

**CITY OF PROVIDENCE
RHODE ISLAND**

CITY COUNCIL



**RECORD OF
PROCEEDINGS REGARDING SUSPENION
BY MAYOR VINCENT A. CIANCI, JR. OF
THE MEMBERS OF THE BOARD OF
CANVASSERS AND REGISTRATION ON
SEPTEMBER 24, 1976**

October 21, 1976

1

**IN CITY COUNCIL
NOV 18 1976**

READ:

**WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED**

Vincent Cianci
CLERK

ROLL CALL

Present: Council President Haxton and Councilmen Addison, Ahern, Almagno, Bradshaw, Councilwoman Brassil, Councilmen Cirelli, Cola, Fargnoli, Flynn, Garan, Gorodetsky, Henries, Johnson, Lynch, McKiernan, Merola, Pearlman, Stravato, Tomasso, Turchetta and Xavier—22.

Absent: Councilmen Mansohillo, Petrosinelli and Salvatore—3.

This is a Record of the Proceedings before the City Council held this day at 7:00 o'clock P.M. (EDT) concerning the following which was submitted for Hearing by Vote of the Said Council at its meeting held on Thursday, October 7, 1976.

Executive Chamber, City of Providence, R. I.

VINCENT A. CIANCI, JR.
Mayor

September 24, 1976

Board of Canvassers of the
City of Providence
Providence City Hall
Providence, Rhode Island

ATTENTION: Leo Baronian, Chairman

Gentlemen:

In regard to the suspension of the members of the Board of Canvassers, which is to occur September 24, 1976 at 4:30 p.m., in compliance with Section 4.30 of the Providence Charter, entitled "Removal of Officers," the following is a statement as to the cause of said suspension.

It is the opinion of the Mayor of Providence that the Board Members have been derelict in their duties, to wit: misfeasance and non-feasance in the operation of the obligations of the Board of Canvassers of the City of Providence.

Sincerely,
/s/VINCENT A. CIANCI, JR.
Mayor of Providence

In City Council October 7, 1976

Read:

Whereupon It is Ordered that the Same be Received.

/s/VINCENT VESPIA, City Clerk

The Clerk Informs Council President Haxton that he Is in Receipt of a Communication, Signed by Acting City Solicitor, Ronald H. Glantz, dated

October 20, 1976 Relative to Suspension Hearing of Board of Canvassers Before the City Council, viz:

October 20, 1976

Vincent Vespia
City Clerk
City Hall
Providence, RI

Re: Suspension Hearing of Board of Canvassers Before the City Council

Dear Mr. Vespia:

Insofar as Judge Lagueux on October 1, 1976 issued an Order that Mayor Vincent A. Cianci, Jr., of the City of Providence is preliminarily enjoined from suspending or attempting to suspend any of the members of the Board of Canvassers from the performance of their duties pending a hearing before the City Council, it is

the position of this office that we notify you of our intention to withdraw the request for said hearing.

This position in no way alters our intention to examine the conduct of the members of the Board of Canvassers; however, insofar as the Judge has ruled that the Mayor's method of notifying the members of the Board of Canvassers of their suspension which was in accordance with Sec. 4.30 (Removal of Officers of the Charter of the City of Providence) was improper, we feel that we shall at some future time bring this matter before the City Council in a manner that meets the Judge's requirements.

Very truly yours,
/s/ RONALD H. GLANTZ
Acting City Solicitor

Council President Haxton Inquires and Is Informed that the Members of the Board of Canvassers and Registration are Present as are Their Attorneys, Louis A. Mascia, Esq. and Charles J. Rogers, Esq.

Council President Haxton Inquires and Is Informed that John Rotondi, Jr., Deputy City Solicitor is Present, Representing His Honor the Mayor.

Council President Haxton Invites the Several Attorneys to Sit on the Rostrum and Introduce themselves to the City Council.

At This Point the following Testimony is Presented:

MR. MASCIA: Mr. Council President and Members of the Council, my name is Louis A. Mascia, 727 Industrial Bank Building, Providence. I am a practicing attorney in the State of Rhode Island.

MR. ROGERS: My name is Charles J. Rogers 25 South Angell Street, Providence, I am a resident of Warwick, Rhode Island, and am a practicing attorney in the State of Rhode Island.

MR. ROTONDI: I am John Rotondi, Deputy City Solicitor of the City of Providence, representing Mayor Vincent A. Cianci, Jr., in the case of Vincent A. Cianci, Jr., vs. the Board of Canvassers and Registration.

MR. MASCIA states, in accordance with Sec. 4.30 of the Charter of the City of Providence, that he and Mr. Rogers represent the three Members of the Board of Canvassers and Registration; Leo P. Baronian, Francis J. Dean, Jr., and Gaetano Lanzi, individually and as Members of the Board of Canvassers and Registration.

MR. MASCIA: Mr. President and Members of the City Council, in accordance with Section 4.30 of the Charter of the City of Providence, Messrs. Baronian, Dean and Lanzi are present before you in accordance with said Ordinance or that part of the Charter which states they shall have the right to counsel for a Hearing and they can in turn present any defense they might have.

I don't know what the position of Mr. Rotondi is and I will defer any statement until I have had the opportunity to hear from Mr. Rotondi.

MR. ROTONDI: The position of the City Solicitor's Department, is that insofar as there was a preliminary injunction issued by Justice Lagueux on October 1, 1976, that we shall maintain this matter in the Courts, for the purpose of having a Hearing. The reason being that the litigation was begun by the Board of Canvassers and Registration when they sought a temporary restraining order hearing on October 1, 1976, and made into a preliminary injunction, based upon the transcript from that hearing, this is a certified copy which I have acquired from the Court,

which has on page five that "I am going to make it a preliminary injunction. We won't have to have a hearing on this matter. The case can then take its course and be heard on the merits at some later time on the trial calendar."

It is our intention insofar as the Board of Canvassers and Registration saw fit to begin litigation in Superior Court to maintain it there for final determination at that level.

MR. MASCIA: It is my understanding that basically that what we are arguing to you and the Council is a legal question and Rotondi and the Mayors position is that this matter is going to be considered in the future in the Court, I would like to introduce and present to the City Clerk the order cited by Justice Lagueux dated October 1st. This matter came to be heard before Justice Lagueux on the first day of October, 1976 and after hearing my argument of counsel, it is ordered

— EXHIBIT A-A —

This, I will introduce to the City Clerk.

As far as my argument is concerned, I will present to the members of the Council the first letter read by Vincent Vespia, City Clerk, stating that the members of the Board were suspended by Mayor Vincent A. Cianci, Jr., under Section 4.30 of the Charter. Once a man is suspended by the Mayor, it is the duty of the City Clerk to set a hearing at the next council meeting and that was October 7th, and the meeting was set not less than ten days or longer than 15 days, today. I would like to quote from the Charter he reads EXHIBIT "B".

However, in the first part of the Section 4.30, the mechanism that goes through the suspension, where a man is suspended for cause, the Mayor shall notify him of the suspension in writing and the cause thereof and notify the Council and cause a copy to be filed in the office of the City Clerk, the Mayor shall likewise present written charges against the officer prior to the next regular meeting following suspension and cause a copy to be served against the suspended officer.

I respectfully submit to this honorable body, that the charges by the Mayor submitted was they were guilty of malfeasance and misfeasance.

I would also like to point out to this honorable body, that there were no specific charges presented to this body in that they were guilty of A — that they did this or B — that they did that.

I was before Justice Lagueux on October 1st and stated that malfeasance and misfeasance covers a multitude of sins. It is now the position of the Mayor of the City of Providence that he wishes to withdraw the alleged charges that were generalized, that placed them in jeopardy, and at some later time he will present the said charges, that will be double jeopardy.

Since they have been informed they were suspended and that we are acting under Section 4.30 of the City Charter, I would respectfully ask this Council that if the City Solicitor's Office has not furnished charges, and has no evidence against these gentlemen, then the Council is obligated and should vote in accordance with Section 4.30, that there is no cause for the removal of these officers.

In winding up, I would like to point out to the Members of the City Council and Mr. Rotondi — I have a certified copy of and I introduce to the City Clerk, the ruling of Justice Lagueux whereby it states and he is referring to the Mayor, "I think it violates basic principles of fairness to suspend someone from a position by just making a general allegation of misconduct. I think as a matter of law, in order to suspend, the Mayor has to state the specific act of misconduct. I can put it on a constitutional plane if I have to and, therefore, I am satisfied as a matter of law right now that the suspension is improper and rather than make it a temporary restraining order, I'm going to make it a preliminary injunction."

— EXHIBIT BB —

These are the words of Justice Lagueux, these charges have been alleged with no evidence be-

fore this council and I think that since this Charter, it was adopted in 1941, this is the only time in the history of the City of Providence, that officers were brought before the City Council, qualified officers, which I don't have to go into, charges and no evidence is presented.

This is analogous to the case of a police officer arresting a person and charging them on groundless charges and moving in court to dismiss the charges. That is grounds for a case of false imprisonment against the arresting authority. Therefore I humbly respectfully request that this Council have a vote of the Members that there is no cause for removal of these three officers who have performed their duties as Members of the Board of Canvassers, in accordance with the Charter Section 4.30.

MR. ROTONDI: Page 5 of the transcript that states that Judge Lagueux (reads)

that 4.30 of the Charter states that the individuals or officials must be notified of cause or specific charges. I cannot agree with my brother in placing this in the category of double jeopardy, insofar as they have seen fit to seek the intervention of the court system, it is the position of the Department that — so be it — let the Court hear the matter and reach a final determination.

I suggest that at this time you are under Court order, there is a preliminary injunction, if there is action by the Council this evening, I question as to whether it is fit or proper insofar as we are seeking a hearing which is our legal remedy in court.

Therefore, if the Council sees fit to make a determination this evening, I have not been asked for a legal decision, so be it, they can do so.

I would like to impress on this Council that we will maintain this matter in Court and seek a hearing and bring forth testimony.

We will seek testimony and evidence presented by the Department for purposes of showing malfeasance and misfeasance. What the Council sees fit to do, so be it.

MR. LYNCH: Thank God, whatever the Council decides to do is within their right and I hope that so long as we are here, we will be allowed to do so. I realize you have recourse to the Courts after action on our level. I see this is nothing more than a continuing charade on the part of Mayor Cianci and Ronnie Glantz just to continue busting our — whatever term you wish to use. It seems to me you are placing the City Council at an unfair advantage this evening to continue on with something like this. Mayor Cianci made these charges late in September. There was an order of Justice Lagueux on October 1 stating it should be continued — or there was an injunction.

The point is that the Council, on October 7th, set tonight as a hearing date which conformed with regulations of the City Charter. In respect to the members of the City Council, we felt it proper to have it tonight — 14 days.

Justice Lagueux came up with a ruling on October 1st, the Council met on October 7th and set this date and yet we were not in receipt of the letter until the date of October 20th, a long time from when we set the date at October 7th. I think it is unfair to the members of the City Council; we usually meet one hour later, and last I will point out that the original suspension by the Mayor to the members of the Board of Canvassers carried a letter to the City Council. I think it preceded this letter. This is a slipshod matter of doing things, which is nothing new. These are grave charges which have been leveled against three members of the Board of Canvassers, who have served a variable length of years with distinction and under different Mayors. There are two democrats and one republican. I have esteem for all members of the Board and they are extremely qualified for their job and if not, they would be called to task by the State Board of Elections. We are not here to listen to a lot of junk. A point of interest to me is that we don't have a full membership of the City Council present and I wish the press would be alert to the members that are missing. There is a slight pattern in the members involved that are not present.

I agree with Mr. Mascia in his comments that we are here despite the fact you people want to continue on with this charade and bring it up to further hearing of the City Council. Cianci will get headlines such as he did when he suspended them and came up with 3,000 fraudulent votes which are down to less than 100 and when he comes up with the new suspension, he will get the headlines.

We have the retractions printed on the back-page and I am getting a little sick of it. There is no cause for the removal of the three gentlemen, they have served the City well and I move the charges be dismissed, this is seconded by Councilman Addison, Councilwoman Brassil, Councilmen Ahern, Cirelli, Fagnoli, Garan, McKiernan, Merola, Stravato and Xavier.

MR. ROGERS: I agree with the Majority leader and suggest and request the amendment to his motion, not on dismissal for the charges, ask the Council to refuse to sustain the Mayor's action, a vote there are no charges against these men and a vote for these men. I do not want the charges dismissed, find them not guilty.

I live in the City of Warwick and this is the first time in my life I have had an opportunity to sit in the Council Chamber. I would like to correct my young brother on his views, what is going on here is harrassment of three fine distinguished public servants. He is incorrect on his views of the law.

Justice Lageau entered an order enjoining and restraining the Mayor of the City of Providence from removing them from the job.

The Mayor of the City of Providence is required to follow the Charter of the City of Providence, Section 4.30 (reads)

With a Superior Court Case, it was necessary for these three people, out of their own pocket, to hire attorneys for tonight's presence, they will have to hire lawyers again when the Mayor places the charges. He is required to follow the City Charter and file written charges to the City

Council, governing City Charter law. You people and you people alone, have the right to reject or sustain the Mayor's charges. The Superior Court suit means that the Mayor was prevented from suspending these people.

The order Mr. Mascia presented is what is on file and is a preliminary injunction. The Judge enjoined the restraining removal until this hearing by the City Council. The three people have been dragged through the mud and through the newspapers and I hear no evidence. I feel there are charges pending and I know in my own mind and heart they did not exist.

These three people have been accused of malfeasance or misfeasance. I submit to you, Section 4.30, these are the charges the Mayor filed (reads) it is a disgrace.

In my humble opinion I submit to you these three people have the basis of action for liable and slander against the Mayor and in looking into it I indicate to you that these men are three defendants —

You cannot do anything unless the power is contained in your Charter. The only way to amend the charter is by the General Assembly and signature of the Governor. These ridiculous charges have been filed by the Mayor and he has flagrantly abused the Council by not presenting any evidence whatsoever.

Mr. Lanzi is in his twenty-fifth year in the Office of the Board of Canvassers and Registration. I submit to the Clerk to be read at a time later, a letter dated August 16, 1962 by the Chairman of the Board of Elections of the State of Rhode Island.

— EXHIBIT CC —

Mr. Lynch mentioned there are democrats and republicans involved. I would like to indicate that a Republican Representative Lippitt, saw fit to send a letter of support to the Board of Canvassers and Registration and indicate

— EXHIBIT DD —

A letter to the Council from Americo Campagna indicating how courteous and competent they had been to him in the performance of their duties.

— EXHIBIT EE —

I also submit these people are being harrassed and the notification of the charges are satisfactory to me. They are the weakest possible charges. I ask not for a dismissal, but a finding that the charges have not been substantiated because some time you have to go back to the Superior Court.

If this Council votes with their conscience and heart, no shred of creditable evidence has been presented, and when we go back to Superior Court, you will be happy to dismiss our case; that the Mayor is in error and these people have not been guilty of malfeasance and misfeasance.

MR. McKIERNAN: Mr. Rogers has answered some of the questions I wanted to bring out for the newspapers.

Mayor Cianci was enjoined from suspending the members and this Council was not enjoined from the hearing if you read carefully. This hearing has been held on the charges and the gentlemen have a right of appeal to Judge Lagueux on these charges. Heading in a smoke-screen. That is not what this preliminary injunction says. Hold the hearing with the charges, where are the charges.

MR. GARAN: On the basis of what Mr. Rogers has said there is no new evidence beyond what the initial letter says. The City Solicitor has introduced no evidence on the malfeasance and misfeasance, no further evidence; on that basis the council should be polled to know they feel the Board of Canvassers is guilty or not guilty, I move a poll on that basis.

MR. ROTONDI: I address first the Chairman in regard to the characterization of the situation as a charade and busting, etc. Late this afternoon, I had a meeting with Justice Lagueux and as I stated intent, "that in the order issued by him

the respondent Vincent A. Cianci, Jr. his preliminary injunction from suspending or attempting (reads)

I then refer to the transcript on Page 5, the case can then take its own course and be heard at a later time.

I asked him if the intent was the City must first have a hearing rather than place this on the trial calendar.

I explained the City withdrew action. Judge Lagueux answered the City may place this on a trial matter and a hearing was not a condition preceding to their doing so.

I suggest insofar as the Board of Canvassers saw fit to seek attorneys and begin litigation, they were successful in getting Preliminary Injunction. Continue the matter in Superior Court and have a hearing which has not been held.

Specific charges have not been presented to the City Council. We did not place it in Court, the Board of Canvassers did. When the matter is on the calendar and brought before the Court — We are willing to have a hearing in Superior Court which has placed an injunction satisfactory to all.

MR. LYNCH: I would like to ask when did Justice Lagueux become aware of the fact the charges were to be withdrawn?

MR. ROTONDI: To my knowledge I notified him today when questioned as to the intent of his order. I then told him it was submitted to the Council, to Mr. Vespia.

MR. LYNCH: At what time.

MR. ROTONDI: At 2:15 o'clock today.

MR. LYNCH: We have twenty-five members on this City Council. It is a sad state of affairs when these people are brought down for a Public Hearing, such as tonight; the date was set on October 7th, and you wait until October 20 to withdraw. Why is this so. It is a sad state of affairs.

MR. ROTONDI: After a legal determination was made based on the order issued by Judge Lagueux and after our department researched the matter.

MR. LYNCH: The order was on October 1.

MR. ROTONDI: Correct.

MR. LYNCH: It took you until October 20th to withdraw the charges.

MR. ROTONDI: No, not that long. We considered the matter and we thought that insofar as the matter has been brought before the courts, the Mayor was in error and the proper forum should lay in court.

MR. LYNCH: He has been playing games with the City Council for two years now. The point remains the same and he cannot understand why we don't work closer with him.

MR. ROGERS: I would like to respond to my brother. First of all I am pleased to know the Law Department is seeking the advice of Justice Lagueux. I ask my brother if he ever asked Mayor Cianci if he intends to follow the City Charter to make it mandatory to present written charges and a hearing be held. There are charges before this Council and I ask this Council to vote, they being the only body who can decide this, as to whether they are worthwhile charges.

MR. LYNCH: I maintain on the basis of the comments I hear this evening, I dispute Rotondi's remarks and this is a charade.

I maintain there is no cause for the charges against Baronian, Dean and Lanzi. No cause for the removal of the several officers and no basis for the charges, and I so move.

MR. PEARLMAN: I would like to inquire of the Chair as to the legal status of this matter as far as the Council. The only paper we have is the letter from the Mayor. Is that correct.

The City Clerk reviews the communication for Mr. Pearlman.

MR. PEARLMAN: As I understand it, just to get the record straight, is the original letter of the Mayor dated October 7.

The Clerk responds the date of the original letter is September 24.

MR. PEARLMAN: Has the City Clerk on behalf of the Council received a letter from the Mayor withdrawing these charges. (The Clerk responds in the affirmative.)

MR. PEARLMAN: If there was a withdrawal letter from the Mayor, it has not been presented to each of us. (The City Clerk responds, the same was Read, that it was from Acting City Solicitor Glantz.)

COUNCILMAN LYNCH moves that there being no cause for the removal of the Members of the

Board of Canvassers and Registration, and no basis for the charges, and therefore the same be dropped.

This motion being Seconded by COUNCILMEN ADDISON, AHERN, COUNCILWOMAN BRASSIL, COUNCILMEN CIRELLI, FARGNOLI, FLYNN, GARAN, MEROLA, STRAVATO, and XAVIER is Put to Vote and Passed by the following Roll Call Vote:

Ayes: Council President Haxton and Councilmen Addison, Ahern, Bradshaw, Councilwoman Brassil, Councilmen Cirelli, Cola, Fagnoli, Flynn, Garan, Gorodetsky, Henries, Johnson, Lynch, McKiernan, Merola, Pearlman, Stravato, Turchetta and Xavier—20.

Absent: Councilmen Almagno, Mansolillo, Petrosinelli, Salvatore and Tomasso—5.

ADJOURNMENT

Adjournment is Taken, on motion of COUNCILMAN LYNCH, seconded by COUNCILMEN ADDISON and FLYNN at 8:20 o'clock P.M. (E.D.T.).

(Note: Exhibits "BB", "CC", "DD" and "EE", Introduced as Evidence, as noted in the subject record, incorporated by reference, and attached to file in the Department of City Clerk of this date.)

Vincent Capria
Vincent Capria
City Clerk

October 21]

11

[1976

STATE OF RHODE ISLAND
PROVIDENCE, SC.

A-11
SUPERIOR COURT

LEO P. BARONIAN, GAETANO LANZI,
and FRANCIS J. DEAN, JR., indi-
vidually and as members of the
Providence Board of Canvassers

V.

VINCENT A. CIANCI, JR., Mayor
of the City of Providence

NO. 76-331 04

Exhibit "A A"
Vincent Cianci
City Clerk

ORDER

This matter came on to be heard before Mr. Justice Ronald Lagueux of
the Honorable Superior Court, sitting at Providence on the 1st day of October,
1976, and after hearing and argument of counsel, it is hereby:

ORDERED:

1. That the within respondent, Vincent A. Cianci, Jr., Mayor of the City
of Providence, is preliminarily enjoined from suspending or attempting to sus-
pend any of the within petitioners individually or collectively from the per-
formance of their duties, ^{pending hearing before the City Council} until further order of this Honorable Court.

2. That the within respondent, Vincent A. Cianci, Jr., Mayor of the City
of Providence, is preliminarily enjoined from taking any action either directly
or indirectly connected or related in any manner or form with any attempt to
suspend any of the petitioners individually or collectively from the perfor-
mance of their duties as members of the Board of Canvassers of the City of
Providence.

ENTERED as the Order of this Honorable Court this 1st day of October,
A.D. 1976.

BY ORDER:

Gasco Picano Jr
asst Clerk

ENTER:

S/ Lagueux J.
10-1-76

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, Sc.

SUPERIOR COURT

----- -x
LEO P. BARONIAN, et als
VS
VINCENT A. CIANCI, JR. et als
----- -x

C.A. #76-3304

Exhibit "BB"
Vincent Cianci
City Clerk

HEARD BEFORE: Mr. Justice Lagueux
October 1, 1976

APPEARANCES

LOUIS A. MASCIA, Esquire.....For the Plaintiffs
CHARLES J. ROGERS, JR., Esquire.....For the Plaintiffs
JOHN ROTONDI, JR., Esquire.....For the Defendants

OCTOBER 1, 1976 (A.M. SESSION)

THE COURT: Leo P. Baronian et als vs Vincent A. Cianci, Jr. et als.

MR. MASCIA: If it please the Court, this matter is before the Court on a prayer for preliminary injunction. The travel of the case, the Mayor of the City of Providence under 4.30 of the Providence City Charter suspended the three members of the Board of Canvassers, comprising all the members of the Board of Canvassers. Subsequently a restraining order was obtained by this Honorable Court. The matter is down for today. This matter, as his Honor has indicated, will not probably be reached today. If the restraining order were to be dissolved, the City of Providence would be without a Board of Canvassers. As far as the Providence City Charter is concerned, there is no provision in the charter whereby the Mayor may fill the position of a suspended officer. (Further argument) I think what the Court should do is continue this matter for three weeks until October 22; continue the restraining order in full force and effect and at that time, Your Honor, after the hearing on the 21st it will be a moot question. Either they will be removed for cause or they will remain as members of the Board of Canvassers.

MR. ROGERS: In attempt to supplement my brother's statements to the Court, I would respectfully indicate to the Court that under the provisions of the City Charter of the City of Providence that the action of the Mayor in suspending must get a two-thirds vote, majority of the Council. So that it's not a situation where the Mayor alone can suspend or remove. A hearing must be in fact held and in order to be sustained, it's required that two-thirds of the City Council in the City of Providence go along with the Mayor. (Further argument) I would respectfully urge upon the Court that Your Honor continue the matter to the date suggested by Mr. Mascia which would be one day after the hearing before the City Council of Providence and on behalf of the Board of Canvassers I represent to the Court that if the City Council does not concur with Mayor Cianci, that my brother and myself, Mr. Mascia and myself would in fact come before the Court and request that the case pass off the calendar. It would be moot. Thank you, sir.

MR. ROTONDI: I would like to address my remarks first to Section 4.30 of the Charter of Providence which reads: "Removal of Officers". I differ with my brother, Rogers, insofar the Mayor is empowered to suspend. The question as to ultimate removal will be determined by a two-thirds vote of the Council. I agree with this. However,

I think the issue before the Court is whether or not the Mayor has the authority under the Charter to suspend these individuals. (Further argument)

THE COURT: Let me ask you this: who's going to act as Board of Canvassers if this suspension is allowed to take place?

MR. ROTONDI: I would suggest that would be the prerogative of the Mayor.

THE COURT: The prerogative of the Mayor? Under what authority?

MR. ROTONDI: I would assume that he would get, he would correspond with the Board of Elections who has made a public statement, if the Board of Canvassers of the City of Providence were removed, he would staff that department, but to simply say, if I could ask this question: well, who would be the replacement --

THE COURT: I'm not looking for names.

MR. ROTONDI: (Further argument) Now the next meeting is October 7 and I think that this cloud or this restraining order, I would ask that the hearing be held so that we know the position we're in prior to issuing the specific charges before the next meeting.

MR. MASCIA: (Further argument)

THE COURT: Where is the power to appoint?

MR. MASCIA: Under the section.

THE COURT: It's in the charter?

MR. MASCIA: Yes.

THE COURT: The charter calls for the method of appointment of the Board of Canvassers?

MR. MASCIA: Yes.

THE COURT: And that's a legislative charter?

MR. MASCIA: This is not a home rule charter. It's a legislative charter. (Further argument)

MR. ROTONDI: If I can address one more fact, I don't think a ruling of this Court should be contingent upon the outcome of a council hearing. I think the purpose we're here before the Court this morning is that there's been a restraining order restraining the Mayor from doing what he is authorized to do under the charter. He has suspended these gentlemen and I don't think that any other ramnification such as the council meeting of the 21st and the moot question should be an issue. I'm requesting this matter be heard at the earliest possible date. We're prepared to go forward Monday, Tuesday, Wednesday, whenever the Court sees fit. I think it's the type of situation where we should have a legal determination by this Court.

THE COURT: Well, heard on what?

MR. ROTONDI: Heard on the removal of the temporary

restraining order. He's restraining the Mayor from doing something he is empowered to do. The question of vacancies and the question of whether or not he can appoint, that's not the issue before the Court. The issue is whether or not he has the authority under this charter to do what he did and I suggest the reading of it as I read to yourself and into the record says that he has that authority.

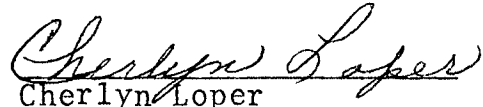
THE COURT: He has the authority to suspend but I suggest that as a matter of law he doesn't have the authority to suspend by making a broad allegation of misconduct. He has to specify the charges.

MR. ROTONDI: (Further argument)

THE COURT: I think it violates basic principles of fairness to suspend someone from a position by just making a general allegation of misconduct. I think that as a matter of law, in order to suspend, the Mayor has to state the specific act of misconduct. I can put it on a constitutional plane if I have to and, therefore, I am satisfied as a matter of law right now that the suspension is improper and rather than make it a temporary restraining order, I'm going to make it a preliminary injunction. We won't have to have a hearing on this matter. The case can then take its course and be heard on the merits at some later time on the trial calendar. Preliminary injunction may issue. Prepare an order.

C E R T I F I C A T I O N

I hereby certify that the foregoing
Pages 1 through 5, inclusive, is a true
and accurate transcript according to my
stenographic notes.


Cherlyn Loper
Court Stenographer



State of Rhode Island and Providence Plantations

BOARD OF ELECTIONS

50 BRANCH AVENUE, PROVIDENCE

ALBERT J. LAMARRE, CHAIRMAN
JAMES T. LYMAN
DANIEL LAPOLLA
GEORGE M. WESTLAKE
PETER J. PIMENTEL, SECRETARY

August 16, 1962

STEPHEN F. ACHILLE
LEGAL ADVISOR

JOHN B. GENDRON
ADMINISTRATIVE ASSISTANT

Mr. Gaetano Lanzi, Clerk
Canvassing Authority
City Hall
Providence, R. I.

Albert J. Lamarre
Canvassing Authority
City Clerk

Dear Mr. Lanzi:

The Board of Elections wishes to convey to you its appreciation and thanks for your idea in suggesting the use of "color clips" on the voter's registration cards.

As you know we have supplied all the Canvassing Authorities with a supply of these "clips" for which they are very appreciative.

The Board feels indebted to you for your cooperation given to it over the years. May you remain a public servant for many years to come. Your city and your state need the services of dedicated servants like you.

Sincerely,

Albert J. Lamarre
Albert J. Lamarre Chairman

BOARD OF ELECTIONS



Re-Elect FREDERICK LIPPITT

State Representative — Third District

October 20, 1976

Mr. Gaetano Lanzi, President
Board of Canvassers
City Hall
Providence, RI

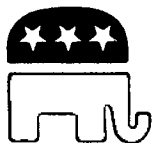
*Exhibit "D D"
Ernest Vespe
City Clerk*

Dear Guy:

You have asked me to advise you regarding the services I have received over the years from the Board of Canvassers and I am happy to do so. I have dealt frequently with the Board in connection with the registration of voters, questions relating to changes of address of voters and with respect to shut-in and absentee voters. I have found the Board to have been courteous and efficient in its service. On each occasion when I have been there, the Board and the staff have done their best to be helpful.

Sincerely yours,

Frederick Lippitt



Rhode Island Republican State Central Committee

AMERICO CAMPANELLA
CHAIRMAN

SUITE 501
TURKS HEAD BUILDING
PROVIDENCE, R. I. 02903
(401) 421-2570

October 19, 1976

The Providence City Council
City Hall
Providence, R.I.

*Exhibit "EE"
Sincerely Respected
City Clerk*

To the Providence City Council:

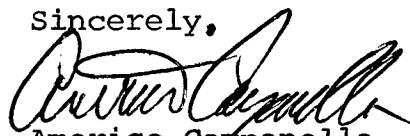
I have been acquainted with Guy Lanzi, minority member of the Board of Canvassers for better than twenty years. I have dealt with Mr. Lanzi both in his capacity as a member of the Providence Board of Canvassers and as an individual. I have always found him to be very conscientious and responsible in his position as a member of the Board.

Mr. Lanzi has been most helpful to me in my many years in party politics. I have also been acquainted with the other members of the Board of Canvassers and I find them to also be very courteous and conscientious in the performance of their duties.

Because of a prior commitment, I am not able to attend the hearing which I understand will be held on October 21, 1976, otherwise I would express the above personally to the Council.

If there is any additional information that you would require from me, I would be most happy to oblige.

Sincerely,


Americo Campanella
State Chairman

AC/jeh



Executive Chamber, City of Providence, Rhode Island.

Vincent A. Cianci, Jr.
MAYOR

September 24, 1976

Board of Canvassers of the
City of Providence
Providence City Hall
Providence, Rhode Island


Attention: Leo Baronian, Chairman

Gentlemen:

In regard to the suspension of the members of the Board of Canvassers, which is to occur September 24, 1976 at 4:30 PM, in compliance with Section 4.30 of the Providence Charter, entitled "Removal of Officers", the following is a statement as to the cause of said suspension.

It is the opinion of the Mayor of Providence that the Board Members have been derelict in their duties, to wit: misfeasance and non-feasance in the operation of the obligations of the Board of Canvassers of the City of Providence.

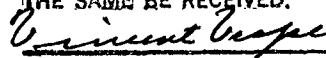
Sincerely,


VINCENT A. CIANCI, JR.
Mayor of Providence

VAC
cc City Clerk ✓
Francis Dean
Gaetano Lanzi

IN CITY COUNCIL
OCT 7 1976

READ:
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.


CLERK

SEP 24 2 52 PM '76
CITY CLERK
PROVIDENCE, R.I.

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Giuliano Lanzi
201 Wardlaw Ave.
Brooklyn, N.Y. 11201

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
33335		

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

10-9-76

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, and 3 on reverse side.
• Moisten gummed ends and attach to back of article.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO



Dept of City Clerk
City Hall
Nov 22 12903

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

L: C P BAKONIAN
43 P. THERYIEN AVE
PRIN R.I 02907

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
33333		

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Wancy Berman

4. DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
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PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO



Dept. of City Clerk
City Hall
Providence R. I. 02903

PS Form 3811, Jan. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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1. The following service is requested (check one).

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☐ Show to whom, date, & address of delivery.. 35¢
☐ **RESTRICTED DELIVERY.**
Show to whom and date delivered..... 65¢
☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

Francis A. Dean Jr.
268 Union Ave
Prov RI 02909

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
33334		

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO



Rep. of City Clerk
City Hall
P.O. Box 02903

STATE OF RHODE ISLAND, PROVIDENCE, S.C.

Superior Court
Leo F. Baronian
Gaetano Lanzi
Francis J. Dean, Jr.

Individually and as Members of the Providence Board of Canvassers and
Registration vs. Vincent A. Cianci, Jr., Mayor of the City of Providence,
No. 76-3304

ORDER: This matter came on to be ~~XXXX~~ heard before Justice Ronald
Lagueaux of the City of Providence on the first day of October, 1976,
and after hearing his argument of-----, it is hereby ordered that
counsel

1. That the within Respondent, Vincent A. Cianci, Jr., Mayor of
the City of Providence is preliminarily enjoined from supposing to
suspect individually ~~XXXXXX~~ or collectively from the performance of
their duties Pending Hearing before ~~XXXX~~ the City Council, until
further Order of this Honorable Court.

ENTERED: As an Order of this Honorable Court, this first Day of
October 1976.

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: October 12, 1976

TO: Members of the City Council

SUBJECT: NOTICE OF HEARING - BOARD OF CANVASSERS AND REGISTRATION

CONSIDERED BY: City Council

DISPOSITION: Notice is hereby given that in accordance with the vote of the City Council, at its meeting held on Thursday, October 7, 1976, regarding the suspension of the Members of the said Board, the same will be heard before the City Council on Thursday, October 21, 1976, at 7:00 o'clock P.M. (E.S.T.) in the Chamber of the City Council, all in accordance with the Provisions of Section 4.30, entitled, "Removal of officers" of the Providence Charter Act of 1940.

Ernest Asper
City Clerk



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: September 24, 1976

TO: Members of the City Council

SUBJECT: SUSPENSION - MEMBERS OF THE BOARD OF CANVASSERS & REGISTRATION

CONSIDERED BY: Council President Pro Tempore Fagnoli

DISPOSITION: Attached is copy of correspondence from the Mayor relative to the above subject, filed with the City Clerk this date, at 2:52 o'clock P.M. (E.D.T.).

I have been directed by Council President Pro Tempore Fagnoli to transmit a copy of the same to you, for your information.

Vincent Cooper

City Clerk

October 8, 1976

Mr. Leo P. Baronian, Chairman
Board of Canvassers & Registration
43 Rutherglen Avenue
Providence, RI 02907

Dear Mr. Baronian:

Notice is hereby given, in accordance with the provisions of Sec. 4.30. Removal of officers, that on Thursday, October 21, 1976, at 7:00 o'clock P.M. (E.D.T.) in the Chamber of the City Council, City Hall, Providence, the said City Council will hold a Hearing relative to that communication, dated September 24, 1976, regarding the suspension of the Members of the Board of Canvassers, which was filed with the City Clerk, a copy of same being hereto attached.

The City Council on Thursday, October 7, 1976, at its meeting, fixed that time and place.

Very sincerely yours,

Vincent Vespia
City Clerk of Providence

VV:hgg
Enc.

RETURN RECEIPT REQUESTED

October 8, 1976

Mr. Gaetano Lanzi, Secretary
Board of Canvassers & Registration
201 Wardlaw Avenue
Providence, RI 02908

Dear Mr. Lanzi:

Notice is hereby given, in accordance with the provisions of Sec. 4.30. Removal of officers, that on Thursday, October 21, 1976 at 7:00 o'clock P.M. (E.D.T.) in the Chamber of the City Council, City Hall, Providence, the said City Council will hold a Hearing relative to that communication, dated September 24, 1976, regarding the suspension of the Members of the Board of Canvassers, which was filed with the City Clerk, a copy of same being hereto attached.

The City Council on Thursday, October 7, 1976, at its meeting, fixed that time and place.

Very sincerely yours,

Vincent Vespia
City Clerk of Providence

VV:hgg
Enc.

RETURN RECEIPT REQUESTED

October 8, 1976

Mr. Francis J. Dean, Jr.,- Member
Board of Canvassers & Registration
268 Union Avenue
Providence, RI 02909

Dear Mr. Dean:

Notice is hereby given, in accordance with the provisions of Sec. 4.30. Removal of officers, that on Thursday, October 21, 1976 at 7:00 o'clock P.M. (E.D.T.) in the Chamber of the City Council, City Hall, Providence, the said City Council will hold a Hearing relative to that communication, dated September 24, 1976, regarding the suspension of the Members of the Board of Canvassers, which was filed with the City Clerk, a copy of same being hereto attached.

The City Council on Thursday, October 7, 1976, at its meeting, fixed that time and place.

Very sincerely yours,

Vincent Vespia
City Clerk of Providence

VV:hgg
Enc.

RETURN RECEIPT REQUESTED

STATE OF RHODE ISLAND, PROVIDENCE, S.C.

Superior Court
Leo P. Baronian
Gaetano Lanzi
Francis J. Dean, Jr.

Individually and as Members of the Providence Board of Canvassers and
Registration vs. Vincent A. Cianci, Jr., Mayor of the City of Providence,
No. 76-3304

ORDER: This matter came on to be ~~XXXX~~ heard before Justice Ronald
Lagueaux of the City of Providence on the first day of October, 1976,
and after hearing his argument of-----, it is hereby ordered that
counsel

1. That the within Respondent, Vincent A. Cianci, Jr., Mayor of
the City of Providence is preliminarily enjoined from supposing to
suspect individually ~~XXXXXX~~ or collectively from the performance of
their duties Pending Hearing before ~~XXXX~~ the City Council, until
further Order of this Honorable Court.

ENTERED: As an Order of this Honorable Court, this first Day of
October 1976.

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE:

TO:

SUBJECT:

CONSIDERED BY:

DISPOSITION:

RONALD H. GLANTZ

~~XXXXXXXXXX~~

Acting CITY SOLICITOR

~~XXXXXXXXXX~~

JOHN ROTONDI, JR.

DEPUTY CITY SOLICITOR

JOHN CARPELLO

STEVEN G. SABER

ALBERT R. CULLE

ASSISTANTS

JOHN H. Mc HUGH

SPECIAL COUNSEL

BENEDICT ALBANESE

SERAFINE LEPORE

CLAIMS CONSULTANTS



LAW DEPARTMENT

CITY HALL, PROVIDENCE

RHODE ISLAND 02903

421-7740 EXT. 381

AREA CODE 401

MAYOR

VINCENT A. CIANCI, JR.

October 20, 1976

Vincent Vespia
City Clerk
City Hall
Providence, RI

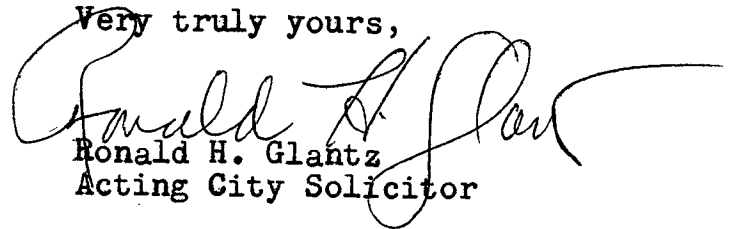
Re: Suspension Hearing of Board of Canvassers
Before the City Council

Dear Mr. Vespia:

Insofar as Judge Lagueux on October 1, 1976 issued an Order that Mayor Vincent A. Cianci, Jr., of the City of Providence is preliminarily enjoined from suspending or attempting to suspend any of the members of the Board of Canvassers from the performance of their duties pending a hearing before the City Council, it is the position of this office that we notify you of our intention to withdraw the request for said hearing.

This position in no way alters our intention to examine the conduct of the members of the Board of Canvassers; however, insofar as the Judge has ruled that the Mayor's method of notifying the members of the Board of Canvassers of their suspension which was in accordance with Sec. 430 (Removal of Officers of the Charter of the City of Providence) was improper, we feel that we shall at some future time bring this matter before the City Council in a manner that meets the Judge's requirements.

Very truly yours,


Ronald H. Glantz
Acting City Solicitor

PROVIDENCE, R.I.
DEPT. OF CITY CLERK
/abt

cc: Charles J. Rogers, Jr., Esq.
Louis A. Mascia, Esq.

63119

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: November 16, 1976

TO: Members of the City Council

SUBJECT: *

CONSIDERED BY: City Clerk, Vincent Vespia

DISPOSITION: Accompanying is subject matter for your information.

The same appears on this meetings docket as Item No. 42., for consideration by the City Council as noted.

- * Record of Proceedings regarding Suspension by Mayor Vincent A. Cianci, Jr., of the Members of the Board of Canvassers and Registration on September 24, 1976.

Vincent Vespia

City Clerk

November 17, 1976

Mr. Louis A. Mascia, Esquire
727 Industrial Bank Building
Providence, RI 02903

Dear Louie:

I submit the enclosure being the record of proceedings regarding suspension by Mayor Vincent A. Cianci, Jr., of the Members of the Board of Canvassers and Registration on September 24, 1976.

The same matter was heard by the City Council on October 21, 1976, and is for your edification.

Sincerely,

Vincent Vespia
City Clerk of Providence

VV:hgg
Enc.

November 17, 1976

Mr. Charles J. Rogers, Esquire
25 South Angell Street
Providence, RI 02906

Dear Charlie:

I submit the enclosure, being the Record of Proceedings regarding suspension by Mayor Vincent A. Cianci, Jr., of the Members of the Board of Canvassers and Registration on September 24, 1976.

The same matter was heard before the City Council on October 21, 1976, and is for your edification.

Sincerely,

Vincent Vespia
City Clerk of Providence

VV:hgg
Enc.