

MINUTES OF THE OPEN SESSION

OF THE RHODE ISLAND ETHICS COMMISSION

June 16, 2015

The Rhode Island Ethics Commission held its 8th 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, June 16, 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 Timothy Murphy
M. Therese Antone James V. Murray
Frederick K. Butler* Marisa A. Quinn**

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 T. Cross, Peter J. Mancini and Gary V. Petrarca.

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

business was:

Approval of minutes of the Open Session held on May 19, 2015.

Upon motion made by Commissioner Murphy and duly seconded by Commissioner Murray, it was unanimously

VOTED: To approve minutes of the Open Session held on May 19, 2015.

*** Commissioner Butler arrived at 9:02 a.m.**

The next order of business was:

Executive Session.

At 9:03 a.m., upon motion made by Commissioner Murphy and duly seconded by Commissioner Murray, it was unanimously

VOTED: To go into Executive Session, to wit:

1. Motion to approve the minutes of the Executive Session held on May 19, 2015.

2. In re: Susan Cicilline-Buonanno, Complaint No. 2015-3, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

3. In re: Henry F. Winthrop, Complaint No. 2015-4, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

The Commission reconvened in Open Session at approximately 9:14 a.m. Upon motion made by Commissioner Murray and duly seconded by Commissioner Murphy, it was unanimously

VOTED: To seal the minutes of the Executive Session held on June 16, 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. Unanimously voted to approve the minutes of the Executive Session held on May 19, 2015.**
- 2. Unanimously voted (6-0) to approve an Informal Resolution & Settlement in the matter of In re: Susan Cicilline-Buonanno, Complaint No. 2015-3.**
- 3. Unanimously voted (5-0) to initially determine that the facts alleged**

in In re: Henry F. Winthrop, Complaint No. 2015-4, if true, are sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation.

[Commissioner Antone recused from participating in this matter and was not present for the Commission's consideration of it. She returned to the Commission meeting room immediately following the conclusion of this matter.]

The next order of business was:

Legislative Update

Staff Attorney Gramitt stated that, although he had productive meetings with Senator Edward J. O'Neill, Senator James C. Sheehan and others relative to the bills restoring the Ethics Commission's jurisdiction over the General Assembly, they ran out of time for this legislative session. He stated that the group, which also included Senator William J. Connelly, Jr., John Marion of Common Cause of Rhode Island, and Phil West, did not reach a 100% consensus on proposed language for a new bill. However, he noted that the next legislative session will start off with a draft bill that is more favorable to the interests of the Ethics Commission.

Commissioner Murphy asked how long it would take for the constitutional amendment to get on the ballot if this bill is enacted next year. Staff Attorney Gramitt stated that it would likely be on the

ballot for the election in 2017 or 2018. In response to Commissioner Quinn, Staff Attorney Gramitt stated that none of the chambers of commerce have taken a position on this bill. He added that Common Cause of Rhode Island, Operation Clean Government and League of Women Voters have all supported restoring the Ethics Commission's jurisdiction over the General Assembly, while only the RI ACLU has opposed it. Chair Cheit reiterated that it is the Commission's position that the people's intent in approving the 1986 ethics amendment was for the Ethics Commission to have jurisdiction over the members of the General Assembly.

The next order of business was:

Director's Report.

Executive Director Willever reported that there were six (6) complaints and seven (7) advisory opinions pending. He stated that sixteen (16) APRA requests were granted since the last meeting, fifteen (15) of which were completed within one (1) business day, and one (1) was completed within two (2) business days. He also asked the Commissioners to advise the staff of their availability for the next Commission meeting, which is scheduled for July 21, 2015. He stated that there is an adjudicative hearing scheduled for that day and there will likely be some advisory opinions on the agenda as well.

The next order of business was:

Adjudications

The first adjudication was that of:

In re: Eunice D. DeLaHoz, Complaint No. NF2014-1.

The hearing was stenographically recorded and a transcript of the proceeding will be available at the Commission Offices. Commission Prosecutor Amy C. Stewart represented the People of the State of Rhode Island. The Respondent, Eunice D. DeLaHoz, was not present.

Commission Prosecutor Stewart presented the case to the Commission. She offered Exhibit 1 as evidence, the affidavit of Michelle Berg, Ethics Commission Administrative Officer in charge of Financial Disclosure, along with eight (8) attachments. Exhibit 1 was admitted as a full exhibit. She also offered Exhibit 2 as evidence, the affidavit of Gary V. Petrarca, Ethics Commission Investigator, along with four (4) attachments. Exhibit 2 was admitted as a full exhibit.

The Commission questioned Commission Prosecutor Stewart. The Commission deliberated in open session. Upon motion made by Commissioner Murphy and duly seconded by Commissioner Antone, it was unanimously

VOTED: That the Respondent, Eunice D. DeLaHoz, violated R.I. Gen. Laws § 36-14-16 by failing to timely file a 2013 Financial Disclosure Statement with the Ethics Commission.

The discussion turned to the imposition of a civil penalty. In response to Chair Cheit, Commission Prosecutor Stewart recommended a \$1,500 civil penalty. Discussion ensued. Upon motion made by Commissioner Murphy and duly seconded by Commissioner Antone, there was more discussion. Upon Commissioner Murphy's original motion, it was

VOTED: To impose a \$500 civil penalty.

AYES: M. Therese Antone.

NOES: James V. Murray; Timothy Murphy; Marisa A. Quinn; Frederick K. Butler; Ross Cheit.

The motion did not pass. There was further discussion. Upon motion made by Commissioner Quinn and duly seconded by Commissioner Butler, it was

VOTED: To impose a \$1,500 civil penalty.

AYES: James V. Murray; Timothy Murphy; Marisa A. Quinn; Frederick K. Butler; Ross Cheit.

NOES: M. Therese Antone.

The second adjudication was that of:

In re: Natalia Rosa-Sosa, Complaint No. NF2014-3.

The hearing was stenographically recorded and a transcript of the proceeding will be available at the Commission Offices. Commission Prosecutor Amy C. Stewart represented the People of the State of Rhode Island. The Respondent, Natalia Rosa-Sosa, was not present.

Commission Prosecutor Stewart presented the case to the Commission. She offered Exhibit 1 as evidence, the affidavit of Michelle Berg, Ethics Commission Administrative Officer in charge of Financial Disclosure, along with eight (8) attachments. Exhibit 1 was admitted as a full exhibit. She also offered Exhibit 2 as evidence, the affidavit of Steven T. Cross, Ethics Commission Chief of Investigations. Exhibit 2 was admitted as a full exhibit.

The Commission questioned Commission Prosecutor Stewart. The Commission deliberated in open session. Upon motion made by Commissioner Antone and duly seconded by Commissioner Murphy, it was unanimously

VOTED: That the Respondent, Natalia Rosa-Sosa, violated R.I. Gen.

Laws § 36-14-16 by failing to timely file a 2013 Financial Disclosure Statement with the Ethics Commission.

The discussion turned to the imposition of a civil penalty. In response to Chair Cheit, Commission Prosecutor Stewart recommended a \$1,500 civil penalty. Discussion ensued. Upon motion made by Commissioner Antone and duly seconded by Commissioner Quinn, it was unanimously

VOTED: To impose a \$1,500 civil penalty.

The final order of business was:

New Business

Chair Cheit asked the staff to provide the fine schedule for non-filing complaints to the Commission at the next meeting for further discussion. He also noted that, in the past, the Commission had received periodic briefings from Chief of Investigations, Steven T. Cross, on financial disclosure and operation compliance. He suggested that such a presentation in the near future would be very helpful to the Commission, especially its newest members.

At 9:55 a.m., upon motion made by Commissioner Antone and duly seconded by Commissioner Murphy, it was unanimously

VOTED: To adjourn.

Respectfully

submitted,

Robert A. Salk
Secretary