



# OPERATION CLEAN GOVERNMENT

N E W S L E T T E R

## The Harwood Complaint Dismissed

### A Study in Rhode Island Politics as Usual

By Janice F. Carlson

On November 20, 2001 House Speaker John Harwood escaped an ethics complaint brought in February by Operation Clean Government. In a five to one vote Ethics Commission members over rode the recommendation of their own staff attorney to further investigate charges against Mr. Harwood for representing private citizens before the Department of Environmental Management over which he "exercises fiscal or jurisdictional control," a direct violation of Ethics Commission Regulation 5008.

Commissioner James Lynch, who voted for dismissal, and George Weavill who declined to reveal his vote, said the commissioners concluded that the RI Supreme Court recent ruling that all out-of-state lawyers must directly apply to the court for permission before practicing law in Rhode Island "made it impossible for the commission to regulate the way RI lawyers practice law."

This strange conclusion, which is not supported by other more relevant Supreme

Court rulings, underscores the Ethics Commission's unrelenting campaign to give away its own power without a fight, all of which indicates the need for reform at the Commission, especially in appointing commissioners.

OCG's complaint languished for nearly 300 days before the commission voted for dismissal. Last February when the complaint was filed, seven of the nine sitting commissioners sought to recuse from voting based on conflicts of interest with Speaker Harwood. When the commission asked Attorney General Sheldon Whitehouse for an opinion on how to proceed, incredibly, he advised them to pick five names out of a hat to form a quorum. This would mean that only three commissioners among the nine could decide the vote. However, the commission chose to ignore this remedy.

Shortly afterwards, the commissioner replacement shuffle began in which five members should have been replaced by September. Diane Monti Markowski who

had only served a couple of months resigned in May. Paul Verrechia and James Lynch's terms expired in September and Melvin Zurier, the commission's chair resigned in June to be effective in September.

Governor Almond dragged his feet on his obligation to replace three of the commissioners. He named George Weavill to replace Ms. Monti-Markowski, nearly five months after her departure and re-appointed James Lynch to another term. The governor has yet to replace Melvin Zurier whose seat remains empty as of this writing. The Governor's recalcitrance at replacing commissioners goes unexplained in spite of his own spokesman's confirmation that they had an "abundance of candidates."

Representative Watson has yet to replace Thomas Goldberg whose term expired

in 2000. The two newest members, George Weavill and Senator Iron's appointment, Patricia Moran, were appointed only days before the Harwood complaint was to be heard and would have been hard pressed to grasp the workings of the commission let alone vote.

So, we have ethics commissioners who lacked the courage to vote in accordance with their staff attorney's recommendations because of an unfounded "fear" of going against an imagined Supreme Court reaction. And the legislative and executive branches of government, with appointment authority to the commission, stonewalled on appointments before a hearing on a crucial complaint against the very powerful House Speaker. All in all, another strikingly disgraceful display of Rhode Island politics as usual.

## Second Ethics Complaint Filed Against Judge Arrigan

Operation Clean Government has filed a second ethics complaint against Robert F. Arrigan, Chief Judge of the Workers' Compensation Court; this time for omitting from his Financial Disclosure Statements for the years 1995-2000 his positions held with national and international organizations dealing with workers' compensation issues.

Question 9 on the yearly financial statement states, "List name and address of any business, profit or non-profit, in which you, your spouse, or dependent child held a position as director, officer, trustee, or a management position."

Operation Clean Government has documents confirming that Judge Arrigan served as the President of the International Workers' Compensation Foundation during 1999 and 2000 and as a trustee during 1996,

1997 and 1998. He also served as President of the International Association of Industrial Boards and Commissions during 1997 and 1998 and as Vice President during 1995 and 1996. Judge Arrigan's Financial Disclosure Statements for these years list "none" as the answer to question 9.

A first complaint was filed last June after OCG requested of Dennis Revens, Administrator of the Workers' Compensation Court, records documenting the attendance of Judge Arrigan at the Workers' Compensation Court. Judge Arrigan seized control of the request for records and in so doing was allegedly in substantial conflict with his official duties and in violation of R.I. General Laws § 36-14-5(a). As a result, OCG did not receive the records and is in Superior Court for access to these records.

## Judicial Discipline A Numbers Game

By Beverly M. Clay

If the Commission on Judicial Tenure and Discipline (CJTD) had done its job in the first place and had seriously considered the complaint before it concerning six traffic court judges, they may not have had to struggle with trying to calculate the hours of work missed at the Traffic Court when Judge John Lallo was gambling at Foxwoods Casino.

The State Supreme Court rejected the CJTD's recommendation that Judge Lallo be sanctioned \$28,000, the amount of pay he received for hours spent at Foxwoods plus costs of prosecution, and sent the case back to the Commission with an order to recalculate the amount of the sanction based on an exact determination of the work hours the judge was absent from the Court.

Of course, the Commission's task was greatly complicated by the fact that the Traffic Court was not open for the minimum 35-hour week required of non-standard employees. As the Commission's report states, "...the problem of fairly establishing a standard judicial workday is fraught with difficulty. This is particularly true when the court in which respondent [Lallo] worked had no such standard day." (So does the judge owe the state for the hours missed when the court was actually open or does the judge owe the state for the hours missed when the court should have been open?)

The foolishness is that we now have an 18-page report sent back to the Supreme Court, dated November 9, 2001 and signed by CJTD Chairwoman Judge Alice Gibney,

containing twelve different sets of calculations representing various approaches to determine the amount of restitution that Judge Lallo should pay.

The Commission could not decide whether to base its calculations on a 52 or a 46 week work year allowing for Lallo's six weeks vacation time; on a seven, eight or nine hour work day (name one Traffic Court judge that worked even seven hour days!); and on workday hours of 7:30-3:30, 8:30-4:00 or 8:30-4:30 (this is important because the judge was frequently at the casino before noon, one day as early as 8:05 AM).

The Commission even had to estimate Lallo's travel time to the casino for its calculations—it decided on an average of one hour, since it is longer from the Providence Court and shorter from the Wakefield Court. Should his one-hour lunch break offset this travel time? A lengthy footnote to CJTD's report explains the dilemma as to whether or not to credit Lallo one hour for his lunch break since that is considered his personal time. Judge Lallo could have used his lunch hour for driving to Foxwoods or if he arrived before noon, for one hour of gaming.

The real problem was what to do about those days when Lallo left the court after lunchtime, which was further complicated by Lallo's claim that normally he didn't take a lunch break. It was decided to allow him the one-hour credit to work hours missed, even if he had already taken a lunch break. The footnote concludes "...[t]he Commis-

continued on page 4

### In Remembrance

For the innocent victims of the attack on America  
Tuesday, September 11, 2001

Members of Operation Clean Government extend their deepest sympathy to the victims' families and loved ones affected by this terrible tragedy. And to everyone assisting in the aftermath of the disaster foes our undying gratitude. The displays of courage and patriotism by all Americans have been profoundly moving.

## OCG Cancels Golden Broom Award to Justice Flanders

The forum to honor Rhode Island Supreme Court Justice Robert G. Flanders with an Operation Clean Government Golden Broom Award was canceled after all preparations were made at the Crowne Plaza Hotel for November 12. The program including the keynote address by Chief Justice Frank J. Williams had been finalized.

After several weeks of planning, with extensive advertising and receipt of reservations, we received a letter on October 18 from Chief Justice Williams, notifying OCG that due to a possible conflict of interest he would be regretfully constrained from appearing at the OCG forum. Justice Williams based his concern on the assertion that OCG was a party to two cases before the Supreme Court. In fact, two members of OCG have public interest related cases before the court but OCG is not a party to those or any other cases being considered by the Rhode Island Supreme court.

This led Justice Flanders to request an advisory opinion from the Advisory Committee on the Code of Judicial Conduct. Justice Flanders received a verbal opinion that he could not accept the award. As of print time for this newsletter, there has been no written opinion.

The OCG Board was very disappointed that it had to cancel the event. We were looking forward to honoring Justice Flanders for his outstanding dissenting opinions on

the side of citizens' rights and responsible government.

OCG Attorney Robert Senville, who was to speak at the forum regarding three of Justice Flanders' dissenting opinions, also wrote a citation to be framed and given to the Justice at the Golden Broom Award ceremony. The following excerpt from this citation illustrates our great respect for Justice Flanders:

"Operation Clean Government recognizes Mr. Justice Flanders first for his impassioned dissent in *Bandoni v. State*, in which the majority held that it was powerless to enforce a constitutional amendment guaranteeing crime victims the right to address the court before sentencing.

Justice Flanders began his dissent by writing: "This is a dark day for state constitutional law and judicial independence in Rhode Island." Justice Flanders' dissent is not only a steadfast protection of victim's rights, but a forceful expression of his philosophy that the judiciary is not the liveried footservant of the General Assembly, but a strong, independent protector of constitutional rights. His dissent brought light to that dark day.

In addition, we also recognize Mr. Justice Flanders for dissenting in *In re: Rhode Island Ethics Commission*, in which the majority of the court, without explanation, denied a qualified non-resident attorney

leave to serve as an independent prosecutor in an Ethics Commission investigation involving a conflict of interest complaint brought against three Ethics Commissioners.

Not only did Mr. Justice Flanders dissent, but, when public controversy erupted, he also recognized how important it was to explain publicly his reasons for dissenting. While two Justices issued an Order prohibiting the publication of Justice Flanders' dissent, OCG obtained a copy.

This dissenting opinion is remarkable for its calm, succinct, irrefutable logic. The dissent simply finds that the Supreme Court must follow its own rules. Rule 9 governed admission of non-resident attorneys, and the moving party had complied with this Rule. By its simple adherence to the rule of law, Justice Flanders' dissent profoundly promotes public confidence in the integrity and impartiality of the Court.

Finally, we recognize Mr. Justice Flanders for his separate opinion to the Governor in *In re: Advisory to the Governor (Rhode Island Ethics Commission - Separation of Powers)*. When presented with a request by the Governor for a ruling on the constitutionality of an Ethics Commission regulation prohibiting legislators from serving on state boards and commissions, Justice Flanders once again departed from his colleagues. His scholarly, comprehensive opinion convincingly argues the

Ethics Commission had the power to enact this ethics regulation.

Justice Flanders' correctly notes that the Court's advisory opinion is just that, advisory, and he concludes: "In the end, the people of Rhode Island ultimately will decide how best to divide the power pot that lies at the center of our state government . . . Let the people be heard. *Vox populi, vox Dei* (The voice of the people is the voice of God)." At the core of Justice Flanders' legal philosophy is the principle that in a constitutional democracy the voice of the people is sovereign.

Justice Flanders dissenting opinions fall within the tradition of the great dissenting opinions of Justice Oliver Wendell Holmes (dissenting in *Lochner v. New York*), Justice Louis Dembitz Brandeis (dissenting in *Olmstead v. United States*), and Justice John Marshall Harlan (dissenting in *Plessy v. Ferguson*). These prescient dissenting opinions on the formative legal issues of this Nation not only led history and eventually became the law, but have also brought great good to the people by guaranteeing a restrained judiciary prepared to vigorously protect freedom, privacy, and equal opportunity. Operation Clean Government recognizes the wisdom of Mr. Justice Flanders and hopes that when the voice of the people is heard, Justice Flanders' dissents will become the law."

## OCG Holds 8<sup>th</sup> Annual Meeting

Operation Clean Government's held its Annual Meeting Sunday, November 4, at the Crowne Plaza Hotel in Warwick. The program included reports from the Chairman, Treasurer, Secretary and three committee chairs as well as the election of officers and directors. Afterwards certificates of appreciation were given to OCG volunteers, who are not board members.

### Elected Officers:

Chair, Robert P. Arruda, business owner  
1st Vice Chair, Beverly M. Clay, retired teacher  
2nd Vice Chair, June Spink, Pharmacist  
Treasurer, Nolan Byrne-Simpson, health care  
Secretary, Donald W. Cottle, retired engineer

### Elected 3-year Directors:

William H. Clay, retired engineer  
Ron Galipeau, business owner  
Marcia Gerstein, homemaker  
Jan Girouard, sales and marketing  
Karen Rosenberg, Attorney

### Elected 2-year Director:

Sara Quinn, Attorney

June Spink was newly elected to the position of Second Vice Chair, formerly having served as a board director. June has worked on the OCG legislation committee and the Voter Initiative Alliance.



June Spink

Robert Arruda, OCG Chairman, was awarded a clock by board members with appreciation expressed for his ceaseless effort promoting the mission of OCG. Stated on the reverse side of the clock was

*"In appreciation for a thousand hours, a million words and endless thought given by you in promoting the ideals of Operation Clean Government. Your drive and passion for honest, responsible and responsive government has garnered us the attention of government leaders and the respect of the people. Your enthusiasm for OCG's cause inspires us and we anticipate even*



Robert P. Arruda

*greater success under your continued leadership."*

Congratulations were given to OCG Board Director Lee Blais, who recently has been admitted to the Massachusetts Bar. In June Lee, as *Valedictorian*, graduated from the Southern New England Law School. Lee is also a certified Fraud Examiner and has contributed his expertise on many occasions for OCG issues.



Lee Blais

## And a Special Thank You to Our Many Volunteers

Dan Adler—Membership; State of the State TV Show  
Ed Aldrich—Computer Education  
Barbara Ball—Membership; State of the State TV Show  
Fred Bergemann—Membership; State of the State TV Show  
Millie Bergemann—Membership  
Steve Brigidi—Photography  
Myrtle Brown—Membership Renewal Calls  
John Carlevale—State of the State TV Host  
John Caruthers—Membership  
Gladys Cok—State of the State TV Show  
Jim Decesaris—2002 Candidates School Membership  
Mimi Decesaris—2002 Candidates School; Membership; Research; Assistance to OCG Treasurer  
Robert Dowben—Research  
Carla Dowben—Legal Research  
Joe Dugan—Legal  
Grant Dulgarian—Issues/Research; 2002 Candidates School

Millie Dupont—Membership  
Bernadette Dyer—Membership  
Scott Field—Legislative; Research  
Cindy Galipeau—Forums  
Andy Galli—Legislative; State of the State TV Show; 2002 Candidates School  
Frank Girard—Membership  
Elly Goldstein—Membership; State of the State TV Show  
Leila Green—Membership  
Sid Green—Membership  
Mike Kehew—2002 Candidate School  
Lois Lang—Forums  
Jack Lannon—Membership  
Dolores Lupo—Mall Booth  
Sanford Lupovitz—Research/Issues  
Dan Marso—State of the State TV Show; Membership  
Robert Mattos—Research/Issues  
Joyce Miller—Forums  
Charles Nelson—Membership  
Jill Padelford—Typesetting  
Hubert Padelford—Mailings

Bob Palumbo—State of the State TV Show; Membership  
Sam Parente—Membership  
Frank Pellegrino—Membership  
Yvonne & Vinnie Piazik—Mailings  
Bob Plante—State of the State TV Show  
Lucien Pratt—Legislative  
Sara Quinn—Legal  
Teresa Quinn—Legal  
Steve Richards—2002 Candidates School  
Pauline Ricci—Membership  
Gene Sartini—Mall Booth  
Robert Senville—Legal  
Pat Shakel—Membership  
Dick Shapiro—Newsletter Distribution  
Eric Simmons—State of the State TV Show Dir.  
Mike Vallante—2002 Candidates School  
Arlene Violet—Legal  
John Webster—Legal  
Tom West—Membership; Forums  
Sharon West—Membership; Forums  
Ruth Winkler—Membership  
Sharon Wizard—State of the State TV Show

### New to the Board

Sara Quinn is an attorney and the former Executive Director of the Rhode Island Ethics Commission. She is working with OCG on a number of ethics issues, representing OCG pro bono in complaints before the Ethics Commission and Superior Court and as an amicus in Superior Court.



## Does RI's Big Dig Need Oversight

By William H. Clay

On October 26 the Public Utilities Commission (PUC) ordered the Narragansett Bay Commission (NBC) to hire an independent overseer, selected by the PUC, to provide fiscal oversight for its \$550 million combined-sewer-overflow (CSO) project. Attorney General Whitehouse had insisted that the PUC take this action to ensure RI is not faced with a financial disaster like that of the Big Dig in Boston.

Residents of the following cities pay sewage fees to NBC: Pawtucket, Central Falls, Cumberland, Lincoln, Smithfield, Providence, North Providence, Cranston and Johnston. The authority of NBC over the waste water treatment facilities of these municipalities is absolute and includes the power to construct, acquire, repair, develop, own, operate, maintain, extend, improve, rehabilitate, renovate, equip, and furnish a project and make provision for its management.

The CSO project is intended to stop discharge of untreated sewage into Narragansett Bay, which occurs during rainstorms when the run-off enters sewer systems through catch basins and causes overloads at treatment plants. The proposed CSO system will divert the run-off into underground storage tunnels and regulate the rate of flow to treatment plants.

Construction on the CSO project began at Providence's South Water Street in June 2001. During this first phase, a thirty-foot diameter, concrete lined, three-mile long tunnel is being placed 250 feet underground and parallel to the Providence River. It will include surface access shafts, pumping stations and conduits to the city sewer system. In the second and third phases two more tunnels will be constructed for a total of eleven miles.

Throughout the ten-year engineering and planning period, NBC gave little consideration to less costly, alternative solutions to the CSO, which will be the most costly public works project in the state's history.

The Department of Environmental Management failed to perform a full Environmental Impact Study, as required by DEM's own policies to protect the state's environment. Instead they accepted NBC's environmental study as a basis for issuing a "finding of no significant impact."

During the engineering and planning period NBC more than doubled rates to its 360,000 customers, while the estimated cost of the CSO project soared. The estimate for the first phase, now at \$277 million, was \$165 million in 1999 when NBC Chairman Vincent J. Mesolella sought General Assembly approval of bonding authority for the project. At that time Mesolella was serving the last of ten terms as a member of the RI House of Representatives and was also Speaker Harwood's Deputy Majority Whip. His NBC bonding proposals were easily passed in the House but were derailed in the Senate by J. Michael Lenihan, Chairman of the Senate Finance Committee.

However during the 2000 legislative session, the House Finance Committee trumped the more prudent Senate by imbedding start-up funding for the CSO project into the FY-2001 state budget. Budget Article 5 called for five referenda bonding questions to be put before the voters in the November 2000 general election. Question 2,

"[RI] Clean Water Finance Agency—Water Quality Management Bonds," listed combined sewer overflow systems among projects to be funded, but provided no further explanation. The voter handbook, misleadingly stated that \$70 million of leveraged funds (state and federal combined) would be allocated to the CSO project, when in fact this represented just the startup costs for the huge project.

Ten days after the PUC ordered fiscal oversight, NBC embarked on yet another expansion of the CSO project. The commission entered into contract negotiations with Bay Power, a Lincoln-based company to construct a joint-venture power plant. NBC, a heavy power user, currently uses power delivered by Narragansett Electric. NBC claimed that having its own plant would be a more cost effective and reliable source of power to operate the huge CSO tunnel drilling machines and would also serve other users at NBC's Fields Point facilities.

Since its creation by the General Assembly in 1981, NBC has been given increased autonomy through numerous amendments to the enabling statute. It has a huge revenue stream from its 360,000 captive customers, which it effectively uses to enhance its political influence and to operate much as it pleases. Its powerful influence in the General Assembly has been bolstered by legislative appointees to its board. Vincent J. Mesolella, now serving his ninth term as NBC Chairman, was appointed to the NBC board while serving in the General Assembly. Currently appointed are Senators John Roney and Maryellen Goodwin and Representatives Peter Ginnaitt and John McCauley, Jr.

From its beginning, the commission has tried to shake off PUC control. It was a hard yearlong fight for Attorney General Whitehouse to gain a split decision from the PUC to require NBC to hire an independent fiscal overseer for the CSO project. At the PUC hearings, NBC, led by Chairman Mesolella, vehemently objected claiming that the \$150,000 annual cost to NBC for the PUC ordered oversight is not necessary. NBC's chairman and administrative directors are so opposed to the oversight that they plan to appeal the PUC decision to the RI Supreme Court.

The General Assembly has entrusted NBC oversight responsibility to Representative Mesolella. Yet no member of the General Assembly spoke out to curb his influence or question his ethics when it was reported that he was accepting campaign contributions from NBC vendor employees and labor unions whose members depended on NBC contracts for their jobs. This practice was going on while Mesolella served as District 71 Representative, was appointed by the House Speaker to represent the House on the NBC board and was elected by that board as its Chairman.

Independent fiscal oversight may not be enough to contain the CSO project, the ultimate cost of which remains to be seen. Attorney General Whitehouse apparently recognizes the ominous signs for potential cost overruns. It is time for the General Assembly to wake up to its oversight responsibility and reign in NBC excesses; otherwise, the CSO project may prove to be Rhode Island's next financial disaster, our very own "Big Dig."

## OCG's Candidates School

By Bruce Lang

Operation Clean Government will run a Rhode Island Candidates School on Saturday, April 6, 2002 at the Airport Radisson Hotel on Post Road, Warwick. All aspects of running for political office will be presented by experienced and skilled individuals.

The School is open to anyone thinking of running for any RI local, state or federal elected position—school committee, city or town council, state legislature, state general office or US Congress. Rhode Island citizens of any party or independents as well as their associates and volunteers are invited.

To have good, open, responsible and honest government, OCG believes that it is important to have lively and competitive political races and a wide variety of citizens participating. The hope is that the Candidates School will encourage more people to run for all levels of elected office. In addition, by presenting "everything you should

know to run for political office", OCG hopes to help candidates be better prepared for the challenge of a political campaign.

To get on the Candidates School mailing list, call 1-877-793-3774, the OCG toll free number. Leave your name, address, telephone number, fax number and especially your e-mail address.

If you have any special questions, you may call Bruce Lang, who is chairing the Candidates School, at 848-0772. As more information is available, it will be put on OCG's web site—[www.ocg.to](http://www.ocg.to).

The fee including lunch and continental breakfast will be \$60. This amount will partly cover advertising, presentation hall and food costs to OCG. You can get an application form from the OCG website or by calling the phone numbers listed above. Send a \$60 check payable to OCG Candidates School and mail to Operation Clean Government, PO Box 8683, Warwick, RI 02888.

## OCG Produces Cable TV Show

Operation Clean Government is now producing the Public Access cable television show "State of the State." The show is broadcast on the statewide Interconnect Channel A on Sunday mornings at 8:00 AM, and on Metropolitan Public Access Channel 18 on Thursday evenings at 9:00 PM and Friday afternoons at 3:00 PM. It is hosted by John Carlevale, produced twice a month and therefore repeated twice in each time slot. Regular Public Access channel viewers may have seen this long standing show before it became an OCG production.

OCG has taken on this project in a continuing effort to fulfill our mission of promoting honest, responsible and responsive government. Topics and guests will be selected so as to inform and educate Rhode Islanders about the functioning of their government and its leaders. Suggestions for subject matter or guests may be submitted to Ron Santa via email at

[RonaldGSanta@aol.com](mailto:RonaldGSanta@aol.com).

## Executive Side of RIEC Ship Shape

The new executive director of the Rhode Island Ethics Commission, Kent A. Willever, has filled several long vacant positions with the following additions and promotions: Katherine D'Arezzo the former acting director has been made Staff Attorney; Jason Gramitt, a Providence lawyer, is the new education coordinator and special assistant to the director; Kathryn L. Ford, a former policy aide to Mayor Vincent Cianci, Jr. will be the commissions' legal assistant who will help to research and write advisory opinions; Peter Mancini, the former head of the Johnston Police Department's juvenile unit will serve as the commission's new deputy chief investigator; and Patricia Barker, the commission's longtime administrative assistant is now projects coordinator and office manager.

Typesetting and Layout  
Jill Padelford

OCG volunteers operate the television studio equipment, which is provided at no cost by COX Cable. Taping is at the Public Access Television studio at the CCRI Warwick campus.

Fortunately, OCG's Ron Santa, Ron Galipeau and Eric Simmons have had previous experience producing Public Access television. On the evening of production, they direct the team of volunteers who, setup studio lighting, audio and video equipment, and prepare visual effects.

During taping, the team operates cameras and directs the technical aspects of the production. Taping begins at approximately 6:00 PM. One hour later, the production is complete and the tape is ready for broadcast—no editing, no retakes.

Contact Ron Santa or any board member if you wish to watch a production or volunteer to be a member of the production team—no experience needed, you will be trained.

Newsletter *Editorial Review Board*

William H. Clay, Editor  
Janice Carlson  
Sanford Miller  
Karen Rosenberg  
Beverly Clay

You can become a member of OCG  
See back page for details



## Senator Leo Blais Proposes Huge Pay Increases for Political Friends

By William H. Clay

Operation Clean Government examined minutes of the Kent County Water District board meetings and found that from June 1999 to June 2001 the 30 meetings held totaled 95 hours. In addition to their annual \$3,000 stipend, commissioners receive the district's Blue Cross health insurance, valued at about \$8,000 annually—more if family members are included. This \$11,000 annual package amounted to compensation of \$231 per hour per board member for the two year period studied.

During the 2001 General Assembly session, Senator Blais introduced 01-S 6777 to raise the Kent County Water District Commissioners annual stipend from \$3,000 to \$5,000 and to add two new commissioners to the board—one each to be appointed by the city or town council from West Warwick and Coventry (Senator Blais' district.)

The bill also provided that all new commissioners would be politically qualified. It, in effect, read that: ***the appointments of the two new commissioners and commissioners to fill all future vacancies are to be selected from three separate names submitted to town councils by the town political party chairpersons.*** This provision would assure that all commissioners are af-

filiated with and owing to the majority political party in control of the city or town council making their appointment.

After this bill failed, Senator Blais offered an amendment, which retained the increased compensation and additional commissioners but eliminated political party references. The committee approved this version by a seven to two vote. Voting for passage in the Senate finance Committee were Senators Felag, Cicilline, Goodwin, Ruggiero, Blais, Issa, and Chairman Caprio; against were Senators Raptakis and Garabedian. Seven Senators were absent. Were those senators voting for passage, representing the interests of water district customers or awarding political favors to Senator Blais and Senator Alves (Vice Chairman of the Senate Finance Committee from West Warwick)?

The bill was placed on the 26 June 2001 Senate Calendar for passage, but was recalled after the Finance Committee was alerted to a press release by Senators Raptakis and Lenihan. In media interviews, Senators Raptakis and Lenihan maintained that district water customers, who have been hit with more than a 40 % rate increase in 2001, should not have to support additional political appointees or pay more to the already over compensated commissioners.

The only work performed by commissioners is attending water district board meetings. But they have enormous power over the district's operation, capital assets and personnel. The commissioner's often politically motivated decisions greatly affect the flow of water in the district and they also control which neighborhoods with low pressures get a new pumping station; which developer receives water connections; and what land acquisitions will be made from whom and for how much.

Commissioners are appointed to ten-year terms by town councils, one each from East Greenwich, Coventry, West Warwick and Warwick as well as one additional appointment from the town having the greatest number of water district customers. For these rewarding patronage appointments, town councils carefully select political allies who will remain loyal to the council.

Senator Blais continued to disregard public opposition and made another attempt to get his bill out of Senate Finance. However, on the last night of the General Assembly session, the Finance Committee voted to hold the bill for further study. OCG will alert water district voters if the bill is reintroduced in the 2002 session.

## Senator Blais Part Two

The Senator also has political friends at the State Board of Elections where he attempted to raise their annual compensation from \$7,000 to \$15,000. This bill (01-S 0676) would have raised the average hourly rate from approximately \$116 to \$250. These rates are based on Operation Clean Government's review of board of election meeting minutes for 1995 – 2000 showing an average of approximately 60 hours meeting time per year.

In early 1998, as a result of extensive research by Operation Clean Government, which was reported in the *Providence Journal* by Reporter Katherine Gregg, these part-time board members lost their health and retirement benefits to which they were never entitled. State employees must work at least 20 hours per week to receive these benefits.

OCG also uncovered the fact that one board member, a full time guidance counselor from the Narragansett School District, was receiving \$3,160 per year payback from the town of Narragansett for not tak-

ing health insurance from the school district while receiving state insurance to which he was not legally entitled. Since that time, legislation has been introduced in the Senate each year with different sponsors (Senator Enos 1998, Enos and Walton 1999, Roney 2000 and Blais 2001) to raise the compensation of board members to offset their loss of health benefits. OCG has helped in defeating these bills by exposing sponsors to public scrutiny.

Board members' only function is to attend board meetings. The current \$7,000 annual compensation is very generous when compared with members of the Ethics Commission, Board of Higher Education, Narragansett Bay Commission and the Board of Regents who receive no compensation and may meet more hours than the Board of Elections.

The election board is one of the ultimate repositories for political patronage. There is great pay for little effort. Members are appointed for a 14-year term and are eligible for reappointment. Prior to 1992,

the annual compensation was \$30,000 with health and retirement benefits. Some past members were even able to serve two 14-year terms and retire with full state benefits. In 1992, with state finances under great stress from the banking crisis, the General Assembly reduced election board compensation to \$7,000.

Blais' election board bill languished in Senate Finance until June 28<sup>th</sup>, the last day of the session, when he was able to get committee passage by a 9 to 1 vote. Voting for passage were: Senators Alves, Felag, Cicilline, Goodwin, Izzo, Gibbs, Blais, Paiva-Weed, and Chairman Caprio; against was Senator Garabedian; abstaining were Senators Raptakis and Issa. Four Senators were absent. The bill was brought to the Senate Floor but was not called.

The great benefits have been taken away and pay reduced from that of the good old days. Still the election board is a rewarding appointment and "under compensated" members can annually talk one of their senator friends into trying to raise compensation. OCG will be on watch for the next attempt.

### OCG MEMBERSHIP FORM

YES, I want to join other Rhode Island citizens and help to promote Honest, Responsible and Responsive State Government.

New member  Renewal

My membership contribution to OPERATION CLEAN GOVERNMENT is enclosed:

\$12 Individual  \$15 Family (list all names to be included)  \$25  \$50  \$100  \$\_\_\_\_\_ Other

Name(s) \_\_\_\_\_ Home Phone \_\_\_\_\_

Business Phone \_\_\_\_\_

Street \_\_\_\_\_ Email Address \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

OCG is a non-profit organization, however contributions are not tax deductible because our activities include lobbying.

Yes, I would like to volunteer some time or participate on one or more of the OCG committees. Please call me.

OPERATION CLEAN GOVERNMENT • PO BOX 8683 • WARWICK, RI 02888

I heard about OCG from \_\_\_\_\_

### Judicial Discipline, from page 1

sion believes that the permutations here are simply too complicated and the raw data too scanty to try to factor in these variables. Hence, under this approach, the Commission has simply given respondent credit for a one hour lunch break regardless of when he left the judicial premises..."

Another quandary for the CJTD was whether it should assume a daily starting time of 8:30, the time at which the Court officially opened for business, or 7:30 since Judge Lallo claimed he arrived early to work? And, should the Commission assume an official Court closing time of 4:30, so that the Court's total weekly hours of operation would add up to the 35 hours required of non-standard employees; or should the Commission use the Traffic Court's regularly scheduled closing time of 4:00; or should it be 3:30 to balance Lallo's 7:30 AM arrival time? (Better yet, why didn't the Commission use the time when other judges vacated the building?)

Of course we all know that most of the Traffic Court judges routinely worked 2 to 3 days a week and often not even full workdays. Where did the other judges go? Poor Judge Lallo happened to have a Wampum Card that placed him at the casino and documented all of his time there, making him an easy target. It also allowed the CJTD to look like it was doing its job by publicly disciplining a Traffic Court judge. The Commission had already dismissed charges against four other judges with a similarly scant work ethic and had let Chief Judge Pallozzi off with a private reprimand. (You can imagine how tough that was, when his time at court was well below the standard 35 hour workweek.)

Ironically, Lallo's appeal to the Supreme Court resulted in 12 different figures ranging from \$26,068.50 to \$31,429.00 to replace the originally suggested \$28,000 sanction. Now there is an additional fee of \$32,814.00 for costs of the appeal. The Supreme Court will have to decide whether Lallo or the taxpayers will foot the Commission's cost of the appeal. (Anyone want to wager on which way that decision will go?)

The Commission's latest recommended disposition of the Lallo case is not going to restore confidence in the Rhode Island Judiciary and simply reconfirms that neither the Commission nor the Supreme Court is ready to treat serious wrongdoing within the judiciary with serious measures.

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