

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

**In re: Daniel J. McGregor,
Respondent**

Complaint No. 2006-12

ORDER

This matter having been heard before the Rhode Island Ethics Commission on June 19, 2007 pursuant to Commission Regulation 1011, and the Commission having considered the Complaint herein, the arguments of counsel, the findings of fact and admissions, the Respondent's mitigating factors 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 as submitted; 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 violated R.I. Gen. Laws § 36-14-17; and

THAT, the Respondent is ordered to pay a civil penalty in the amount of Five Hundred (\$500) Dollars.

ENTERED as an Order of this Commission, this 22nd day of June 2007.



James Lynch, Sr.
Chairperson

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Respondent**

Complaint No. 2006-12

INFORMAL RESOLUTION AND SETTLEMENT

The Respondent, Daniel J. McGregor, and the Rhode Island Ethics Commission hereby agree to a resolution of the above-referenced matters as follows:

I. FINDINGS OF FACT AND ADMISSIONS

1. The Respondent served as the Director of Pupil Personnel Services for the North Kingstown School Department, a municipal employee position, for twenty-four (24) years, retiring from said position on March 2, 2007.

2. The Respondent provided private consulting services to the St. Mary's Home for Children (hereinafter "St. Mary's") in North Providence, Rhode Island during the period of November 2003 through June 2005.

3. The Respondent provided private consulting services to the Adeline LaPlante Memorial Center (hereinafter the "LaPlante Center") in Wakefield, Rhode Island during the period of July 2002 through November 3, 2006.

4. During calendar year 2003, the Respondent received total compensation from St. Mary's and the LaPlante Center in the respective amounts of \$3,200.00 and \$12,923.10.

5. In August 2004, the Respondent was appointed to the Newport Cliff Walk Commission and was thereby subject to the financial disclosure mandate of R.I. Gen. Laws § 36-14-16.

6. In accordance with R.I. Gen. Laws §§ 36-14-16(a) and 36-14-17(a), all state and municipal elected officials and certain categories of appointed officials shall file with the Ethics 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.

7. Pursuant to R.I. Gen. Laws § 36-14-17(b)(2), the account of financial activity shall consist of a list of “all sources of occupational income identified by employer, or if self-employed, by the nature of occupation or profession.”

8. Question 6 on the 2003 Statement instructed those subject to the financial disclosure mandate to list “the names of any employer from which you, your spouse, or dependent child received \$1,000 or more gross income during calendar year 2003. If self-employed, list any occupation from which \$1,000 or more gross income was received.”

9. The Respondent filed his 2003 Statement with the Commission on September 28, 2004. In response to Question 6, the Respondent listed his position as an Administrator for the North Kingstown Public Schools.

10. The Respondent did not disclose his employment by and/or his receipt of gross income in excess of \$1,000 from either St. Mary’s or the LaPlante Center on his 2003 Statement.

II. CONCLUSIONS OF LAW AND SETTLEMENT

A. Conclusions of Law

1. The Commission finds that the Respondent, the former Director of Pupil Personnel Services for the North Kingstown School Department, was at all times hereto

relevant a municipal employee subject to the Code of Ethics pursuant to R.I. Gen. Laws § 36-14-4(3).

2. The Commission further finds that the Respondent was subject to the financial disclosure mandate of R.I. Gen. Laws § 36-14-16 for calendar year 2003 due to his position on the Newport Cliff Walk Commission.

3. The Commission further finds that by his failure to disclose income he received from St. Mary's and the LaPlante Center on his 2003 Statement, the Respondent violated R.I. Gen. Laws § 36-14-17.

B. Mitigating Factors

The Respondent submits the following mitigating circumstances justify a reduction of the recommended civil penalty from Five Hundred Dollars (\$500.00) to a lesser or no monetary civil penalty:

1. The 2003 Financial Statement was the one and only financial statement the Respondent ever had to file. The Respondent was required to file a financial statement because of his service on the Cliff Walk Commission, and he answered the questions posed in the 2003 Financial Statement with the Cliff Walk Commission in mind. The Respondent's consulting work for the LaPlante Center and St. Mary's Home in North Providence did not relate in any fashion to the Cliff Walk Commission, and the omission of information about the consulting work was a mistake. It was not knowing or intentional.

2. The Respondent has a long and distinguished career in education and public service, and he was part a public school system that receives high performing ranks from the Rhode Island Department of Education, and the highest special education

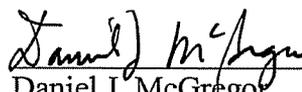
scores in the State of Rhode Island. The complaint filed with this Commission charged him with broad and serious misconduct. The most serious of the charges, as members of this Commission have commented, had absolutely no basis in fact. That most of the public will never know that will be a continuing cause of anguish and worry for the Respondent and his family.

C. Settlement

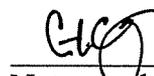
The Respondent agrees that, pursuant to the above Findings of Fact and Conclusions of Law, the Prosecution will recommend, pursuant to R.I. Gen. Laws § 36-14-13(d), the imposition of a civil penalty in the amount of Five Hundred Dollars (\$500.00). The Respondent reserves the right to argue for a lesser penalty or the imposition of no penalty. The above terms represent the full and complete Informal Resolution and Settlement for Complaint No. 2006-12.

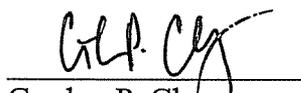
Dated:


Katherine D'Arezzo
Commission Prosecutor


Daniel J. McGregor
Respondent

Subscribed to and sworn before me this
12th day of June, 2007


Notary public *Gordon P. Cleary*
My Commission Expires: 7/16/09


Gordon P. Cleary
Respondent's Counsel