

STATE OF RHODE ISLAND  
BEFORE THE RHODE ISLAND ETHICS COMMISSION

IN RE:           AIMEE M. GARDINER  
                  RESPONDENT

COMPLAINT NO. NF2021-2

DECISION AND ORDER OF THE ETHICS COMMISSION

This matter was adjudicated before the Rhode Island Ethics Commission (“Commission”) on March 8, 2022, pursuant to R.I. Gen. Laws §§ 36-14-13, 42-35-9, and Commission Regulation 520-RICR-00-00-3.22 Hearing to Determine Violation of the Code of Ethics (1015). The following commissioners were present for the adjudicative hearing and participated in the deliberations and rendering of this Decision and Order: Marisa A. Quinn, Chair; Arianne Corrente, Vice Chair; Kyle P. Palumbo, Secretary; J. Douglas Bennett; Lauren Jones; Matthew Strauss; and Holly Susi. Attorney Teodora Popova Papa prosecuted the case on behalf of the People of the State of Rhode Island. The Respondent was duly notified of the hearing but did not appear. Herbert DeSimone, Jr. attended all proceedings as independent legal counsel for the Commission.

TRAVEL OF THE CASE

On August 10, 2021, Gary V. Petrarca, in his capacity as an Investigator for the Commission, filed the instant complaint with the Commission. The Complaint alleged that the Respondent violated R.I. Gen. Laws § 36-14-16 by failing to timely file an annual Financial Disclosure Statement for the 2020 calendar year.

Pursuant to R.I. Gen. Laws § 36-14-12(c)(4) and Commission Regulation 520-RICR-00-00-3.11 Finding of Probable Cause (1006), the Commission conducted a probable cause hearing in this matter on October 5, 2021. The Respondent was provided notice of the probable cause hearing by regular mail on September 20, 2021. The mailing was not returned to the Commission as undeliverable. The Respondent did not appear at the probable cause hearing. After considering the Complaint, the Investigative Report, and the arguments of the prosecutor, the Commission by a vote of 6-0 issued the following Order and Finding of Probable Cause:

THAT, there is probable cause to believe that the Respondent, Aimee M. Gardiner, a former member of the Exeter-West Greenwich Regional School District School Committee, violated R.I. Gen. Laws § 36-14-16 by failing to timely file a 2020 Financial Disclosure Statement with the Rhode Island Ethics Commission.

The Respondent was provided notice of the adjudicative hearing by regular mail, certified mail, and email on February 16, 2022. On February 24, 2022, a Supplemental Notice of Remote Hearing and a Notice to Respondent of Remote Hearing Protocol were sent to

Respondent via regular mail, certified mail, and email. The regular mailings were not returned to the Commission as undeliverable, and the certified mail was refused by the addressee twice.

A stenographer was present during the entirety of the proceedings conducted in open session. The Prosecution offered evidence through the affidavits and exhibits of Michelle Berg, Commission Financial Disclosure Officer and Gary V. Petrarca, the Commission's Acting Deputy Chief Investigator. After deliberating in executive session, the Commission returned to open session and, by a vote of 7-0, found that the Respondent had committed a knowing and willful violation of R.I. Gen. Laws § 36-14-16 by failing to timely file the 2020 Financial Disclosure Statement, imposed a civil penalty of \$1,500, and ordered her to file her 2020 Financial Disclosure Statement within 30 days of the issuance of the written decision in this matter.

### 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 2020, Aimee M. Gardiner served as an elected member of the Exeter-West Greenwich Regional School District School Committee.
2. On or about December 21, 2020, the Commission received a certified list from the Exeter Town Clerk of the Exeter elected officials who served as members of the Exeter-West Greenwich Regional School District School Committee during calendar year 2020, which included the Respondent. The list reflected a mailing address for the Respondent of 2670 Ten Rod Road, Unit B, Exeter, RI 02822, which is the same address that the Respondent had provided in the Financial Disclosure Statements that she did file with the Ethics Commission for calendar years 2015-2018.
3. On or about March 23, 2021, a blank 2020 Financial Disclosure Statement, along with instructions for online and paper filing were mailed by regular mail to the Respondent at her designated address of 2670 Ten Rod Road, Unit B, Exeter, RI 02822. This mailing was not returned to the Commission as undeliverable.
4. The Commission did not receive the completed 2020 Financial Disclosure Statement from the Respondent by the statutory deadline of April 30, 2021.
5. On or about May 28, 2021, a reminder notice indicating that the Commission had not received her Financial Disclosure Statement was mailed by regular mail to the Respondent at her designated address of 2670 Ten Rod Road, Unit B, Exeter, RI 02822. This mailing was not returned to the Commission as undeliverable.
6. On July 15, 2021, Acting Deputy Chief Investigator Gary V. Petrarca emailed the Respondent at the email address she had provided on the online filing of her 2018 Financial Disclosure Statement, informing her that the Commission had not received her 2019 and 2020 Financial Disclosure Statements and advising that complaints would soon be filed against the persons who have failed to file. Mr. Petrarca also verified the

Respondent's email address with Robert Ross, Director of Administration of the Exeter - West Greenwich Regional School District School Committee.

7. Having received no response from the Respondent, on July 26, 2021, Mr. Petrarca contacted via telephone Diane Allen, the Vice-Chairperson of the School Committee, who agreed to contact the Respondent.
8. On that same day, the Respondent contacted Mr. Petrarca via telephone who provided her with her personal ID and PIN to file her financial disclosure statements online. The Respondent admitted to Mr. Petrarca that she did not file her 2020 Financial Disclosure Statement, stating that she did not file because she alleged that the Commission had lost her 2019 Financial Disclosure Statement which she claimed to have filed online.
9. The instant complaint was filed on August 10, 2021, as Respondent's 2020 Financial Disclosure Statement had not been received by the Commission. A copy of the Complaint, which included 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 via certified mail at her designated address of 2670 Ten Rod Road, Unit B, Exeter, RI 02822. On August 30, 2021, the Commission received the return receipt card, bearing an illegible signature, reflecting that the complaint packet was delivered to the above address.
10. The Respondent did not file a written response or answer to the Complaint, and no attorney has entered an appearance for the Respondent.
11. On September 20, 2021, the Commission sent a notice that a probable cause hearing was scheduled for October 5, 2021, via regular mail to Respondent's designated address at 2670 Ten Rod Road, Unit B, Exeter, RI 02822. This mailing was not returned to the Commission as undeliverable.
12. The Respondent did not attend the probable cause hearing on October 5, 2021. A copy of the Order and Finding of Probable Cause was sent to the Respondent by the Commission that day by regular mail. The mailing was not returned to the Commission as undeliverable.
13. On February 16, 2022, the Commission sent a notice that an adjudicative hearing was scheduled for March 8, 2022, at 9:00 AM to Respondent via regular mail, certified mail, and email. The U.S. Postal Service Online Tracking History indicates that the certified mail was refused by the addressee on February 18, 2022. The notice sent by regular mail was not returned to the Commission as undeliverable.
14. On February 24, 2022, a Supplemental Notice of Remote Hearing and a Notice to Respondent of Remote Hearing Protocol were sent to the Respondent via regular mail, certified mail, and email. The notice sent by regular mail was not returned to the Commission as undeliverable and the certified mail was refused by the addressee.
15. A review of the Respondent's records in the Commission's computer database and paper files indicates that the Respondent electronically filed financial disclosure

statements for the calendar years 2015-2018, but has not filed either online or by paper for the calendar years 2019 and 2020.

16. The Respondent has not made any form of contact with the Commission since her July 26, 2021, telephone conversation with Acting Deputy Chief Investigator Petrarca, and did not attend the Adjudicative Hearing on March 8, 2022.

### 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:

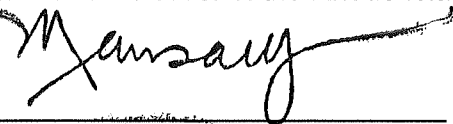
1. As an elected member of the Exeter-West Greenwich Regional School District School Committee during the calendar year 2020, the Respondent was, at all times material hereto, a municipal elected official subject to the Rhode Island Code of Ethics in Government pursuant to R.I. Gen. Laws § 36-14-4(1).
2. As a municipal elected official during calendar year 2020, the Respondent was required to file a 2020 Financial Disclosure Statement on or before April 30, 2021, pursuant to R.I. Gen. Laws § 36-14-16(a)(4).
3. By failing to timely file her 2020 Financial Disclosure Statement with the Ethics Commission, the Respondent violated R.I. Gen. Laws § 36-14-16.
4. Based on the Findings of Fact outlined above, the Respondent's violation was knowing and willful.

Therefore, based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby :

### ORDERED, ADJUDGED AND DECREED

1. That the Respondent, Aimee M. Gardiner, a former member of the Exeter-West Greenwich Regional School District School Committee, committed a knowing and willful violation of R.I. Gen. Laws § 36-14-16 by failing to timely file a 2020 Financial Disclosure Statement with the Rhode Island Ethics Commission.
2. That the Respondent, pursuant to R.I. Gen. Laws § 36-14-13(d)(2) and (3), shall pay a civil penalty of \$1,500 and shall file her 2020 Financial Disclosure Statement with the Commission within 30 days of the issuance of this written Decision and Order of the Ethics Commission.

Entered as an Order of the Rhode Island Ethics Commission on this 22<sup>nd</sup> day of March 2022.



Marisa A. Quinn, Chair

CERTIFICATION

I, Tracy Teixeira, hereby certify that on the 22nd day of March, 2022, I caused a true copy of the within Decision and Order of the Ethics Commission to be forwarded by first class mail, postage prepaid, to Aimee M. Gardiner, 2670 Ten Rod Road, Unit B, Exeter, RI 02822.

  
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Tracy Teixeira