

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

In re: Christopher Willi

Complaint No. 2009-4

ORDER

This matter having been heard before the Rhode Island Ethics Commission on March 23, 2010, pursuant to Commission Regulation 1011, and the Commission having considered the Complaint herein, the arguments of counsel, the findings of fact, and the proposed Informal Resolution and Settlement, which is incorporated by reference herein, it is hereby

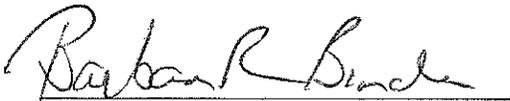
ORDERED, ADJUDGED AND DECREED

THAT, the Commission approves the Informal Resolution and Settlement; 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 is ordered to pay a civil penalty in the amount of One Thousand (\$1,000.00) Dollars.

Entered as an Order of this Commission,



Barbara Binder
Chairperson

Dated: March 23, 2010

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

**In re: Christopher Willi
Respondent**

Complaint No. 2009-4

INFORMAL RESOLUTION AND SETTLEMENT

The Respondent, Christopher Willi, and the Rhode Island Ethics Commission hereby agree to a resolution of the above-referenced matter as follows:

I. FINDINGS OF FACT AND ADMISSIONS

1. The Respondent was first appointed Harbormaster of the Town of New Shoreham ("Harbormaster") by the New Shoreham Town Council ("Town Council") in April of 2004 and served in that capacity until January 21, 2010.

2. Pursuant to R.I. Gen. Laws § 46-4-6.10, the Town Council is authorized to grant authority to the harbormaster "for the enforcement and supervision of any ordinances, rules, and regulations governing the public waters within its jurisdiction, and to regulate by ordinance the speed, management, and control of all vessels"

3. Additionally, pursuant to the New Shoreham General Ordinances § 9-71(a) and (f), "[t]he Harbormaster and Assistant Harbormaster shall have full power and authority within the jurisdiction fixed by law to prescribe and enforce regulations and to give direction regarding anchorage, management and control of all vessels within the waters or harbors of the Town" and "shall have full power and authority to represent the Town as its agent, whereby they may execute any and all mooring, dockage and wharfage, permits, assignments, and notices"

4. As Harbormaster, the Respondent was in charge of the New Shoreham Harbors Department and the overall operation of the New Shoreham Harbors, and was charged with the enforcement of all applicable laws and ordinances, as well as the Old Harbor Town Dock Policy.

5. As Harbormaster, the Respondent reported directly to the New Shoreham Director of Public Works/Town Manager ("Town Manager") and the Town Council.

6. The Respondent owns Block Island Fishworks ("BIF"), an entity that operates its own charter fishing business out of Block Island and acts as a booking agent for other charter fishing businesses.

7. The Respondent has been the holder of a Town of New Shoreham Charter Slip berthing permit since 2000; only six such slips are provided for charter boats on the South Dock in Old Harbor.

8. Pursuant to the Town of New Shoreham Old Harbor Town Dock Policy, § A(1) and (12), "[n]o vessel shall berth at any of the Town docks without proper authorization from the Harbors Department" and "any Berthing permit is specific to a vessel and may not be transferred without written approval of the Harbormaster."

9. Charter slip berthing permit holders must apply annually with the Harbors Department to renew their berthing permit and must provide proof of vessel ownership, a copy of a current Coast Guard License to carry passengers, and a copy of current boat registration. Old Harbor Town Dock Policy § B(6) and (8).

10. According to the "New Shoreham Harbors Department Charter Boat Application," charter slip berthing permit holders must submit their completed application to the Harbors Department with a fee of thirty-five dollars (\$35.00) per foot

of boat length, and a copy of current registration or documentation for the vessel chartered, registered to the slip holder, by April 1st annually.

11. Pursuant to New Shoreham General Ordinance § 9-41, the Town Council appoints a Harbors Committee “charged with providing advice to the Town Council regarding Old Harbor, Great Salt Pond, harbor facilities and areas.”

12. On March 20th, 2007, the Harbors Committee approved the temporary use of Respondent’s charter slip for both the Respondent and another vessel owned by a person on the charter slip waiting list, for whom the Respondent had previously booked fishing charters.

13. In 2007, 2008, and 2009, BIF booked charter fishing trips for “C-Sport Ventures” (“C-Sport”), an entity owned by Mitchell G. Chagnon. BIF and C-Sport were “joined together to achieve a common financial objective,” and, as such, were “business associates,” as that term is defined in § 36-14-2(3).

14. Additionally, in 2009, the Respondent entered into a lease agreement with C-Sport in which the Respondent would lease a vessel and licensed captain from C-Sport for the purpose of booking and providing sport fishing and sightseeing charters, with the Respondent providing a slip for the pick-up and return of passengers to and from Block Island; the term of the lease was from June 1, 2009 to September 30, 2009.

15. On April 1, 2009, the Respondent, in his private capacity, submitted two separate charter slip boat applications to the Harbors Department, both under the name of BIF, for the use of the charter slip permitted to the Respondent: one for the vessel named “Julia Ryan” owned by the Respondent, and the other for the vessel named “Sakarak”

owned by, and registered to, Mitchell Chagnon, who at the time was on the charter slip waiting list.

16. In his capacity as Harbormaster, the Respondent authorized and approved both charter slip boat applications and allowed Mitchell Chagnon to utilize the Respondent's charter slip to run fishing charters out of Block Island from June 1, 2009 until September 30, 2009.

17. Respondent failed to remove himself from the decision-making chain of command and did not seek external supervisory approval for Mitchell Chagnon's/C-Sport Ventures use of his charter slip, instead relying upon the March 20, 2007 Harbors Committee action.

18. Mitchell Chagnon realized a financial benefit from the use of the Respondent's charter slip; specifically, Mitchell Chagnon/C-Sport Ventures received miscellaneous income in the amount of nine thousand and eighty-four dollars (\$9,084.00) for charter boat services.

19. The Respondent realized no apparent financial benefit from C-Sport's use of the Respondent's charter slip. While the Respondent received one thousand nine dollars (\$1,009.00) in booking fees from Mitchell Chagnon/C-Sport in 2009, Respondent also paid the Town of New Shoreham one thousand eighty-five dollars (\$1,085.00) for the charter slip boat application for the C-Sport vessel for 2009.

II. CONCLUSIONS OF LAW

1. The Respondent, the former Harbormaster for the Town of New Shoreham, a municipal appointed position, was at all relevant times subject to the Rhode Island Code of Ethics in Government.

2. The Commission finds that the Respondent, by acting in his capacity as Harbormaster to authorize his business associate, Mitchell Chagnon, to utilize the Respondent's private charter slip from June 1, 2009 until September 30, 2009, with said use resulting in a financial benefit to his business associate, violated R.I. Gen. Laws § 36-14-5(a).

IV. SETTLEMENT

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

1. The Respondent shall pay a civil penalty in the amount of one thousand dollars (\$1,000.00) pursuant to R.I. Gen. Laws § 36-14-13(d) within sixty (60) days of the date an order is entered by the Ethics Commission approving this Informal Resolution and Settlement.

2. The above terms represent the full and complete Informal Resolution and Settlement for Complaint No. 2009-4.



Esme DeVault
Commission Prosecutor
Dated: 3/15/2010



Christopher Willi
Respondent
Dated: 3/11/10



Mark J. Hagopian, Esq.
Respondent's Counsel
Dated: 3/12/2010