

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

In re: Frank A. Ciccone, III

Complaint Nos. 2007-3

ORDER

This matter having been heard before the Rhode Island Ethics Commission on April 8, 2008, pursuant to Commission Regulation 1011, and the Commission having considered the Complaint herein, the arguments of counsel and the proposed Informal Resolution and Settlement, which is incorporated by reference herein, it is hereby

ORDERED, ADJUDGED AND DECREED

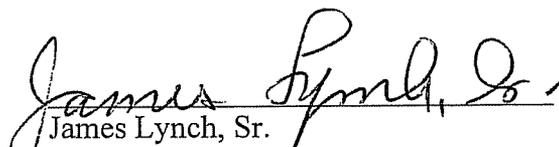
THAT, the Commission finds that the Respondent violated the Code of Ethics, R.I. Gen. Laws § 36-14-16, by failing to make the necessary filings on his Yearly Financial Statements for calendar years 2005 and 2006; and

THAT, the Commission approves the Informal Resolution and Settlement; 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 is ordered to pay a civil penalty in the amount of One Thousand Five Hundred (\$1,500.00) Dollars.

Entered as an Order of this Commission,


James Lynch, Sr.
Chairperson

Dated: *April 8, 2008*

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

**In re: Frank A. Ciccone, III
Respondent**

Complaint No. 2007-3

INFORMAL RESOLUTION AND SETTLEMENT

The Respondent, Frank A. Ciccone, III, and the Rhode Island Ethics Commission hereby agree to a resolution of the above-referenced matter as follows:

I. Findings of Fact and Admissions

1. The Respondent, a member of the Rhode Island Senate, a state elected position, was at all relevant times subject to the Code of Ethics in Government. The Respondent was originally elected to the Senate in November of 2002.

2. In his private capacity, the Respondent is employed as a Field Representative by the Rhode Island Laborers' District Council (hereinafter "District Council"), where he also serves as President. The Respondent is also employed by Local Union 808 (hereinafter "Local 808") as a business manager.

3. The Respondent has timely filed Yearly Financial Statements (hereinafter "financial statements") with the Rhode Island Ethics Commission for each of the years that he has been a member of the Rhode Island Senate, including calendar years 2001, 2002, 2003, 2004, 2005 and 2006.

4. The Respondent's financial statements for calendar years 2005 and 2006 did not timely include: (a) his employment by the District Council and Local 808; and (b) his public position as a state senator; as required by R.I. Gen. Laws § 36-14-17(b)(2) and Commission Regulation 36-14-17001.

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5. On May 14, 2007, the Respondent, by way of facsimile transmission, filed an "Amendment to Financial Statements" for calendar years 2005 and 2006, in which he complied with the requirements of R.I. Gen. Laws § 36-14-17(b)(2) and Commission Regulation 36-14-17001.

6. The Respondent admits that by failing to timely list his elected position as a state senator and his employment by the District Council and Local 808, he failed to timely file with the Commission financial statements for calendar years 2005 and 2006.

II. Travel of the Case

1. The Complaint was filed on May 14, 2007, by Arthur C. Barton and Nolan Byrne in their respective capacities as President and Treasurer of Operation Clean Government.

2. Pursuant to Regulation 1003, the Commission made an initial determination on June 19, 2007, that the Complaint alleged facts sufficient to constitute a violation of the Code of Ethics and approved a full investigation.

3. On January 2, 2008, the Commission found that probable cause existed to believe that the Respondent violated the Code of Ethics by failing to timely list his elected position as a state senator, and his employment by the Rhode Island Laborers' District Council and Local Union 808, in his financial statements for calendar years 2005 and 2006. In addition, the Commission found that probable cause did not exist as to the remaining allegations in the Complaint and dismissed those counts with prejudice.

III. Mitigating Factors

In mitigation of the conduct detailed above, which are the sole representations of the Respondent and are in no way adopted by the Commission or the Prosecution, the Respondent

points to the following factors which warrant the informal resolution and settlement of this matter:

1. The omissions by the Respondent were negligent and inadvertent and were not an attempt to conceal the Respondent's employment.

2. That upon realizing that he had failed to list his employment on his 2005 and 2006 financial statements, the Respondent immediately forwarded to the Commission the required information.

3. Respondent has fully cooperated with Commission staff in the investigation and resolution of this matter.

4. Respondent's private employment was at all relevant times included in his biography published by the Rhode Island Secretary of State in the *Rhode Island Government Owners Manual*, a public document, and was the subject of media coverage, and therefore, was never concealed from the public.

IV. Conclusions of Law

1. The Respondent, a member of the Rhode Island Senate, a state elected position, was at all relevant times subject to R.I. Gen. Laws § 36-14-1 *et seq.*, also known as the Code of Ethics in Government.

2. At all relevant times, R.I. Gen. Laws § 36-14-16 required the Respondent to file yearly financial statements with the Rhode Island Ethics Commission.

3. At all relevant times, R.I. Gen. Laws § 36-14-17 and Commission Regulation 36-14-17001 required the Respondent to report his financial activity, including, as relevant here, all sources of occupational income from which he received one thousand dollars (\$1,000.00) or

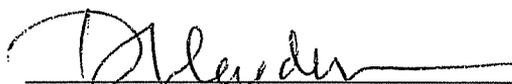
more gross income, and if such income was received from a state or municipal agency, the name and address of such agency, and the nature of the services rendered.

V. Settlement

Pursuant to the above Findings of Fact and Conclusions of Law, the Prosecution agrees to recommend and the Respondent agrees to accept the following:

1. The Commission will enter an Order and Judgment that the Respondent violated the Code of Ethics, R.I. Gen. Laws § 36-14-16, by failing to make the necessary filings on his Yearly Financial Statements for calendar years 2005 and 2006.

2. The Respondent shall agree to the imposition by the Commission and payment by the Respondent of a civil penalty of one thousand-five hundred dollars (\$1,500.00), which shall represent a full, final and complete informal resolution and settlement.


Dianne L. Leyden
Commission Prosecutor
Dated: 3/26/08


Frank A. Ciccone, III
Respondent
Dated: 3/26/08


Anthony M. Traini, Esq.
Attorney for Respondent
Dated: