



Rhode Island news

Carcieri faces ethics charge

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PROVIDENCE — The state Ethics Commission yesterday refused to give Governor Carcieri an after-the-fact legal approval of the 2002 hiring of his niece-in-law, a former campaign worker, and some officials suggested that the governor might have violated the Code of Ethics.

The morning decision left Carcieri, who has already settled two ethics cases by paying fines, open to a third prosecution if anyone filed a complaint.

By early afternoon, someone had: state Democratic Party Chairman Bill Lynch said he had filed a formal complaint against the Republican governor.

The Journal reported in January 2003 that one of Governor-elect Carcieri's first hires was Stephanie Accaputo, the daughter of his wife's brother and a worker in the governor's successful 2002 campaign for governor. The issue came alive again last month with a WJAR-TV (Channel 10) report on the hiring, followed by accusations from Lynch that Carcieri had violated the state's anti-nepotism law.

The debate concerns what the Code of Ethics said, when, and how clearly it said it.

At a commission meeting yesterday morning, Carcieri's legal counsel, Kernan F. King, said that the hiring was proper under the Code of Ethics as it was at the time, in part because the code didn't include "niece-in-law" among the relatives covered by the anti-nepotism provisions.

"What part of 'by marriage' don't you understand?" retorted commission member Ross Cheit.

Cheit was referring to the fact that the code had since 1991 prohibited officials from using their office to benefit relatives, "whether by blood, marriage or adoption," and listed nieces among the relatives covered.

Cheit said he suspected that if Carcieri had asked the commission about hiring his relative then, "The answer would have been 'No.' "

A staff memo to the commission on the same subject said that "The Code of Ethics prohibits taking official action to benefit one's niece" and quoted the same "by blood, marriage or adoption" provision.

However, commission lawyer Jason Gramitt, who wrote the memo, also said that discovering that prohibition in 2002, before the commission rewrote and clarified the rules last year, could have required reading three sections of the code.

As a result, he said, officials “may not have been put on sufficient notice” that they might be violating the code. That is one of King’s claims in Carcieri’s defense.

But the possibility that the governor or his staff had trouble understanding the anti-nepotism provisions in 2002 only prompted questions about why Carcieri didn’t ask the commission for a clarifying legal opinion then.

To now ask for a ruling “going back to bail him out on this is not appropriate,” Cheit said.

The commission’s new chair, Barbara Binder, came close to inviting a complaint, saying, “It would really help us home in on the issues” by “having other parties” involved in helping clarify the question.

Binder was elected chair of the commission yesterday, replacing James Lynch Sr., whom Carcieri replaced on the board.

Accaputo was hired in late 2002 to work in the governor’s constituent-affairs office at a salary of \$37,781 per year, and now makes \$52,119 as an “administrative support specialist” in the executive department.

Asked about the hiring by The Journal then, Carcieri’s press secretary, Jeff Neal, said Accaputo had “very clearly earned” the job by providing “glowing service” during 14 months of work on Carcieri’s election campaign.

Lynch, meanwhile, said the ethics rules exist to keep elected officials from doing exactly what the governor did: “handing out taxpayer-funded positions as a reward for campaign work.”

Neal dismissed Lynch’s complaint as “predictable political shenanigans” and a “smear.” Neal said the decision to hire the governor’s niece-in-law was “entirely appropriate” because of “the lack of clarity in the Ethics Code at the time.”

Lynch also questioned the governor’s replacing the commission’s longtime chairman, James Lynch Sr., with a former unsuccessful Republican legislative candidate, Edward A. Magro, who arrived on the commission just in time for yesterday’s meeting on Carcieri’s hiring of his relative.

Neal had explained the timing by saying, “The governor felt it was an appropriate time to appoint a new member.”

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