

# **MINUTES OF THE OPEN SESSION**

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

**September 14, 2010**

**The Rhode Island Ethics Commission held its 16th 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, September 14, 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 Deborah M. Cerullo SSND\* Ross Cheit,  
Vice Chair Mark B. Heffner  
James V. Murray Frederick K. Butler John D. Lynch,  
Jr.**

**Also present were Edmund L. Alves, Jr., Commission Legal Counsel;  
Kent A. Willever, Commission Executive Director; Katherine D'Arezzo,  
Senior Staff Attorney; Staff Attorneys Jason Gramitt and Dianne L.  
Leyden; and Commission Investigators Steven T. Cross, Peter J.  
Mancini and Gary V. Petrarca.**

**At 9:03 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 31, 2010. Upon motion made by Commissioner Lynch and duly seconded by Commissioner Butler, it was unanimously**

**VOTED: To approve minutes of the Open Session held on August 31, 2010.**

**AYES: Frederick K. Butler, John D. Lynch, Jr. and Barbara R. Binder.**

**ABSTENTIONS: Mark B. Heffner, James V. Murray and Ross Cheit.**

**\*Commissioner Cerullo arrived at 9:05 a.m.**

**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 Michael P. Quinn, Chairperson of the Criminal Justice Policy Board. Staff Attorney Gramitt presented the Commission Staff recommendation. The Petitioner was present along with Lisa S. Holley, Legal Counsel to the RI State Police. Commissioner Cerullo inquired if there were any possibility that funds appropriated to the agency would end up as part of the Petitioner's salary or benefits. The Petitioner represented that federally grants typically have no such tie-ins, but they could allow for overtime type programs. Attorney Holley informed that all Board members are at the director level and would maintain their**

employment irrespective of grant funding. She indicated that some grants do pay for line staff or overtime, but they do not do so for directors. Upon motion made by Commissioner Murray and duly seconded by Commissioner Lynch, it was unanimously

**VOTED:** To issue an advisory opinion, attached hereto, to Michael P. Quinn, Chairperson of the Criminal Justice Policy Board.

The next advisory opinion was that of Clark Schoettle, a member of the City of Providence Historic District Commission, who is also a member of the Board of Directors of the Providence Preservation Society. Chair Binder advised that this request would be continued at the Petitioner's request.

The next order of business was Commission review and consideration of General Commission Advisories concerning historic architects who are members of Historic District Commissions. Staff Attorney Gramitt advised that on July 20th the Commission took initial votes to withdraw the existing GCA on this topic and adopt a new one, after having received public comment on the issue, some of which included overwhelming support for continuing the exception. He informed that the Commission solicited comment on the new draft proposal and, although no one is present to present oral comment, the written comment received has been distributed to the Commission. Commissioner Cheit noted that the Deputy State Historic Preservation Officer provided comment in support of the

**proposal, and he inquired whether the written comment would be part of the record. Staff Attorney Gramitt confirmed that the written comment would be part of the record.**

**Upon motion made by Commissioner Lynch and duly seconded by Commissioner Cheit, it was unanimously**

**VOTED: To withdraw (2nd vote) GCA No. 8: Architect Members of State and Local Historic Preservation Commissions Appearing Before Their Respective Agencies.**

**Upon motion made by Commissioner Lynch and duly seconded by Commissioner Cheit, it was unanimously**

**VOTED: To adopt (2nd vote) GCA 2010-1: Historic Architects Who Are Members of Historic District Commissions.**

**The next order of business was a discussion regarding Probable Cause. Chair Binder informed that this matter would be continued to the next meeting for presentation of a Staff memorandum.**

**The next order of business was Election of Officers. Upon motion made by Commissioner Cerullo and duly seconded by Commissioner Murray to retain the current slate of officers, it was unanimously**

**VOTED: To elect Barbara R. Binder as Chair, Ross Cheit as Vice**

**Chair, and J. William W. Harsch as Secretary.**

**The next order of business was the Director's Report. Executive Director Willever reported that there are eight complaints, one advisory opinion and one litigation matter pending. He informed that one formal APRA request has been granted since the last meeting. Director Willever stated that the Staff has been addressing budget, lease and personnel issues, and the education program will continue to be busy through the election of the new administration. He advised that the Staff would provide an update on financial disclosure in October and noted that this year the Commission has extended its efforts in the area of candidate disclosure.**

**The next order of business was that of New Business proposed for future Commission agendas and general comments from the Commission. Chair Binder asked that the list of outstanding issues for the Commission to address be provided for the next meeting.**

**At 9:20 a.m., upon motion made by Commissioner Murray and duly seconded by Commissioner Cheit, 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.) Motion to approve minutes of Executive Session held on August 31, 2010.**

**c.) In re: Charles D. Moreau,  
Complaint No. 2010-2**

**d.) In re: Bradford G. Marthens,  
Complaint No. 2010-7**

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

**At 9:26 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 September 14, 2010. Upon motion made by Commissioner Murray and duly seconded by Commissioner Butler, it was unanimously,**

**VOTED: To seal minutes of the Executive Session held on September 14, 2010.**

**Chair Binder reported that the Commission took the following actions in Executive Session: 1) approved minutes of the Executive Session held on August 17, 2010; 2) approved minutes of the Executive Session held on August 31, 2010; 3) granted a 2nd extension of time in In re: Charles D. Moreau, Complaint No. 2010-2; and 4) initially**

**determined that In re: Bradford G. Marthens, Complaint No. 2010-7, alleges sufficient facts to support a knowing and willful violation of the Code and authorized a full investigation. All votes taken in Executive Session were unanimous.**

**At approximately 9:28 a.m., upon motion made by Commissioner Butler and duly seconded by Commissioner Lynch, it was unanimously**

**VOTED: To adjourn.**

**Respectfully submitted,**

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**J. William W. Harsch**

**Secretary**