

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

In re: Frank Hyde  
Respondent

Complaint No. NF2015-5

**DECISION AND ORDER OF THE ETHICS COMMISSION**

This matter was adjudicated before the State of Rhode Island Ethics Commission (“Commission”) on March 22, 2016, pursuant to Rhode Island General 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; Mark B. Heffner; and Frederick K. Butler.

Teresa Giusti, 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 October 22, 2015, the Executive Director of the Commission through his designee, 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 2014 calendar year.

Pursuant to § 36-14-12(c)(4) and Commission Regulation 1006, the Commission conducted a probable cause hearing in this matter on January 26, 2016. The Respondent was provided notice of the hearing by regular mail on January 7, 2016. The Respondent did not appear at that hearing. 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, Frank Hyde, violated Rhode Island General Laws § 36-14-16 by failing to timely file a 2014 Financial Disclosure Statement with the Rhode Island Ethics Commission.

The Respondent was provided notice of the adjudicative hearing by both certified and regular mail on March 3, 2016. The adjudicative hearing was conducted during the open session of the Ethics Commission meeting held on March 22, 2016. A stenographer was present during the entirety of the proceeding. The Respondent did not appear. The Prosecution offered evidence through the affidavits of Michelle Berg, Commission Administrative Officer, and Gary Petrarca, Commission Investigator.

After deliberating in open session, the Commission, by a unanimous vote of 6-0, found that the Respondent had committed a knowing and willful violation of § 36-14-16 by failing to timely file the 2014 Financial Disclosure Statement and imposed a civil penalty in the amount of One Thousand (\$1,000.00) Dollars.

#### **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. During 2014, Frank Hyde served as an elected member of the Coventry School Committee until his resignation on November 4, 2014.
2. On January 20, 2015, the Commission received a certified list of appointed and elected officials from the Coventry Deputy Town Clerk which reflected a mailing address for the Respondent of 401 Fairview Avenue, Coventry, Rhode Island 02816.
3. On or about March 23, 2015, a blank 2014 Financial Disclosure Statement form along with instructions for online and paper filing were mailed to the Respondent at his designated address of 401 Fairview Avenue, Coventry, Rhode Island 02816.

4. The Commission did not receive the completed 2014 Financial Disclosure Statement from the Respondent by the statutory deadline of April 24, 2015.
5. On or about June 26, 2015, a reminder notice indicating that the Commission had not received his 2014 Financial Disclosure Statement was mailed to the Respondent at his designated address of 401 Fairview Avenue, Coventry, Rhode Island 02816.
6. Neither the March 2015 nor the June 2015 mailing was returned to the Commission as undeliverable.
7. The instant Complaint, a blank 2014 Financial Disclosure Statement, a Consent to Finding of Violation form, and a Schedule of Fines and Penalties for the Informal Disposition of Qualifying Financial Disclosure Complaints were sent to the Respondent as part of the complaint packet at his designated mailing address, 401 Fairview Avenue, Coventry, RI 02816, via certified mail on October 22, 2015, and regular mail on November 10, 2015.
8. On November 10, 2015, Investigator Petrarca spoke to the Respondent by telephone and advised him that a complaint had been filed against him and a complaint packet had been sent to his mailing address. The Respondent informed Investigator Petrarca that he had relocated out of state and was looking for work, was separated from his spouse but would contact her to forward the complaint packet to him, and was experiencing financial hardship.
9. On November 27, 2015, the Commission received the Respondent's 2014 Financial Disclosure Statement along with a hardship letter.
10. On March 3, 2016, notice was sent to the Respondent regarding the adjudicative hearing that was scheduled for March 22, 2015. Additionally, Investigator Petrarca left a voicemail message for the Respondent at the same phone number at which he had previously spoken

with the Respondent, advising of the March 22, 2016 adjudicative hearing.

11. As of the date of the adjudicative hearing, Investigator Petrarca had not spoken with or been contacted by the Respondent since November 10, 2015.

### **CONCLUSIONS OF LAW**

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

1. As an elected member of the Coventry School Committee during calendar year 2014, the Respondent was, at all times relevant hereto, a municipal elected official subject to the Rhode Island Code of Ethics in Government, pursuant to Rhode Island General Laws § 36-14-4(1).
2. As a municipal elected official during calendar year 2014, the Respondent was required to file a 2014 Financial Disclosure Statement on or before April 24, 2015, pursuant to Rhode Island General laws § 36-14-16(a)(5).
3. By failing to timely file a 2014 Financial Disclosure Statement with the Commission, the Respondent committed a knowing and willful violation of Rhode Island General Laws § 36-14-16.

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 Rhode Island General Laws § 36-14-16 by failing to timely file a 2014 Financial Disclosure Statement with the Rhode Island Ethics Commission; and
2. That the Respondent, pursuant to Rhode Island General Laws § 36-14-13(d)(3), shall pay a civil penalty of One Thousand (\$1,000.00) Dollars for his violation of Rhode Island General Laws § 36-14-16. This penalty is less than is normally imposed for this offense, but the Commission has decided to assess a reduced penalty in this case based on the hardship presented by the Respondent.

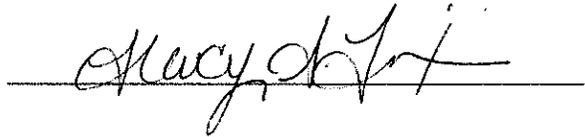
Entered as an Order of the Rhode Island Ethics Commission on this 28<sup>th</sup> day of March, 2016.



Ross Cheit, Chair  
Rhode Island Ethics Commission

**CERTIFICATION**

I, Tracy Teixeira, hereby certify that, on the 28<sup>th</sup> day of March, 2016, I caused a true copy of the within Decision and Order to be forwarded by first-class mail, postage prepaid, to Frank Hyde, 401 Fairview Avenue, Coventry, Rhode Island 02816.



**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.