

# **MINUTES OF THE OPEN SESSION**

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

**March 24, 2015**

**The Rhode Island Ethics Commission held its 4th meeting of 2015 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 24, 2015, 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    Frederick K. Butler**

**John D. Lynch, Jr., Vice Chair    Mark B. Heffner**

**M. Therese Antone**

**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; and Commission Investigators Steven Cross and Gary V. Petrarca.**

**At 9:04 a.m., the Chair opened the meeting. The first order of business was:**

**Administration of the Oath of Office to M. Therese Antone, RSM.**

**Chair Cheit administered the oath of office to Commissioner Antone.**

**The next order of business was:**

**Recognition of former Commissioners Edward A. Magro and John M. LaCross.**

**Chair Cheit presented plaques to each former Commissioner and thanked them for their years of service to the Commission. Both Mr. LaCross and Mr. Magro thanked the Commissioners and Commission Staff for their hard work and dedication to public service.**

**The next order of business was:**

**Approval of minutes of the Open Session held on March 10, 2015.**

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

**VOTED: To approve minutes of the Open Session held on March 10, 2015.**

**AYES: Mark B. Heffner; Frederick K Butler; John D. Lynch, Jr.;**

**Ross Cheit.**

**ABSTENTIONS: M. Therese Antone.**

**The next order of business was:**

### **Advisory Opinions**

**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:**

**Gena E. Bianco, a member of the Town of Johnston School Committee, requesting an advisory opinion as to whether the Code of Ethics prohibits her from participating in contract negotiations with the Johnston Teachers' Union, given that her spouse has served, for the past four years, as a soccer coach for one of the Town of Johnston's Middle Schools.**

**Staff Attorney Giusti presented the Commission Staff recommendation. The Petitioner was present. In response to Commissioner Heffner, the Petitioner stated that she requested this advisory opinion in an abundance of caution. She stated that the School Committee as a whole believed she had a conflict as to the contract negotiations. Upon motion made by Commissioner Heffner**

**and duly seconded by Commissioner Butler, it was unanimously**

**VOTED: To issue an advisory opinion, attached hereto, to Gena E. Bianco, a member of the Town of Johnston School Committee.**

**The second advisory opinion was that of:**

**Marjorie McBride, a member of the Bristol Warren Regional School Committee, who is also an alternate member of the Bristol Juvenile Hearing Board, requesting an advisory opinion regarding whether the Code of Ethics prohibits her simultaneous service in both positions.**

**Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was not present. Bristol Town Solicitor, Michael A. Ursillo, Esq., was present on the Petitioner's behalf. Solicitor Ursillo stated that the Petitioner recently encountered an incident that was brought both to the attention of the School Committee and before the Hearing Board. He stated that the Petitioner recused from the matter before the Hearing Board and then requested this advisory opinion. Upon motion made by Commissioner Lynch and duly seconded by Commissioner Butler, it was unanimously**

**VOTED: To issue an advisory opinion, attached hereto, to Marjorie McBride, a member of the Bristol Warren Regional School Committee and an alternate member of the Bristol Juvenile Hearing Board.**

**The third advisory opinion was that of:**

**Steven A. Stycos, a member of the Cranston City Council, requesting an advisory opinion regarding whether the Code of Ethics prohibits him from accepting a gift from the daughter of a former Cranston City Council member.**

**Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was not present. Upon motion made by Commissioner Antone and duly seconded by Commissioner Lynch, it was unanimously**

**VOTED: To issue an advisory opinion, attached hereto, to Steven A. Stycos, a member of the Cranston City Council.**

**The final advisory opinion was that of:**

**Michele H. Kazarian, Esq., the Probate Judge for the City of East Providence, who also works part-time as an attorney for the Rhode Island General Assembly, requesting an advisory opinion regarding whether the Code of Ethics prohibits: (1) her participation in matters before the East Providence Probate Court in which a current or former employee or member of the general assembly is the attorney of record; and (2) her continued political activity for various state and local candidates.**

**The Petitioner was not present. Commissioner Heffner recused from this matter. Upon his recusal, there was no longer a quorum to consider this advisory opinion. Therefore, this advisory opinion was continued to the next meeting.**

**The next order of business was:**

### **Legislative Update**

**Staff Attorney Gramitt stated that the first and second items listed under the legislative update are the three bills related to restoring the Ethics Commission's jurisdiction over members of the General Assembly, which were discussed at the Commission's last meeting (H 5374, S 0056, & S 0173). He stated that nothing has changed since the last meeting, and he will continue to monitor the status of these bills. Chair Cheit asked Staff Attorney Gramitt to make sure that Commissioner Antone receives a copy of Legal Counsel Alves's memorandum on these bills, which was also discussed at the last meeting.**

**Next, Staff Attorney Gramitt summarized H 5663, which proposes amendments to Rhode Island General Laws § 36-14-5(n) & (o) of the Code of Ethics. He stated that this Act would eliminate several exceptions to the Code of Ethics' "revolving door" prohibitions. First, as to § 5(o), which prohibits a state elected official from seeking**

or accepting state employment while in office and for a year thereafter, the Act eliminates language that would allow the Ethics Commission to authorize an exception where it “would not create an appearance of impropriety.” Second, as to § 5(n), which prohibits the senior members of the staff of any state elected official or the General Assembly from seeking or accepting state employment until one year after leaving the position, the Act would: (1) specify that it also applies to “department heads” as well as the Governor’s staff members; (2) eliminate an exception for cases in which the employee has a minimum of five years of uninterrupted state service; and (3) eliminate language that would allow the Ethics Commission to authorize an exception where it “would not create an appearance of impropriety.” He stated that he will continue to monitor H 5663.

Finally, Staff Attorney Gramitt stated that he would like to present H 5860, which was not on the agenda. He asked the Commission, pursuant to the Open Meetings Act, to make a motion to amend the agenda, for informational purposes only, to discuss H 5860. Upon motion made by Commissioner Antone and duly seconded by Commissioner Butler, it was unanimously

**VOTED:** To amend the agenda to discuss H 5860, for informational purposes only.

Staff Attorney Gramitt provided each Commissioner with a copy of H 5860. He stated that H 5860 would prohibit state Senators and

**Representatives from being appointed to any municipal office or quasi-public entity for the duration of their service in the General Assembly. He further stated that this would prohibit newly elected members of the General Assembly from continuing to hold previous municipal or quasi-public positions. He explained that the Commission's position is that such simultaneous service is not addressed by the Code of Ethics. He stated that, while it is conceivable that there may be conflicts of interest between the two public positions, such conflicts are considered on a case-by-case basis. He informed that H 5860 is scheduled for a hearing before the House Judiciary Committee this Wednesday. He stated that he would continue to monitor H 5860.**

**The next order of business was:**

**Director's Report.**

**Executive Director Willever reported that there were nine (9) complaints and eight (8) advisory opinions pending. He stated that seven (7) APRA requests were granted since the last meeting, all of which were completed within one (1) business day.**

**The next order of business was:**

**Executive Session.**

**At 9:40 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:**

**1. In re: Dawson T. Hodgson, Complaint No. 2014-14, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**2. In re: Natalia Rosa-Sosa, Complaint No. NF2014-3, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**3. In re: Eunice D. DeLaHoz, Complaint No. NF2014-1, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**4. In re: Barbara A. Heavers, Complaint No. 2014-19, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**5. In re: Paul Rodrigues, Complaint No. 2014-8, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**6. In re: Daniel P. Reilly, Complaint No. 2014-18, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**The Commission reconvened in Open Session at approximately 10:51 a.m.**

**Upon motion made by Commissioner Antone and duly seconded by Commissioner Heffner, it was unanimously**

**VOTED: To seal the minutes of the Executive Session held on March 24, 2015.**

**The next order of business was:**

**Report on Actions Taken in Executive Session.**

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

**1. In the matter of In re: Dawson T. Hodgson, Complaint No. 2014-14, unanimously voted to grant the Respondent's request for a continuance of the Probable Cause Hearing, which shall be continued to a date no later than the Commission's first scheduled meeting in May 2015.**

**2. In the matter of In re: Natalia Rosa-Sosa, Complaint No. NF2014-3, unanimously voted to find that probable cause exists to believe that the Respondent violated Rhode Island General Laws § 36-14-16 by failing to timely file a 2013 Financial Disclosure Statement with the Ethics Commission.**

**3. Continued In re: Eunice D. DeLaHoz, Complaint No. NF2014-1, to**

**the next Commission meeting.**

**4. In the matter of In re: Barbara A. Heavers, Complaint No. 2014-19, unanimously voted to grant the Prosecution's Motion to Dismiss, whereupon the complaint was dismissed with prejudice.**

**5. Unanimously voted to approve a Second Extension of Time in the matter of In re: Paul Rodrigues, Complaint No. 2014-8.**

**6. Unanimously voted to approve a First Extension of Time in the matter of In re: Daniel P. Reilly, Complaint No. 2014-18.**

**The final order of business was:**

### **New Business**

**Chair Cheit welcomed new Commissioner M. Therese Antone to the Ethics Commission. At 10:54 a.m., upon motion made by Commissioner Butler and duly seconded by Commissioner Antone, it was unanimously**

**VOTED: To adjourn.**

**Respectfully**

**submitted,**

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**Robert A. Salk**  
**Secretary**