

MINUTES OF THE OPEN SESSION

OF THE RHODE ISLAND ETHICS COMMISSION

October 21, 2014

The Rhode Island Ethics Commission held its 12th 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, October 21, 2014, pursuant to the notice published at the Commission offices, the State House Library, and electronically with the Rhode Island Secretary of State.

The following Commissioners were present:

Ross Cheit, Chair John M. LaCross

John D. Lynch, Jr., Secretary Edward A. Magro

Mark B. Heffner* James V. Murray

Also present were Edmund L. Alves, Jr., Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Katherine D'Arezzo, Senior Staff Attorney; Jason Gramitt, Education Coordinator/Staff Attorney; Staff Attorneys Teresa Giusti and Amy C. Stewart; Commission Investigators Peter J. Mancini and Gary V. Petrarca; and Commission Research Aide Alice Aieskoll.

At 9:07 a.m., the Chair opened the meeting. The first order of

business was:

Approval of minutes of the Open Session held on September 23, 2014.

Upon motion made by Commissioner LaCross and duly seconded by Commissioner Magro, it was

VOTED: To approve minutes of the Open Session held on September 23, 2014.

AYES: John M. LaCross; Ross Cheit.

ABSTENTIONS: James V. Murray; Edward A. Magro; John D. Lynch, Jr.

The next order of business was:

Advisory Opinions.

***Commissioner Heffner arrived at 9:09 a.m.**

The advisory opinions were based on draft advisory opinions prepared by 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:

Joseph J. Nicholson, Jr., Esq., the Interim City Manager for the City of Newport, requesting an advisory opinion regarding whether the Code of Ethics prohibits him from simultaneously serving as legal counsel to the Housing Authority of the City of Newport for the duration of his temporary service as Interim City Manager and in the future when he resumes his role as Newport City Solicitor.

Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was present. Upon motion made by Commissioner Murray and duly seconded by Commissioner Heffner, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Joseph J. Nicholson, Jr., Esq., the Interim City Manager for the City of Newport.

The final advisory opinion was that of:

Scott A. Lentz, a member of the North Smithfield Planning Board, who is also a general, non-voting member of the North Smithfield Land Trust, a private non-profit entity, requesting an advisory opinion regarding whether the Code of Ethics requires him to recuse from Planning Board matters relating to the North Smithfield Land Trust.

Staff Attorney Stewart presented the Commission Staff

recommendation. The Petitioner was present. Upon motion made by Commissioner Magro and duly seconded by Commissioner Lynch, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Scott A. Lentz, a member of the North Smithfield Planning Board.

The next order of business was:

Executive Session.

At 9:19 a.m., upon motion made by Commissioner Murray and duly seconded by Commissioner Magro, it was unanimously

VOTED: To go into Executive Session, to wit:

1. Motion to approve minutes of the Executive Session held on September 23, 2014, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

2. In re: William Reichert, Complaint No. 2014-1, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

3. In re: Christopher Beauchamp, Complaint No. 2014-10, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

- 4. In re: Robert Moreau, Complaint No. 2014-11, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 5. In re: William A. Walaska, Complaint No. 2014-12, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 6. In re: Lisa Baldelli-Hunt, Complaint No. 2014-13, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 7. In re: Dawson T. Hodgson, Complaint No. 2014-14, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 8. In re: Stephen Tetzner, Complaint No. 2014-15, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

The Commission reconvened in Open Session at approximately 10:09 a.m.

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

VOTED: To seal the minutes of the Executive Session held on October 21, 2014.

The next order of business was:

Report on Actions Taken in Executive Session.

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

1. Approved the minutes of the Executive Session held on September 23, 2014. The vote was as follows:

AYES: Ross Cheit; John M. LaCross; Mark B. Heffner.

ABSTENTIONS: James V. Murray; Edward A. Magro; John D. Lynch, Jr.

2. Unanimously voted to approve an Informal Resolution & Settlement in the matter of In re: William Reichert, Complaint No. 2014-1.

3. Unanimously voted to initially determine that the facts alleged in In re: Christopher Beauchamp, Complaint No. 2014-10, if true, were sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation.

4. Unanimously voted to initially determine that the facts alleged in In re: Robert Moreau, Complaint No. 2014-11, if true, were sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation.

5. Unanimously voted to initially determine that the facts alleged in In re: William A. Walaska, Complaint No. 2014-12, if true, were insufficient to constitute a knowing and willful violation of the Code of Ethics. Therefore, the complaint was dismissed without prejudice.

6. Unanimously voted to initially determine that the facts alleged in In re: Lisa Baldelli-Hunt, Complaint No. 2014-13, if true, were sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation. [Legal Counsel Alves recused from this matter.]

7. Unanimously voted to initially determine that the facts alleged in In re: Dawson T. Hodgson, Complaint No. 2014-14, if true, were sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation.

8. Unanimously voted to initially determine that the facts alleged in In re: Stephen Tetzner, Complaint No. 2014-15, if true, were sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation.

The next order of business was:

Director's Report.

Executive Director Willever reported that there were fifteen (15) complaints and two (2) advisory opinions pending. He stated that twenty-seven (27) APRA requests were granted since the last meeting, twenty-six (26) of which were completed within one (1) business day. Executive Director Willever and Chair Cheit also commended Commission Staff member Alice Aieskoll for her prompt handling of APRA requests.

The next order of business was:

Election of Officers.

Chair Cheit stated that given Vice-Chair Cerullo's absence at this meeting, the elections of officers will be held at the next meeting.

The next order of business was:

Discussion of, and Potential Vote on, Revisions to the 2014 Financial Disclosure Statement and Instructions.

Staff Attorney Gramitt informed that at this time each year the Commission staff prepares a new financial disclosure statement for printing and online publishing. He informed that this year, as part of a larger review of the financial disclosure process, the staff has undertaken a more thorough review of the existing Yearly Financial

Statement and Instruction Sheet in order to ensure that each question is both supported by existing law and is clearly written. He stated that every question and all of the instructions were rewritten. Staff Attorney Gramitt discussed some specific changes to the statement:

- Question 2 – Mailing Address. Notably, the statement no longer requires disclosure of a home address because such disclosure was not required by law.**
- Question 6 – Occupational Income. This question has been broken down into two parts for additional clarity.**
- Question 8 – Income from Trust. This question has been clarified and requires reporting of income received as a beneficiary of a trust.**
- Questions 12-15 – (For any business listed in Question 11) Disclosure of any transactions between business interests and state or municipal agencies, as well as any business interests that are subject to state or municipal regulation. Previously, disclosure was only required if the person was a “member or employee of the agency or exercise[d] direct or legislative control over the agency.” However, Staff Attorney Gramitt informed that there was no basis in either the statutes or regulations for such restrictions. Therefore, he informs that the restriction was deleted and now, irrespective of the public official’s particular position, all business transactions and businesses subject to regulation must be disclosed within the parameters of the question.**

In response to Commissioner Lynch, Staff Attorney Gramitt informed

that these changes, if approved by the Commission, will be also be made in the online filing system. Commissioner Heffner suggested making improvements to the layout and design of the form. Upon motion made by Commissioner Murray and duly seconded by Commissioner Lynch, it was unanimously

VOTED: To approve the revisions to 2014 Financial Disclosure Statement and Instructions.

The final order of business was New Business. There being none, at 10:38 a.m., upon motion made by Commissioner Murray and duly seconded by Commissioner Lynch, it was unanimously

VOTED: To adjourn.

Respectfully

submitted,

John D. Lynch, Jr.
Secretary