

MINUTES OF THE OPEN SESSION

OF THE RHODE ISLAND ETHICS COMMISSION

March 11, 2014

The Rhode Island Ethics Commission held its 4th meeting of 2014 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, March 11, 2014, 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 Mark B. Heffner*

John D. Lynch, Jr., Secretary John M. LaCross**

Frederick K. Butler Edward A. Magro

James V. Murray

Also present were Edmund L. Alves, Jr., Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Jason Gramitt, Education Coordinator/Staff Attorney; Staff Attorneys Nicole B. DiLibero and Amy C. Stewart; and Commission Investigators Peter J. Mancini and Gary V. Petrarca.

At 9:01 a.m. the Chair opened the meeting. The first order of

business was the approval of minutes of the Open Session held on February 11, 2014. Upon motion made by Commissioner LaCross and duly seconded by Commissioner Magro, it was unanimously

VOTED: To approve minutes of the Open Session held on February 11, 2014.

The next order of business was advisory opinions. The advisory opinion was based on a draft advisory opinion prepared by Commission Staff for review by the Commission and was scheduled as an item on the Open Session Agenda for this date. The advisory opinion was that of:

Jessica A. Bonanno, LICSW, a clinical social worker at the Rhode Island Department of Children, Youth and Families, Division of Juvenile Corrections, requesting an advisory opinion regarding whether the Code of Ethics prohibits her from providing counseling services in her private capacity at Counseling Services of RI.

Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was present.

***Commissioner Heffner arrived at 9:06 a.m.**

****Commissioner Lynch arrived at 9:07 a.m.**

In response to Commissioner Butler, the Petitioner explained that she will not treat any individuals at Counseling Services of RI until they have been separated from the Training School for at least one year. She stated that this will reduce the potential for conflicts in clinical treatment in accordance with her professional responsibilities as a social worker. Upon motion made by Commissioner Magro and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Jessica A. Bonanno, LICSW, a clinical social worker that the Rhode Island Department of Children, Youth and Families.

The next order of business was a legislative update regarding pending legislation presented by Staff Attorney Gramitt. First, he discussed House Resolution 7593 which would create a ballot question regarding whether the Rhode Island Constitution should be amended to restore the Commission's jurisdiction over the core legislative acts of members of the General Assembly. He stated that this was identical to a Senate Resolution discussed at a recent Commission meeting. He informed that he will continue to monitor both Resolutions. Second, he discussed Senate Bill 2585 regarding Accountability and Transparency for Quasi-Public Corporations. He stated that quasi-public corporations are state agencies according to the definition in R.I. Gen. Laws § 36-14-2. However, given the existence of some confusion among appointees to quasi-public corporations as to whether they are subject to the Code of Ethics, he

suggested offering an amendment to Senate Bill 2585 clarifying jurisdiction. He added that Common Cause of RI has made similar requests in the past regarding the Code of Ethics, as well as the Open Meetings Act and the Access to Public Records Act. Finally, he noted that Senate Bill 2590, relating to lobbying before the General Assembly, has been proposed to correct a typographical error relative to instructing lobbyists regarding conflicts of interest and the Code of Ethics.

The next order of business was the Director's Report. Executive Director Willever reported that there were eight (8) complaints, four (4) advisory opinions, and one (1) litigation matter pending. He stated that six (6) APRA requests were granted since the last meeting, all of which were completed within one (1) business day.

At 9:26 a.m., upon motion made by Commissioner Butler and duly seconded by Commissioner Lynch, it was unanimously

VOTED: To go into Executive Session, to wit:

a) Motion to approve minutes of Executive Session held on February 11, 2014, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

b) In re: Andrew J. McQuaide, Complaint No. NF2013-4, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

The Commission reconvened in Open Session at approximately 9:42 a.m. The next order of business was a motion to seal the minutes of the March 11, 2014, Executive Session. Upon motion made by Commissioner Murray and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To seal the minutes of the March 11, 2014, Executive Session.

Chair Cheit reported that during Executive Session, in the matter of In re: Andrew J. McQuaide, Complaint No. NF2013-4, the Commission unanimously voted to find that there was probable cause to believe that the Respondent violated R.I. Gen. Laws § 36-14-16 by failing to file a Financial Disclosure Statement for calendar year 2012.

[Reporters note: During Executive Session, the Commission also unanimously voted to approve the minutes from the Executive Session held on February 11, 2014.]

The next order of business was New Business. There being none, at 9:47 a.m. upon motion made and duly seconded, it was unanimously

VOTED: To adjourn.

Respectfully

submitted,

John D. Lynch, Jr.

Secretary