

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

In Re: Gordon Fox
Respondent

Complaint No. 2013-5

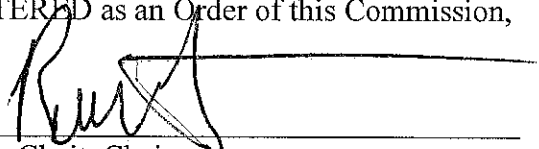
ORDER

This matter having been heard before the Rhode Island Ethics Commission on January 28, 2014, pursuant to Commission Regulation 1011, and the Commission having considered the Complaint herein, the presentations of counsel and the proposed Informal Resolution and Settlement, which is incorporated by reference herein, it is hereby

ORDERED, ADJUDGED and DECREED:

1. That, the Commission approves the Informal Resolution and Settlement as submitted;
2. That, the Commission incorporates by reference herein the Findings of Fact and the Conclusions of Law as set forth in the Informal Resolution and Settlement;
3. That, the Respondent failed to disclose, in response to Question No. 6 on each of the Financial Statements filed with the Ethics Commission for calendar years 2007, 2008 and 2009, the self-employment income received in connection with legal services rendered on behalf of the Providence Economic Development Partnership, a municipal agency, in violation of the reporting requirements of §36-14-17(b)(2) and Commission Regulation 36-14-17001;
4. That, the Respondent is ordered to properly amend the Financial Statements for calendar years 2007, 2008 and 2009; and
5. That, the Respondent is ordered to pay a civil penalty in the amount of Five Hundred (\$500) Dollars per year (2007, 2008 and 2009) totaling One Thousand Five Hundred (\$1,500.00) Dollars.

ENTERED as an Order of this Commission,



Ross Cheit, Chairperson

Dated: January 28, 2014

CERTIFICATE OF SERVICE

I, Tracy A. Teixeira, hereby certify that on the 28th day of January, 2014, I forwarded a copy of the Informal Resolution and Settlement and Order via US mail, postage prepaid, to: Albin Moser, Esq., Law Offices of Albin Moser, P.C., 127 Dorrance Street, 2nd Floor, Providence, RI 02903 and Judith Reilly, 1 Courageous Court, #109, Salem, MA 01970.


Signature

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Respondent

Complaint No. 2013-5

INFORMAL RESOLUTION AND SETTLEMENT

The Respondent, Gordon Fox, and the Ethics Commission Prosecutor hereby agree to a resolution of the above-referenced matter, subject to the approval of the Rhode Island Ethics Commission.

A. Findings of Fact:

1. The Respondent, Gordon Fox, is a member and the Speaker of the Rhode Island House of Representatives.
2. In his private capacity, the Respondent is an attorney with a law office located at 127 Dorrance Street, 2nd Floor, Providence, Rhode Island.
3. The Providence Economic Development Partnership ("PEDP") is a quasi-public agency, which operates as part of the Department of Planning and Development of the City of Providence. The PEDP engages the services of a private attorney, appointed by the Board, for general matters and for loan closing work.
4. In or about 2005, the Respondent began rendering legal services on behalf of the PEDP together with Joshua Teverow, Esquire.
5. In calendar year 2007, the Respondent was provided checks from Attorney Teverow totaling Eighteen Thousand, One Hundred Sixty-Seven Dollars and 65/100 (\$18,167.65) in connection with closing attorney services performed by the Respondent on behalf of the PEDP.

6. In 2008, the Respondent was provided checks from Attorney Teverow totaling Sixteen Thousand, Seven Hundred Sixty-Six and 73/100 (\$16,766.73) in connection with closing attorney services performed by the Respondent on behalf of the PEDP.

7. In 2008, the PEDP issued two checks directly to the Respondent from the "Prov Economic Devlp Partnership Operating Account" in connection with closing attorney services provided by him on their behalf. The PEDP issued a check made payable to the Respondent and Creative Product Works Inc., in the amount of Six Hundred Seventy Dollars and 50/100 (\$670.50) in connection with Creative Product Works Inc. Application Number 00000437 and another check solely payable to the Respondent in the amount of Three Hundred Seventy-Nine Dollars and 00/100 (\$379.00) in connection with Fatty McGees' Restaurant Application Number 00000435.

8. In 2009, the Respondent was provided checks from Attorney Teverow totaling Six Thousand, Nine Hundred Twelve Dollars and 81/100 (\$6,912.81) in connection with closing attorney services performed by the Respondent on behalf of the PEDP.

9. On or before the last Friday in April of each year, all state and municipal elected officials shall file with the Commission a Financial Statement on a form prescribed by the Commission and including the account of financial activity of the official, his or her spouse and any dependent children for the preceding calendar year including a list of all sources of occupational income identified by employer, or if self-employed, by the nature of occupation or profession and if income was received from a state or municipal agency, the name and address of such agency and the nature of the services rendered, in accordance with R.I. Gen. Laws §§ 36-14-16 & 17.

10. Specifically, Commission Regulation 36-14-17001 and Question 6 of the yearly Financial Statement require that those who are self-employed disclose any occupation from which \$1,000 or more of gross income was received and, if self-employed and rendered services to a state or municipal agency, for an amount of income in excess of \$250, the disclosure of the date and nature of the services rendered is also required.

11. The Respondent failed to disclose, in response to Question No. 6, on his 2007, 2008 and 2009 Financial Statements, the self-employment income that he received in connection with the legal services rendered by him on behalf of the PEDP while he was working together with Joshua Teverow, Esquire.

12. In 2010, 2011 and 2012 the Respondent no longer worked together with Joshua Teverow, Esquire and did disclose, in response to Question No. 6, on his 2010, 2011 and 2012 Financial Statements, the self-employment income that he received in connection with the legal services rendered by him on behalf of the PEDP.

B. Respondent's Statement:

The Respondent submits the following, which is solely the representation of the Respondent and is not adopted by the Prosecution or the Ethics Commission:

1. The Respondent states that he believed that he was Joshua Teverow's subcontractor during the period because the information and checks were directed to Joshua Teverow and the closings took place at Joshua Teverow's office. For this reason, he did not believe that he was required to disclose self-employment income earned from his work with Joshua Teverow during 2007, 2008 and 2009.

C. Conclusions of Law:

1. The Respondent was, at all times relevant, a state elected official, subject to the Rhode Island Code of Ethics in Government pursuant to R.I. Gen. Laws § 36-14-4(1) and, further, subject to the financial disclosure mandate of § 36-14-16.

2. The Respondent failed to disclose, in response to Question No. 6 on each of the Financial Statements filed with the Ethics Commission for calendar years 2007, 2008 and 2009, the self-employment income received in connection with legal services rendered on behalf of the Providence Economic Development Partnership, a municipal agency, in violation of the reporting requirements of § 36-14-17(b)(2) and Commission Regulation 36-14-17001.

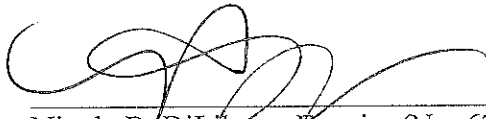
C. Settlement:

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

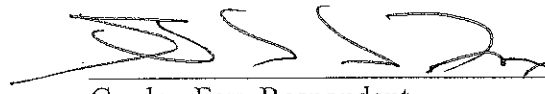
1. The Respondent shall properly amend his Financial Statements for calendar years 2007, 2008 and 2009 with the Ethics Commission pursuant to R.I. Gen. Laws § 36-14-13(d)(2).

2. The Respondent shall pay a civil penalty in the amount Five Hundred Dollars (\$500) per year (2007, 2008 and 2009) totaling One Thousand Five Hundred (\$1,500) Dollars to the State of Rhode Island pursuant to R.I. Gen. Laws § 36-14-13(d)(3).

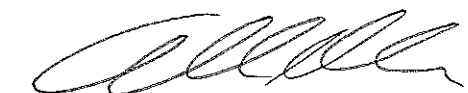
The above terms represent a full and complete Informal Resolution and Settlement of
Complaint No. 2013-5.



Nicole B. DiLibero, Esquire (No. 6749)
Rhode Island Ethics Commission
40 Fountain Street, 8th Floor
Providence, Rhode Island 02903
Dated: 1/28/14



Gordon Fox, Respondent
Dated: 1/24/14



Albin Moser, Esquire (No. 6166)
Counsel for Respondent
Law Offices of Albin Moser, P.C.
127 Dorrance Street, 2nd Floor
Providence, Rhode Island 02903
Dated: 1/24/14