

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

**In re: Stephen Durkee,
Respondent**

Complaint No. 2010-3

ORDER

This matter having been heard before the Rhode Island Ethics Commission on July 20, 2010 pursuant to Commission Regulation 1011, and the Commission having considered the Complaint herein, the arguments of counsel, 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; and

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

ENTERED as an Order of this Commission, this 30th day of July 2010.



Barbara R. Binder
Chairperson

**STATE OF RHODE ISLAND
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**In re: Stephen Durkee,
Respondent**

Complaint No. 2010-3

INFORMAL RESOLUTION AND SETTLEMENT

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

I. FINDINGS OF FACT & ADMISSIONS

1. The Respondent was first appointed to the Providence City Plan Commission ("CPC") in 1995 and has served continuously in said capacity at all times hereto relevant.

2. By warranty deed executed on April 30, 2007, and recorded with the City of Providence on May 10, 2007, Robert E. Paquin conveyed property located at 223-225 Massachusetts Avenue, Providence, Rhode Island, to the Respondent and Martina M. Windels as joint tenants, for consideration paid in the amount of \$100,000.

3. The Respondent did not purchase said property from the City of Providence, as alleged in the Complaint.

4. By warranty deed executed on September 17, 2007, and recorded with the City of Providence on September 19, 2007, the Respondent and Ms. Windels conveyed the subject property to Luis H. Florez for consideration paid in the amount of \$145,000.

5. The Respondent filed a 2007 Financial Disclosure Statement ("Statement") with the Ethics Commission on May 1, 2008.

6. Question No. 7 thereof required the Respondent to list the address or legal description of any real estate, other than the Respondent's principal residence, in which the Respondent had a financial interest during calendar year 2007.

7. The Respondent did not list the property located at 223-225 Massachusetts Avenue, Providence, Rhode Island, in response to Question No. 7 of the 2007 Statement.

8. On February 2, 2010, Oscar Lemus and Shannah Kurland, on behalf of the Olneyville Neighborhood Association, filed the instant Complaint with the Ethics Commission, alleging that the Respondent failed to list the subject property on his 2007 Statement.

9. On April 20, 2010, the Respondent filed an Amended 2007 Statement with the Ethics Commission in which he disclosed that he held an ownership interest in 223 Massachusetts Avenue for five (5) months of calendar year 2007.

10. On July 1, 2010, the Respondent filed an affidavit with the Ethics Commission in which he clarified that the property identified on his Amended 2007 Statement as 223 Massachusetts Avenue is in fact two (2) small lots identified as 223-225 Massachusetts Avenue.

II. CONCLUSIONS OF LAW

1. The Respondent, a member of the CPC, was at all times hereto relevant a municipal appointed official subject to the Rhode Island Code of Ethics in Government, R.I. Gen. Laws §§ 36-14-1, *et seq.*

2. The Respondent, a member of the CPC, a municipal appointed official, was at all times hereto relevant subject to the financial disclosure mandate of R.I. Gen. Laws § 36-14-16.

3. The Respondent failed to disclose his ownership interest in property located at 223-225 Massachusetts Avenue, Providence, Rhode Island, on his 2007 Statement as required by R.I. Gen. Laws § 36-14-17.

III. MITIGATING FACTORS

1. The Respondent states that the failure to disclose his interest in property located at 223-225 Massachusetts Avenue, Providence, Rhode Island, on his 2007 Statement was inadvertent and non-intentional.

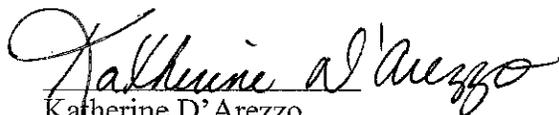
2. The Prosecution has no evidence of any intentionality with respect to the Respondent's omission on his 2007 Statement.

IV. SETTLEMENT

Pursuant to the above Findings of Fact and Conclusions of Law, the parties hereby agree, pursuant to R.I. Gen. Laws § 36-14-13(d), to the following:

1. The Prosecution will recommend the imposition of no penalty for the Respondent's omission on his 2007 Statement.

2. The above terms represent the full and complete Informal Resolution and Settlement for Complaint No. 2010-3.


Katherine D'Arezzo
Commission Prosecutor
Dated: 7/29/10


Stephen Durkee
Respondent
Dated: 7/27/10


Lauren E. Jones, Esq.
Attorney for Respondent
Dated: 7/27/10