

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

**In re: Kimberley Gaffett  
Respondent**

**Complaint No. 2013-1  
Complaint No. 2013-2**

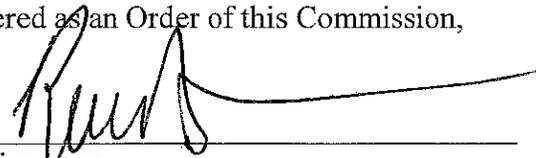
**ORDER**

This matter came on for hearing before the Rhode Island Ethics Commission on March 19, 2013 pursuant to Commission Regulation 1011. After consideration of the Complaint herein and the proposed Informal Resolution and Settlement, it is hereby

**ORDERED, ADJUDGED and DECREED:**

1. That, Complaint 2013-1 and Complaint 2013-2 are consolidated into a single action herein identified by both Complaint numbers for purposes of the Informal Resolution and Settlement; and
2. That, the Commission approves the Informal Resolution and Settlement as submitted; and
3. That, the Commission incorporates by reference herein the Findings of Fact and Admissions, and the Conclusions of Law as set forth in the Informal Resolution and Settlement; and
4. That, the Respondent violated Commission Regulation 36-14-5004(b)(1) and (b)(2)(A) by participating in the nomination of her brother-in-law, John Spier, to a position on the Planning Board and further participating in the vote to appoint him to said position, at the January 7, 2013 Town Council meeting.
5. That, the Respondent is ordered to pay a civil penalty in the amount of Five Hundred (\$500.00) Dollars.

Entered as an Order of this Commission,

  
\_\_\_\_\_  
Chairperson

Dated: 3/19/2013

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

**In re: Kimberley Gaffett**  
**Respondent**

**Complaint No. 2013-1**  
**Complaint No. 2013-2**

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**INFORMAL RESOLUTION AND SETTLEMENT**

The Respondent, Kimberley Gaffett, and the Ethics Commission Prosecutor, representing the People of the State of Rhode Island, hereby agree to a resolution of the above-referenced matters, subject to the approval of the Rhode Island Ethics Commission.

**A. Findings of Fact and Admissions:**

1. The Respondent, Kimberley Gaffett, is a member and First Warden of the Town Council for the Town of New Shoreham having been re-elected and appointed to said position on December 2, 2012.

2. On January 7, 2013, the Respondent was present at and presided over the Town Council meeting.

3. An item of business during said meeting involved the annual appointment of members to certain Boards, Committees and Commissions, specifically the appointment of members to the Town Planning Board.

4. Town Council member, Norris Pike, made a Motion to appoint the Respondent's brother-in-law, John Spier, to a position on the Town Planning Board. The Respondent seconded the Motion.

5. Thereafter, the Respondent did also vote in favor of the appointment of her brother-in-law, John Spier, to a position on the Town Planning Board. The Town Council voted three (3) to one (1), with one (1) abstention, resulting in the appointment of John Spier, the Respondent's brother-in-law, to a position on the Town Planning Board.

**B. Travel**

1. On January 22, 2013, Complaint 2013-1 was filed with the Rhode Island Ethics Commission by Arlene Tunney alleging that the Respondent violated the Code of Ethics by participating in the nomination of and the vote to appoint her brother-in-law, John Spier, to the Town Planning Board on January 7, 2013.

2. On January 23, 2013, Complaint 2013-2 was filed with the Rhode Island Ethics Commission by R. Bruce Montgomery also setting forth that the Respondent violated the Code of Ethics by participating in the nomination of and the vote to appoint her brother-in-law, John Spier, to the Planning Board on January 7, 2013.

3. At the time of its consideration of this Informal Resolution and Settlement, the Rhode Island Ethics Commission will have considered Complaint 2013-1 and Complaint 2013-2 separately for purposes of Initial Determination on February 19, 2013.

4. For purposes of this Informal Resolution and Settlement and subsequent to an Initial Determination by the Ethics Commission that each of the aforesaid Complaints alleges sufficient facts to constitute a violation of the Code of Ethics, Complaint 2013-1 and Complaint 2013-2 are consolidated into a single action herein and hereafter identified by both Complaint numbers.

**C. Conclusions of Law**

1. The Respondent, a member and First Warden of the Town of New Shoreham Town Council, a municipal elected position, was at all relevant times subject to the Rhode Island Code of Ethics in Government. R.I. Gen. Laws § 36-14-1, *et seq.*

2. By participating in the nomination of her brother-in-law, John Spier, to a position on the Planning Board and further participating in the vote to appoint him to said position, at the

January 7, 2013 Town Council meeting, the Respondent's violated Commission Regulation 36-14-5004(b)(1) and (b)(2)(A).

**D. Settlement**

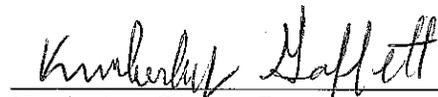
Pursuant to the above Findings of Fact and Conclusions of Law, the parties hereby agree to the following:

1. The Prosecution will recommend to the Rhode Island Ethics Commission that the Respondent be ordered to pay a civil penalty in the amount of Five Hundred (\$500) Dollars to the State of Rhode Island pursuant to R.I. Gen. Laws § 36-14-13(d)(3).

2. The Respondent reserves the right to address the Rhode Island Ethics Commission with regard to the imposition of a lesser penalty.

The above terms represent a full and complete Informal Resolution and Settlement of Complaint No. 2013-1 and Complaint No. 2013-2.

  
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Nicole B. DiLibero, Esquire (No. 6749)  
Rhode Island Ethics Commission  
40 Fountain Street, 8<sup>th</sup> Floor  
Providence, Rhode Island 02903  
Dated: 3/11/2013

  
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Kimberley Gaffett, Respondent  
Dated: March 4, 2013