

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

In re: Eunice D. DeLaHoz  
Respondent

Complaint No. NF2014-1

**DECISION AND ORDER OF THE ETHICS COMMISSION**

This matter was adjudicated before the State of Rhode Island Ethics Commission (“Commission”) on June 16, 2015, pursuant to R.I. Gen. Laws § 36-14-13 and § 42-35-9 and Commission Regulation 1015. The following Commissioners were present for the adjudicative hearing and participated in the deliberations and rendering of this Decision and Order: Ross Cheit, Chair; James V. Murray; Timothy Murphy; Marisa A. Quinn; Frederick K. Butler; and M. Therese Antone.

Amy C. Stewart, staff attorney for the Commission, prosecuted the case. The Respondent did not appear. Edmund L. Alves, Jr. attended all proceedings as legal counsel for the Commission.

**TRAVEL OF THE CASE**

On November 5, 2014, 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 Disclosure Statement for the 2013 calendar year.

Pursuant to § 36-14-12(c)(4) and Commission Regulation 1006, the Commission conducted a probable cause hearing in this matter on April 14, 2015. The Respondent was provided notice of the hearing by regular mail. The Respondent did not appear. 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, Eunice D. DeLaHoz, violated Rhode Island General Laws § 36-14-16 by failing to timely file a 2013 Financial Disclosure Statement with the Rhode Island Ethics Commission.

The Respondent was provided notice of the adjudicative hearing by both regular and certified mail on May 26, 2015. As of June 16, 2015, United States Postal Service tracking records indicated the Respondent had yet to claim the certified mail adjudication notice. The regular mail, adjudication notice was not returned to the Commission as undeliverable.

The adjudicative hearing was conducted during the open session of the Ethics Commission meeting held on June 16, 2015. A stenographer was present during the entirety of the proceeding. The Respondent did not appear or offer any evidence. The Prosecution offered evidence through the affidavits of Michelle Berg, Commission Administrative Officer, and Gary V. Petrarca, Ethics Commission Investigator.

At the conclusion of the adjudicative hearing, the Commission deliberated and, by a unanimous vote of 6-0, found that the Respondent committed a knowing and willful violation of § 36-14-16; and the Commission, by a vote of 5-1, imposed a civil penalty in the amount of One Thousand Five Hundred (\$1,500.00) Dollars for said violation.

#### **FINDINGS OF FACT**

Based upon the uncontroverted evidence presented by the Prosecution in this matter, the Commission hereby makes the following findings of fact:

1. On February 24, 2014, the Commission received a certified list of appointed and elected officials from the Central Falls City Clerk which reflected that the Respondent was a member of the Central Falls City Council during calendar year 2013.
2. The Central Falls City Clerk list reflected a mailing address for the Respondent of 66 Pacific Street, Central Falls, Rhode Island 02863.

3. On or about March 21, 2014, a blank 2013 Financial Disclosure Statement form, instructions and information relative to online filing were mailed to the Respondent at her designated address of 66 Pacific Street, Central Falls, RI 02863.
4. The Commission did not receive a 2013 Financial Disclosure Statement from the Respondent by the statutory deadline of April 25, 2014.
5. On or about June 10, 2014, a reminder email indicating that the Commission had not received her 2013 Financial Disclosure Statement was emailed to the Respondent at evelia66@hotmail.com, an email address that was previously provided to the Commission by the Respondent.
6. On or about August 29, 2014, a reminder notice indicating that the Commission had not received her 2013 Financial Disclosure Statement was mailed to the Respondent at her designated address of 66 Pacific Street, Central Falls, RI 02863.
7. On or about September 2, 2014, a second reminder email indicating that the Commission had not received her 2013 Financial Disclosure Statement was emailed to the Respondent at evelia66@hotmail.com.
8. Neither the March 2014 mailing nor the August 2014 mailing was returned to the Commission as undeliverable.
9. The instant complaint was filed on November 5, 2014, and mailed to the Respondent at 66 Pacific Street, Central Falls, RI 02863, on November 6, 2014.
10. On December 11, 2014, Investigator Petrarca called the Respondent, spoke with her on the telephone and advised the Respondent of the instant complaint. The Respondent informed that in December 2013 she moved from 66 Pacific Street to 93 Perry Street, Central Falls, RI 02863. Investigator Petrarca notified the Respondent that the Commission would be

sending her a copy of the original complaint package, via certified mail, to her at 93 Perry Street, Central Falls, RI 02863.

11. The Respondent's updated address of 93 Perry Street, Central Falls, RI 02863 was entered into the Commission's database and records, and all future correspondence was sent there.
12. As of January 12, 2015, United States Postal Service tracking records indicated that the Respondent had yet to claim the complaint package sent to her updated address of 93 Perry Street. Therefore, that same day, a copy of the original complaint package was sent via regular mail to the Respondent at 93 Perry Street, Central Falls, RI 02863. This mailing was not returned to the Commission as undeliverable.
13. On or about February 13, 2015, Investigator Petrarca spoke on the telephone with Eileen DiLorenzo, the Central Falls Tax Assessor's Clerk. Ms. DiLorenzo confirmed that: the Respondent has owned the 93 Perry Street property since 2007; and the Respondent previously owned 66 Pacific Street, which she sold in 2007 to Evelia Castillo.
14. Ms. DiLorenzo also provided Investigator Petrarca with screenshot of the Central Falls City Tax Roll, which contained a notation from October 5, 2009, indicating that the Respondent still lived at 66 Pacific Street and would receive mail sent there, even though she had sold that property in 2007 to Evelia Castillo.
15. Commission records revealed that the Respondent settled In re: Eunice D. DeLaHoz, Complaint No. NF2012-1, which was filed for failure to timely file her 2011 Financial Disclosure Statement, by paying the civil penalty with a personal check drawn on the account of Evelia Castillo, the same person to whom she sold 66 Pacific Street in 2007.
16. On or about February 24, 2015, Investigator Petrarca received a faxed response to his January 22, 2015 inquiry to the United States Postal Service regarding whether the

Respondent received mail at 66 Pacific Street, Central Falls, RI 02863, the address where the March 2014 and August 2014 mailings relating to the 2013 Financial Disclosure Statement had been sent. Therein, the United States Postal Service indicated that, as of February 17, 2015, the Respondent did in fact receive mail at 66 Pacific Street, Central Falls, RI 02863.

17. On March 9, 2015, notice that the Probable Cause Hearing was scheduled for March 24, 2015, was sent to the Respondent via regular mail at 93 Perry Street, Central Falls, RI 02863.
18. On or about March 19, 2015, in response to a voicemail and email that he had received from the Respondent the day before, Investigator Petrarca called the Respondent back and spoke to her on the telephone. The Respondent stated that she had filed her 2013 Statement online the day before. The Respondent also stated that she would be unable to attend the Probable Cause Hearing on March 24, 2015. The Respondent requested a continuance to April 14, 2015, in order for her to be able to attend the meeting. The Respondent's Probable Cause Hearing was rescheduled for April 14, 2015, and she was so notified on March 24, 2015, by regular mail sent to 93 Perry Street, Central Falls, RI 02863.
19. A review of Commission records revealed that the Respondent filed her 2013 Statement through the online filing system on March 18, 2015.
20. On June 8, 2015, Investigator Petrarca called the Respondent and left her a voicemail regarding the notice of the adjudicative hearing which had been previously sent to her on May 26, 2015.
21. As of the date of the adjudicative hearing, Investigator Petrarca had not spoken with or been contacted by the Respondent since March 19, 2015.

### CONCLUSIONS OF LAW

Upon consideration of the Findings of Fact set forth herein, and the argument presented at hearing, the Commission concludes the following as a matter of law:

1. As an elected member of the Central Falls City Council during calendar year 2013, the Respondent was, at all times relevant, a municipal elected official subject to the Rhode Island Code of Ethics in Government, pursuant to R.I. Gen. Laws § 36-14-4(1).
2. As a municipal elected official during calendar year 2013, the Respondent was required to file a 2013 Financial Disclosure Statement on or before the statutory deadline of April 25, 2014, pursuant to R.I. Gen. Laws § 36-14-16(a)(4).
3. By failing to timely file a 2013 Financial Disclosure Statement with the Commission, the Respondent committed a violation of R.I. Gen. Laws § 36-14-16.
4. The Respondent's violation of R.I. Gen. Laws § 36-14-16 was knowing and willful.

Therefore, based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby

### ORDERED ADJUDGED AND DECREED

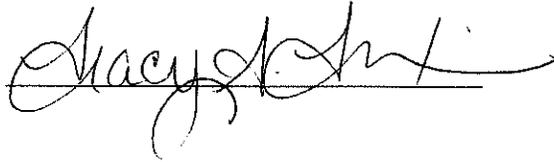
1. That the Respondent committed a knowing and willful violation of R.I. Gen. Laws § 36-14-16 by failing to timely file a 2013 Financial Disclosure Statement with the Rhode Island Ethics Commission; and
2. That the Respondent, pursuant to R.I. Gen. Laws § 36-14-13(d)(3), shall pay a civil penalty of One Thousand Five Hundred (\$1,500.00) Dollars for her violation of R.I. Gen. Laws § 36-14-16.

Entered as an Order of the Rhode Island Ethics Commission this 25<sup>th</sup> day of June, 2015.

  
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Ross Cheit, Chair  
Rhode Island Ethics Commission

**CERTIFICATION**

I, Tracy A. Teixeira, hereby certify that on the 25<sup>th</sup> day of June, 2015, I caused a true copy of the within Decision and Order to be forwarded by first-class mail, postage prepaid, to Eunice D. DeLaHoz, 93 Perry Street, Central Falls, RI 02863.

A handwritten signature in cursive script, appearing to read "Tracy A. Teixeira", written over a horizontal line.

**NOTICE OF APPELLATE RIGHTS**

THIS DECISION AND ORDER CONSTITUTES A FINAL ORDER OF THE RHODE ISLAND ETHICS COMMISSION PURSUANT TO R.I. GEN. LAWS § 42-35-15. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT FOR PROVIDENCE COUNTY WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION AND ORDER. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A COMPLAINT IN SUPERIOR COURT. A COPY OF THE COMPLAINT MUST BE SERVED UPON THE COMMISSION WITHIN TEN (10) 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. THE FILING OF THE COMPLAINT ITSELF DOES NOT STAY ENFORCEMENT OF THIS ORDER. THE COMMISSION MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.