

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

**August 16, 2016**

**The Rhode Island Ethics Commission held its 10th meeting of 2016 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, August 16, 2016, 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\***

**Robert A. Salk, Secretary    Timothy Murphy**

**M. Therese Antone    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 Attorney Teresa Giusti; and Commission Investigators Steven T. Cross and Peter J. Mancini.**

**At 9:00 a.m., the Chair opened the meeting. The first order of business was:**

**Approval of minutes of the Open Session held on July 19, 2016.**

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

**VOTED: To approve minutes of the Open Session held on July 19, 2016.**

**AYES: Robert A. Salk; Timothy Murphy; Marisa A. Quinn; and Ross Cheit.**

**ABSTENTIONS: Marisa A. Quinn.**

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

**The next order of business was:**

**Advisory Opinions.**

**The advisory opinions were based on a draft advisory opinion 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:**

**William C. Perry, a Lieutenant in the East Greenwich Fire Department, requests an advisory opinion regarding the application of the Code of Ethics to the Fire Department's proposed hiring of the Petitioner's brother as a Probationary Firefighter.**

**Staff Attorney Gramitt presented the Commission Staff recommendation. The Chief of the East Greenwich Fire Department, Russell G. McGillivray, and Deputy Chief Michael Sullivan were present for the Petitioner. Chair Cheit inquired why it would be highly unlikely for the Petitioner and his brother to be in the same platoon. Chief McGillivray replied that there are thirty-six (36) positions in the Department, half officers and half firefighters. He estimated that there might be a 10% chance that they would end up in the same platoon. He stated that there are four (4) officers per shift, plus two (2) house captains, allowing the schedule to be modified so that the Petitioner is never supervising his brother. In response to Commissioner Murphy, Chief McGillivray clarified that the Petitioner is an officer on Engine 1 and his brother would be in a different platoon. In further response, he explained that the Town is doing lateral transfers for four (4) positions and all twenty (20) applicants are from other municipal fire departments. He represented that the Petitioner's brother is an officer in the Coventry Fire Department. Commissioner Murphy inquired if it gave him an advantage in the selection process to have a brother in the Department. Chief McGillivray stated that the Deputy Chief and three (3) other members formed the selection**

**committee, along with the Town's Human Resource Director.**

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

**VOTED: To issue an advisory opinion, attached hereto, to William C. Perry, a Lieutenant in the East Greenwich Fire Department.**

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

**Mary Meagher, a member of the Jamestown Town Council, requests an advisory opinion regarding whether she may participate in discussion and voting relative to a proposed ordinance that would require residential landlords in Jamestown to file an emergency contact form with the Town Clerk, given that the Petitioner owns a rental property that would be subject to the proposed ordinance.**

**Staff Attorney Gramitt presented the Commission Staff recommendation. The Petitioner was present. Commissioner Salk disclosed that he is from Jamestown and knows the Petitioner. In response to Commissioner Salk, Staff Attorney Gramitt stated that the opinion is strictly limited to her participation regarding this proposed ordinance. Commissioner Quinn noted that the affected class could potentially be larger, as anyone could decide to rent their house out in the future.**

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

**VOTED: To issue an advisory opinion, attached hereto, to Mary Meagher, a member of the Jamestown Town Council.**

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

**Kristine S. Trocki, a member of the Jamestown Town Council, requests an advisory opinion regarding whether she may participate in discussion and voting relative to a proposed ordinance that would require residential landlords in Jamestown to file an emergency contact form with the Town Clerk, given that the Petitioner owns a rental property that would be subject to the proposed ordinance.**

**Staff Attorney Gramitt presented the Commission Staff recommendation. The Petitioner was not present. Staff Attorney Gramitt informed that the Petitioner's request involves facts identical to the prior advisory opinion.**

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

**VOTED: To issue an advisory opinion, attached hereto, to Kristine S. Trocki, a member of the Jamestown Town Council.**

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

**The Honorable James C. Sheehan, a legislator serving as a member of the Rhode Island Senate, requests an advisory opinion regarding whether he may accept a stipend from the American Federation of Teachers to help cover his expenses as a delegate to the Democratic National Convention.**

**Staff Attorney Gramitt presented the Commission Staff recommendation. The Petitioner was not present. Commissioner Murphy inquired whether, under the exception to Regulation 5009(d), a union could give money or a gift to a legislator who is a member of the union, as long as the union also gives money or a gift to another person. Staff Attorney Gramitt replied that the exception only applies if the union gives the gift to every member of the union. Commissioner Murphy observed that the regulation does not state that an equivalent gift must be offered to all members of the group, only that it must be offered to other group members. Staff Attorney Gramitt stated that the Commission enacted the regulation and, therefore, would be able to interpret it. However, he noted that, if the Commission believed that it was difficult to interpret, it could go through rulemaking to amend the language. In response to Commissioner Quinn, Staff Attorney Gramitt stated that gift disclosure has not been required on the Financial Statement since the threshold amounts were lowered.**

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

**VOTED: To issue an advisory opinion, attached hereto, to The Honorable James C. Sheehan, a legislator serving as a member of the Rhode Island Senate.**

**The next order of business was:**

**Report from Commission staff, and discussion, regarding financial disclosure, including: (a) Amendments filed during the recent “grace period;” (b) administration of candidate filings; and (c) filing compliance for the 2015 financial disclosure statement.**

**Staff Attorney Gramitt advised that, in addition to approximately 4,000 standard annual filers, thousands of candidates for elective office this year were initially identified as being required to file financial disclosure statements. He described an intensive process of identifying declared candidates, scrubbing lists provided by the Secretary of State’s Office to remove political committee candidates and incumbents, and notifying about 500 additional filers and adding them to the Commission database. He reported that the Commission had achieved a 98% compliance rate for filing the 2015 Statement and, after an initial decrease due to the addition of candidate filers, compliance is currently at 96%. He stated that there are**

**approximately 4,500 required filers this year, which means that there are less than 200 non-filers.**

**Staff Attorney Gramitt reported on the grace period for the filing of amendments to Statements, which the Commission implemented in June. During the period of June 7th through July 18th, approximately 300 individuals filed over 540 amendments. This included approximately thirty (30) state legislators. He noted that many amendments had been filed prior to the start of the grace period. Staff Attorney Gramitt stated that more than 650 filings were amended this year. In past years, so few amendments were made that the Staff did not track them. Staff Attorney Gramitt represented that thousands of improvements were made to the Commission's data due to the grace period.**

**The next order of business was:**

**Executive Session.**

**At 9:35 a.m., upon motion made by Commissioner Murphy and duly seconded by Commissioner Antone, it was unanimously**

**VOTED: To go into Executive Session, to wit:**

**1. Motion to approve minutes of Executive Session held on July 19, 2016, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**2. In re: Tia Ristaino-Siegel, Complaint No. 2016-10, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**3. In re: Helder J. Cunha, Complaint No. 2016-11, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**4. In re: John J. DeSimone, Complaint No. 2016-12, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**5. Motion to return to Open Session.**

**At 10:19 a.m., the Commission reconvened in Open Session.**

**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. Voted (5-0) to approve the minutes of the Executive Session held on July 19, 2016.**

**[Reporter's note – The vote was as follows:**

**AYES: M. Therese Antone; Robert A. Salk; Frederick K. Butler; Timothy Murphy; and Ross Cheit.**

**ABSTENTIONS: Marisa A. Quinn.]**

**2. Unanimously voted (6-0) to initially determine that the facts alleged in In re: Tia Ristaino-Siegel, Complaint No. 2016-10, if true, are sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation.**

**3. Unanimously voted (6-0) to initially determine that the facts alleged in In re: Helder J. Cunha, Complaint No. 2016-11, if true, are sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation.**

**4. Unanimously voted (6-0) to initially determine that the facts alleged in In re: John J. DeSimone, Complaint No. 2016-12, if true, are insufficient to constitute a knowing and willful violation of the Code of Ethics. The Commission dismissed the Complaint without prejudice.**

**The next order of business was:**

**Motion to seal minutes of Executive Session held on August 16, 2016.**

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

**VOTED: To seal minutes of the Executive Session held on August**

**16, 2016.**

**The next order of business was:**

**Director's Report.**

**Executive Director Willever reported that there were six (6) complaints and four (4) advisory opinions pending. He stated that forty-one (41) APRA requests were received since the last meeting, forty (40) of which were granted within one business day and one (1) of which was still under review. Executive Director Willever introduced Teodora Popova Papa, Esq., who will begin her employ as a Commission Staff Attorney on August 29, 2016.**

**The next order of business was:**

**New Business.**

**There was no new business.**

**At 10:22 a.m., upon motion made by Commissioner Butler and duly seconded by Commissioner Murphy, it was unanimously**

**VOTED: To adjourn.**

**Respectfully**

**submitted,**

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**Robert A. Salk**

**Secretary**