

# **MINUTES OF THE OPEN SESSION**

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

**August 31, 2010**

**The Rhode Island Ethics Commission held its 15th meeting of 2010 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, August 31, 2010, pursuant to the notice published at the Commission Headquarters, the State House Library, and electronically with the Rhode Island Secretary of State.**

**The following Commissioners were present:**

**Barbara R. Binder, Chair Frederick K. Butler**

**J. William W. Harsch, Secretary Deborah M. Cerullo SSND**

**John D. Lynch, Jr.**

**Also present were Edmund L. Alves, Jr., Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Staff Attorneys Jason Gramitt, Dianne L. Leyden and Esme DeVault; and Commission Investigators Steven T. Cross, Peter J. Mancini and Gary V. Petrarca.**

**At 9:06 a.m., the Chair opened the meeting. The first order of business was a motion to approve minutes of the Open Session held on August 17, 2010. Upon proper motion and second, it was**

**VOTED: To approve minutes of the Open Session held on August 17, 2010.**

**AYES: J. William W. Harsch, Frederick K. Butler, Deborah M. Cerullo SSND and Barbara R. Binder.**

**ABSTENTIONS: John D. Lynch, Jr.**

**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 Maria Lawyer, Treasurer for the Town of Exeter. Staff Attorney DeVault presented the Commission Staff recommendation. The Petitioner was not present. Upon motion made by Commissioner Butler and duly seconded by Commissioner Lynch, it was unanimously**

**VOTED: To issue an advisory opinion, attached hereto, to Maria Lawyer, Treasurer for the Town of Exeter.**

**The next advisory opinion was that of Lynn Hawkins, Town Clerk for the Town of Exeter. Staff Attorney DeVault presented the Commission Staff recommendation. The Petitioner was not present. Upon motion made by Commissioner Cerullo and duly seconded by Commissioner Butler, it was unanimously**

**VOTED: To issue an advisory opinion, attached hereto, to Lynn Hawkins, Town Clerk for the Town of Exeter.**

**The next advisory opinion was that of Hal Morgan, Zoning Inspector for the Town of Exeter. Staff Attorney DeVault presented the Commission Staff recommendation. The Petitioner was not present. Upon motion made by Commissioner Cerullo and duly seconded by Commissioner Butler, it was unanimously**

**VOTED: To issue an advisory opinion, attached hereto, to Hal Morgan, Zoning Inspector for the Town of Exeter.**

**At 9:13 a.m., upon motion made by Commissioner Butler and duly seconded by Commissioner Harsch, it was unanimously**

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

**a.) Motion to approve minutes of Executive Session held on August 17, 2010.**

**b.) In re: Charles A. Lombardi,  
Complaint No. 2010-8**

**c.) In re: Maria Vallee,**

**Complaint No. 2010-9**

**d.) In re: Vincent J. Polisena,**

**Complaint No. 2010-10**

**e.) Motion to return to Open Session.**

**At 9:25 a.m., the Commission returned to Open Session. The next order of business was a motion to seal the minutes of the Executive Session held on August 31, 2010. Upon motion made by Commissioner Cerullo and duly seconded by Commissioner Harsch, it was unanimously,**

**VOTED: To seal minutes of the Executive Session held on August 31, 2010.**

**Chair Binder reported that the Commission took the following actions in Executive Session: (1) continued until the next meeting the approval of the minutes of the Executive Session held on August 17, 2010; (2) initially determined that In re: Charles A. Lombardi, Complaint No. 2010-8, alleged sufficient facts to support a knowing and willful violation of the Code and authorized full investigation; (3) initially determined that In re: Maria Vallee, Complaint No. 2010-9, alleged sufficient facts to support a knowing and willful violation of the Code and authorized a full investigation; and (4) initially determined that In re: Vincent J. Polisena, Complaint No. 2010-10,**

**alleged sufficient facts to support a knowing and willful violation of the Code and authorized a full investigation.**

**The next order of business was New Business proposed for future Commission agendas and general comment from the Commission. Chair Binder asked that the Commission's consideration of the Probable Cause standard be placed on the agenda for the next meeting. Commissioner Cerullo asked that the Commission continue with its consideration of the Code's treatment of members of umbrella professional organizations. Chair Binder suggested that the full Commission discuss the scheduling of that issue at the next meeting.**

**At approximately 9:40 a.m., upon proper motion and second, it was unanimously**

**VOTED: To adjourn.**

**Respectfully submitted,**

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**J. William W. Harsch**

**Secretary**