

COMPLAINT

I

On or about June 26, 2017, during a regular meeting of the East Greenwich Town Council (while in executive session), Gayle Corrigan, using her capacity as Acting Town Manager for the Town of East Greenwich, made a recommendation to the East Greenwich Town Council for the employment of her business associate, Linda Dykeman to the position of Consolidated Finance Director/Business Manager in violation of R.I.G.L. § 36-14-5 Prohibited Activities. The activity described took place in the East Greenwich Town Council Chambers, at 125 Main Street, East Greenwich, R.I. during the evening hours. The statute violated, states in pertinent part,

“(d) No person subject to this Code of Ethics **shall use in any way his or her public office** or confidential information received through his or her holding any public office **to obtain financial gain**, other than that provided by law, **for him or herself** or any person within his or her family, **any business associate**, or any business by which the person is employed or which the person represents”.

II

On or about June 30, 2017, after having received town council approval during the June 26, 2017 town council meeting, Gayle Corrigan appointed her business associate, Linda Dykeman, to the position of Consolidated Finance Director/Business Manager for the Town of East Greenwich. This is shown through an email from Gayle Corrigan to all employees dated Friday, June 30, 2017, and sent at 3:39 p.m. This action being consistent with the above listed violation.

III

Without Town Council approval, as required under the East Greenwich Town Charter Section C-85 E, Ms. Corrigan subsequently awarded Ms. Dykeman with a yearly salary of \$127, 500, also in violation of R.I.G.L 36-14-5. To this day, Ms. Corrigan remains as Ms. Dykeman’s immediate supervisor. This also appears to be in violation of R.I. Gen. Laws § 36-14-7 Interest in conflict with discharge of duties

(a) **A person subject to this code of ethics has an interest which is in substantial conflict with the proper discharge of his or her duties** or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, **if he or she has reason to believe or expect that he or she** or any person within his or her family **or any business associate**, or any business by which the person is employed **or which the person represents will derive a direct monetary gain** or suffer a direct monetary loss, as the case may be, **by reason of his or her official activity**.

IV

On or about November 08, 2017 Superior Court Justice Susan McGuirl rendered her decision in the case of IAFF Local 3328 and James Perry V. Gayle Corrigan and the Town of East Greenwich, C.A. No. KC-2017-0898. Judge McGuirl ruled that the appointment of Gayle Corrigan as acting town manager on June 19, 2017 was done in violation of the Open Meeting Act and she ruled the appointment null and void. Judge McGuirl also ruled that the appointment of Corrigan as town manager on July 24, 2017 was also in violation of the Open Meeting Act and that appointment too was declared null and void.

V

On or about November 20, 2017, during a special session of the East Greenwich Town Council, which took place during the evening hours at the E.G. High School in East Greenwich, The East Greenwich Town Council reappointed Gayle Corrigan as Town Manager. The East Greenwich Town Council also voted to reaffirm and confirm the appointment of Linda Dykeman as finance director by Gayle Corrigan. This was listed on the agenda under,

“(2) New Business (Discussion/Action)

(c) Vote by Council to reaffirm and confirm the following actions and recommendations of, by, and from the Town Manager to the Council:

June 26: (Vote) Approval of the corrective action plan (“One Town”) that was incorporated into the FY2018 Town budget, including the departmental restructuring of existing finance director and elimination of said position; elimination of the position of human resource manager; and, elimination of the position of the executive assistant to the Town Manager. These actions effective retroactively to June 26, 2017. Approval of the creation of shared finance director position as contemplated by the corrective action plan and the hiring of Linda Dykeman to said position, effective retroactively to July 1, 2017. Approval of the creation of chief of staff position as contemplated by the corrective action plan and the hiring of Michaela Antunes to said position, effective retroactively to July 6, 2017”.

Signature of Complainant

William Higgins

Print Name

State of Rhode Island

County of _____

Subscribed and sworn to by the above-signed at _____ before me this

_____ day of _____ 2017.

NOTARY PUBLIC

My

Commission

Expires _____

(SEAL)

ADDENDUM IN SUPPORT OF THE COMPLAINT

Facts and Travel

I

On or about March 7, 2017 Gayle Corrigan filed corporate paperwork with the R.I. Secretary of State's Office establishing PEOpeople, LLC, (Corporation id # 001671591).

II

On or about April 4, 2017, representatives from the John Hope Settlement House held a press conference announcing a new board chair as well as announcing a partnership with a newly formed group from PEOpeople, LLC. At least 3 media outlets identified the three members from PEOpeople, LLC as Gayle Corrigan, Linda Dykeman and Karen Cooper. These 3 were identified as co-founders. (3 articles attached).

III

On or about August 4, 2017, Linda Dykeman, signing as the "authorized representative" changed the name of PEOpeople, LLC to Lozen Associates, LLC. This change was made through paperwork filed with the R.I. Secretary of State's Office.

Lozen Associates does have a website (lozenassociates.com) which shows Gayle Corrigan, Linda Dykeman and Karen Cooper as co-founders. The photographs on the website show the same Gayle Corrigan and Linda Dykeman referenced herein.

IV

On March 21, 2017, during a special session of the East Greenwich Town Council, President Suzanne Cienki brought Linda Dykeman, of Providence Analytics, before the town council offering consulting services to the town for assistance with the East Greenwich School Department with their budget. Linda Dykeman was there representing Gayle Corrigan, the founder of Providence Analytics, who could not be there. Ms. Dykeman said Ms. Corrigan founded the business 7 years ago and she met her 6 years ago when Ms. Corrigan hired her to work in Central Falls guiding Central Falls through bankruptcy as they were in receivership at the time. During the discussion Ms. Dykeman said that Ms. Corrigan is also the business manager for the Central Coventry Fire District and that she (Ms. Dykeman) recently started working for her there as well.

V

Providence Analytics is a fictitious name (DBA) for Management Resource Partners

(Corporation id # 000638790).

VI

On March 27, 2017, during a regular meeting of the East Greenwich Town Council, the town council voted to hire Providence Analytics to assist the East Greenwich School Department with its budget. The hiring of this consultant was limited to a \$5,000 legal cap.

VII

After Ms. Dykeman and Ms. Corrigan from Providence Analytics, worked with the schools, the East Greenwich Town Council was told more work was needed and the town subsequently posted an RFQ on the town website for consulting services. There was only 1 submission, that being from Providence Analytics. The response from Providence Analytics identified two consultants who would be performing the work. Those two identified as Gayle Corrigan and Linda Dykeman at the rate of \$150.00 per hour.

VIII

On or about April, 24, 2017, during a regular session of the East Greenwich Town Council, Providence Analytics was awarded the bid for consulting services with a cap of \$15,000 and all work was to be completed by June 10, 2017.

IX

On or about May 22, 2017, during a regular meeting of the East Greenwich Town Council, the Town Council Meeting Minutes show:

“(9) New Business

(a) Authorization to continue assisting the School Superintendent and increase the scope of work and issue a change order to the bid awarded to Providence Analytics, Inc. on April 24, 2017 to include extending a financial review of East Greenwich's municipal finances for a report to the Town Council.

President Cienki stated that she recommended to the Town Council to have Providence Analytics do the same thing on the Town side before setting a budget. She noted that the Chair of the School Committee, Carolyn Mark, would like Gayle to continue to work with the Superintendent to approve any contracts over the next couple of months. All work will be completed prior to June 10th.

Motion to approve and authorize Providence Analytics to come work on the Town side

Andrew Deutsch/Mark Schwager/Motion Carried

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd”

X

Providence Analytics subsequently billed the town \$15,000 for the review and analysis of the

school budget and an additional \$14, 175 for the review and analysis of the town budget, billing at the rate of \$150.00 per hour for the work performed by Ms. Corrigan and Ms. Dykeman.

XI

On May 30, 2017, during a special meeting of the East Greenwich School Committee, Linda Dykeman was appointed as the part-time director of administration and Christine Spagnoli was appointed the part-time business manager. Both appointments were for at-will employment and their salary would be fiscally neutral and split (10 hours a week for Ms. Dykeman) between them. The salary comes from using the salary of the previous director of administration, Gail Wilcox, whose resignation was accepted by the East Greenwich School Committee on May 02, 2017.

XII

On June 05, 2017, during a special session of the East Greenwich Town Council, Gayle Corrigan and Linda Dykeman of Providence Analytics, provided an independent budget analysis for both the school and town side of the budget. They gave a power point presentation critical of the management of the town and town finances, paving the way for Gayle Corrigan to be appointed as town manager and Linda Dykeman being appointed as the town's finance director. The minutes and power point presentation clearly show both Corrigan and Dykeman as business associates.

XIII

On June 19, 2017, during an executive (closed) session of a special meeting of the East Greenwich Town Council, Town Manager Thomas Coyle and the East Greenwich Town Council agreed to a separation agreement. During this closed session, members of the town council voted and appointed Gayle Corrigan as acting town manager.

XIV

On or about June 26, 2017, during an executive (closed) session of a regular meeting of the East Greenwich Town Council, Gayle Corrigan gave a presentation for restructuring or reorganization of personnel. This consisted of consolidating the finance director with the school's business manager, thereby creating a finance director/business manager. The plan also called for consolidating the school and town human resource director as well as eliminating the executive assistant to the town manager and replacing that position with a newly created chief of staff. Gayle Corrigan's recommendation for the consolidated finance director/business manager was to hire her business partner, Linda Dykeman, for that position. The council voted in closed session to approve this plan, including the hiring of Linda Dykeman as well as Michaela Antunes as the new Chief of Staff. Both of these appointments also being in violation of the OMA for the same reasons cited by Justice McGurl regarding the hiring of Gayle Corrigan in executive session, which the judge declared null and void. These appointment also in violation of the East Greenwich Town Charter, Section C-64 Quorum and Voting, wherein "No official vote on any matter shall be taken at any meeting which is not open to the public". These hiring's took place

in a closed session, not open to the public. Councilman Mark Schwager was the lone council member voting against these proposals. No votes were taken when the town council came back into regular session other than to seal the minutes from the closed session and to adjourn.

Based on the actions taken during that closed session the town's finance director, Kristen Benoit, the town's human resource director, Sharon Kitchin as well as the town manager's executive assistant, Pamela Aveyard were all left unemployed and Gayle Corrigan's business partner was the new consolidated finance director.

XV

The information about what happened in closed session came to light under 3 different circumstances. The first being a story by Donita Naylor from the Providence Journal on June 30, 2017 entitled, *East Greenwich terminates 2 department heads and town manager's assistant*, in which Councilman Schwager said the council voted to terminate Kristen Benoit, Sharon Kitchin and Pam Aveyard and to appoint Linda Dykeman as the finance director.

XVI

The second source of information was from a story by Gabrielle Faletta from the East Greenwich Pendulum on July 06, 2017 entitled, *'One Town' consolidations result in layoffs*. In this article, School Committee Member Jeff Dronzek is quoted as saying, "This is an ethics issue, this is a separation of powers issue; we have to be very careful about going down this road". Councilman Mark Schwager is also quoted as saying, "I voted against the approval to have the town manager go ahead with the consolidation because I didn't believe that there was clear discussion about how this was going to occur, whether there would be conflict of interest in the people who are being appointed into these roles, so I voted against it" (referring to the votes that took place during the closed session on June 26, 2017).

XVII

The third source was from the testimony of Gayle Corrigan on September 21, 2017, during the trial in the case of IAFF Local 3328 and James Perry v. East Greenwich, KC-2017-0898. Ms. Corrigan testified that she gave the presentation and further that she recommended the appointment of Linda Dykeman as the consolidated finance director/business manager. Ms. Corrigan also testified that she was the one to set the salary for Ms. Dykeman in her new position. (Court Stenographer Kris Turner kturner@courts.ri.gov). When these votes were taken in the town council closed session, neither the East Greenwich School Committee nor the school superintendent had agreed to these changes and further and they didn't even know these consolidations and the appointment of Ms. Dykeman was going to take place. Ironically, during Ms. Corrigan's testimony, she testified that she felt the hiring of lateral transfers for the fire department, a year prior, had been discriminatory and it reduced the subset of the people who could apply, as also shown in the news article, *Corrigan: I Held Administrative Duties of Fire Chief When I fired Perry*, by Elizabeth McNamara, Eastgreenwichnews.com, September 21,

2017. Apparently she didn't feel the same way about those she was connected to when hiring Linda Dykeman and Michaela Antunes as her new chief of staff. At least there was a process, open to anyone qualified, when the fire department went through their hiring process.

XVIII

Ms. Corrigan subsequently appointed Ms. Dykeman and in an email from Gayle Corrigan to all town employees dated June 30, 2017, it states, "As Acting Town Manager, I look forward to getting to know you as we work to implement the One Town budget. Change can seem daunting at first, but together we can ensure a successful transition with a shared commitment to strong collaboration and communication. Every employee has an important role in this process, and an important component of our success is how we work together. This involves elements of both procedure and culture; please note the following updates:

Effective July 1, 2017, Rose Emilio will serve as the consolidated Human Resource Director.

Effective July 1, 2017 Linda Dykeman will serve as the consolidated Finance Director/Business Manager.

Effective July 6, 2017, Michaela Antunes will serve as the Chief of Staff.

As of Wednesday July 6th, Chief of Staff Michaela Antunes will be overseeing the day-to-day activities of each department as I work on strategic issues..."

XIX

In another news story by Donita Naylor of the Providence Journal, *East Greenwich acting town manager hires chief of staff to help with 'One Town' transition*, July 05, 2017, Gayle Corrigan is quoted as saying "she met Antunes at The Hope Club, a private social club on Benevolent Street in Providence, when Antunes managed the club's communications and member relations" and Corrigan was a member. In the same article Corrigan is quoted as saying, "Antunes will be paid no more than then-Town Manager Thomas E. Coyle III's executive assistant was paid". Yet, payroll records from a week later show that Ms. Antunes is being paid \$42.58 an hour, and the following week, being a full work week, was paid \$1,490.37 equaling an annual salary of \$77,500 which is over \$20,000 more than the executive assistant was being paid.

XX

None of these positions were posted, advertised, or open for others to apply. Ms. Dykeman is a business partner with Ms. Corrigan, Ms. Emilio is the human resource director for the schools and even she did not yet agree with this appointment nor did she know she was being appointed. Ms. Antunes knows Ms. Corrigan from when she worked at the Hope Club where Ms. Corrigan was a member and/or treasurer. It is unknown if Ms. Antunes is associated with Management Resource Partners, Providence Analytics, PEOpeople or Lozen Associates.

XXI

On Wednesday, July 5, 2017, the East Greenwich School Committee held a special meeting at 8:00 a.m. based on the email sent by Ms. Corrigan which impacted 2 school department employees. The school committee had not had those discussions yet. Members of the school committee had numerous concerns about how this was done, why it was done without their approval, the process that took place as well as a potential ethics issue. During the 2 hour meeting, it was determined that those two positions (school employee positions) would remain as they were prior to the June 30th email until further discussions and the agreements needed could be worked out. As of this day, those agreements have not been worked out.

XXII

On July 10, 2017, during a regular meeting of the East Greenwich Town Council, it was pointed out during public comment that the appointment of Linda Dykeman was in violation of the Town Charter in that she is holding dual positions within the town, one for the school department as the director of administration and one for the town as the finance director.

XXIII

On or about July 11, 2017 Linda Dykeman signed a term sheet (agreement) between her and the Town of East Greenwich. The salary was for \$127,500 a year. The contract was signed by Ms. Dykeman as well as Gail Corrigan, as Town Manager.

XXIV

On July 24, 2017, during a regular meeting of the East Greenwich Town Council, including a joint meeting with the East Greenwich School Committee, a presentation was given by Gayle Corrigan and Dr. Victor Mercurio, Superintendent, regarding a consolidated action plan. This was not an approved plan but a first draft at what actions could be taken. During the presentation, Ms. Corrigan pointed out that the proposed consolidated business manager/finance director would be a direct report to the town manager with a dotted line reporting to the superintendent. By doing so, Ms. Corrigan would retain the direct supervision of her business partner, Ms. Dykeman. There was much discussion as the school committee does not want to lose control over the personnel employed by the school district. This topic has been brought up previously by the school committee and during a school committee meeting on June 20, 2017 their minutes reflect, "Attorney Oliverio will reach out to the Town solicitor and propose a MOA for those administrative positions (salaries and taxes) that will be paid for by the Town. The school will continue to pay their benefits. The agreement will clarify that these employees are school employees and report to the superintendent. Employees will not be transformed into Town employees". Even after the school committee made it clear they wanted to retain control over their employees, the town council, on June 26, 2017 in executive session and subsequently the town manager, on June 30, 2017, through an email, went ahead and appointed school employees to now be working for the town (Linda Dykeman as consolidated finance director/business

manager and Rose Emilio as the consolidated human resource director).

XXV

On October 23, 2017, during a regular meeting of the Town Council, Town Manager Gayle Corrigan made a recommendation to shelve the MOA based on the school committee removing language related to the “One Town” plan, which she characterized by saying we don’t have time to go back and forth over semantics over the meaning of One Town is.

To this date, that MOA has not been signed.

XXVI

On or about November 08, 2017 Superior Court Justice Susan McGuirl rendered her decision in the case of IAFF Local 3328 and James Perry V. Gayle Corrigan and the Town of East Greenwich, C.A. No. KC-2017-0898. Judge McGuirl ruled that the appointment of Gayle Corrigan as acting town manager on June 19, 2017 was done in violation of the Open Meeting Act and she ruled the appointment null and void. Judge McGuirl also ruled that the appointment of Corrigan as town manager on July 24, 2017 was also in violation of the Open Meeting Act and that appointment too was declared null and void.

The ruling can be found on page 69 which reads,

“Based on the compelling and credible evidence before it, this Court finds that the Town’s appointment of the Town Manager misled the public. The Plaintiffs argued that the Town’s efforts were designed to secure Corrigan’s appointment as Town Manager and minimize public opposition. Irrespective of the intent, the Town Council did not provide notice to the public, which limited the public’s opportunity to attend Town Council meetings and be heard. Instead of allowing the people of East Greenwich to be a part of the Town’s appointment process, the Town circumvented the requirements of the OMA to make decisions related to the Town’s most important appointed position that should have been subject to public scrutiny. In essence, the purpose of the OMA is to hold the Town Council accountable for the decisions it makes on the public’s behalf.

Accordingly, declaratory judgment shall enter for Plaintiffs against the EGTC for the Town Council’s violation of the OMA. Pursuant to its authority under § 42-46-8 of the OMA, this Court declares the Town Council’s vote on June 19, 2017 appointing Corrigan as Acting Town Manager null and void. This Court further declares the Town Council’s vote on July 24, 2017 to remove the term “Acting” from Corrigan’s designation and appointing her as Town Manager, as well as the Town Council’s vote to approve the terms of Corrigan’s contract in executive session,

null and void”.

XXVII

On November 14, 2017, during a special session of the East Greenwich Town Council, the town council set an agenda with three action items; (a) Appointment of Gayle Corrigan as Town Manager (b) Ratification of Town Manager Term Sheet retroactive to July 1, 2017. (c) Ratification of all actions taken by Gayle Corrigan as Town Manager from June 19, 2017 - November 14, 2017. According to Eastgreenwichnew.com, “Town Solicitor David D’Agostino said concerns raised by a letter from Access RI Tuesday morning about the vagueness of that third vote prompted him to recommend tabling ratifying Corrigan’s previous actions until they were more clearly defined”. The meeting was cancelled due to what the council president claimed was due to the venue reaching capacity and there were still many people outside who were unable to get into the meeting.

XXVIII

On November 20, 2017, during a special session of the East Greenwich Town Council, the town council set an agenda again with three action items; (a) Vote on appointment of Gayle A. Corrigan as Town Manager effective retroactively to June 19, 2017, in furtherance of all powers and duties as set forth in Art. XIII of the East Greenwich Town Charter. (b) Vote to reaffirm the Town Manager’s Term Sheet effective retroactively to July 1, 2017. (c) **Vote by Council to reaffirm and confirm the following actions and recommendations of, by, and from the Town Manager to the Council.**

The list of actions and recommendations included:

On June 26: Approval of the corrective action plan (“One Town”) that was incorporated into the FY2018 Town budget, **including the departmental restructuring of existing finance director and elimination of said position**; elimination of the position of human resource manager; and, elimination of the position of the executive assistant to the Town Manager. These actions effective retroactively to June 26, 2017. **Approval of the creation of shared finance director position as contemplated by the corrective action plan and the hiring of Linda Dykeman to said position**, effective retroactively to July 1, 2017. Approval of the creation of chief of staff position as contemplated by the corrective action plan and the hiring of Michaela Antunes to said position, effective retroactively to July 6, 2017.

The town council voted 3-2 to approve the appointment of Gayle Corrigan. The council also voted 4-1 to approve all of the action items listed on the agenda done by **the recommendations of, by and from the Town Manager, including the hiring of Linda Dykeman.**

Violations of Law

East Greenwich Town Charter Violations Summary

The East Greenwich Town Charter provides for the town manager to make appointments, subject to the approval of the majority of all the members of the town council. (East Greenwich Town Charter Article XIII, Section C-85 A under the powers and duties of the town manager). However, the Town Charter prohibits dual office holding under Section C-18, “No elected or appointed member of the Town government shall hold more than one elective or appointive position in the Town government, with the exception of ad hoc or study commissions, at the same time”. Ms. Dykeman was then and still is holding 2 positions, one for the school department and one for the town, especially in light of the school committee not knowing nor approving this appointment for the consolidated position.

By setting the salary for Ms. Dykeman and Ms. Antunes, without the approval of the town council, she also violated the provisions of the charter. The town council was negligent in their duties by allowing her to do so.

The Town Council also violated the town charter wherein they accepted the recommendation of Town Manager Gayle Corrigan and voted in executive session to fire the finance director, the human resource director and the town manager’s executive assistant and then by voting to approve Ms. Corrigan’s recommendation to hire Linda Dykeman. The charter does not allow for votes to be taken at any meeting not open to the public.

II

East Greenwich Town Charter

Article II General Provisions

§ C-18 Dual Office Holding

- A. No elected or appointed member of the Town government shall hold more than one elective or appointive position in the Town government, with the exception of ad hoc or study commissions, at the same time. No elected member of the Town government shall, at the same time, hold any position by virtue of an appointment by the Town Council or the Town Manager.**

III

East Greenwich Town Charter

Article XIII Town Manager

§ C-85 Powers and duties.

The Town Manager shall be the chief administrative officer of the Town. With the consent of the

Town Council he or she may head one or more departments. He or she shall be responsible to the Town Council for the proper administration of all affairs of the Town and to that end has power and shall be required to:

A. Appoint and, when necessary for the good of the service, suspend or remove any officer, including department heads and employees of the Town, except as otherwise provided by this Charter or law or personnel ordinance. **All appointments, suspensions and removals of departments and officers made by the Town Manager shall be subject to the approval of a majority of all members of the Town Council;**

E. **Recommend** to the Town Council **a standard pay schedule for each appointive office and position** in the Town service, including minimum, intermediate and maximum rates;

IV

East Greenwich Town Charter

Article VIII Town Council

§ C-64 Quorum and voting

A Town Council quorum shall be a majority of its members. A majority of the members present at any legal meeting may determine any matter legally before them, provided that final passage of ordinances or amendments to ordinances shall require the affirmative vote of the majority of its members. **No official vote on any matter shall be taken at any meeting which is not open to the public.**

§ C-67 Powers and duties.

All legislative powers of the Town shall be vested in the Town Council except those delegated within this Charter. The Town Council may enact, repeal or amend ordinances relating to the Town's property, affairs and government subject to the provisions of the State Constitution and laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly. The Town Council may exercise all additional powers and authority that are consistent with this Charter and have been granted to it by this Charter, the Constitution or laws of the state. Without limiting the generality of the foregoing, the Town Council has and exercises the following specific powers:

A. Appoint and, when necessary for the good of the service, suspend or remove any

officer, including department heads and employees of the Town, except as otherwise provided by this Charter or law or personnel ordinance. **All appointments, suspensions and removals of departments and officers made by the Town Manager shall be subject to the approval of a majority of all members of the Town Council;**

- I. **To determine the salary of the Town Manager and the compensation of all officers and employees of the Town** except the employees of the School Department.

V

R.I. Ethics Law Violations Summary

The Rhode Island Code of Ethics prohibits those in public office from using their position to appoint and allow for financial gain to business associates. Ms. Corrigan used her position to make a recommendation to terminate the employment of the town's finance director and then made a recommendation to hire her business associate for what turned out to be a \$127,500 a year appointment. Ms. Corrigan subsequently appointed Ms. Dykeman to the position as well as set her salary.

The Rhode Island Ethics Commission website, under A Guide to the Code shows;

“Nepotism and Favoritism:

You may not participate in official actions, decisions or deliberations that affect your family members, **business associates**, outside employers or any business you represent. You may not hire, evaluate, supervise or otherwise participate in employment decisions affecting your family members. For an exhaustive list of persons who qualify as family members, *See* Commission Regulation 36-14-5004(a) (2). Business associates include anyone with whom you have joined together to achieve a common financial objective. See R.I. Gen. Laws §§ 36-14-5(a), 5(d), 5(f), 7(a), 7(b), and Commission Regulations 36-14-5004 and 5005.”

VI

Code of Ethics

R.I. Gen. Laws § 36-14-5 Prohibited Activities.

- (d) No person subject to this Code of Ethics **shall use in any way his or her public office** or confidential information received through his or her holding any public office **to obtain financial gain**, other than that provided by law, **for him or herself** or any person within his or her family, **any business associate**, or any business by which the person is

employed or which the person represents.

(g) **No person subject to this Code of Ethics** or spouse (if not estranged) or dependent child **or business associate of the person** or any business by which the person is employed or which the person represents, **shall solicit or accept** any gift, loan, political contribution, reward, **or promise of future employment** based on any understanding that the vote, **official action, or judgment of the person would be influenced thereby.**

VII

Code of Ethics

R.I. Gen. Laws § 36-14-7 Interest in conflict with discharge of duties

(a) **A person subject to this code of ethics has an interest which is in substantial conflict with the proper discharge of his or her duties** or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, **if he or she has reason to believe or expect that he or she** or any person within his or her family **or any business associate**, or any business by which the person is employed **or which the person represents will derive a direct monetary gain** or suffer a direct monetary loss, as the case may be, **by reason of his or her official activity.**

VIII

Open Meetings Act Violation Summary

The Town Council went into executive (closed) session during their regular meeting of the town council on June 26, 2017. The reason on the agenda was listed as,

“(14) Executive Session

(b) Closed pursuant to RIGL 42-46-5 (a) (2), sessions pertaining to collective bargaining or litigation, specifically **to discuss** legal implications related to municipal collective bargaining agreement obligations and common-law/statutory obligations of the Town”.

While the reasons listed to go into closed session could certainly be called into question as to the validity of using that provision for the discussions that took place, especially where the positions eliminated and voted on were not collective bargaining unit employees. The R.I. Attorney General’s Office has determined, on numerous occasions, votes in closed session for appointments violate the Open Meeting Act.

§ 42-46-5 Purposes for which meeting may be closed

(a) A public body may hold a meeting closed to the public pursuant to § 42-46-4 for one or more of the following purposes:

(1) Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.

Failure to provide such notification shall render any action taken against the person or persons affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.

Signature of Complainant

William Higgins

Print Name

State of Rhode Island

County of _____

Subscribed and sworn to by the above-signed at _____ before me this

_____ day of _____ 2017.

NOTARY PUBLIC

My Commission Expires _____

(SEAL)

