

**R. I. STATE BOARD OF ELECTIONS
MINUTES OF MEETING
January 16, 2014**

The Rhode Island State Board of Elections convened at 3:40 PM at the Rhode Island Board of Elections, a quorum included, Chairman Frank Rego, Vice-Chairman Richard Pierce, Commissioners William West, and Martin Joyce. Executive Director Robert Kando and legal counsel Raymond Marcaccio were also in attendance.

The meeting was called to order by Chairman Rego.

First order of business: Vice-Chairman Richard Pierce moved to approve the minutes for Board of Elections meeting dated 11/05/13, seconded by Commissioner Richard DuBois. Chairman Frank Rego, Vice-Chairman Richard Pierce, Commissioner William West, and Commissioner Martin Joyce voting in the affirmative, no dissenting votes. Motion Passed.

Next order of business: Commissioner Joyce moved to approve the monthly meeting calendar for 2014, seconded by Vice-Chairman Pierce. Chairman Frank Rego, Vice-Chairman Richard Pierce, Commissioners William West, Richard DuBois and Martin Joyce voting in the affirmative, no dissenting votes. Motion Passed.

Next order of business: Pursuant to R.I.G.L. 17-7-3(a) a vote was taken to elect a new Chairman and Vice-Chairman. Secretary of the Board, Robert Kando requested nominations for chairman. Commissioner Martin Joyce nominated Vice-Chairman Richard Pierce, seconded by Commissioner William West. No other nominations were moved. Commissioners Rego, Joyce, West, DuBois and Pierce all voted in the affirmative, with no dissenting votes. Richard Pierce elected Chairman.

Upon the completion of the vote for Chairman, Vice-Chairman Richard Pierce moved the nomination of Commissioner William West as Vice-Chairman, seconded by Commissioner Joyce. No other nominations were moved. Commissioners Rego, Joyce, Pierce, DuBois and West all voted in the affirmative, with no dissenting votes. William West elected Vice-Chairman.

After the conclusion of voting, past Chairman Rego thanked the Board for 2 1/2 years as chairman, and noted that his family business prevented him from serving any additional time as chairman. Commissioner Joyce, Pierce, West and DuBois all voiced their appreciation for a job well-done and thanked him for his dedicated service as chairman.

Next order of business: Commissioner Joyce moved pursuant to R.I.G.L. 42-46-5(A)(4) and 17-25-5(a)(7) convene into executive session, seconded by Commissioner West. Chairman Frank Rego, Vice-Chairman Richard Pierce, Commissioner William West, Commissioner Richard DuBois and Commissioner Martin Joyce voting in the affirmative, no dissenting votes. Motion Passed.

Minutes of the executive session:

Next order of business: Campaign finance violations of the NRA political action committee (PAC). Campaign Finance Director Richard Thornton and Executive Director, Robert Kando, presented a consent decree with the NRA PAC to the Board. Director Thornton detailed that the NRA PAC was formed prior to the roll-out of the Electronic Reporting and Tracking System (ERTS) in 2002. He stated that the Board had received a complaint alleging that the federal NRA PAC was making contributions to Rhode Island candidates from its treasury and that the Rhode Island NRA PAC was incorrectly representing that the contributions were from the Rhode Island PAC.

Director Thornton then detailed that he had reviewed the federal NRA PAC and discovered that its federal reports included expenditures that coincided with expenditures reported by the RI NRA PAC. As a result, he contacted the federal NRA PAC who verified that the checks to RI candidates originated from the federal NRA PAC and that the RI NRA PAC had never received any direct funding from individuals. He reported that since the ERTS roll-out in 2002, 65 filings have been received reporting contributions of \$163,495 to local and state candidates and contributions received of \$163,495 in the aggregate (no single contribution of over \$100 from an individual, Rhode Island party committee or Rhode Island registered PAC).

Director Thornton and Executive Director Kando reported that the federal NRA PAC cooperated in the investigation and had reached a consent decree with the Board that included an agreement to pay a fine in the amount of \$63,000 and that there were no indicators that recipients of the contributions were aware that the contributions were from the federal PAC and not the state PAC.

After a discussion period, Commissioner Joyce moved to ratify the agreement, seconded by Commissioner William West. Chairman Frank Rego, Vice-Chairman Richard Pierce, Commissioner William West, Commissioner Richard DuBois and Commissioner Martin Joyce voting in the affirmative, no dissenting votes. Motion Passed.

Next order of business: Campaign finance violations of Harold M. Metts. Campaign Finance Director Richard Thornton detailed that Mr. Metts from 2006 through 2012 had failed to properly report contributions of \$12,000, expenditures of \$14,000 and received improper contributions of \$425. Director Thornton further stated that Mr. Metts fully cooperated in the investigation.

Director Thornton determined there was no evidence of willful violations and determined that the candidate improperly failed to review expenditures, contributions and campaign reports filed by his treasurer. The candidate reached a consent decree with the Board of Elections, in which the candidate agreed to appoint a new treasurer and correct previous campaign reports, the forfeiture of \$425 in improper contributions, a forfeiture of \$750 of campaign contributions and a fine of \$250 to be paid personally by the candidate.

After a discussion period, Vice-Chairman Richard Pierce moved to ratify the agreement, seconded by Commissioner William West. Chairman Frank Rego, Vice-Chairman Richard Pierce, Commissioner William West, Commissioner Richard DuBois and Commissioner Martin Joyce voting in the affirmative, no dissenting votes. Motion Passed.

Next order of business: Campaign finance violations by Joseph Almeida. Campaign Finance Director Richard Thornton stated that he found a number of reported contributions to Mr. Almeida without corresponding contributions received by him identifying the donor on his campaign finance reports. Mr. Thornton reported that though he has made requests for bank records from Mr. Almeida, he had not received all the records he requested, and subsequently issued a subpoena for records to Mr. Almeida's bank.

After reviewing the records, Director Thornton authored an audit report which was sent to Mr. Almeida, requesting a response. Mr. Almeida was unresponsive. Director Thornton and Executive Director Kando requested that if the Board found that it had reason to believe a violation of campaign finance laws may have occurred, that it refer the case to the Office of the Attorney General for prosecution.

Vice-Chairman Pierce moved to find that there was reason to believe that there may have been a violation of campaign finance law and to refer matter to the Office of the Attorney General for prosecution, seconded by Commissioner DuBois. Chairman Frank Rego, Vice-Chairman Richard Pierce, Commissioner William West, Commissioner Richard DuBois and Commissioner Martin Joyce voting in the affirmative, no dissenting votes. Motion Passed.

Next order of business: Campaign finance violations by Kevin Jackson. Kevin Jackson was present with his attorney Artin Coloian. Director Thornton stated that on June 10, 2013, Mr. Jackson was ordered by the Superior Court to file his delinquent campaign finance reports by August 9, 2013. On August 17th he filed a number of past due reports showing no activity on each report.

Director Thornton stated that his research indicated that Mr. Jackson held a fundraiser on April 22, 2010, but yet reported receiving no contributions nor making any expenditure during that period and identified \$4,905 in unreported contributions to Mr. Jackson in the period where no activity was reported by Mr. Jackson. A subsequent request for records received no documentary response.

Attorney Coloian stated that Mr. Jackson acknowledged receipt of contributions, but did not cash all the checks and that Jackson was prepared to cooperate with the Board of Elections and that his failure to properly file his reports was an oversight which he pledges to cure if given the opportunity.

After the conclusion of the hearing, Commissioner Martin Joyce moved to find that there was reason to believe that there may have been a violation of campaign finance laws and

to refer the matter to the Office of the Attorney General, seconded by Commission William West. Chairman Frank Rego, Vice-Chairman Richard Pierce, Commissioner William West, Commissioner Richard DuBois and Commissioner Martin Joyce voting in the affirmative, no dissenting votes. Motion Passed.

Commissioner Martin Joyce moved to adjourn the executive session, seconded by Commissioner West. Chairman Frank Rego, Vice-Chairman Richard Pierce, Commissioner William West, Commissioner Richard DuBois and Commissioner Martin Joyce voting in the affirmative, no dissenting votes. Motion Passed.

Upon returning to the open session, the Board published all four votes in the executive session, including the vote to ratify the NRA Consent Decree, the vote to ratify the Harold M. Metts Consent Decree, the vote to refer the matter of Joseph Almeida to the Office of the Attorney General for prosecution and the vote to refer the matter of Kevin Jackson to the Office of the Attorney General for prosecution.

At 4:53 PM, Vice-Chairman Pierce moved to adjourn, seconded by Commissioner DuBois. Chairman Frank Rego, Vice-Chairman Pierce, Commissioners William West, Richard DuBois and Martin Joyce voting in the affirmative, no dissenting votes. Motion Passed.

Andreza Skipworth

UNOFFICIAL