

**STATE OF RHODE ISLAND  
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

**In re: Donald L. Carcieri,  
Respondent**

**Complaint No. 2004-3  
Complaint No. 2004-9**

**ORDER**

These matters having been heard before the Rhode Island Ethics Commission on May 3, 2005 pursuant to Commission Regulation 1011, and the Commission having considered the Complaints herein, the arguments of counsel, the findings of fact and admissions, mitigating factors and the proposed Information Resolution and Settlement, which is incorporated by reference herein, it is hereby

**ORDERED, ADJUDGED AND DECREED**

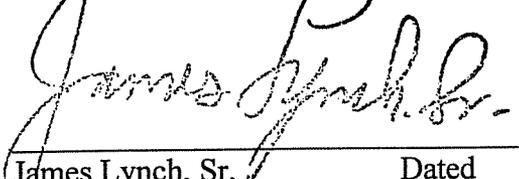
THAT, the Commission approves the Informal Resolution and Settlement as submitted; and

THAT, the Commission incorporates by reference herein its findings of fact and conclusions of law as those set forth in the Informal Resolution and Settlement; and

THAT, the Respondent violated R.I. Gen. Laws § 36-14-16(a) and Ethics Commission Regulation 5009; and

THAT, the Respondent is ordered to pay a civil penalty in the amount of Seven Hundred Fifty (\$750) Dollars.

Entered as an Order of this Commission;

  
James Lynch, Sr.      Dated 5/5/05  
Chairperson

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**INFORMAL RESOLUTION AND SETTLEMENT**

The Respondent, Donald L. Carcieri, and the Rhode Island Ethics Commission hereby agree to a resolution of the above-referenced matters as follows:

**I. FINDINGS OF FACT AND ADMISSIONS**

**A. New England Patriots Tickets**

1. The Respondent was elected to the office of Governor of the State of Rhode Island in November 2002, and has served in said capacity at all times hereto relevant.
2. As a state elected official, the Respondent is a person subject to the Code of Ethics. R.I. Gen. Laws § 36-14-4(1).
3. In or about November 2003, the Respondent met with representatives of Fleet Boston Financial and Fleet Rhode Island ("Fleet"). The purpose of the meeting was to discuss what the State of Rhode Island could do to remain attractive to business and maintain present employment levels in Rhode Island in light of Fleet's recent merger with Bank of America.
4. At the close of said meeting, Terrence Murray, then a member of Fleet Boston's Board of Directors, inquired if the Respondent had an interest in attending a New England Patriots football game with him. The Respondent replied in the affirmative.

5. Subsequently, Mr. Murray's office forwarded to the Respondent's office three (3) tickets to the December 7, 2003 New England Patriots game at Gillette Stadium in Foxboro, Massachusetts.

6. Thereafter, and closer in proximity to the scheduled event, the Respondent's office contacted Fleet Boston and requested an additional ticket so that a security/advance man employed by the State of Rhode Island could accompany the Respondent to the football game.

7. Pursuant to said request, Fleet Boston forwarded one (1) additional ticket to the Respondent's office.

8. On December 7, 2003, the Respondent accompanied Mr. Murray to Gillette Stadium and attended the football game in Fleet's luxury suite as his guest.

9. The Respondent was accompanied by the security/advance man and two (2) guests. A Rhode Island State Trooper, who did not possess a ticket to the event, also accompanied the Respondent.

10. The Respondent departed the event at half-time due to the fact that he was scheduled to attend a ball at Salve Regina University that evening.

11. After learning of the Respondent's attendance at the December 7<sup>th</sup> football game, as a result of a public comment by the Respondent, Fleet representatives contacted the Respondent's office on January 20, 2004 and requested payment for the cost of his ticket. Fleet valued the cost of a ticket to its luxury suite in Gillette Stadium at \$573.00.

12. In response to Fleet's request, the Respondent immediately reimbursed Fleet in the amount of \$573.00 by personal check dated January 20, 2004.

13. Fleet subsequently requested reimbursement for an additional three (3) tickets valued by Fleet at \$1,719.00.

14. By personal check dated March 31, 2004, the Respondent voluntarily reimbursed Fleet in an additional amount of \$1,146.00 representing the value of two (2) additional tickets.

15. In total, the Respondent reimbursed Fleet in the amount of \$1,719.00 for the value of three (3) tickets. No reimbursement has been made for the value of the fourth ticket, based upon the Respondent's position that such reimbursement is not required because the user of that ticket was part of the Respondent's state supplied security/advance detail.

**B. 2003 Financial Disclosure Statement**

1. The Respondent admits that, by reason of being a state elected official, he is a person subject to the financial disclosure mandate of R.I. Gen. Laws § 36-14-16.

2. In March 2004, the Commission staff forwarded the 2003 financial statement to the Respondent at his residence in East Greenwich, Rhode Island.

3. On July 8, 2004, the Commission, on its own initiative, sent a reminder notice to the Respondent as well as to approximately 1,500 other persons subject to the financial disclosure mandate, who had not yet filed.

4. Respondent, upon receipt of the reminder, filed the report on July 14, 2004.

5. The Commission, through its staff, determined that it would not initiate an action against any parties who filed immediately upon receipt of said reminder.

6. The instant action against Respondent, not initiated by the Commission, was taken as a result of complaint filed by a member of the public not associated with the Commission, who had also filed Complaint No. 2004-3.

## II. CONCLUSIONS OF LAW AND SETTLEMENT

### A. New England Patriots Tickets

1. The Commission finds that the Respondent, Governor of the State of Rhode Island, is a state elected official subject to the Code of Ethics pursuant to R.I. Gen. Laws § 36-14-4(1).
2. The Commission finds that the Respondent accepted a total of three (3) tickets to the December 7, 2004 New England Patriots football game at Gillette Stadium from Terrence Murray and attended said event as Mr. Murray's guest in Fleet's luxury suite.
3. The Commission finds that the Respondent's office requested and received an additional, fourth (4<sup>th</sup>) ticket from Fleet Boston, specifically for use by a security/advance man.
4. The Commission finds that Fleet has significant business relationships with the State of Rhode Island and a direct financial interest in decisions that the Respondent is authorized to make, or participate in the making of, as part of his official duties. Fleet is therefore an "interested person" as to the Respondent, as that term is defined by Commission Regulation 5009(c).
5. The Commission finds that, at the time of the football game at issue, Mr. Murray served on the Board of Directors of Fleet, an interested person as to the Respondent.

6. For the purposes of this Informal Resolution and Settlement, the Commission accepts Fleet's valuation of \$573 as the cost of a ticket to Fleet's luxury suite at Gillette Stadium.

7. The Respondent denies that his aforescribed acceptance of three (3) tickets to the December 7, 2003 New England Patriots football game, and his attendance at same in Fleet's luxury suite as Mr. Murray's guest, was a knowing and willful violation of Commission Regulation 5009(b). Nevertheless, the Respondent chooses to not contest that sufficient evidence exists to support such a conclusion by the Commission.

**B. 2003 Financial Disclosure Statement**

1. The Commission finds that the Respondent, Governor of the State of Rhode Island, is a state elected official subject to the financial disclosure mandate of R.I. Gen. Laws § 36-14-16.

2. The Commission finds that in March 2004 the Commission staff forwarded the 2003 financial disclosure statement to the Respondent's residence.

3. The Commission finds that the Respondent filed his 2003 financial disclosure statement on July 14, 2004, after the April 29, 2004 deadline specified in R.I. Gen. Laws § 36-14-16(a) and in violation of same.

**C. Mitigating Factors**

In mitigation of the conduct detailed above, the Respondent makes the following arguments and representations to the Commission:

1. The Governor's purpose in attending the game was as a follow up to his prior meeting with senior Fleet officials. The Governor's concern was the preservation of Fleet jobs in Rhode Island.

2. The Governor, at the time, was not informed that the value of the tickets exceeded \$150.00.

3. Had the Governor been informed that the value of the tickets exceeded \$150.00 he would have paid for the tickets, as he did immediately upon being billed by Fleet at the "Rate" established by Fleet, namely \$573.00.

4. On January 8, 2004, Respondent voluntarily, and over a month prior to the filing of the instant complaint, candidly advised newspaper reporters during a news conference that he had attended a portion of the football game as a guest of Fleet Bank. The Respondent was not told the value of the tickets prior to the game or he would have either paid for them or declined to attend.

5. A payment was made immediately upon receipt of a bill from Fleet, well prior to the filing of this complaint. Respondent feels he therefore avoided a violation of the Code. The Respondent, it should be noted, also paid for two additional tickets when so billed from Fleet.

6. To assess a penalty in the matter is unfair as it singles out the Respondent for punishment while hundreds of other late filers were not penalized for their late filing.

7. The statutes and regulations, make no distinction between late filers against whom no complaint has been made by the Commission Staff and those late filers who have had a complaint filed against him by a member of the public.

**D. Settlement**

The parties agree that, pursuant to the above Findings of Fact and Conclusions of Law, the Prosecution will recommend, pursuant to R.I. Gen. Laws § 36-14-13(d), the imposition of a civil penalty of \$750.00.

The above terms represent the full and complete Informal Resolution and Settlement for Complaint Nos. 2004-3 & 2004-9.

Dated: May 3, 2005

Kent A. Willever  
Kent A. Willever  
Chief Prosecutor

Dated: 5/2/05

Donald L. Carcieri  
Donald L. Carcieri  
Respondent

Subscribed to and sworn before me  
this 2<sup>nd</sup> day of May, 2005.

Alan P. Gelfuso  
Notary Public

My commission expires: 7/2/05

Alan P. Gelfuso  
Alan P. Gelfuso  
Respondent's Counsel