

**MINUTES OF THE OPEN SESSION
OF THE RHODE ISLAND ETHICS COMMISSION**

June 21, 2005

The Rhode Island Ethics Commission held its 12th meeting of 2005 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, June 21, 2005, pursuant to the notice published at the Commission Headquarters and at the State House Library.

The following Commissioners were present:

James Lynch, Sr., Chair Frederick K. Butler

George E. Weavill, Jr. , Secretary Barbara Binder

Richard E. Kirby* Ross Cheit

James C. Segovis

Also present were Kathleen Managhan, Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Jason Gramitt, Staff Attorney/Commission Education Coordinator; Staff Attorneys Dianne L. Leyden and Macall Robertson; and, Commission Investigators Steven T. Cross, Peter J. Mancini, and Michael Douglas.

At approximately 9:02 a.m., the Chair opened the meeting. The first order of business was to approve the minutes of the Open Session held on June 7, 2005. Upon motion made by Commissioner Segovis,

and duly seconded by Commissioner Butler, it was unanimously

VOTED: To approve the minutes of the Open Session held on June 7, 2005.

AYES: James Lynch, Sr., George E. Weavill, Jr., James C. Segovis, Frederick K. Butler, Barbara Binder, and Ross Cheit.

The next order of business was advisory opinions. The advisory opinions were based on draft advisory opinions prepared by the Commission 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 William E. Clark, a member of the Town of Portsmouth Tax Assessment Board of Review. The petitioner was present. Prior to presenting the Commission Staff recommendation, Staff Attorney Gramitt informed the Commission that at the end of the day yesterday a private citizen, Mr. William Weber, hand-delivered to the Commission additional materials regarding the petitioner's advisory opinion request.

Staff Attorney Gramitt provided each Commissioner with these materials and expressed his opinion that, based on his review of these documents overnight, the information contained therein would not change the Commission Staff recommendation. He suggested that the Commission hear the Staff recommendation before

addressing whether to consider these materials.

Commissioner Cheit asked Staff Attorney Gramitt whether the petitioner was provided these materials. Staff Attorney Gramitt asked the petitioner this same question. The petitioner informed that he was not provided these materials. Staff Attorney Gramitt gave the petitioner a copy of them. Chair Lynch stated that he approved of Staff Attorney Gramitt's suggested procedure and asked him to proceed with the Staff recommendation.

Staff Attorney Gramitt then presented the Commission Staff recommendation. Thereafter, he pointed out that advisory opinions are not investigatory in nature and that they rely only upon the petitioner's representations. He informed the Commission that, based on his cursory review of the additional materials, Mr. Weber raises the following two issues: the first was related to the Portsmouth Town Charter and that the second alleges that the petitioner is a member of the Economic Development Committee of the Town. Staff Attorney Gramitt indicated that the latter issue was not addressed in this advisory opinion and that it would not change the recommendation even if it were a representation made by the petitioner.

The petitioner interjected that the allegation that he is a member of Town's Economic Development Committee is not true. Chair Lynch responded that the Commission will not consider this information

because it is not part of the advisory opinion request presented by the petitioner.

Commissioner Segovis stated that this request raises a dual office holding issue and asked the petitioner whether he received an opinion on this issue from the Town Solicitor. The petitioner informed the Commission that the previous Town Solicitor said, in both 2003 and 2004, that there was no problem, and that the current Town Solicitor also stated that there was also no problem. In response to Commissioner Segovis, the petitioner stated that the Town Solicitor had likened his dual positions to the duties of the Tax Assessor of the Town who makes decisions with regard to the interests of the town and the taxpayer.

Commissioner Segovis inquired whether the petitioner, as the Town's Director of Business Development, deals with taxes as they relate to the town's development. The petitioner replied that he deals with tax analysis considerations when considering the commercial development of the town. He noted that he is aware of whether the business community is carrying its fair share of the tax burden given that residential taxes have gone up. He also informed the Commission that he promotes both new enterprise and the community tax base. In response to Commissioner Segovis, the petitioner stated that his primary concern is commercial taxes, not residential taxes.

Commissioner Weavill pointed out that the Tax Assessment Board hears appeals involving both commercial and residential properties. The petitioner commented that most appeals are residential and that he recused himself in the past in a situation where there may have been a conflict.

Chair Lynch inquired whether the petitioner, as Director of Business Development, had contact with the Board of Review. The petitioner stated that no such contact has taken place. In response to Chair Lynch, the petitioner replied that he did not foresee a conflict arising. Chair Lynch commented that he himself served sixteen years in a similar position and had no contact with the Director of Business Development. Chair Lynch also stated that he is confident that the petitioner would recuse if a conflict arose or seek an advisory opinion before acting.

Commissioner Cheit suggested that additional information from a third party not be given to the Commission. He noted that a third party can file a complaint and that they should not be able to turn the advisory opinion process into a fact-finding hearing. Commissioner Cheit inquired whether these additional documents are now part of the official record. Chair Lynch referred this question to the Commission's Legal Counsel.

Legal Counsel Managhan stated that advisory opinions are based on the representations of the petitioner. She agreed that it would be

improper to turn the advisory opinion process into a long fact-finding process.

Staff Attorney Gramitt explained that the additional materials arrived late in the day yesterday. He informed that a final decision on what to do about the envelopes was not made until this morning, and that if the Commission Staff had more time, it is unlikely that this information would have been provided to the Commission today. Executive Director Willever remarked that the advisory opinion process is dynamic and developing and that now there is a clear policy that no third party information will be provided to the Commission for advisory opinions. In response to Commissioner Cheit, Legal Counsel Managhan stated that this information was not part of the record.

Mr. Weber asked the Commission whether he could make a statement. Chair Lynch responded that he would not recognize Mr. Weber because he was not part of the proceeding.

Upon motion made by Commissioner Segovis, duly seconded by Commissioner Binder, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to William E. Clark, a member of the Town of Portsmouth Tax Assessment Board of Review.

AYES: James Lynch, Sr., George E. Weavill, Jr., James C. Segovis, Frederick K. Butler, Barbara Binder, and Ross Cheit.

The next advisory opinion was that of T. Brian Handrigan, a member of the Narragansett Town Council. The petitioner was not present, however, Mark A. McSally, Esq., was present to represent him.

***At 9:21 a.m., Commissioner Kirby arrived.**

Staff Attorney Gramitt presented the Commission Staff recommendation. Mr. McSally indicated that he had two corrections for the advisory opinion: (1) there are two structures on the property at issue, and (2) the Narragansett Planning Board does the primary review, not the appellate review.

Commissioner Cheit asked Mr. McSally why he thought the hardship exception applied. Mr. McSally replied that he thinks the hardship exception is met because the petitioner's business was ongoing for more than ten years, starting in late 1993. He also stated that real estate is valuable, with a purchase price above \$900,000, which is a matter of public record. He also stated that this is an opportunity for the petitioner to benefit the community. Mr. McSally pointed out that, while this property was not the petitioner's primary residence, that the petitioner had a significant interest in the property.

In response to Commissioner Binder, Mr. McSally stated that the

petitioner had a legal option to purchase the property. Mr. McSally stated that he was unsure of whether this option was recorded. He informed that the property was put on the market in 2002, that it was taken off in 2003, and that the closing took place in late 2004.

In response to Commissioner Weavill, Mr. McSally stated that the Narragansett Planning Board does not deal with the zoning use of the property; rather, he informed that this Board reviews maps, architecture, and the area. Also in response to Commissioner Weavill, Mr. McSally stated that he was not aware of the exact changes planned to the infrastructure because he was not involved in the engineering plan. Mr. McSally informed that he was only aware that the plan was for mixed use, which already existed elsewhere on the street where the property is located.

Commissioner Kirby pointed out that the petitioner had a lease on the land for a long time and the land here is valuable. Commissioner Kirby also commented that the Commission hears advisory opinions on a case-by-case basis and here the petitioner is making efforts to have minimal involvement with the Planning Board.

Mr. McSally informed that, to his knowledge, there are no appointments before the petitioner at this time to either the Planning Board or Zoning Board. He also commented that the petitioner agreed not to participate in any such appointments.

Commissioner Kirby remarked that the petitioner cannot pursue his plans whatsoever because even if he resigned, he would have to wait a year. He also expressed his concern that in such a situation it is conceivable that a petitioner could go bankrupt by being unable to develop their property. Mr. McSally stated that the petitioner is considering his options.

Commissioner Binder commented that different facts are coming out about this property now that are not in the advisory opinion request. She stated that this request is difficult as it is on the cusp and that she would like more facts, such as the details of the lease, the options, the status of the property, and the appointments to the Boards. Mr. McSally stated that in the last week he provided the Commission staff with more information and that he would be happy to provide them with such information.

Commissioner Segovis expressed that he did not see the hardship right now and that he thought Commissioner Kirby's remarks pushed the exception too far. Commissioner Segovis stated that, despite his current perspective, he will consider new evidence.

Commissioner Kirby advised Mr. McSally to provide the Commission with additional information about the lease and the costs of carrying the property, specifically the value of the property to the petitioner without obtaining the relief sought. Chair Lynch remarked that the hardship is not clear and that the Commission does not have enough

information to have a global view of the hardship on the petitioner.

Commissioner Cheit stated that while these arguments are all interesting, they are all based upon oral representations. Commissioner Cheit informed that he would go with the Commission Staff's recommendation given what he knows at this time.

Commissioner Segovis suggested the Commission accept the Commission Staff recommendation until further information is provided. Legal Counsel Managhan recommended that the Commission make an up or down vote on the existing opinion or table the request. Chair Lynch clarified that this opinion provides no safe harbor to the petitioner and Mr. McSally agreed. Commissioner Kirby made a motion to table the advisory opinion request until additional information is provided to sustain the hardship exception. Commissioner Binder duly seconded this motion and it was unanimously

VOTED: To table the advisory opinion request of T. Brian Handrigan, a member of the Narragansett Town Council, until additional information is provided to sustain the hardship exception.

AYES: James Lynch, Sr., George E. Weavill, Jr., James C. Segovis, Frederick K. Butler, Barbara Binder, Richard E. Kirby, and Ross Cheit.

Mr. McSally inquired when the Commission would next hear this

request. Chair Lynch advised Mr. McSally to discuss this with the Commission Staff.

The next advisory opinion was that of Mario Celico, a member of the Town of Westerly Planning Board. The petitioner was present. Staff Attorney Dianne Leyden presented the Commission Staff recommendation. Commissioner Weavill inquired whether the Staff had received a written letter from the petitioner seeking this request. Staff Attorney Leyden stated that the petitioner did submit a letter and that she had a copy of it that was marked up. Staff Attorney Gramitt commented that there was a letter and that he too did not have a copy of it in his informational binder. Staff Attorney Gramitt informed the Commission that he would obtain copies for the Commissioners right now.

*Staff Attorney Gramitt left the meeting at 9:45 a.m. to obtain copies of the petitioner's advisory opinion request letter.

Staff Attorney Leyden pointed out that the petitioner took noteworthy efforts to avoid appearing before his own Board, such as researching other properties where he could relocate his business. Commissioner Cheit noted that the facts provided in the draft advisory opinion were not provided in the petitioner's request, and inquired whether they were provided to the Commission through conversations with the petitioner. Staff Attorney Leyden replied that such information was provided to her through telephone

conversations with the petitioner.

***Staff Attorney Gramitt returned to the meeting at 9:58 a.m. with copies of the petitioner's request for each of the Commissioners, which he distributed.**

Commissioner Butler noted that any presentation by the petitioner personally before the Planning Board regarding his request would be outside of this advisory opinion. Staff Attorney Leyden informed that the petitioner represented that he will not make such a presentation. Commissioner Butler restated that the petitioner would not be protected by the advisory opinion if he made a presentation. In response to Commissioner Kirby, the petitioner informed that he was appointed in 1999.

Commissioner Kirby suggested that the Commission Staff keep some form of fact sheet to record the supplemental facts provided by a petitioner outside of their written advisory opinion request. Staff Attorney Leyden stated that, in the future, the Commission Staff could simply ask petitioners who provide significant supplemental facts to submit a revised request letter or submit such information in writing.

Commissioner Kirby applauded the petitioner for researching other properties. Commissioner Segovis expressed his support for Commissioner Kirby's idea to record supplemental facts. Chair

Lynch stated that the hardship is clear. Upon motion made by Commissioner Kirby, duly seconded by Commissioner Butler, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Mario Celico, a member of the Town of Westerly Planning Board.

AYES: James Lynch, Sr., George E. Weavill, Jr., James C. Segovis, Frederick K. Butler, Barbara Binder, Richard E. Kirby, and Ross Cheit.

At approximately 9:58 a.m., upon motion made by Commissioner Weavill, duly seconded by Commissioner Kirby, it was unanimously

VOTED: To into Executive Session pursuant to R.I. Gen. Laws § 42-46-5(a)(1), (a)(2), and (a)(4), to wit:

a.) Motion to approve minutes of Executive Session held on June 7, 2005.

**b.) In re: Everett Dunn,
Complaint No. NF2005-18**

**c.) In re: Michelle Williams,
Complaint No. 2005-3**

d.) In re: Joseph J. Voccola,

Complaint No. 2005-18

**e.) In re: William J. Murphy,
Complaint No. 2005-4**

**f.) In re: Gordon D. Fox,
Complaint No. 2005-5**

**g.) In re: Paul E. Moura,
Complaint No. 2005-6**

**h.) In re: Joseph L. Faria,
Complaint No. 2005-7**

**i.) In re: Peter F. Kilmartin,
Complaint No. 2005-8**

**j.) In re: John J. McCauley, Jr.,
Complaint No. 2005-9**

**k.) In re: John Shanley, Jr.,
Complaint No. 2005-10**

**l.) In re: Donald J. Lally, Jr.,
Complaint No. 2005-11**

**m.) In re: Timothy A. Williamson,
Complaint No. 2005-12**

**n.) In re: Raymond E. Gallison, Jr.,
Complaint No. 2005-13**

**o.) In re: Jan P. Malik,
Complaint No. 2005-14**

At approximately 10:43 a.m., the Commission returned to Open Session. Chair Lynch reported that the Commission took the following actions in the Executive Session:

a.) Voted to approve the minutes of Executive Session held on June 7, 2005.

b.) Voted that, based upon grounds as outlined in the Motion of the Prosecutor, good cause was shown, pursuant to R.I. Gen. Laws § 36-14-12(c) to grant a first extension to enlarge time for investigation for sixty days for In re: Everett Dunn, Complaint No. NF2005-18.

c.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: Michelle Williams, Complaint No. 2005-3.

d.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: Joseph J. Voccola, Complaint No.

2005-18.

e.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: William J. Murphy, Complaint No. 2005-4.

f.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: Gordon D. Fox, Complaint No. 2005-5.

g.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: Paul E. Moura, Complaint No. 2005-6.

h.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: Joseph L. Faria, Complaint No. 2005-7

i.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: Peter F. Kilmartin, Complaint No. 2005-8.

j.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: John J. McCauley, Jr., Complaint No. 2005-9.

k.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: John Shanley, Jr., Complaint No. 2005-10.

l.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: Donald J. Lally, Jr., Complaint No. 2005-11.

m.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: Timothy A. Williamson, Complaint No. 2005-12.

n.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: Raymond E. Gallison, Jr., Complaint No. 2005-13.

o.) Voted that sufficient facts were alleged to support a violation of the Code of Ethics for In re: Jan P. Malik, Complaint No. 2005-14.

The next order of business was sealing the minutes of the Executive Session held on June 21, 2005. Upon motion made by Commissioner Weavill, duly seconded by Commissioner Binder, it was unanimously

VOTED: To seal the minutes of the Executive Session held on June 21, 2005.

AYES: James Lynch, Sr., George E. Weavill, Jr., James C. Segovis, Frederick K. Butler, Barbara Binder, Richard E. Kirby, and Ross Cheit.

The next order of business was discussion of the Commission Regulations, in particular the confidentiality of complaints and proceedings. Chair Lynch stated that today he would like to vote on

the confidentiality proposals. He pointed out that this proposal necessitated a change to seven Commission regulations. Chair Lynch asked for the comments of the other Commissioners.

Commissioner Segovis stated that he supports making a case public after probable cause. He pointed out that he would like to use the approach of a grand jury. Commissioner Butler noted that the threshold for passing initial determination is low and that fairness is an issue. He stated that he also supported making a case public after probable cause.

Legal Counsel Managhan stated that a complainant has a First Amendment right to make public the complaint. She indicated that she would like more time to review the public records statute with Staff Attorney Gramitt and to consult with the Attorney General as to whether the RIEC can withhold a complaint. She indicated that investigative materials may be able to be withheld.

Staff Attorney Gramitt remarked that an issue is whether a complaint document becomes public record once it is filed. He stated that the Access to Public Records Act exception may not apply to this document. He informed that the current policy of the Commission Staff is not to comment on the merits of a complaint; rather, the Staff only confirms whether a complaint was accepted and explains the Commission's complaint procedure.

Commissioner Binder inquired whether a complaint filed by the Commission Staff follows the same track as other complaints. Staff Attorney Gramitt stated that the Commission has procedures for conducting investigations prior to the filing of a complaint. He commented that once a complaint is filed, the procedure is the same. Chair Lynch asked whether it is legal for the Commission to refuse to release information prior to probable cause and asked that this question be explored. Chair Lynch asked for comments on Regulation 1002.

Staff Attorney Gramitt asked the Commission's permission to discuss the questions raised regarding confidentiality issues with Legal Counsel Managhan and the Attorney General's Office. By consensus, the Commission stated that such communication was acceptable. In response to Commissioner Kirby, Staff Attorney Gramitt stated that a complainant is present at a probable cause hearing and at a settlement hearing. He pointed out that the real concern to the Staff is the complainant's presence at the settlement hearing.

The Commissioners discussed the memorandum provided to them regarding confidentiality, dated May 27, 2003. In response to Commissioner Cheit, Staff Attorney Gramitt stated that only twenty-six jurisdictions are mentioned in the memorandum because the provision of information was voluntary and not every jurisdiction had procedures similar to those of the Commission. Commissioner

Cheit stated he was concerned about using language such as “a majority of jurisdictions” given this level of response. Staff Attorney Gramitt stated that the Commission Staff can look at other jurisdictions, but that such an inquiry would be a slow process. Commissioner Cheit stated that he is interested in more information and would like the process to include issues raised by the Governor, in particular that the alleged violator also has rights. For instance, Commissioner Cheit pointed out that the violator should be able have the press present during the Commission’s consideration of their complaint if they so wish, as the Governor had expressed at the resolution of his complaint. Commissioner Cheit suggested that the Commission allow alleged violators the opportunity to waive any confidentiality provisions.

Chair Lynch requested that Commissioner Cheit provide such recommendations in writing and point out which regulations he would like to so amend for the Commissions consideration. Commissioner Kirby asked the Commission Staff to prepare proposals for Commissioner Cheit’s waiver suggestion. He pointed out that such proposals might not present a real option to a Respondent because there could be significant public pressure to keep all proceedings open to the press. Chair Lynch expressed his concern that a complainant and the press might provide inaccurate descriptions of the developments of a complaint.

Commissioner Binder pointed out that the Governor’s hearing

regarded a settlement and other complaints proceed to adjudication. Commissioner Cheit expressed his belief that fairness issues support giving the Respondent the option to waive confidentiality. Commissioner Segovis stated that he had a problem with such a proposal because a Respondent's motivation to use it would likely be for political purpose, not out of a concern for openness. Chair Lynch noted that this issue will not be resolved today and that Commission Staff needs to come up with proposals for it that may or may not go to a public hearing. He indicated that it is important for the Commission to hear and discuss such proposals. Chair Lynch noted, however, that he will likely vote against such a proposal.

Staff Attorney Gramitt commented that such a proposal could be drafted in such a way as to make it agreeable to more of the Commissioners. Legal Counsel Managhan pointed out that the Commission could be given the option to overrule a Respondent's exercise of such a waiver. Commissioner Cheit expressed his opinion that, on a philosophical level, he thought there were no interests of confidentiality beyond those of the Respondent. Commissioner Cheit noted that he did not have any problem with the complainant not being present and that he supported keeping complaints public. Commissioner Kirby stated that complaints might end up becoming public regardless of any Commission procedure to the contrary because of the political motivations often behind the filing of an ethics complaint.

H. Philip West, the Executive Director of Common Cause, was recognized by Chair Lynch. He expressed his opposition to the complainant not being treated as a party to the complaint. He stated that this position is supported by many considerations, including that fact that he has been a complainant in the past and knows that there is a huge burden on the complainant to file a complaint. He also pointed out that a complainant faces a serious threat of retaliation for filing a complaint as public officials are powerful. Mr. West noted that there may be other solutions that address the Commission's concerns, including creating a confidentiality document that a complainant has to sign that requires the complainant not to disclose any information they obtain. He further added that a fine could be levied for disclosure. Mr. West commented that confidentiality is a serious and complicated issue and that such a proposal could have a chilling effect and block the filing of important complaints and limit the flow of information to the Commission.

Chair Lynch thanked Mr. West for his comments and asked him to bring them to the public hearing on the issue. He then asked for the Commissioners thoughts on Regulation 1006. Commissioner Kirby pointed out that Regulations 1002 and 1003 dovetail Regulation 1006. Commissioner Cheit stated that he would like more information before the Commission proceeds with these proposals. Commissioner Binder agreed and requested more information from other state agencies, such as those who have judicial roles and handle complaints. She stated that the Commission should not act in

a vacuum and that there is much practical experience from which it can benefit.

Commissioner Segovis suggested the Commission be specific about what it wants the Commission Staff to prepare for the confidentiality proposals. Commissioner Cheit stated that he wants to know how other agencies handle a complainant's access to information about proceedings. Commissioner Kirby suggested that these proposals not be voted on until such information is obtained. Chair Lynch recommended that the Commission go over exactly what it would like the Commission Staff to prepare.

Commissioner Cheit indicated that the current proposals be kept for now. Commissioner Binder suggested that an intern could obtain the information the Commission requested. Commissioner Kirby pointed out that a legal determination is needed on Regulation 1001 and that this determination will affect the other proposals.

Staff Attorney Gramitt recapped the Commission's requests from his notes, as follows: (1) he stated that the Commission's Legal Counsel and the Commission Staff will look into whether the Access to Public Records Act requires a complaint to become public; (2) the Commission Staff will look into how other states handle the phases of a complaint; (3) he will reorganize the memorandum on confidentiality so that each proposal is addressed separately and he will reconsider the proposals to see if any of them should be drafted differently or

anew in light of the Commission's comments, including Commissioner Cheit's proposal to waive confidentiality; and (4) he will look into the role of the complainant in other state agency proceedings, such as quasi-judicial bodies.

Chair Lynch added that he would like to change the revolving door policy. He Lynch stated that his proposal is to add more years to the policy.

Commissioner Binder commented that she would like the Commission Staff to also obtain comments from other quasi-judicial bodies on the revolving door policy. Commissioner Kirby pointed out that an election can lead to a complete change of staff and that the revolving door policy should not apply in such instances. Chair Lynch suggested that the proposal could contain exceptions. Commissioner Segovis expressed his concern that too many exceptions will make the policy unclear. Commissioner Kirby suggested tightening up this policy by outlining what is permissible lobbying.

Staff Attorney Gramitt recommended that the Commission address this policy by first determining their objective, for instance, the proposal could address just lobbyists or specific situations. Commissioner Weavill expressed his concern with how many tasks the Commission is pursuing at once and the number of requests given to the Commission Staff. Commissioner Segovis suggested

dealing with one issue at a time and focusing on confidentiality right now. Commissioner Kirby agreed and stated that the revolving door can be handled next. By consensus, the Commission agreed to focus on the confidentiality proposals for now.

Chair Lynch noted that section 5(e) continues to create a problem and recognized Mr. West to comment on the issue. Mr. West inquired whether the changes to the revolving door policy would include municipalities. Chair Lynch replied in the affirmative.

The next order of business was discussion of the contract of the Commission's Legal Counsel.

* At 11:35 a.m. Legal Counsel Managhan left the meeting.

Commissioner Butler made a motion to extend her contract by one more year. Commissioner Kirby duly seconded this motion.

Commissioner Cheit inquired whether there was any paperwork on the contract that he could review. He stated that he did not know anything about the previous contract. Commissioner Binder also stated that she did not have such information.

Executive Director Willever replied that a hiring committee was established to hire the Legal Counsel a year ago. He stated that the committee reviewed some twenty-five applications and that Kathleen Managhan was the most qualified. He stated that he had a copy of

the proposed contract in his binder for the meeting and that he did not know why the Commissioners did not receive it. He informed the Commission that the Legal Counsel's contract is renewed annually by the Commission and that this is Kathleen Managhan's first year as the Commission's Legal Counsel.

Staff Attorney Gramitt stated that the Commission renews both her term and her rate. He indicated that her rate is \$185.00 per hour, which is a market rate. Executive Director Willever pointed out that Legal Counsel Managhan does not charge for her travel time although she is in Newport. Commissioner Weavill stated that the Commission selected her, not its Staff. Commissioner Segovis asked Commissioner Cheit if he would like a copy of the previous contract. Commissioner Cheit stated that he was satisfied with the information he was just provided.

Upon the previous motion that was duly seconded, it was unanimously

VOTED: To extend Legal Counsel Managhan's contract for another year.

AYES: James Lynch, Sr., George E. Weavill, Jr., James C. Segovis, Frederick K. Butler, Barbara Binder, Richard E. Kirby, and Ross Cheit.

***At 11:42 a.m., Legal Counsel Managhan returned to the meeting.**

***At 11:42 a.m., Chair Lynch briefly left the meeting.**

The next order of business was the Director's Report. Executive Director Willever discussed the status of the pending complaints before the Commission and the agenda for the next Commission meeting. He informed that William J. Conley is available to serve as Legal Counsel to the Commission on August 30th. He provided an update on the status of financial disclosure. Commissioner Weavill inquired whether the Commission Staff is now aware of everyone who is supposed to file financial disclosures statements. Executive Director Willever stated that the Commission Staff is in a transition period of updating its lists given the change to the law.

***At 11:44 a.m., Chair Lynch returned to the meeting.**

In response to Commissioner Weavill, Executive Director Willever stated that the number of individuals required to file has not yet gone down significantly. Executive Director Willever also informed the Commission that the Commission's office is getting some additional furniture by trading furniture with other government offices. Commissioner Binder asked whether a legislative update was scheduled for today. Staff Attorney Gramitt responded that he will prepare an update at the next meeting.

The next order of business was New Business. There was none.

At approximately 11:47 a.m., upon motion made by Commissioner Kirby and duly seconded by Commissioner Butler, it was unanimously

VOTED: To adjourn the meeting.

Respectfully submitted,

George E. Weavill, Jr.
Secretary