

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

September 13, 2016

The Rhode Island Ethics Commission held its 11th 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, September 13, 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
John D. Lynch, Jr., Vice Chair	James V. Murray
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 Attorneys Teresa Giusti and Teodora Popova Papa; 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 August 16, 2016.

Upon motion made by Commissioner Antone and duly seconded by Commissioner Quinn, it was

VOTED: To approve minutes of the Open Session held on August 16, 2016.

AYES: M. Therese Antone; Frederick K. Butler; Marisa A. Quinn; and Ross Cheit.

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

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:

Sally A. Mitchell, Ph.D., Director of Special Services for the Johnston Public Schools, requests an advisory opinion as to whether her daughter, Christina Mitchell, may be hired as a Special Educator with the Brown Avenue School in the Johnston Public School System, given that there is a proposed alternate supervisory plan in place.

Staff Attorney Gramitt distributed the draft advisory opinion, which had been emailed to the Commissioners and Legal Counsel, and presented the Commission Staff recommendation. The Petitioner was present along with Laura Blecharczyk, Assistant Director of Special Services. Staff Attorney Gramitt noted that the request letter did not provide all the facts and clarifying information was obtained from the Petitioner. He stated that the Superintendent clarified via the alternate supervisory plan that the Petitioner will not be involved in the supervision of her daughter or in any communications regarding her daughter. He informed that the Petitioner represents that she will not sit in on her daughter's IEP (Individual Education Plan) meetings, although they do not involve any evaluation of her or have a financial impact on her as a teacher. He stated that the Assistant Director of Special Services will attend those meetings. In response to Commissioner Lynch, Staff Attorney Gramitt clarified that the restriction on communications with the Petitioner's daughter related to official communications with and regarding her daughter, not her ability to communicate with her daughter in a personal capacity about her work day.

In response to Chair Cheit, Staff Attorney Gramitt advised that the request letter was submitted with the agreements attached. Chair Cheit stated that, although he does not like the prior Newport Schools advisory opinion, he believes that this situation is different. In response to Commissioner Quinn, Staff Attorney Gramitt stated that the Petitioner affirmatively represented that she had nothing to do with the hiring process. In further response to Commissioner Quinn, he stated that the Petitioner has made the representation that she will not attend her daughter's IEP meetings to avoid even the appearance of impropriety. In response to Chair Cheit, the Petitioner confirmed her understanding that she may not have any official communications with her daughter regarding her employment, but that she may converse with her daughter about her work day. Upon motion made by Commissioner Antone and duly seconded by Commissioner Quinn, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Sally A. Mitchell, Ph.D., Director of Special Services for the Johnston Public Schools.

The next advisory opinion was that of:

Robert B. Boyer, PLS, a member and Chairman of the West Warwick Arctic Village Redevelopment Agency, a municipal appointed position, requests an advisory opinion regarding the application of the Code of Ethics to his participation in matters before his agency given his business associations, and those of his family members, with persons who may be involved with, or impacted by, such matters.

Staff Attorney Gramitt presented the Commission Staff recommendation. The Petitioner was present. The Petitioner informed that his experience will be needed on the five-member Board

and it would create a bad situation if he were required to recuse on matters involving developers who have done business with his children. In response to Chair Cheit, Staff Attorney Gramitt stated that, although the issue is hypothetical at this juncture, it is very likely to arise given the Petitioner's family history. Upon motion made by Commissioner Butler and duly seconded by Commissioner Lynch, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Robert B. Boyer, PLS, a member and Chairman of the West Warwick Arctic Village Redevelopment Agency.

The next advisory opinion was that of:

Jennifer L. McHugh, a member of the Little Compton Budget Committee, requests an advisory opinion regarding whether she may participate in Budget Committee matters regarding the Little Compton Wilbur & McMahan School budget, given that her husband is a Little Compton School Committee member.

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

VOTED: To issue an advisory opinion, attached hereto, to Jennifer L. McHugh, a member of the Little Compton Budget Committee.

The next order of business was:

Director's Report.

Executive Director Willever reported that there were seven (7) complaints and six (6) advisory opinions pending. He stated that thirty (30) APRA requests were received since the last meeting, all but one (1) of which were granted within one business day.

The next order of business was:

Election of Officers.

Chair Cheit expressed his willingness to serve another term. He advised that he spoke with Commissioner Salk, who is willing to continue to serve as Secretary. Commissioner Lynch stated that he has decided it would not be appropriate to continue as Vice Chair given that the demands of his law practice have changed and it is harder to come to every meeting. Upon motion made by Commissioner Murray and duly seconded by Commissioner Quinn, it was

VOTED: To elect Ross Cheit as Chair.

AYES: M. Therese Antone; Frederick K. Butler; James V. Murray; John D. Lynch, Jr.; and Marisa A. Quinn.

ABSTENTIONS: Ross Cheit.

Upon motion made by Commissioner Antone and duly seconded by Chair Cheit, it was unanimously

VOTED: To elect Marisa A. Quinn as Vice Chair.

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

VOTED: To elect Robert A. Salk as Secretary.

The next order of business was:

Executive Session.

At 9:35 a.m., upon motion made by Commissioner Lynch 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 August 16, 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: Luis Aponte, Complaint No. 2016-13, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).
4. Motion to return to Open Session.

At 9:59 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 (4-0) to approve the minutes of the Executive Session held on August 16, 2016.
[Reporter's note – The vote was as follows:
AYES: M. Therese Antone; Frederick K. Butler; Marisa A. Quinn; and Ross Cheit.

ABSTENTIONS: James V. Murray; John D. Lynch.

2. Unanimously voted (6-0) to approve an Informal Resolution & Settlement in In re: Tia Ristaino-Siegel, Complaint No. 2016-10.
3. Unanimously voted (6-0) to initially determine that the facts alleged in In re: Luis Aponte, Complaint No. 2016-13, if true, are sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation.

The next order of business was:

Motion to seal minutes of Executive Session held on September 13, 2016.

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

VOTED: To seal minutes of the Executive Session held on September 13, 2016.

The next order of business was:

New Business.

There was no new business.

At 10:05 a.m., upon motion made by Commissioner Butler and duly seconded by Commissioner Murphy, it was unanimously

VOTED: To adjourn.

Respectfully submitted,

Robert A. Salk
Secretary