

# **MINUTES OF THE OPEN SESSION**

## **OF THE RHODE ISLAND ETHICS COMMISSION**

**December 7, 2004**

**The Rhode Island Ethics Commission held its 17th 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, December 7, 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 Robin L. Main**

**Patricia M. Moran, Vice Chair James C. Segovis**

**George E. Weavill, Jr., Secretary**

**Also present were Kathleen Managhan, Commission Legal Counsel; Katherine D'Arezzo, Senior Staff Attorney; Jason M. Gramitt, Commission Education Coordinator and Peter J. Mancini, Commission Investigator.**

**At approximately 9:20 a.m., the Chair opened the meeting. The first order of business was to approve the minutes of the Open Session held on November 9, 2004. Upon motion made by James C. Segovis and duly seconded by Robin L. Main, it was unanimously**

**VOTED: To approve the minutes of the Open Session held  
on November 9, 2004.**

**The next order of business was that of advisory opinions. The advisory opinions were based on draft advisory opinions prepared by the staff for review by the Commission and were scheduled as items on the Open Session Agenda for this date. The first advisory opinion was that of John A. L. Sisto, a member of the New Shoreham Town Council. Mr. Gramitt advised that the Town Solicitor informed him that the grocery store at which Mr. Sisto works does not hold a liquor license. That factual information must be deleted from any final opinion issued, but it does not change the recommendation. Upon motion made by James C. Segovis and duly seconded by Robin L. Main, there was discussion.**

**Commissioner Main voiced her concern that the opinion does not give the petitioner sufficient guidance. Mr. Gramitt stated that he has spoken with the petitioner twice and with the Solicitor four times about this recurring issue on the island. He informed that the petitioner is aware that he is not getting a blanket OK to participate and, ultimately, he still may have to recuse on most liquor licenses on the island. In response to Commissioner Weavill, Mr. Gramitt stated his belief that there is only one prior opinion involving a blanket prohibition for Block Island liquor licenses and the petitioner in that matter is now deceased. Commissioner Segovis agreed with looking**

at other criteria rather than issuing a blanket prohibition. Upon the original motion, it was unanimously

**VOTED: To issue an advisory opinion, attached hereto and amended to delete reference to employment at a grocery store holding a liquor license, to John A. L. Sisto, a member of the New Shoreham Town Council.**

The next advisory opinion was that of Lenore A. DeLucia, a member of the Town Administrator Search Committee for the Town of Jamestown. Mr. Gramitt advised that the staff treated the request in an advisory opinion context, as opposed to a staff determination, due to recent amendments to the financial disclosure statute. Upon motion made by George E. Weavill, Jr. and duly seconded by Robin L. Main, there was discussion. Commission Main stated that she wished to proceed with caution given that an opinion dealing with the recent amendments would set precedent, particularly given the ambiguity of the term “nominate.” She questioned whether the Town Council could look at the entire applicant pool if it did not accept any of the 5 candidates put forward by the Search Committee. Mr. Gramitt replied that he did not know.

Commissioner Main suggested that they obtain more information regarding the nominating process. Mr. Gramitt stated that he would obtain the information and perhaps have the petitioner appear before the Commission. Commissioner Main moved to amend the original

**motion to allow the staff to obtain more information regarding the Search Committee's nomination process. Commissioner Weavill asked how the Commission could every find out about every different search committee appointed by a town council or school committee. He suggested that it could open the door to tens or hundreds of additional financial disclosures. He concurred that more information is needed. Commissioner Main withdrew her original motion and her second. Commissioner Weavill withdrew his original motion. Upon motion made by James C. Segovis and duly seconded by George E. Weavill, Jr., it was unanimously**

**VOTEF: To table the advisory opinion to allow the staff to obtain more information about the Search Committee's nomination process.**

**At 9:45 a.m., upon motion made by Patricia M. Moran and duly seconded by Robin L. Main, 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 November 9, 2004.**

**b) In re: John A. Celona,  
Complaint No. 2004-8**

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

**d) In re: John A. Celona,  
Complaint No. 2004-4**

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

**f) In re: Stephen J. Simo,  
Complaint No. 2004-10**

**g) In re: Donald L. Carcieri,  
Complaint No. 2004-9**

**At 11:45 a.m. the Commission returned to Open Session, without the presence of Commissioner Main, and the Chair reported on actions taken. The next order of business was a motion to seal the minutes of the Executive Session held on December 7, 2004. Upon motion made by George E. Weavill, Jr. and duly seconded by James C. Segovis, it was unanimously**

**VOTED: To seal the minutes of the Executive Session held on  
December 7, 2004.**

**The next order of business was a Motion to Consolidate Complaints Nos. 2001-41 & NF2002-13 in the matter of In re: Patrick T. McDonald. Ms. D'Arezzo informed that the matter would be continued to the next meeting due to a lack of a quorum. She also noted that approval of the proposed 2005 meeting schedule and discussion regarding proposed regulations would be deferred until the next meeting. Ms. D'Arezzo advised that staff would contact the members to obtain their consensus for the first January 2005 meeting date. She suggested that the Commission submit its tentative 2005 schedule to the Secretary of State to comply with statutory requirements, although it can be approved and modified at a later date. Ms. D'Arezzo advised that Director Willever and Investigator Cross were in San Francisco attending the annual COGEL conference, which will be held in Boston next year.**

**At 11:56 a.m., upon motion made by Patricia M. Moran and duly seconded by James C. Segovis, it was unanimously**

**VOTED: To adjourn the meeting.**

**Respectfully submitted,**

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**George E. Weavill, Jr.**

**Secretary**