

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

**In re: James Conway
Respondent**

Complaint No. 2009-1

ORDER

This matter having been heard before the Rhode Island Ethics Commission on June 30, 2009, pursuant to Commission Regulation 1011, and the Commission having considered the Complaint herein, the arguments of counsel, the findings of fact, and the proposed Informal 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; 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 Two Hundred Fifty (\$250.00) Dollars.

Entered as an Order of this Commission,


Barbara R. Binder
Chairperson

Dated: June 30, 2009

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

**In re: James Conway
Respondent**

Complaint No. 2009-1

INFORMAL RESOLUTION AND SETTLEMENT

The Respondent, James Conway, and the Rhode Island Ethics Commission hereby agree to a resolution of the above-referenced matter as follows:

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ETHICS COMMISSION
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I. FINDINGS OF FACT AND ADMISSIONS

1. The Respondent is the Deputy Chief of the Valley Falls Fire District, a municipal employee position.
2. Troy Papineau is the son of the Respondent's spouse's brother (the Respondent's brother-in-law) and, as such, is the nephew of the Respondent, as defined in the Code of Ethics. See Commission Regulation 36-14-5004(a)(2).
3. On June 10, 2008, the Respondent corrected the written portion of a promotional examination in which Troy Papineau was an examinee. Troy Papineau finished fifth out of six candidates taking the written portion of the promotional examination. Troy Papineau did not receive the promotion.

II. CONCLUSIONS OF LAW

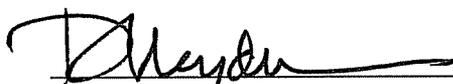
1. The Respondent, Deputy Chief of the Valley Falls Fire District, a municipal employee position, was at all relevant times subject to R.I. Gen. Laws § 36-14-1 *et seq.*, also known as the Code of Ethics in Government.
2. The Commission finds that by participating in a matter in which his nephew was a party or a participant, the Respondent violated Commission Regulation 36-14-5004(b)(1).

III. SETTLEMENT

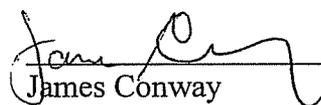
Pursuant to the above Findings of Fact and Conclusions of Law, the parties agree to the following:

1. The Respondent shall pay a civil penalty in the amount of \$250.
2. The above terms represent the full and complete Informal Resolution and

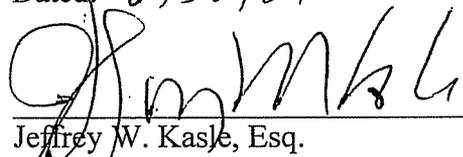
Settlement for Complaint No. 2009-1.



Dianne L. Leyden
Commission Prosecutor
Dated: 6/30/09



James Conway
Respondent
Dated: 6/30/09



Jeffrey W. Kasle, Esq.
Respondent's Counsel
Dated: 6/30/09