

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

**In re: Timothy Milisauskas,
Respondent**

Complaint No. 2022-5

ORDER

This matter having been heard before the Rhode Island Ethics Commission on December 13, 2022, pursuant to 520-RICR-00-00-3.16 Informal Disposition (1011), and the Commission having considered the Complaint herein, the Respondent's Answer, the arguments of counsel, 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 as submitted;

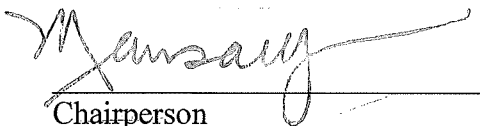
THAT, the Commission incorporates by reference herein and adopts the Findings of Fact and Admissions, and the Conclusions of Law, set forth in the Informal Resolution and Settlement;

THAT, the Respondent's personal use and possession of the trumpet, a Middle School-owned musical instrument valued at over \$1,000, from October 2021 through the end of the 2021-2022 school year, constituted a violation of Rhode Island General Laws § 36-14-5(d);

THAT, the Respondent is ordered to pay a civil penalty in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250); and

THAT, the Commission's approval of the Informal Resolution and Settlement is expressly conditioned upon its receipt of full payment of the civil penalty herein imposed by December 20, 2022.

Entered as an Order of this Commission,



Chairperson

Dated: December 13, 2022

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

**In re: Timothy Milisaukas,
Respondent**

Complaint No. 2022-5

INFORMAL RESOLUTION AND SETTLEMENT

The Respondent, Timothy Milisaukas, and the Ethics Commission Prosecutor, representing the People of the State of Rhode Island, hereby agree to a resolution of the above-referenced matter as follows, subject to the approval of the Rhode Island Ethics Commission:

I. FINDINGS OF FACT & ADMISSIONS

1. The Respondent served as the Principal of Esek Hopkins Middle School (“Middle School”) in Providence, Rhode Island, a municipal employee position, from August 2020 through September 2022.
2. In January 2019, Scott Abrahamson (“Abrahamson”), the Complainant in the instant matter, began his employ as a music teacher at the Middle School. During the 2021-2022 school year, Abrahamson was in his third year of teaching and within the last year of his probationary period before attaining tenured status, subject to receiving a third-year evaluation from the Middle School administration.
3. As Principal, the Respondent was the administrative head of the Middle School and served in a supervisory capacity over Abrahamson at all relevant times.
4. In the fall of 2019, the Middle School’s music department received a grant from a nonprofit corporation to fund the purchase of musical instruments to be used by the Middle School’s students.
5. As part of the grant, the Middle School acquired, among other instruments, a Blessing BTR-1287 trumpet (“trumpet”). The trumpet’s retail value was approximately \$1,065.

6. The instruments acquired through the grant were to be available for Middle School students to borrow, provided that the students and their parent(s) signed a written agreement concerning the terms of use of the instrument.

7. In the fall of 2021, the Respondent's daughter, a student in the Barrington School District, was enrolled in band and in need of a trumpet for her personal use.

8. In October 2021, the Respondent directed Abrahamson to deliver a trumpet from the Middle School's music department to the Respondent's secretary.

9. On or about October 27, 2021, Abrahamson, as directed, delivered the trumpet to the Middle School secretary, who then delivered it to the Respondent.

10. The Respondent took the trumpet from the Middle School to his home, where it was used by his daughter for two to three weeks before she decided against playing the trumpet in her school's band.

11. Abrahamson reminded the Respondent on more than one occasion to return the trumpet, but the Respondent retained possession of the trumpet for the remainder of the school year.

12. The Respondent maintains that he brought the trumpet back to the Middle School before the end of 2021, but he concedes that he kept it in his school office and never returned it to Abrahamson or the music department, nor did he inform Abrahamson or anyone else of the trumpet's location or availability.

13. On June 1, 2022, the Respondent left his employment with the Middle School with the trumpet still unaccounted for.

14. After the filing of the instant Complaint and upon inquiry during the course of the

investigation, the Respondent's successor discovered the trumpet, during the summer of 2022, in the office formerly occupied by the Respondent.

II. CONCLUSIONS OF LAW

1. As the former Principal of the Esek Hopkins Middle School, the Respondent was, at all relevant times, subject to the Rhode Island Code of Ethics in Government ("Code of Ethics"), pursuant to Rhode Island General Laws § 36-14-4(3).

2. The Respondent's personal use and possession of the trumpet, a Middle School-owned musical instrument valued at over \$1,000, from October 2021 through the end of the 2021-2022 school year, constituted a violation of R.I. Gen. Laws § 36-14-5(d), which prohibits a public official or employee from using his public office to obtain financial gain, other than that provided by law, for himself or any person within his family.

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 adopting the Findings of Fact, Conclusions of Law, and terms of the Settlement herein.
2. The Prosecution will recommend that the Ethics Commission impose, and the Respondent agrees to pay, a civil penalty in the amount of \$1,250.
3. The above terms represent the full and complete Informal Resolution and Settlement relative to the conduct set forth herein and in Complaint No. 2022-5.

Teresa Giusti

Teresa Giusti, Esq. (Bar No. 8006)

Commission Prosecutor

Dated: 12/8/22

Timothy Milisauskas

Timothy Milisauskas

Respondent

Dated: December 7, 2022

Jeffrey D. Sowa

Jeffrey D. Sowa, Esq. (Bar No. 51164)

Respondent's Counsel

Dated: 12/7/22