

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

**In re: Calvin Ellis,
Respondent**

Complaint No. 2022-7

ORDER

This matter having been heard before the Rhode Island Ethics Commission on November 15, 2022, pursuant to 520-RICR-00-00-3.16 Informal Disposition (1011), and the Commission having considered the Complaint herein, the arguments of the parties, 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;

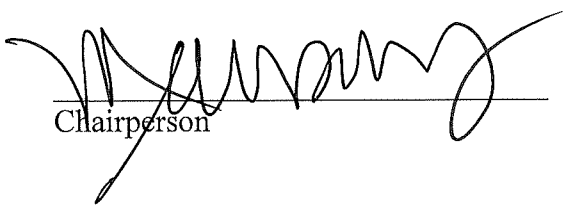
THAT, the Commission incorporates by reference herein the Findings of Fact and Admissions, and the Conclusions of Law, set forth in the Informal Resolution and Settlement;

THAT, the Respondent failed to disclose on his 2016-2021 Financial Disclosure Statements the annual stipend he received as a member of the Exeter Town Council, as required by § 36-14-17(b)(2) and Commission Regulation 520-RICR-00-00-4.4 Occupational Income (36-14-17001);

THAT, the Respondent failed to disclose on his 2016-2021 Financial Disclosure Statements his positions as a Director and Treasurer on the Washington County Regional Planning Council Board of Directors, as required by § 36-14-17(b)(6) and Commission Regulation 520-RICR-00-00-4.11 Leadership Positions with Not-For-Profit Organizations (36-14-17008); and

THAT, the Respondent is ordered to pay a civil penalty in the amount of Five Hundred Dollars (\$500.00).

ENTERED as an Order of this Commission,


Chairperson

CERTIFICATE OF SERVICE

I, Tara Olsen, hereby certify that on the 15th day of November 2022, I caused a true copy of the Order to be forwarded by first class mail, postage prepaid, to Calvin Ellis, 515 Ten Rod Road, Exeter, RI 02822 and Asa S. David III, 146 Beechwood Hill Trail, Exeter, RI 02822.

Tara Olsen.
Signature

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Complaint No. 2022-7

INFORMAL RESOLUTION AND SETTLEMENT

The Respondent, Calvin Ellis, and the Rhode Island Ethics Commission (“Commission”) hereby agree to a resolution of the above-referenced matter as follows:

I. FINDINGS OF FACT & ADMISSIONS

1. The Respondent has been serving as a member of the Exeter Town Council (“Town Council”) since his election thereto in November 2006.

2. As a member of the Town Council, the Respondent receives an annual stipend for his service thereon. The Respondent received a stipend in 2016 and 2017 in the amount of \$2,900 for each year, and he received a stipend in the amount of \$3,045 for each year from 2018 through 2021.

3. The Respondent did not disclose his annual stipend in response to the Family Income Sources question on his 2016-2021 Financial Disclosure Statements (“2016-2021 Statements”), as was required.

4. The Washington County Regional Planning Council (“WCRPC”) is a Rhode Island domestic nonprofit corporation whose stated purpose is to promote the general welfare and common good of the citizens of Washington County by maximizing the effectiveness of local municipalities in addressing land use, water quality, economic development, housing, and transportation issues. The WCRPC is currently based in Narragansett, Rhode Island.

5. The WCRPC is governed by a Board of Directors (“Board”) which is comprised of one town councilor from each of the Washington County municipalities that pay annual

membership dues to the WCRPC.

6. The Town of Exeter (“Town”) became a member of the WCRPC in the late 1990s, and its annual membership dues to the WCRPC at all relevant times were \$3,000.¹

7. In 2006, the Town Council voted to appoint the Respondent to serve as the Town’s representative on the WCRPC’s Board. Since then, the Respondent has continuously served as a Director, and at times he has also served as the organization’s Treasurer.

8. The Respondent did not disclose his position as a Director of the WCRPC in response to the Family Executive Positions question on his 2016-2021 Statements, as was required.

9. Each year, the Town Council conducts special meetings or budget sessions to discuss and vote on what appropriations will become part of the annual budget to be submitted to the Town’s electors for final vote at the annual financial meeting.

10. The Respondent was not present at the Town Council’s May 10, 2017 Special Meeting at which the Council members unanimously voted to adopt a municipal budget for fiscal year 2017-2018 that included a line-item appropriation for \$3,000 to the WCRPC.

11. The Respondent was present for the June 13, 2017 Financial Town Meeting at which the Town’s electors unanimously voted, without any objections, to approve a group or block of 12 resolutions that included an appropriation of \$3,000 to the WCRPC.²

12. On August 12, 2022, the Respondent presented to the Commission’s office to amend his 2016-2021 Statements to include his Town Council stipend in response to the Family

¹ To the extent that the allegations in Complaint relate to conduct preceding 2016, the investigation focused on the time frame from 2016 through the present, consistent with the six-year limitations period set forth in 520-RICR-00-00-3.1 Limitations Period on Filing of Complaint (1001.1).

² The \$3,000 appropriation approved by Town voters in June 2016 was paid to the WCRPC in March 2017. This was the Town’s last payment to the WCRPC on the basis that the WCRPC had become largely inactive. Nevertheless, the WCRPC maintains its active registration as a non-profit corporation with the Rhode Island Department of State and continues to list the Respondent as a member of its Board of Directors in its annual report.

Income Sources question and to disclose his Treasurer and Director positions on the WCRPC's Board in response to the Family Executive Positions question.

13. On October 11, 2022, the Respondent again presented to the Commission's office to review his amendments and identify any other required disclosures not alleged in the Complaint.

14. After meeting with the Prosecution on October 11, 2022, the Respondent also made the following necessary amendments to his Financial Disclosure Statements that were not referenced in the Complaint: (1) Disclosure of his ownership interests in real property located 475 Ten Rod Road in Exeter, Rhode Island on his 2016-2020 Statements and in rental property located at 31 Willow Avenue, Narragansett, Rhode Island on his 2016 and 2017 Statements;³ (2) disclosure on his 2016-2021 Statements of his position as Trustee of the Calvin Ellis Trust in which his primary residence and the property located at 475 Ten Rod Road were held and, on his 2016-2020 Statements, his spouse's position as Trustee of the Lois S. Ellis Trust in which her ownership interest in Scialo Bakery LLC was held;⁴ and (3) disclosure of income he received in 2020 from the sale of 475 Ten Rod Road in Exeter which was previously held in the Calvin Ellis Trust.

II. CONCLUSIONS OF LAW

1. As a member of the Exeter Town Council, a municipal elected official, the Respondent was subject to the Financial Disclosure mandate of R.I. Gen. Laws § 36-14-16(a)(4) and the Code of Ethics, pursuant to § 36-14-4(1).

2. On his 2016-2021 Statements filed with the Commission, the Respondent failed to disclose the annual stipend he received as a member of the Town Council, as required by § 36-14-

³ The Respondent disclosed his ownership interest in the property located at 31 Willow Avenue, Narragansett, Rhode Island on his 2018-2021 Statements but had erroneously omitted this ownership interest on his 2016 and 2017 Statements.

⁴ The Respondent's spouse, Lois S. Ellis, passed away in 2020.

17(b)(2) and Commission Regulation 520-RICR-00-00-4.4 Occupational Income (36-14-17001).

3. On his 2016-2021 Statements filed with the Commission, the Respondent failed to disclose his positions on the WCRPC Board of Directors and as Treasurer, as required by § 36-14-17(b)(6) and Commission Regulation 520-RICR-00-00-4.11 Leadership Positions with Not-For-Profit Organizations (36-14-17008).

4. The Respondent's participation as a Town elector in a unanimous vote at the June 13, 2017 Financial Town Meeting to approve a group or block of 12 resolutions that included an appropriation of \$3,000 to the WCRPC did not violate the Code of Ethics.

III. SETTLEMENT

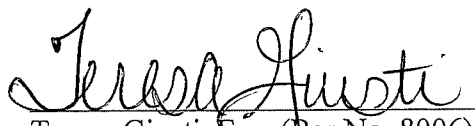
Pursuant to the above Findings of Fact and Conclusions of Law, the Respondent and the Commission Prosecutor agree, subject to the approval of the Rhode Island Ethics Commission, pursuant to R.I. Gen. Laws § 36-14-13(d) and 520-RICR-00-00-3.16 Informal Disposition (1011), to the following:

1. The Commission shall enter an Order and Judgment consistent with the above-stated Conclusions of Law.

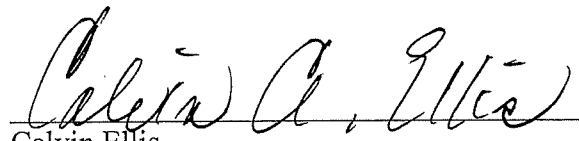
2. The Prosecution will recommend that the Ethics Commission impose, and the Respondent agrees to pay, a civil penalty in the amount of \$500.

3. The above terms represent the full and complete Informal Resolution and Settlement relative to the conduct set forth in the above Findings of Fact and in Complaint No.

2022-7.


Teresa Giusti, Esq. (Bar No. 8006)
Commission Prosecutor

Dated: 11/10/22


Calvin Ellis
Respondent

Dated: 11/10/22