

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

In Re: Micah J. Shapiro  
Respondent

Complaint No. NF2013-13

**DECISION AND ORDER OF THE ETHICS COMMISSION**

This matter was adjudicated before the State of Rhode Island Ethics Commission (“Commission”) on March 25, 2014, pursuant to R.I. Gen. Laws § 36-14-13 and § 42-35-9 and Ethics Commission Regulation 36-14-1015. The following Commissioners were present for the adjudicative hearing and participated in the deliberations and rendering of this Decision and Order: Ross E. Cheit, Chair; James V. Murray; Edward A. Magro; Frederick K. Butler; John M. LaCross; and Robert A. Salk.

Nicole B. DiLibero, 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.

At the conclusion of the adjudicative hearing, the Commission, by unanimous vote of 6-0, found that the Respondent committed a knowing and willful violation of § 36-14-16 by failing to timely file a 2012 Financial Disclosure Statement and imposed a civil penalty of One Thousand Five Hundred (\$1,500.00) Dollars.

**TRAVEL OF THE CASE**

On October 29, 2013, the Executive Director of the Commission through his designee, Steven T. Cross, Chief of Investigations, filed a Complaint with the Commission. The Complaint alleged that the Respondent violated § 36-14-16 by failing to file an annual Financial Disclosure Statement for the 2012 calendar year.

Pursuant to § 36-14-12(c)(4) and Ethics Commission Regulation 36-14-1006, the Commission conducted a probable cause hearing in this matter on February 11, 2014. The Respondent was provided notice of the hearing by regular mail. The Respondent did not appear. After considering the Complaint, the Investigative Report and the arguments of counsel, the Commission unanimously adopted the following finding of probable cause:

That, probable cause exists to believe that the Respondent, Micah J. Shapiro, a former member of the Little Compton School Committee, violated R.I. Gen. Laws § 36-14-16 by failing to timely file a Financial Disclosure Statement for calendar year 2012 with the Ethics Commission.

The adjudicative hearing was conducted during the open session of the Ethics Commission meeting held on March 25, 2014. A stenographer was present during the entirety of the hearing. The Respondent was provided notice of the adjudicative hearing by both regular and certified mail. The certified mail return receipt card was returned to the Commission on March 5, 2014 bearing a signature indicating delivery of the notice to the Respondent's address of 349 Long Highway, Little Compton, Rhode Island 02837. The Respondent did not appear or offer any evidence. The Prosecution offered evidence through the affidavits of Michelle Berg, Commission Administrative Officer, and Steven T. Cross, Commission Chief of Investigations.

At the conclusion of the adjudicative hearing, the Commission deliberated in open session and, by a unanimous vote of 6-0, found that the Respondent had committed a knowing and willful violation of § 36-14-16 and imposed a civil penalty in the amount of One Thousand Five Hundred (\$1,500.00) Dollars for said violation.

#### **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. On February 4, 2013, the Commission received a certified list of appointed and elected officials from the Little Compton Town Clerk which reflected that, during calendar year 2012, the Respondent was a member of the Little Compton School Committee with a term ending date of November 6, 2012.

2. The Little Compton Town Clerk list also reflected a mailing address for the Respondent of 349 Long Highway, Little Compton, Rhode Island 02837.

3. The Respondent had designated 349 Long Highway, Little Compton, Rhode Island 02837, as his mailing address on Financial Disclosure Statements previously filed with the Commission for calendar years 2008, 2009, 2010 and 2011.

4. On or about March 28, 2013, a Financial Disclosure Statement form for the 2012 calendar year with instructions and information relative to online filing were mailed to the Respondent at his designated address of 349 Long Highway, Little Compton, Rhode Island 02837.

5. The Commission did not receive a 2012 Financial Disclosure Statement from the Respondent by the statutory deadline of April 26, 2013.

6. On or about July 15, 2013, a reminder notice indicating that the Commission had not received the Respondent's 2012 Financial Disclosure Statement was mailed to him at his designated address of 349 Long Highway, Little Compton, Rhode Island 02837.

7. Neither the March 2013 nor the July 2013 mailing was returned to the Commission as undeliverable.

8. On November 20, 2013, Commission Investigator Steven T. Cross spoke with the Respondent relative to the Complaint, at which time the Respondent confirmed his mailing

address as 349 Long Highway, Little Compton, Rhode Island 02837 and made arrangements to settle the instant Complaint.

9. On November 20, 2013, the original Complaint materials and settlement documents were mailed by regular mail to the Respondent at the designated address of 349 Long Highway, Little Compton, Rhode Island 02837.

10. Investigator Cross received no response to the telephone voicemail message that he left for the Respondent on December 13, 2013.

11. The Respondent filed a 2012 Financial Disclosure Statement online on January 28, 2014.

12. The Respondent failed to timely file a 2012 Financial Disclosure Statement by the statutory deadline of April 26, 2013.

#### **CONCLUSIONS OF LAW**

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

1. As an elected member of the Little Compton School Committee during calendar year 2012, the Respondent was, at all times relevant, a municipal elected official subject to the Rhode Island Code of Ethics in Government, pursuant to R.I. Gen. Laws § 36-14-4(1).

2. As a municipal elected official during the calendar year 2012, the Respondent was required to file a 2012 Financial Disclosure Statement on or before the statutory deadline of April 26, 2013, pursuant to R.I. Gen. Laws § 36-14-16.

3. By failing to timely file a 2012 Financial Disclosure Statement with the Commission, the Respondent committed a violation of R.I. Gen. Laws § 36-14-16.

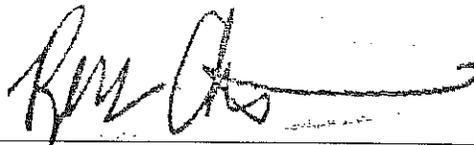
4. The Respondent's violation of R.I. Gen. Laws § 36-14-16 was knowing and willful.

Wherefore, based upon the foregoing Findings of Fact and Conclusions of Law, by a unanimous 6-0 vote of the Commission, it is hereby

**ORDERED ADJUDGED AND DECREED**

1. That, the Commission hereby imposes on the Respondent, pursuant to R.I. Gen. Laws § 36-14-13(d)(3), a civil penalty of One Thousand Five Hundred (\$1,500.00) Dollars for his violation of R.I. Gen. Laws § 36-14-16.

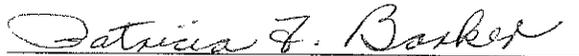
Entered as an Order of the Rhode Island Ethics Commission this 15<sup>th</sup> day of April, 2014.



Ross E. Cheit, Chair  
Rhode Island Ethics Commission

**CERTIFICATION**

I hereby certify that on the 15<sup>th</sup> day of April, 2014, I caused a true copy of the within Decision and Order to be forwarded by first-class mail, postage prepaid, to Micah Shapiro, 349 Long Highway, Little Compton, RI 02837.



**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.