

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

**In re: Dwight Farrar**

**Complaint No. 2008-6**

**ORDER**

This matter having been heard before the Rhode Island Ethics Commission on November 18, 2008, pursuant to Commission Regulation 1011, and the Commission having considered the Complaint herein, the arguments of counsel, the findings of fact, mitigating factors 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 One Thousand, Five Hundred (\$1500.00) Dollars.

Entered as an Order of this Commission,



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Barbara Binder  
Chairperson

Dated: November 18, 2008

STATE OF RHODE ISLAND  
BEFORE THE RHODE ISLAND ETHICS COMMISSION

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**In re: Dwight Farrar  
Respondent**

**Complaint No. 2008-6**

**INFORMAL RESOLUTION AND SETTLEMENT**

The Respondent, Dwight Farrar, 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 was first elected to the Scituate Town Council ("Town Council") in November of 2004 and has served as a Town Council Member continuously since January of 2005.

2. Richard Iverson, a member of the Scituate Town Council from 1983 to 1992, who served as the Director of the Scituate Department of Public Works from 1994 to 2008, is the Respondent's sister's husband, and, as such, is the Respondent's brother-in-law as defined in the Code of Ethics. See Commission Regulation 36-14-5004.

3. On April 24, 2008, the Town Council held a regular meeting at which the Respondent was present in his capacity as a member of the Town Council.

4. During the Executive Session portion of the April 24, 2008 Town Council meeting, the Town Council discussed the Municipal Employees' Retirement System ("MERS") pension contributions of Richard Iverson for the years from 1983-1992, when Richard Iverson was a member of the Town Council.

5. The Respondent was present during and participated in said Executive Session wherein the Town Council discussed having the Town Council President, Robert

Budway, execute an affidavit on behalf of the Town of Scituate regarding the failure of the Town and Mr. Iverson to make contributions to the MERS on behalf of Mr. Iverson during the aforementioned time period and the Town of Scituate's potential financial liability resulting therein.

6. The Respondent participated in the Town Council's Executive Session vote to allow the Town Council President to execute an affidavit stating that Mr. Iverson did not contribute to the MERS during the time period in which he served as a Town Council member, from 1983-1992, due to fault on the part of either the Town or Mr. Iverson.

7. The Respondent thereafter voted again during the April 24, 2008 Town Council Open Session to have the Town Council President execute the aforementioned affidavit.

8. Town Council President Robert Budway executed an "Employer Affidavit" on May 1, 2008, regarding the pension contributions of Richard Iverson.

9. The aforementioned "Employer Affidavit" states, among other things, that the "Town of Scituate acknowledges that the Town and [Richard Iverson] shall be responsible for costs and fees associated with the purchase of the employees contributing time within the MERS for the time period [from 1983 through 1992]."

## **II. CONCLUSIONS OF LAW**

1. The Respondent, a member of the Scituate Town Council, a municipal elected position, was at all relevant times subject to the Rhode Island Code of Ethics in Government.

2. The Commission finds that by voting to have the Town Council President, Robert Budway, execute an "Employer Affidavit" on behalf of the Town of Scituate regarding the MERS contributions of his brother-in-law, Richard Iverson, the Respondent violated Commission Regulation 36-14-5004(b)(1).

### **III. MITIGATING FACTORS**

In mitigation of the conduct detailed above, the Respondent submits the following factors, which are solely the representations of the Respondent and are in no way adopted by the Commission or the Prosecution:

1. The Respondent has never exhibited an intention to violate the Rhode Island Code of Ethics.

2. The Respondent contacted the Rhode Island Ethics Commission for guidance as to matters involving his brother-in-law and wife upon first taking office as a member of the Scituate Town Council.

3. The Respondent has readily admitted to the violations as alleged and submits that his actions were in error rather than intentional.

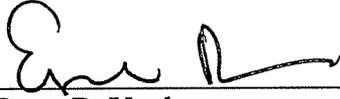
4. The Respondent has already since recused himself from even discussion of this matter before the Scituate Town Council.

### **IV. SETTLEMENT**

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

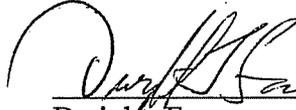
1. The Respondent shall pay a civil penalty in the amount of \$ 1500.00 pursuant to R.I. Gen. Laws § 36-14-13(d).

2. The above terms represent the full and complete Informal Resolution and Settlement for Complaint No. 2008-6.



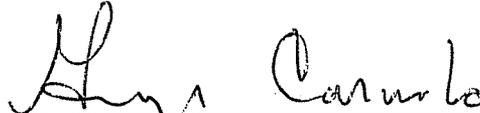
Esme DeVault  
Commission Prosecutor

Dated: 11/12/08



Dwight Farrar  
Respondent

Dated: 11/10/08



George D. Caruolo, Esq.  
Respondent's Counsel

Dated: 11/10/08