

R. I. STATE BOARD OF ELECTIONS

MINUTES OF MEETING (Open Session)

September 6, 2006

The Rhode Island State Board of Elections convened at 3:38 pm, a quorum included Acting Chairman Iannitti, Commissioners Florence Gormley, John Daluz, and Raymond Xavier. Also in attendance were Executive Director Robert Kando and Legal Counsel Raymond Marcaccio.

First order of business: Commissioner Xavier moved to adopt the minutes of the meetings dated 6/27/06, 7/5/06 and 7/24/06 and seconded by Commissioner Daluz. The motion passed unanimously.

Next order of business: Adoption of advisory opinion requested by Frank T. Caprio, Candidate for General Treasurer relating to the expenditure for matching public funds and the electronic web. Commissioner Gormely's motion to adopt the staff advisory opinion was seconded by Commissioner Daluz and passed unanimously.

Next Order of business: Appeals of fines issued pursuant to R.I.G.L. 17-25 with regard to Leon F. Tejada. Leon Tejada was present along with Mr. Gonzalo his Treasurer. Mr. Tejada requested a continuation of the hearing since his attorney Robert V. Russo, was not present due to other obligations. Commissioner Rego motion to deny any extension of this matter, was seconded by Commissioner Xavier.

After further discussion between the Board and legal counsel, Commissioner Rego withdrew his motion to deny the continuance and the matter was continued to a later date.

Next Order of business: Appeal of fines issued pursuant to R.I.G.L. 17-25 by David R. Carlin, III. The Board of Elections received a fax from Mr. Carlin stating that the letter to him notifying him of this hearing had the wrong date and respectfully requested a continuance. The board granted the continuance.

Next order of business: Report from Campaign Finance Director Richard Thornton concerning general office candidates currently participating in the Matching Public Funds (MPF) program.

Next order of business: Elections complaint and hearing regarding Cumberland Mayor David S. Iwuc and possible violation of R.I.G.L. 17-23-18. Michael Calucci representing David Iwuc made a motion to dismiss the petitioner Anthony Nobrega's complaint on the grounds that there is not a direct link from the Town website to Mayor Iwuc's election website. A motion to dismiss by Commissioner Rego was moved. There was no second to Commissioner Rego's motion. Commissioner Daluz motioned to grant a stay on this

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matter and allow the staff of the Board of Elections further investigates. The motion was seconded by Commissioner Gormley and carried with a 4 to 1 vote, with Commissioner Rego opposed to the motion.

Next order of business: Board discussion on the role, duties and responsibilities of the executive director. What authority should Mr. Kando have to issue an advisory opinion? The Board authorized the staff to issue advisory opinions that a candidate could rely upon until formally adopted by the Board or amended by the Board.

Robert Kando made a public announcement that on September 12th at 4:00 pm the Board of Elections would continue the certification of mail ballots. The processing/counting of provisional ballots will be scheduled for 9:00 am on the Friday following the 12th.

The Board discussed moving into Executive session. Mr Marcaccio, counsel to the Board, noted that the published agenda might not meet the open meeting requirement to permit an executive session. In light of this advice the board chose not to have an executive session and Acting Chairman Iannitti suggested that in the future the agenda be faxed to Mr. Marcaccio for review.

At 5:00 pm Commissioner Daluz motioned to adjourn. The motion

was seconded by Commissioner Xavier and passed unanimously.

Andreza Skipworth