



OPERATION CLEAN GOVERNMENT

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Warwick, RI 02888
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N E W S L E T T E R

How to Assure a Favorable Audit

By William H. Clay

The public received nothing but pabulum in the KPMG audit report on what the general assembly spends on itself. Why not? The general assembly leaders did not want an audit. They only agreed to one, when on June 21, 2001, strong support manifested in the house for an amendment to the budget, proposed by Representative Charles Levesque. His amendment would require annual financial audits and a performance audit every third year. These audits were to be conducted by an independent auditing firm.

To head off this amendment, House Majority Leader Gerard Martineau assured house members that an independent audit would be conducted as a matter of policy, "because it was the right thing to do" and this amendment was not needed. As a result, Representative Levesque's proposal was defeated, 24 to 69.

As promised by Majority Leader Martineau, an independent audit was conducted by KPMG (an international auditing

firm) and reported out in December. Independent audit simply means an audit conducted using AIPA (American Institute of Public Accounts) standard practices and procedures by a firm that is, except for the audit, totally independent of the entity being audited. There independence stops, because the scope of the audit is defined by the entity paying for it. If that entity wants a favorable report, it directs the auditors to examine only selected areas of its operations and instructs them as to which procedures to use. This process provides the desired results yet still maintains the integrity of the auditing firm.

In the general assembly audit, KPMG examined the adequacy of received invoices and the method used to approve these invoices at the general assembly for payment by the state controller. Thus, after such a limited examination, it is no surprise that KPMG concluded there were no material errors in spending or any noncompliance with laws and regulations.

This particular auditing firm was con-

tracted on behalf of the JCLS (Joint Committee on Legislative Services) by Auditor General Ernest A. Almonte (an employee of the general assembly) and Robert Carl, the Governor's Director of Administration. The five member JCLS is chaired by Speaker Harwood and members are Senate Majority Leader Irons, House Majority Leader Martineau, House Minority Leader Watson, and Senate Minority Leader Algieri.

Almonte also chaired Chief Justice Weisberger's traffic court audit committee in 1998 when he was again instrumental in the contracting process with KPMG. The final report for this audit by KPMG explained their limited audit by stating, "...*the sufficiency of these procedures [is] the responsibility of the Audit Committee. Furthermore, such procedures do not constitute an audit or review in accordance with [AIPA] standards...*"

In a *Providence Journal* article on January 10, 2002, the architects of the general assembly audit praised—as if they expected differently—KPMG's conclusions.

Senator Irons said the audit pointed out where an acceptable process could be improved, the Speaker was pleased that the general assembly had been responsible and followed the law, and Almonte maintained the legislature had received a clean opinion.

KPMG reported that state laws allow the general assembly vast flexibility and recommends there should be proper internal controls established to remain accountable to the public. This will take a major reform legislative initiative, since the general assembly has exempted itself from the laws that require accountability by all other state departments. For example, the state controller who pays the state's bills is specifically prohibited from questioning general assembly expenditures. Rhode Island General Law § 35-6-1 states, "...[T]he preaudit of all expenditures under authority of the legislative department by the state controller shall be purely ministerial, concerned only with the

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Even the Governor Has No Standing in RI Courts

In the November 8, 1994 general election, voters disapproved the ballot question on whether or not to convene a constitutional convention. The voters had been denied information on possible issues that could be addressed in a convention. A more informed electorate might have approved the question. This information should have been provided via Article 14 Section 2 of the Rhode Island Constitution, which states "*Prior to a vote by qualified electors on the holding of a convention, the general assembly, or the governor if the general assembly fails to act, shall provide for a bi-partisan preparatory commission to assemble information on constitutional questions for the electors.*"

In May 1998 State Senator Marc Cote, Sandra Mellen and Robert Arruda (OCG Chairman) discovered that: (1) Governor Sundlun established a preparatory commission only one day before the November 8, 1994 election; (2) the Governor had not informed the commissioners of their appointment; and (3) the commission neither convened nor performed their constitutional function.

On June 16, 1998, after unsuccessful negotiations with the secretary of state and

the then Governor Almond to appoint a bi-partisan preparatory commission well before the November 1998 election and again place the question before the voters, state Senator Marc Cote, Sandra J. Mellen, and Robert P. Arruda—acting as private citizens—brought suit in Superior Court seeking a declaration that Article 14, Section 2 of the constitution had been and continues to be violated.

The suit also sought a court order requiring the governor to establish a bi-partisan preparatory commission, and requiring the secretary of state to put the question of whether or not to convene a constitutional convention on the ballot at the next general election. The general assembly and the attorney general intervened to oppose granting these three Rhode Island voters and constitutional reformers the relief they had requested.

On September 27, 2000 Superior Court Presiding Justice Joseph E. Rodgers, Jr. issued an opinion holding that Cote, Mellen, and Arruda, as voters and constitutional reformers, suffered no injury and further that they had no standing to bring suit in the courts of Rhode Island. The three litigants filed an appeal from this ruling to the su-

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Operation Clean Government will present a
Dinner-Forum on Monday, February 25, 2002

(Reserve by Friday, February 15)

The Rhode Island Judicial System
Independence vs. Accountability

Introductory Remarks: Attorney Robert Senville

Moderator: Arlene Violet, Former RI Attorney General

Panelists

Judge Stephen J. Fortunato, Jr., RI Superior Court

Prof. Harvey Rishikof, Roger Williams Law School

Prof. Ross E. Cheit, Brown University

Attorney John T. Duffy, Columnist, RI Law Tribune

Attorney Sara Quinn, Former Exec. Dir. RIEC

and OCG Board Member

Attorney Leon A. Blais, OCG Board Member

Place: Crowne Plaza Hotel, From I-95 North or South to Exit 12A, bear right and driveway is on the right. Park halfway around the left side of the building at the Grand Ballroom entrance, free parking

5:30 PM Registration and cash bar • 6:30 Dinner • 7:45 Program
\$25.00 per person • \$250 to reserve a table of 10
indicate if you prefer a vegetarian dinner

Send check to: Operation Clean Government
February Forum

P.O. Box 8683, Warwick, RI 02888

For more information, call: 1-877-793-3774

OCG's Candidates School

To be held April 6, 2002

By Bruce Lang

Operation Clean Government's First Biannual Candidates School will be held on Saturday, April 6, 2002 at the Airport Radisson Hotel on Post Road in Warwick. The school will be open to anyone thinking of running for any Rhode Island 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, independents and their associates and volunteers are welcome to attend this candidates school. Experienced and skilled individuals will cover every aspect of running for political office.

To have good, open, responsible and honest government, OCG believes that it is important to have lively and competitive political races with a wide variety of citizens involved as candidates. We expect the Candidates School will encourage more people to run for elected office at all levels. In addition, by presenting "everything you should know to run for political office," the school will help the candidates prepare for the many challenges of a political campaign.

In a recent OCG press release, Ron Gallo, President of the Rhode Island Foundation stated, "Operation Clean Government's Candidates School is totally in keeping with the foundation's mission of

community advancement. By encouraging more citizens, and a greater diversity of citizens, to get involved in the political process and to run for elective office, eventually we will broaden citizen involvement in our state. That broadening will make for better government, and in the long run will improve many aspects of life in Rhode Island." Gallo went on to state, "because of all this, the RI Foundation has enthusiastically agreed to become the major sponsor of OCG's Candidates School."

We encourage anyone who is interested in getting on the candidates school mailing list to call the OCG toll free number—1-877-793-3774. Please 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

The school will be an all day event. The fee, including lunch and continental breakfast, will be \$60. This amount will help defray advertising, presentation hall and food costs to OCG. Sign up today by writing a \$60 check, payable to OCG Candidates School, and mail to Operation Clean Government, PO Box 8683, Warwick, RI 02888.

Don't Miss Operation Clean Government's State of the State Cable TV Show

Sundays at 8 A.M. on Channel 13 (statewide)
Thursdays at 9 P.M. and Fridays at 3 P.M. on Channel 18
(in central areas of Rhode Island)

Shows are taped on the second and fourth Thursday of each month. Each production runs for two weeks, except when there are five Thursdays in a month, a show may run three weeks.

To receive email announcements of the content of the programs, send us your email address through the OCG website, www.ocg.to, requesting to be on our list for notifications. You will receive a blind copy of the email so that you will not receive emails from other persons on that list.

Audit, from page 1

legality of the expenditures and availability of funds, and in no event shall the state controller interpose his or her judgment regarding the wisdom or expediency of any item or items of expenditures."

Shielded by its own laws and with lack of internal controls, the general assembly easily obtained a favorable audit of its invoice bookkeeping practices. Without a performance audit, as proposed by Representative Levesque, the JCLS can continue to tightly and secretly maintain control of expenditures from the millions that the general assembly annually appropriates for itself from general revenues—\$23 million in FY 2001 and \$25.6 million for FY 2002.

The JCLS does not disclose the number of all general assembly employees, their salaries or job descriptions. Furthermore, there is no accountability for the dozens of attorneys and consultants on contract to augment those on staff. Legislative committees have special attorneys to advise them. Even the Joint Committee on Naming State Construction has an attorney.

A recent example of outside hiring arose when Speaker Harwood, responding to an ethics complaint against him for rep-

resenting a client before a state agency, retained an attorney—paid from JCLS accounts—to research the conflicts of interest arising from legislator attorneys practicing before state boards and commissions.

A performance audit might recommend a larger cadre of full time staff attorneys to replace the hiring of hourly rate attorneys from high profile law firms, but that would dry up the political patronage associated with hiring attorneys and consultants from outside firms. This practice is rewarding to the leaders who readily accept campaign finance contributions from law firms.

A performance auditor might have inquired why it takes more than 500 employees to operate the part-time legislature and should have also examined the hiring practices, employee qualifications and job description of these questionable patronage jobs.

The JCLS did not want an audit, but under pressure from the press media, Operation Clean Government, League of Women Voters and some of their own maverick colleagues, these general assembly leaders opted for a limited financial audit. This decision not only avoided the risk of adverse publicity, but also saved legislators from insistent public pressure to hold the JCLS accountable.

Can You Believe This

Remember the article in the December 2001 OCG newsletter (to view the newsletter, go to www.ocg.to) describing the tedious calculations by the Commission on Judicial Tenure and Discipline to determine the work hours that Traffic Court Judge John F. Lallo spent at the Foxwoods Casino? This 18 page report, dated November 9, 2001, contained 12 different sets of calculations for Lallo's possible restitution to the state.

Well would you believe that now his attorney has filed a supplemental memorandum in support of remanding the matter back to the commission for a hearing and the taking of evidence. Lallo and his attorney have submitted evidence showing that Lallo was on medical leave during part of the period in question for injuries received in an automobile accident, concluding that

he shouldn't be charged for work hours missed during that period. Here's a sampling, from the commission's report based on casino records, of the hours spent at the casino on some of the days while he was on medical leave and unable to work from November 28, 1994 to February 6, 1995.

November 30, 1994	10 hours
December 2, 1994	14 hours
December 7, 1994	8.5 hours
January 6, 1995	11 hours
February 1, 1995	9.2 hours
February 3, 1995	12 hours

Wouldn't you think he would just pay his fine (at most \$49,914), rather than incurring more attorney fees and keeping this embarrassing matter before the public?

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

No Standing, from page 1

preme court. Governor Almond, who learned the facts during the course of the litigation, recognized that the Rhode Island Constitution had been violated. Accordingly, Governor Almond, originally a defendant, filed an appeal supporting the claims of Cote, Mellen and Arruda.

On September 17, 2001 Chief Justice Weisberger (Retired) conducted a conference in the Cote case. Chief Justice Weisberger determined that prior to the supreme court hearing the appeal on its merits, the matter should be remanded to the superior court to afford the governor an opportunity to file a motion to realign as a plaintiff, and, if such motion were granted, to afford the superior court an opportunity to rule on the governor's standing to bring suit, and to address the merits of the case.

At a hearing on October 11, 2001 the governor's motion to realign as a plaintiff was granted.

After further briefing on January 8, 2002 Presiding Justice Rodgers issued a decision stating that the Rhode Island Governor did not have any rights which deserved judicial intervention, and that the Governor had no standing in the courts of Rhode Island to be heard on his claim that the Rhode Island Constitution had been violated.

Presiding Justice Rodgers went on to address the merits of the suit. Regarding Cote, Mellen and Arruda's claim that the failure to establish a bipartisan preparatory commission had abridged their right to alter the constitution, he found this claim totally devoid of merit.

Regarding the Constitution's requirement that there be a bi-partisan preparatory commission, he was of the opinion that even though a constitutional provision may be expressed in mandatory terms, it still may not be self-executing, and, in this instance, the Rhode Island courts had no authority to enforce this provision of the constitution. (If not the courts, who has the authority?)

Finally, Presiding Justice Rodgers determined that even if he were wrong in his rulings, Governor

Sundlun's failure to establish a bona fide bi-partisan preparatory commission did not violate the constitution.

Governor Almond, Senator Marc Cote, and Sandra Mellen have appealed this ruling to the supreme court. In addition, the governor has moved for special assignment and scheduling to expedite the appeal in the court. The general assembly has opposed the governor's motion for special assignment. (The irony is that the general assembly is using taxpayer money to oppose upholding constitutional rights of citizens.)

Regardless of court actions on this suit, which has been mired 42 months (June 1998 – January 2002) in the Rhode Island courts, the question of a constitutional convention will again be before the voters not later than the November 2004 election. (The constitution requires the ballot question to be placed before the voters at least once every 10 years and also provides that the general assembly may place it on the ballot at any general election.)

There is currently legislation being introduced to move the ballot question to the 2002 general election. (See Constitutional Convention, page 3 of this newsletter.)

Albeit the continuation of the suit to move the constitutional question earlier has been effectively overcome by delays in the courts, it remains enormously important that the supreme court rule whether or not citizens or even the governor have standing in Rhode Island courts to bring suit when they perceive their constitutional rights have been violated.

Editor's Note: Presiding Justice Rodgers' ruling has further eroded citizens' rights. His ruling, if allowed to stand, will give future governors who are opposed to a convention carte blanche to ignore their constitutional duty to form a preparatory commission; knowing that the electorate, if not fully informed, will most likely disapprove holding a convention. In the 1994 election, the electorate did disapprove holding a convention, but there is no way to determine whether a bona fide preparatory commission would have altered that vote.

OCG Legislative Proposals for 2002

By Rod Driver

The OCG legislative committee has drafted several "reform bills" for introduction in the general assembly. And we have been seeking senators and representatives willing to sponsor those bills. Once the bills are introduced and hearings are scheduled, OCG legislative committee members will lobby legislators and testify at senate and house committee hearings in support of the bills.

Our support will also extend to legislation initiated by other reform groups or legislators. As we go to print, the bill numbers have not been assigned and the full list of legislative sponsors has not been obtained. This information will appear in the next newsletter.

Ethics Commission Selection Process

We have been dismayed at the irresponsible actions of the ethics commission and the failure of nominating and appointing authorities (Senate and House Majority and Minority Leaders, the House Speaker and the Governor), to fill positions after a commissioner's term expires.

In response, we have prepared a legislative proposal to create a more stringent, expedient and open process for the appointment of commissioners. This would set time limits for officials to make their nominations; it would require an in-depth investigation of nominees; and would require "advice and consent" of the senate.

Further, if the nominating and appointing authorities do not meet their responsibilities within the prescribed time, they would lose their authority to do so, and the lieutenant governor would be authorized to make the appointment.

The bills will be introduced by Senator Catherine Graziano and Representative Frank Montanaro.

Voter Information Handbook

In the 2000 general election, referenda questions concealed massive projects bundled with smaller, non-controversial projects. There was no indication in the state's voter handbook that passage of these questions would start two of the biggest construction projects in the state's history—the \$550 million underground sewage tunnels in Providence and the relocation of I 195. To inform voters, the voter handbook should have provided comprehensive explanations of these projects.

Last year our bill proposed to provide both pro and con arguments in the voter handbook to better inform voters on ballot referenda drew support from Secretary of State Edward Inman. Working with his staff and the League of Women Voters to resolve questions raised during the Senate Judiciary Committee hearing, OCG merged its bill with one the secretary had introduced. However, the revised bill still did not come out of committee in the 2001 session.

Secretary Inman, strongly supports the revised bill, which has been introduced this year "at the request of the Secretary of State." The bill will be sponsored again this year by Senator Kevin Breene and Representative Steven Smith.

Several other states have adopted the

pro and con arguments in their voter handbooks, some even with rebuttals to the pro and con arguments.

Inspector General

Federal agencies, nine states plus the District of Columbia, and many principal municipalities have a "watchdog" office of Inspector General. **An IG would be a new and much needed concept in accountability for RI government.**

The office of Inspector General, as proposed by OCG, would be an independent agency charged with preventing fraud, waste, abuse and mismanagement in the expenditure of public funds by state and local governments. A primary focus would be on the procurement of materials and services, including major construction projects. States with an IG have savings that more than pay for the cost of the office.

The IG would supervise, coordinate and/or conduct audits; criminal, civil and administrative investigations; and inspections of oversight reviews. The IG would be both proactive and reactive and could recommend policies to government agencies to assist in the prevention or detection of fraud waste, abuse or mismanagement.

To keep the IG Office independent of other government entities, appointment to the IG would be for only one five-year term to begin July 1 and end June 30, five years later. Appointment would be by a majority vote of the governor, the attorney general and the general treasurer. The IG could be removed for cause by a unanimous vote of the governor, lieutenant governor and the secretary of state. There would be appeal process for any such removal.

Last year OCG's bill to create an IG office in Rhode Island had a hearing in the House Finance Committee, but no vote. There was no hearing on the Senate side. The same bill will be sponsored this year by Senator Catherine Graziano and Representative Michael Pisaturo.

Constitutional Convention

At the 2000 general election, Rhode Islanders voted two-to-one in a non-binding referendum calling for a constitutional convention to take up the question of separation of powers. The citizens' vote, notwithstanding, in 2001 the House leadership killed Representative Nicholas Gorham's efforts to officially initiate the process.

Two actions are required to initiate a constitutional convention: the creation of a "bi-partisan preparatory commission" to assemble information on potential constitutional issues; and then a binding referendum vote by the citizens on whether or not to hold the convention.

Senator Mary Parella will sponsor this bill. We will also support the effort led by Representative Gorham to get the general assembly to create a preparatory commission in 2002.

Traffic Court Audit

After it became known that the traffic court had \$39 million in uncollected fines and that sloppy accounting practices were maintained at the court, the general assembly amended the Traffic Safety and Accountability Act of 1998 to include an audit "fo-

rensic or otherwise." By order of Chief Justice Weisberger, an audit committee was formed calling for "a comprehensive financial and performance audit of the AAC (Administrative Adjudication Court), including examination for fraud or impropriety in the conduct of fiscal affairs of that court."

The request for proposals specified that "the agreed upon procedures shall include procedures to determine the likelihood that fraud has occurred and to what extent, if any." KPMG was hired to do the audit. However, the agreed upon procedures, developed by the Weisberger audit committee, were void of any investigatory tools to develop evidence.

Completed in January 1999, KPMG's audit report states "The results of our procedures disclosed that a substantial level of risk of fraud or misappropriation has existed at the AAC." The report lists several control weaknesses that exposed the AAC to added risk of lost or stolen payments. The report goes on to state, "**Our approach could not assure that fraud exists or would be found and due to the limited nature of our procedures, it also does not assure that fraud may not be discovered subsequent to the application of our procedures.**"

Due to the limits imposed by the "agreed upon procedures:"

- The General Assembly did not get the audit it legislated in 1998!
- Chief Justice Weisberger did not get the audit he ordered!
- The State Purchasing Office did not get the audit specified in the RFP!
- The citizens of Rhode Island did not get the audit they paid for!

In 1999 and 2000, OCG was unsuccessful in getting legislation passed for a true fraud examination of the former traffic court. Although there was strong support in both the senate and the house, the leaders rose repeatedly to state that there had been a fraud examination and that no fraud was found.

The citizens of Rhode Island do not believe that there was a fraud examination. This year, with new data obtained via OCG's suit in superior court, we will again support a bill to require the fraud examination. Representative Joseph Scott will be sponsoring this bill.

Time Limit for Governor's Decision on Bills

One method general assembly leaders use to control enactment of legislation is to limit the governor's ability to veto bills. Under the Rhode Island Constitution, the governor has just one week after receiving a bill passed by the house and senate in which to decide whether to veto it, sign it into law or let it become law without his or her signature.

Last year, legislative leaders, once again, took advantage of this time limit. They delayed passage of 300 bills until the last two days of the session, and also held back another 100 bills passed earlier in the session. Then they transmitted all these bills to the governor on July 5—giving his staff just one week to analyze 400 bills. As a result, most of the bills became law without staff review and the governor's signature.

To counteract this legislative abuse of power, OCG has proposed legislation to amend the constitution to give the governor's office four weeks, instead of one. Legislation to put this proposal before the voters will be sponsored by Senator Marc Cote and Representative Frank Montanaro.

Magistrate Selection Process

Last year, Senator Donna Walsh sponsored a bill to make the selection process for magistrates the same as the process for selecting judges. (Interest in the selection process was heightened by the sudden appointment of the wife of the Speaker of the House to a magistrate position.)

Senator Walsh's bill resulted in a "study commission." As a result of the commission's work, there are two new pieces of legislation being introduced this year. One would prohibit the creation of any new magistrate positions. The other would require, with the exception of court magistrates, that when magistrate terms expire, the positions, if needed, be filled with judges who go through a full screening process.

Additionally, Senator Walsh, with the support of Chief Justice Frank Williams, plans to reintroduce her bill from last year. We have and will continue to support these reforms.

Campaign Finance

Presently if a PAC (Political Action Committee) gives \$500 to a general-office candidate who is qualified for public matching campaign funds, the taxpayers have to kick in an additional \$1000. For contributions by a PAC over \$500 and up to \$1,000 (\$2,000 in case of a candidate for governor) taxpayers match every dollar one-for-one.

This was not the intent of the campaign finance law passed in 1992. The law stated that there would be public matching funds for private contributions "from a single source." The new legislation proposes to change this language to private contributions "from any single individual." This will make it clear that PAC donations would not be matched.

Exacerbating the problem is the fact that 15 individuals can form a PAC. An individual can contribute the maximum allowed to a candidate for public matching funds and then can contribute to several PACs that would contribute to the same candidate, thus exceeding the limit set for public matching funds for an individual.

Bills to correct this deficiency in the campaign finance law have been before the legislature for several years, never coming out of committee. This year's bill will be sponsored by Senator Donna Walsh and Representative Joseph Scott.

Term Limits for General Assembly Leaders

General assembly leaders wield enormous power over the flow of all legislation. Holding this power attracts large contributions to their campaign funds and makes them almost immune from challenge at the polls and in the legislature itself. Thus, with notable exceptions in the Senate, they can

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Self Serving Support for Chief Judge Arrigan

By Beverly M. Clay

In the *Providence Journal* opinion piece "Judge Arrigan's fine job," dated December 12, 2001, Cheryl Tremblay and George Nee praised Robert Arrigan, Chief Judge of the workers' compensation court for his accomplishments in the court, and then leveled an attack on Operation Clean Government for its actions against the judge. It is true that OCG has filed a suit in superior court and two complaints at the Rhode Island Ethics Commission against Judge Arrigan.

Their interest in matters at the workers compensation court is manifest. Tremblay is President of the Workers Compensation Association of Rhode Island Employers. Nee is secretary-treasurer of the Rhode Island unit of the AFL-CIO. Nee failed to disclose that he is also Chairman of the Workers Compensation Advisory Council and has long served as a member of the Board of Directors of Beacon Mutual Insurance Company, which writes 70 percent of the workers' compensation insurance in Rhode Island. Beacon's legal team appears before Judge Arrigan on a regular basis.

Specifically, Tremblay and Nee referenced the second OCG ethics complaint against Arrigan, dated November 20, 2001. This complaint alleges that the Chief Judge failed to disclose on his financial statements from 1995-2000 filed with the Ethics Commission, his positions as officer and director of The International Workers' Compensation Foundation (IWCF) and the International Association of Industrial Accidents Boards and Commissions. Tremblay and Nee claim, "these 'professional organizations' are nonprofit educational endeavors that hold seminars and forums focusing on workers' compensation" and indicated, for these reasons, that the chief judge did not have to disclose his association with these organizations.

Their conclusion is incorrect. Question 9 of the financial statement, which must be filed annually with the Rhode Island Ethics Commission, clearly states "List the name and address of any business, profit or non-profit, in which you, your spouse, or dependent child held a position as a director, officer, partner, trustee, or a management position." (Emphasis added.) Judge Arrigan has been president and director of both organizations at different times during the years specified in the complaint. OCG attached copies of documents from the organization's IRS filing and their incorporation papers to verify this information.

The IWCF incorporation papers, filed in Indiana in 1988, under Article II, state

the purpose of the foundation is "to promote research and analysis of issues concerning workers' compensation, ...to develop, print and distribute educational materials..." OCG research indicates that during the fiscal year ending June 30, 2000, IWCF ran educational conferences in five states, where they netted over \$700,000.

Furthermore, the IWCF claimed on their IRS Form 990 filed for the year 1999, that they "Promote research and analysis of numerous issues concerning workers' compensation. Develop and distribute educational materials promoting and participating in seminars for educational purposes," yet they failed to document the number of publications issued as required by Part III of Form 990.

These Arrigan supporters also declare that IWCF leaders are "dedicated judges and administrators of workers' compensation courts from around the world," but their nine board members come from the United States, with two from the RI Workers' Compensation Court. There are no other members of this organization.

Tremblay and Nee suggest that "Perhaps if the members of this group [OCG] had attended any of the professional forums at issue, they would have observed the tireless dedication and hours put in by Chief Judge Arrigan to better Rhode Island's workers' compensation system." We assume they are referring to the three day forums the IWCF has sponsored in Newport for the last four years, while Judge Arrigan served as its president.

Members of the OCG research team have spoken with people who have attended the forums and the only IWCF documents they have received are the spiral bound booklets for the conference, listing the exhibitors, the speakers and their resumes and the program. We have yet to find any evidence of research on workers' compensation or publications by the IWCF.

Tremblay and Nee claim these conferences provide "an economic benefit to our state in the form of out-of-state attendees." Hardly so, since, of the 153 listed attendees at the 2001 Rhode Island conference, only 38 were from out of state. Of the 115 Rhode Island attendees, 54 were employees of the state of Rhode Island (registered at a cost of \$250 to \$350 each, many at the expense of Rhode Island taxpayers).

They referred to OCG's case before the superior court as being based on "anonymous, unsubstantiated allegations of frequent absenteeism" of Judge Arrigan. OCG has received detailed anonymous informa-

tion about Judge Arrigan's frequent absences from the court. Considering this along with questions we have about Arrigan's IWCF activities, we filed a request for Arrigan's attendance records with Dennis Revens, Administrator of the Workers' Compensation Court. Arrigan intercepted this request and directed Revens to inform OCG that all future correspondence must go through Judge Arrigan or the state court administrator.

When the court failed to produce the requested records regarding the chief judge's attendance, we filed suit in superior court to gain access to the records. We also filed a complaint with the ethics commission for what we considered to be a conflict; whereby, Judge Arrigan took control of our request for his attendance records. However, the ethics commission dismissed the complaint, stating there are no such records, never addressing the stated issue.

The question in contention is whether or not records kept by court employees are public records. In the pending court matter *Blais v. Revens*, Arrigan's secretary testified before Superior Court Judge Patricia Hurst that the attendance records she keeps are destroyed every January; so there were no records available prior to January 1, 2001. If this is the accepted practice, then there are now no preserved attendance records for 2001.

It is unimaginable that a court system, any court system, would sanction such sloppy office practices. Another set of detailed records of the judge's attendance, admittedly kept by Mr. Revens, was determined by Judge Hurst to be Revens' own personal records and therefore not available to the public.

Operation Clean Government files lawsuits in court and complaints at the ethics commission only after careful research and with good reason. As an all-volunteer organization, striving for accountability in government, we frequently receive support from individuals in state positions of authority who appreciate the efforts of our organization; they just can't say it publicly for fear of retribution.

The OCG Membership Committee will be set up at the Warwick Mall Thursday, March 7 and 14, and Saturday March 16 from 10 A.M. until 10 P.M. Stop by and say hello

Legislative Proposals, from page 3

hold onto their power for a decade or more. To interrupt this stranglehold on power, we have proposed legislation for a constitutional amendment to limit the Speaker of the House and the President of the Senate each to four-consecutive years in these leadership positions. This constitutional amendment, if enacted, would not take effect until 2009 so it should not have any impact on the current leadership.

Connecticut's experience: *The Connecticut legislature has an unwritten rule that the Speaker serves no more than two 2-year terms. This makes it less likely that the Speaker will get such unbridled influence over the membership as happens in the Rhode Island House. Only once in recent times has a speaker been elected to a third term in Connecticut.*

We also proposed legislation for 8-year term limits for senators and representatives. As of this date, we do not have sponsors for either of these bills.

Other Bills

Last year we supported several other reform bills and will continue their support in 2002. These include Representative Charles Levesque's proposal for a legislative audit, Senator Raptakis' bill to shorten the deadline from 90 days to 30 days before a primary election, for an individual to change party affiliation and Senator Lenihan's bill which would establish and define "quasi-public corporations" and would further establish a Joint Legislative Oversight and Review Commission to review all quasi-public corporations for accountability, efficiency and effectiveness.

Additionally, we will be looking at legislation that will come out of the "Commission to Study Rhode Island Election Procedures" established by the Secretary of State.

Newsletter *Editorial Review Board*

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To promote HONEST, RESPONSIBLE and RESPONSIVE STATE GOVERNMENT in RHODE ISLAND