

**State of Rhode Island
Before the Rhode Island Ethics Commission**

In re: Carlos Monzon
Respondent

Complaint No. NF2017-4

Decision and Order of the Ethics Commission

This matter was adjudicated before the State of Rhode Island Ethics Commission ("Commission") on May 15, 2018, pursuant to R.I. Gen. Laws § 36-14-13, § 42-35-9 and Commission Regulation 1015. The following Commissioners were present for the adjudicative hearing and participated in the deliberations and rendering of this Decision and Order: Ross Cheit, Chair; Marisa A. Quinn; Robert A. Salk, Arianne Corrente; M. Therese Antone; J. Douglas Bennett and John D. Lynch, Jr.

Teresa Giusti prosecuted the case. The Respondent did not appear. Herbert DeSimone, Jr. attended all proceedings as legal counsel for the Commission.

Travel of the Case

On November 2, 2017, Steven T. Cross, Chief Commission Investigator, filed a 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 2016 calendar year.

Pursuant to § 36-14-12(c)(4) and Commission Regulation 1006, the Commission conducted a probable cause hearing in this matter on February 27, 2018. The Respondent was provided notice of the hearing by regular mail on January 30, 2018. The Respondent did not appear at that hearing. After considering the Complaint, the Investigative Report, and the arguments of counsel, the Commission unanimously adopted the following findings of probable cause: That there is probable cause to believe that the Respondent, Carlos Monzon, violated Rhode Island General Laws § 36-14-16 by failing to timely file a 2016 Financial Disclosure Statement with the Rhode Island Ethics Commission.

The Respondent was provided notice of the adjudicative hearing by both certified and regular mail on April 25, 2018. The adjudicative hearing was conducted during the open session of the Ethics Commission meeting held on May 15, 2018. A stenographer was present during the entirety of the proceeding. The Respondent did not appear or offer any evidence. The Prosecution offered evidence through the affidavits of Michelle Berg, Commission Financial Disclosure Officer, and Steven T. Cross, Chief Commission Investigator.

After deliberating in open session, the Commission, by a unanimous vote of 7-0, found that the Respondent had committed a knowing and willful violation of § 36-14-16 by failing to timely file the 2016 Financial Disclosure Statement and imposed a civil penalty in the amount of Seven Hundred Fifty (\$750) Dollars.

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 2016, Carlos Monzon served as an appointed member of the Central Falls Zoning Board until October 1, 2016.
2. On January 12, 2017 the Commission received a certified list of appointed and elected officials from the Central Falls City Clerk which reflected a mailing address for the Respondent of 985 Lonsdale Ave, Apt.2, Central Falls, RI 02863.
3. Or or about March 22, 2017, a blank 2016 Financial Disclosure Statement form along with instructions for online and paper filing were mailed to the Respondent at his designated address of 985 Lonsdale Ave. Apt. 2, Central Falls, RI 02863.
4. The Commission did not receive the completed 2016 Financial Disclosure Statement from the Respondent by the statutory deadline of April 28, 2017.
5. On or about June 15, 2017, a reminder notice indicating that the Commission had not received his Financial Disclosure Statement was mailed to the Respondent at his designated address of 985 Lonsdale Ave. Apt. 2, Central Falls, RI 02863.
6. Neither the March 2017 nor the June 2017 mailing was returned to the Commission as undeliverable.
7. The instant Complaint, a blank 2016 Financial Disclosure Statement, 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 as part of the complaint packet at his designated mailing address, 985 Lonsdale Ave. Apt. 2, Central Falls, RI 02863.
8. On November 29, 2017, the Respondent called the Commission's office and spoke with Chief Investigator Cross informing him that he had received the complaint package but had recently relocated to Massachusetts. He provided his new address of 149 Tisdale Street, Leominster, Massachusetts 01453 to the Commission's Financial Disclosure Officer, Michelle Berg, who updated the database with said address. The Respondent advised Chief

Investigator Cross that he had resigned from the Zoning Board on October 1, 2016, and that he would file his 2016 statement. He also stated that he would come to the Commission's office the next day to sign the Consent form and tender payment of a civil penalty in the amount of One Hundred (\$100) Dollars in resolution of the matter pursuant to the fine schedule approved by the Commission. On November 30, 2017, the Respondent filed his 2016 Statement online, but contacted Investigator Cross by phone and explained that he could not come to the Commission's office. He stated that he would mail the signed Consent form and payment to the Commission's office. Having not received the Respondent's Consent form or payment, Chief Investigator Cross called the Respondent on December 11, 12, and 13, 2017, leaving messages each time. The Respondent never responded to Chief Investigator Cross's messages.

9. On January 22, 2018, Chief Investigator Cross called the Respondent again in an attempt to resolve the matter. The Respondent informed Chief Investigator Cross that he did not come to the Commission's office back in December because he had not considered the matter to be important or that any action would be taken. Chief Investigator Cross explained to the Respondent the gravity of the complaint and that, if not resolved, the case would proceed to a probable cause hearing and a public adjudication where the Commission could impose a higher fine. The Respondent agreed to come to the Commission's office two days later, on January 24, 2018, to sign a Consent form and pay a revised fine in the amount of Two Hundred Fifty (\$250) Dollars. Chief Investigator Cross advised the Respondent that if he did not appear on January 24, the case would proceed. On January 24, 2018, the Respondent did not present at the Commission's office as planned. Chief Investigator Cross called the Respondent and left a message later the same day, but the Respondent did not call back.
10. On April 25, 2018, a notice was sent to the Respondent at his new address of 149 Tisdale Street, Leominster, Massachusetts 01453 regarding the adjudicative hearing that was scheduled for May 15, 2018.
11. As of the date of the adjudicative hearing, Chief Investigator Cross had not spoken with or been contacted by the Respondent since January 22, 2018; he left voice messages on December 11, 12, and 13, 2017; January 24 and April 13, 2018, and sent an email on April 18, 2018 regarding the adjudicative hearing.

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:

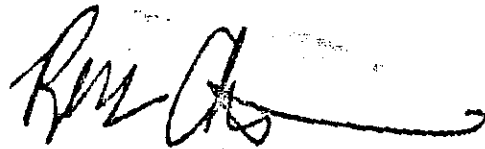
1. As an appointed member of the Central Falls Zoning Board during calendar year 2016, the Respondent was, at all times relevant hereto, a municipal appointed official subject to the Rhode Island Code of Ethics in Government pursuant to R.I. Gen. Laws § 36-14-4(2).
2. As a municipal appointed official during calendar year 2016, the Respondent was required to file a 2016 Financial Disclosure Statement on or before April 28, 2017 pursuant to R.I. Gen. Laws § 36-14-16(a)(5).
3. By failing to timely file a 2016 Financial Disclosure Statement with the Commission, the Respondent committed a knowing and willful violation of R.I. Gen. Laws § 36-14-16.

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

Ordered, Adjudged and Decreed

1. That the Respondent committed a knowing and willful violation of R.I. Gen. Laws § 36-14-16 by failing to timely file a 2016 Financial Disclosure Statement with the Rhode Island Ethics Commission; and
2. That the Respondent, pursuant to R.I. Gen. Laws § 36-14-13(d)(3), shall pay a civil penalty of Seven Hundred Fifty (\$750) Dollars.

Entered as an Order of the Rhode Island Ethics Commission on this 3d day of July 2018.



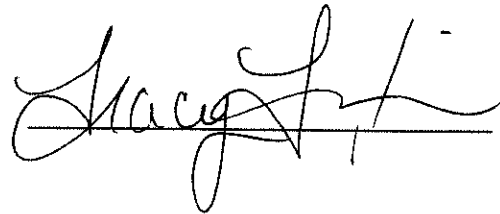
Ross Cheit, Chair
Rhode Island Ethics Commission

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.

Certification

I, Tracy Teixeira, hereby certify that on the 3rd day of July 2018, I caused a true copy of the within Decision and Order to be forwarded by first class mail, postage prepaid, to Carlos Monzon, 149 Tisdale Street, Leominster, Massachusetts 01453.

A handwritten signature in black ink, appearing to read "Tracy Teixeira", written over a horizontal line.