

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

IN RE: Brian G. Coogan
 Respondent

Complaint No. NF2011-8

Decision and Order of the Ethics Commission

This matter was adjudicated before the State of Rhode Island Ethics Commission (“Commission”) on April 3, 2012, pursuant to R.I. Gen. Laws § 36-14-13 and Ethics Commission Regulation 36-14-1015. The following Commissioners were present for the adjudicative proceeding and participated in the deliberations and the rendering of this Decision and Order: Ross E. Cheit, Chair; Deborah M. Cerullo, SSND, Vice-Chair; John D. Lynch, Jr.; Mark B. Heffner; Frederick K. Butler; and John M. Lacross.

Nicole B. DiLiberio, staff attorney for the Commission, prosecuted the case. The Respondent was also present. Edmund L. Alves, Jr. attended all proceedings as legal counsel for the Commission.

At the conclusion of the adjudicative proceeding, the Commission, by unanimous vote of 6-0, found that the Respondent had committed a knowing and willful violation of § 36-14-16 by failing to timely file a 2010 financial statement and, by a vote of 5-1, imposed a civil penalty of Five Hundred (\$500.00) Dollars.

Travel of the Case

On August 24, 2011, the Executive Director of the Commission through his designee, Gary V. Petrarca, Commission Investigator, filed a Complaint with the Commission. The Complaint alleged that the Respondent violated § 36-14-16 by failing to timely file an annual financial statement for the 2010 calendar year.

Pursuant to § 36-14-12(c)(4) and Ethics Commission Regulation 36-14-1006, the Commission conducted a probable cause hearing in this matter on November 8, 2011. After considering the Complaint, the Investigative Report and the arguments of counsel, the Commission unanimously adopted the following finding of probable cause:

That, there is probable cause to believe that the Respondent, Brian Coogan, violated R.I. Gen. Laws § 36-14-16 by failing to timely file a 2010 Financial Disclosure Statement with the Rhode Island Ethics Commission.

The adjudicative hearing was conducted during the open session of the Ethics Commission meeting held on April 3, 2012. A stenographer was present during the entirety of the proceeding. After deliberating in open session, the Commission, by a unanimous vote of 6-0, found that the Respondent had committed a knowing and willful violation of § 36-14-16, as stated in its finding of probable cause, and, by a vote of 5-1, imposed a civil penalty in the amount of Five Hundred (\$500.00) Dollars.

Findings of Fact and Conclusions of Law

The Commission considered information offered by the Prosecution and the Respondent. Based upon the information received at the hearing in this matter, the Commission hereby makes the following findings of fact and conclusions of law:

1. During 2010, Brian G. Coogan served as an elected member of the East Providence Town Council.
2. At all times relevant, the Respondent was a municipal elected official subject to the Rhode Island Code of Ethics in Government.
3. As a municipal elected official during calendar year 2010, the Respondent was required to file a 2010 financial statement on or before April 29, 2011 pursuant to R.I. Gen. Laws § 36-14-16.

4. On or about March 25, 2011, a financial statement form for the 2010 calendar year was mailed to the Respondent at his designated address of 165 Grosvenor Avenue, East Providence, Rhode Island 02914.

5. On or about June 16, 2011, a reminder notice was mailed to the Respondent at his designated address of 165 Grosvenor Avenue, East Providence, Rhode Island 02914.

6. Neither mailing was returned to the Commission office as undeliverable.

7. The designated address of the Respondent was incorrectly reported by the Respondent on the 2009 financial statement and never changed with the Commission or the Town Clerk's office.

8. The statutory deadline for the filing of a 2010 financial statement was April 29, 2011.

9. The Respondent failed to timely file a 2010 financial statement by the required deadline.

10. The Respondent's 2010 financial statement was untimely filed on November 29, 2011.

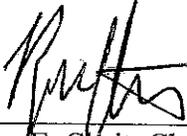
Conclusion

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commission, by a unanimous vote of 6-0, finds that the Respondent committed a knowing and willful violation of § 36-14-16 by failing to timely file a 2010 financial statement with the Rhode Island Ethics Commission.

Civil Penalty

As to Complaint No. NF 2011-8, the Commission, by a vote of 5-1, and in consideration of certain mitigating circumstances presented by the Respondent, imposes on the Respondent a civil penalty of Five Hundred (\$500.00) Dollars pursuant to § 36-14-13(d)(3).

5/1/2012
Date



Ross E. Cheit, Chair
Rhode Island Ethics Commission

PURSUANT TO THE PROVISIONS OF R.I.G.L. § 42-35-15 ANY PERSON WHO IS AGGRIEVED BY THIS DECISION AND ORDER IS ENTITLED TO JUDICIAL REVIEW. PROCEEDINGS FOR SUCH REVIEW ARE INSTITUTED BY FILING A COMPLAINT IN THE SUPERIOR COURT FOR PROVIDENCE COUNTY WITHIN THIRTY DAYS AFTER MAILING NOTICE OF THIS DECISION AND ORDER BY THE ETHICS COMMISSION. A COPY OF THE COMPLAINT MUST BE SERVED UPON THE ETHICS COMMISSION WITHIN TEN DAYS AFTER IT IS FILED IN COURT, PROVIDED HOWEVER THAT THE TIME FOR SERVICE OF THE COMPLAINT MAY BE EXTENDED BY ORDER OF THE COURT FOR GOOD CAUSE.

CERTIFICATE OF SERVICE

I, Suzy Melio, hereby certify that on the 1st day of May, 2012, I forwarded via certified mail and regular mail (postage prepaid) a copy of within document, Decision and Order of the Ethics Commission to the Respondent, Brian Coogan, at 169 Grosvenor Avenue, East Providence, Rhode Island 02914.

Suzy Melio
Signature