

MINUTES OF THE OPEN SESSION

OF THE RHODE ISLAND ETHICS COMMISSION

November 9, 2004

The Rhode Island Ethics Commission held its 16th meeting of 2004 at 9:00 a.m. at the Rhode Island Ethics Commission Conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Tuesday, November 9, 2004, pursuant to the notice published at the Commission Headquarters and on the State House Library.

The following Commissioners were present:

James Lynch, Sr., Chair James V. Murray

Patricia M. Moran, Vice Chair George E. Weavill, Jr.

Robin L. Main, Secretary James C. Segovis

Richard E. Kirby* Frederick K. Butler**

Also present were Kathleen Managhan, Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Katherine D'Arezzo, Senior Staff Attorney; Jason M. Gramitt, Commission Education Coordinator; Steven T. Cross, Commission Investigator and Peter J. Mancini, Commission Investigator.

At approximately 9:12a.m., the Chair opened the meeting. The first order of business was to approve the minutes of the Open Session

held on October 19, 2004. Upon motion made by George E. Weavill, Jr. and duly seconded by James C. Segovis, it was unanimously

VOTED: To approve the minutes of the Open Session held on October 19, 2004.

ABSTENTIONS: Robin L. Main and James V. Murray.

At 9:15 a.m., upon motion made by James V. Murray and duly seconded by George E. Weavill, Jr. it was unanimously

VOTED: To go into Executive Session pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (a)(4), for the discussion of investigative proceedings regarding allegations of misconduct and/or the discussion of litigation, and approval of minutes relating to such discussions, to wit:

a) Motion to approve minutes of Executive Session held on October 19, 2004.

**b) In re: Stanley Mruk, Sr.,
Complaint No. 2004-6**

**c) In re: Gordon D. Fox,
Complaint No. 2004-7**

**d) In re: William V. Irons,
Complaint No. 2004-1**

At 9:30 a.m. the Commission returned to Open Session. The next order of business was the Director's Report. Mr. Willever reported that advisory opinions are up to date and there has been an increase in the number of requests for opinions and training. He advised that, in its third year, Operation Compliance is at a 90% compliance rate, prior to the staff contacting Solicitors and Town Managers for assistance. He stated that the staff would initiate some non-filing complaints this year. He informed the members that the staff has provided a proposed 2005 meeting schedule for its review.

In response to Commissioner Murray, Mr. Willever stated that 9 complaints are awaiting adjudication and 6 are awaiting probable cause determinations. He represented that he has scheduled complaints for adjudication at past meetings, but the matters were settled prior to hearing. In response to Commissioner Weavill, he indicated that there is an older complaint awaiting trial on which he is recused. He stated that there is no time limit for adjudicating a case after probable cause is found, but it is his policy to try cases within 6 months.

The next order of business was discussion of proposed regulatory action regarding gifts. In response to Commissioner Weavill, Mr.

Gramitt outlined the process for the staff drafting proposals, advertising, conducting a public hearing, taking testimony and the Commission's findings and votes. Commissioner Main stated that while she understands the members' strong feelings regarding the gift regulation, other important rule changes had been discussed and should not be ignored. Chair Lynch agreed. Commissioner Main noted that, although changes to other rules may prove more difficult, the gift rule should be straightforward because the members have reviewed the language. Commissioner Segovis stated that the Commission needs to build momentum for rule making and needs to direct staff as to the drafting.

Commissioner Main suggested that they tackle at least one other important change if they undertake the regulatory process. Chair Lynch indicated that they should begin with gifts and suggest another proposed change at the next meeting. He asked the staff to provide the members with the proposed rule-making list they previously distributed. Commissioner Weavill concurred and encouraged the staff to pick 1 or 2 other areas from the list that they find to be troubling. Chair Lynch disagreed and opined that the members should decide.

***Commissioner Main left the meeting at 9:47 a.m.**

In response to Commissioner Weavill's inquiry regarding changes to the gift rule, Mr. Gramitt stated that the Commission could adopt a

zero tolerance policy, change the number limits and/or include a better definition of interested person. Commissioner Segovis asked whether they should put in alternatives to zero tolerance. Chair Lynch suggested that the members provide staff with the language they desire. Commissioner Moran inquired if the staff has examples of other states, such as Connecticut and Massachusetts. Legal Counsel noted that the federal statute contains a model for de minimus exceptions. Commissioner Segovis noted that most federal agencies are zero tolerance by practice. Mr. Gramitt advised that he would draft language for a gifts proposal, including zero tolerance and options for lower limits. He stated that he would provide the members with the prior list of proposed changes, in addition to examining other states' models. Chair Lynch directed the members to provide any additional suggestions to the staff after the meeting.

At 9:50 a.m., upon motion made by James C. Segovis and duly seconded by George E. Weavill, Jr., it was unanimously

VOTED: To resume Executive Session.

At 1:00 p.m. the Commission returned to Open Session and the Chair reported on actions take in Executive Session. The next order of business was a motion to seal the minutes of the Executive Session held on November 9, 2004. Upon motion made by James C. Segovis and duly seconded by Patricia M. Moran, it was unanimously

**VOTED: To seal the minutes of the Executive Session held on
November 9, 2004.**

Chair Lynch reported that the Commission received correspondence complimenting the staff attorneys for their recent educational seminars. He also announced that Providence Monthly Magazine recognized Ms. D'Arezzo and Mr. Gramitt for their accomplishments.

The next order of business was the election of officers. Upon motion made by Richard E. Kirby and duly seconded by James V. Murray, it was unanimously

VOTED: To elect James Lynch, Sr. as Chairperson.

Upon motion made by James V. Murray and duly seconded by Frederick K. Butler, it was unanimously

VOTED: To elect Patricia M. Moran as Vice Chairperson.

Upon motion made by Richard E. Kirby and duly seconded by James Lynch, Sr., it was unanimously

VOTED: To elect George E. Weavill, Jr. as Secretary.

At 1:10 p.m., upon motion made by James V. Murray and duly seconded by Richard E. Kirby, it was unanimously

VOTED: To adjourn the meeting.

Respectfully submitted,

George E. Weavill, Jr.
Secretary