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TARGET 12

Committee controlled by Mattiello violated public records law, AG finds



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disclose it did not possess a document related to the ongoing Convention Center scandal, the attorney general's office announced Tuesday.

In a written decision, Special Assistant Attorney General Kayla O'Rourke found the Joint Committee on Legislative Services violated the state's Access to Public Records Act after denying a document to a WPRI 12 reporter. The JCLS argued the information was exempt from disclosure under state law.

The truth, however, was that the JCLS never had the document.

On Feb. 4, WPRI 12 asked the JCLS to provide a copy of a list Mattiello referenced in a Providence Journal article to explain why he ordered a controversial audit of the Convention Center's finances. The audit came under intense scrutiny after Target 12 revealed it was ordered at the same time that Mattiello's friend, Convention Center security chief James Demers, was the focus of a personnel investigation there.

Mattiello eventually cancelled the audit after an outcry over his failure to get it lawfully authorized, but a grand jury is now investigating his motivations.

In the Journal article, Mattiello said he had "a list" that Demers said he gave to Convention Center officials which allegedly spelled out "financial issues" at the quasi-public agency.

Initially the JCLS denied WPRI 12's request, saying the document could remain under wraps because APRA exempts correspondence to or from an elected official, "relating to those they represent." (Demers lives in Mattiello's district.)

WPRI 12 reporter Eli Sherman filed an APRA complaint over the denial with the attorney general's office on Feb. 19.

In response, Joseph Rodgers, legal counsel to the JCLS, repeatedly requested delays to file his response to the complaint, citing the ongoing coronavirus pandemic as a key reason he couldn't meet the initial deadline of early March.

When he did, Rodgers revealed the JCLS never had possession of such a list in the first place.

Rodgers said that the omission was not made “willfully or knowingly but was an oversight while responding to this request.”

The attorney general’s office determined that the JCLS violated APRA by failing to simply state that the list never existed, but declined to issue a civil fine as punishment.

“We were not presented with evidence nor do we find evidence, to establish the instant violation was willful, knowing, or reckless,” O’Rourke wrote in the decision, adding there have been no “recent similar violations” against the JCLS.

But Attorney General Peter Neronha said the decision puts the legislative body “on notice.”

“This does go into, sort of, ‘the record’ if you will,” Neronha said in an interview. “If this issue should come up again, we might not come out quite the same way when it comes to taking stronger action.”

House spokesperson Larry Berman called the violation “technical in nature.”

“The document requested does not exist and the Attorney General found that it was undisputed that the JCLS did not maintain any responsive documents,” Berman wrote in an email.”The AG found that this was an oversight and was not done in a willful, negligent or reckless manner.”

John Marion, executive director of Common Cause RI, said the requested document was key information in investigating “the justification for the improperly ordered audit of that body.”

never existed, until there was a complaint against the body, does a disservice to the public's right to know the full story of the aborted convention center audit."

WPRI 12 objected to JCLS's repeated requests for a delay.

"It is not clear how the virus is preventing attorney Rodgers from providing a response, especially considering the legislature to date has continued to conduct its regular business," Sherman wrote in response to Rodgers' request for more time.

When Rodgers disclosed the JCLS was never in possession of the requested document in the first place, Sherman asked the attorney general to levy a fine, arguing the JCLS "willfully and knowingly abused the procedural process of APRA," by repeatedly asking for delays "when an apparently easy answer was waiting in the wings."

"A strong message of deterrence should be sent in this case," Sherman wrote.

Neronha said on Tuesday it was a "tough" decision not to issue the fine because of the high-profile nature of the underlying case.

"This is all about transparency," he said. "If you don't have a record, say so."

House Republican Leader Blake Filippi, who is a member of JCLS but has filed a lawsuit challenging Mattiello's control of the panel, offered this response on Twitter:



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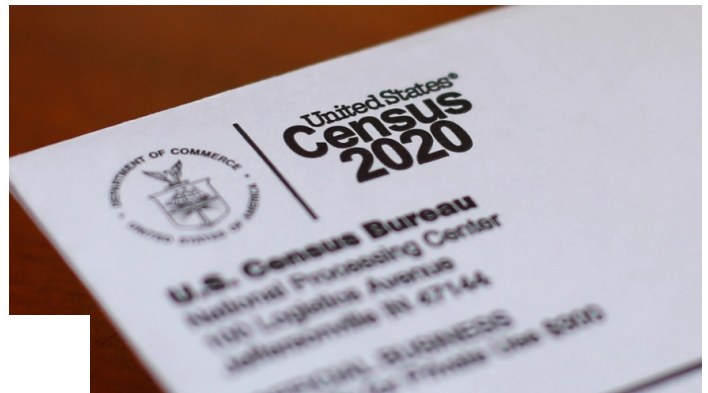
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