ms. Fletcher stated during the evening of November 26, 2025, she was out running with her dogs in a field near her home. Ms. Fletcher recalled returning to her car, checking her email, and reading the [REDACTED] Email. Ms. Fletcher stated that her home in town is near the Department Police Station. (Interview of Ms. Fletcher).
11. This Investigator asked Ms. Fletcher whether she replied to [REDACTED] Email. Ms. Fletcher initially stated she didn't recall replying to the [REDACTED] Email but later acknowledged, through her attorney, that she did in fact reply to the [REDACTED] Email. (Interview of Ms. Fletcher; Email from Ms. Fletcher to [REDACTED], Dated November 26, 2025)
12. In an email exchange provided to this Investigator, on November 26, 2025 at 7:11 PM, Ms. Fletcher responded to the [REDACTED] Email, by stating, in part:

[REDACTED], I am so sorry you have to deal with this and I hope you are able to find the person who did this. Please keep us posted. Please send your phone number."

[REDACTED] replied at 7:46 PM:

¹ This Investigator made several attempts to contact [REDACTED] for an interview via email and phone calls. [REDACTED] did not respond to email or phone messages.

Apparently, the culprit is going to get away with it because Vinnin Liquors cameras didn't capture it.

Give my regards to David and wish him a Happy Thanksgiving. I hope he's having a wonderful holiday and it's not getting ruined like mine. He should be careful where he parks his nice Mercedes. Apparently, cars in the area are getting wrecked up in parking lots and it would be a shame if his fancy car got damaged.

[REDACTED]

(Fletcher-[REDACTED] Emails, Dated November 26, 2025).

13. At approximately 8:05 PM, after replying to the [REDACTED] Email, Ms. Fletcher drove to the Department Police Station and entered the lobby. [REDACTED] Memo to Chief Quesada).
14. Ms. Fletcher had a conversation with [REDACTED] who was the only officer in the lobby of the station. [REDACTED] Memo to Chief Quesada; Interview of [REDACTED]; Interview of Mary Ellen Fletcher).
15. During the conversations, [REDACTED] recalled that Ms. Fletcher started the conversation by describing the incident in the [REDACTED] Email and asking if the Department had received an email reporting a motor vehicle accident. [REDACTED] recalled looking through his Department email and, at that time, not locating any information about a motor vehicle accident in the Vinnin Liquors parking lot. Ms. Fletcher said she received an email from [REDACTED] reporting a hit-and-run accident. She handed her cell phone to [REDACTED] to show him the [REDACTED] Email, and subsequently forwarded the [REDACTED] Email to [REDACTED] to Chief Quesada; Interview of [REDACTED]; Interview of Ms. Fletcher).
16. [REDACTED] recalled that Ms. Fletcher requested that the Department, "send a cruiser to [Mr. Grishman]'s residence," or words to that effect to check for damage. [REDACTED] recalled explaining to Ms. Fletcher, "the legal process," specifically, the Department cannot search Mr. Grishman's vehicle without a search warrant or Mr. Grishman's consent. [REDACTED] subsequently noted that the Department would "look into it." (Interview of [REDACTED]).
 - a. Ms. Fletcher stated she suggested to [REDACTED], in response to his question if [REDACTED] indicated that Mr. Grishman's vehicle was damaged, "I don't know you have to go look," or words to that effect. (Interview of Ms. Fletcher).
17. Ms. Fletcher did not recall specific details of her conversation with [REDACTED]. Ms. Fletcher stated, "I don't recall [REDACTED] saying anything about a search warrant...I don't remember [the conversation] exactly. I do remember [REDACTED] saying 'we can look at cars,' something about looking at cars in public. I don't remember anything past that." (Interview of Ms. Fletcher).

18. [REDACTED] corroborated as Ms. Fletcher was leaving the Department Police Station lobby, Ms. Fletcher held her cell phone up in the air and stated "I want to get this guy," or words to that effect. [REDACTED] Memo to Chief Quesada; Interview of [REDACTED].
19. This Investigator asked Ms. Fletcher if she made the statement, "I want to get this guy," in reference to Mr. Grishman. Ms. Fletcher stated, "I don't remember saying 'I want to get this guy.' If I were to say something like that, that would have been inappropriate, because it's not who I am." When asked why [REDACTED] would have falsely reported her saying "I want to get this guy," Ms. Fletcher said, "Maybe he misunderstood what I said. It's just not something I would normally say. I don't know what he heard. I honestly don't recall." (Interview of Ms. Fletcher).
20. [REDACTED] stated he observed Ms. Fletcher sitting in her car in the police station parking lot for approximately 10-15 minutes after Ms. Fletcher left the station. (Interview of [REDACTED]).
- a. When this Investigator asked Ms. Fletcher if she had further contact with [REDACTED] after her visit to the police station, Ms. Fletcher at first denied having further contact with [REDACTED]. Ms. Fletcher later acknowledged having a brief "two-minute" phone call with [REDACTED] after she left the police station, but did not recall specifics of her conversation with [REDACTED]. (Interview of [REDACTED]; Interview of Mary Ellen Fletcher).
21. After Ms. Fletcher left the police station, [REDACTED] discovered Officer Kenyon's Incident Report and follow up emails from [REDACTED] to the Department regarding the incident at the Vinnin Liquors parking lot. One email from [REDACTED] to the Department, sent at 1:20 PM to records@swampscottpolice.com, included a picture of Mr. Grishman's vehicle and license plate in the Vinnin Liquors parking lot. [REDACTED] stated that he "ran the plate" depicted in the picture and discovered it was Mr. Grishman's vehicle. (Interview of [REDACTED]; Nov. 26 [REDACTED] Email to Department).
22. [REDACTED] stated that he located [REDACTED] phone number on Officer Kenyon's Incident Report and called [REDACTED] to discuss the claims in the [REDACTED] Email. [REDACTED] left a voicemail for [REDACTED]. [REDACTED] Memo to Chief Quesada; Interview of [REDACTED].
23. On November 26, 2025, [REDACTED] wrote a memorandum ("[REDACTED] Memorandum") to Police Chief Ruben Quesada ("Chief Quesada") about his encounter with Ms. Fletcher. When this investigator asked what prompted [REDACTED] to write this memo, he explained that he wrote the memo because it was "an incident involving a Select Board member that could lead to criminal charges." [REDACTED] added that his interaction with Ms. Fletcher was, "significant enough to memorialize and push up the chain to the Chief and Captain." (Interview of [REDACTED]).
24. The [REDACTED] Memorandum stated, in part:
- Chief,

On 11/26/2025 at 2005 hrs. Swampscott Select Board member Mary Ellen Fletcher came to the lobby of the police station inquiring if the PD had received an email from a party reporting a motor vehicle accident. I checked my work email and confirmed that I had not received any information from anyone reporting a motor vehicle accident.

After this, Miss Fletcher displayed an email on her phone, she stated that someone had sent her information about an accident that had occurred earlier in the day in the Vinnin Liquors parking lot. I requested to see the email. Miss Fletcher gave me her phone through the front window of dispatch.

...

Miss Fletcher requested a unit go by Mr. Grisham's residence and check the for damage to the Mercedes. I explained that if the vehicle were not in plain view and /or on a public way at this time frame after it was reported, a Search Warrant or Mr. Grishman's consent to search would be required to investigate these claims further.

I explained I would check into this incident further- With this Miss Fletcher held up her phone and made the statement "I want to get this guy" and left the lobby.

██████████ Memo to Chief Quesada).

25. The Department concluded that ██████████ description of his interaction with Mr. Grishman in the ████████ Email "were not conveyed to Off. Kenyon" and that the photo of Mr. Grishman's vehicle sent by ██████████ "does nothing to illustrate the lower portion of the vehicle or any potential damage that can be codified." (Nov. 28 Department Emails).
26. On November 28, 2025, the Town's Select Board held a virtual meeting. Ms. Phelan called Mr. Grishman after the meeting to let him know that she received an email from ██████████ about an alleged hit-and-run accident and that Mr. Grishman's. name was mentioned in the email. Ms. Phelan forwarded the ████████ Email to Mr. Grishman after their phone conversation. (Interview of Ms. Phelan; Interview of Mr. Grishman).
27. After receiving the ████████ Email, Mr. Grishman recalled taking videos and pictures of his vehicle that were time stamped that showed there was no damage to his vehicle. (Interview of Mr. Grishman).
28. On November 29, 2025, Lieutenant Michael Frayler ("Lt Frayler") reported that he received an email from ██████████ indicating that ██████████ no longer wanted the Department to investigate the damage to his vehicle. In email to Department leadership, Lt. Frayler wrote, in part:

Hi Chief,

Please see the following response from ██████████ received this afternoon @ 3:16 PM.
This is no longer an issue for him.

Hi Lt. Frayler,

Thanks for getting back to me. Sorry about the delay; it was hectic with family and Thanksgiving.

I talked with my insurance and it seems like best to let this one go since there's no video footage. I do car repairs and maintenance, and can repair the dents myself; there's vendors online who sell painted fenders for \$250 which is way less than my deductible.

Thanks for filing this report and hope you all had a great Thanksgiving.

Best,

XXXXXX

(Nov. 29 Frayler Email).

29. On December 12, 2025, Mr. Grishman contacted the Chief Quesada to let him know that he received a the XXXX Email and was concerned about its content. According to Mr. Grishman, Chief Quesada told him that there was “probably a reason a detective didn’t reach out to him,” or words to that effect. (Interview of Mr. Grishman).
30. Mr. Grishman filed a complaint against Ms. Fletcher on January 22, 2026, in a letter to Ms. Phelan and Mr. Connors. The complaint requested a formal investigation into the matter “against the person that came to the Swampscott Police Station on November 26th” for violating the Chapters 5(A) and 5(C) of the Handbook. (Complaint of David Grishman; XXXX Memo).

VII. CONCLUSION

Based on the above findings of fact, this Investigator makes the following conclusions:

There is sufficient credible evidence that Ms. Fletcher violated the Committees’ Code of Conduct by giving an instruction to the Town police to take action. Chapter 5, Section C, “Conduct in Relation to Town Staff,” states the following:

“Town officials must understand that Town staff do not take direction from any individual official on any matter, therefore, officials should refrain from giving instructions to or requesting assistance from Town staff. All such requests should only go through the chair of the official’s committee to Town Administrator or (the chair of) the official’s appointing authority.”

This Investigator credably corroborated that Ms. Fletcher went to the Department Police Station and gave instructions to XXXX to investigate the alleged hit-and-run. It was substantiated, through XXXX, that Ms. Fletcher instructed him to send a police vehicle to Mr. Grishman’s residence. In doing so, Ms. Fletcher acted in her official capacity as a Select Board member, using information received through her Town email. Additionally, Ms. Fletcher did not make the request through Ms. Phelan, the Chair of the Select Board. Instead, Ms. Fletcher directly involved herself by using her authority to request that XXXX investigate Mr. Grishman. Therefore, this Investigator

finds sufficient credible evidence that Ms. Fletcher gave instructions and requested assistance from Town staff in violation of the Code of Conduct.

There is sufficient credible evidence that Ms. Fletcher violated the Committees' Code of Conduct by failing to treat another select board member with respect and failing to bring the concern to the Town Administrator. These actions violate Chapter 5, Section A, "Conduct in Relation to other Town Officials," which states the following:

Town officials should treat the members of all other boards and committees with respect despite potentially conflicting roles and differences of opinion. Professional respect does not preclude sharing honest differences of opinion but requires respect within those differences.

Town officials are encouraged to not publicly criticize another Town official. Concerns about the conduct of another official should be privately directed to the chair of that committee or Select Board chair, or, where appropriate, to the Town Administrator."

This Investigator finds that on November 26, 2025, Ms. Fletcher received sensitive personal information about another Select Board Member in the [REDACTED] Email. Instead of bringing this information directly to Mr. Connors, Ms. Fletcher took it upon herself to bring the [REDACTED] Email to the Department and use her authority as an elected official to report and possibly influence the matter. This Investigator found [REDACTED] recollection to be credible that Ms. Fletcher stated "I want to get this guy" or words to that effect, in reference to Mr. Grishman on her way out of the police station. In making those comments, Ms. Fletcher displayed a lack of professional respect towards Mr. Grishman, and inserting herself inappropriately into a police matter. Furthermore, despite the fact that [REDACTED] acknowledged in his email he already reported the incident to the police and the police were already investigating the matter, Ms. Fletcher chose to continue into the police station. If Ms. Fletcher had concerns after receiving the [REDACTED] Email, she should have directed the matter to the Town Administrator in accordance with the Code of Conduct policy.

VIII. RECOMMENDATIONS

Based on the finds of fact and conclusions above, this Investigator recommends the Town consider three (3) recommendations provided for violations of the Board and Committee Code of Conduct:

- Request that Ms. Fletcher issue a personal apology to the complainant;
- Request that Ms. Fletcher official issue a public apology; or
- Censuring Ms. Fletcher through public or written notice that the official has violated the Code of Conduct, which may include the nature of the violation, and that, if the conduct is repeated in the future, it may be cause for a further sanctions

Respectfully submitted,

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