

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

November 7, 2012

The Rhode Island Ethics Commission held its 14th meeting of 2012 at 9:00 a.m. at the Rhode Island Ethics Commission conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Wednesday, November 7, 2012, 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:

Ross Cheit, Chair Edward A. Magro

Deborah M. Cerullo SSND, Vice Chair John M. LaCross

Frederick K. Butler

Also present were Joseph V. Cavanagh, III, Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Katherine D'Arezzo, Senior Staff Attorney; and Commission Investigators Steven T. Cross, Peter J. Mancini and Gary V. Petrarca.

At 9:04 a.m. the Chair opened the meeting. The first order of business was the approval of minutes of the Open Session held on October 16, 2012. Upon motion made by Commissioner Magro and

duly seconded by Commissioner LaCross, it was

VOTED: To approve minutes of the Open Session held on October 16, 2012.

AYES: Deborah M. Cerullo; Frederick K. Butler; Ross Cheit.

ABSTENTIONS: John M. LaCross; Edward A. Magro.

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:

Robert Azar, AICP, the Acting Director of the Department of Planning and Development for the City of Providence, requesting an advisory opinion regarding whether the Code of Ethics prohibits him from teaching a course at Brown University in the spring of 2013.

Senior Staff Attorney D'Arezzo presented the Commission Staff recommendation, which had been drafted by Staff Attorney Amy C. Stewart. The Petitioner was not present. Upon motion made by Commissioner LaCross and duly seconded by Commissioner Butler, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Robert Azar, AICP, the Acting Director of the Department of Planning and Development for the City of Providence

The next advisory opinion was that of:

William F. Warren, Esq., a candidate for the North Providence City Council, requesting an advisory opinion regarding whether, if elected, the Code of Ethics would prohibit him from appearing before the North Providence Municipal Court in his private practice of law.

Senior Staff Attorney D'Arezzo presented the Commission Staff recommendation, which had been drafted by Staff Attorney Amy C. Stewart. The Petitioner was not present. Senior Staff Attorney D'Arezzo informed that the Petitioner has been elected to the North Providence City Council. In response to Commissioner Cerullo, she stated that, since the adoption of Regulation 5016 in 2006, recusal is not an option because section 5(e)(2)'s prohibition is absolute, absent a finding of hardship by the Commission. Upon motion made by Commissioner Cerullo and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to William F. Warren, Esq., a candidate for the North Providence City Council.

The next order of business was the Director's Report. Executive Director Willever informed that there are eleven complaints and no advisory opinions pending. He reported that six APRA requests have been granted since the last meeting. In response to Chair Cheit, Executive Director Willever stated that there had not been the anticipated surge in matters that typically precedes an election. He attributed this to the success of the education program in addressing questions regarding potential conflicts prospectively.

At approximately 9:16 a.m., upon motion made by Commissioner Butler and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To go into Executive Session, to wit:

- a) Motion to approve minutes of Executive Session held on October 16, 2012, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- b) In re: Gordon Rogers, Complaint No. 2012-1, pursuant to R.I. Gen. Laws § 42-46-5(a)(2).**

The Commission reconvened in Open Session at approximately 9:20 a.m.

The next order of business was a motion to seal the minutes of the November 7, 2012 Executive Session. Upon motion made by

Commissioner Cerullo and duly seconded by Commissioner Magro, it was unanimously

VOTED: To seal the minutes of the November 7, 2012 Executive Session.

Chair Cheit reported that the Commission took the following actions in Executive Session:

1. Voted to approve the minutes of the Executive Session held on October 16, 2012.

[Reporter's Note – The vote was as follows:

AYES: Frederick K. Butler; Deborah M. Cerullo; Ross Cheit.

ABSTENTIONS: Edward A. Magro; John M. LaCross.]

2. Voted unanimously to grant the Prosecution's Motion to Enlarge Time, First Extension, in the matter of In re: Gordon Rogers, Complaint No. 2012-1.

The next order of business was New Business and general comments from the Commission. Chair Cheit expressed his appreciation to the members for their attendance at this rescheduled meeting, noting that the October 30th meeting was cancelled due to the hurricane. At 9:23 a.m., upon motion made by Commissioner Magro and duly seconded by Commissioner Butler, it was unanimously

VOTED: To adjourn.

Respectfully submitted,

John D. Lynch, Jr.
Secretary