



## **RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY**

### ***Legal Counsel***

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Department of Public Safety

July 10, 2012

Corbin Carson  
News21 Journalist  
Cronkite School of Journalism  
555 North Central Avenue  
Phoenix, AZ 85004

RE: Records Request

Dear Ms. Carson:

I am in receipt of the records request submitted by Stephen K. Doig dated June 4, 2012 seeking information regarding voter fraud cases in Rhode Island from 2000 to the present. Mr. Doig specifically requested that the response to his letter be sent to you at the above-stated address. This request is governed by the Access to Public Records Act contained in R.I.G.L. Chapter 38-2. In response to a request for public records, an agency is required to make available for public disclosure those records that are responsive to a request, are in the possession of the agency and are not otherwise exempted from disclosure.

In his letter, Mr. Doig also specifically requests specific detailed information regarding voter fraud cases as was recently released by the State of Texas Attorney General's office. Please be advised that R.I.G.L. Section 38-2-3(f) does not require an agency to reorganize, consolidate, or compile data that is not maintained in the form requested at the time of said request.

Specifically in response to his request for voter fraud cases in Rhode Island from 2000 to the present, attached please find Arrest Report Number 08RIX1-33-AR, with redactions. Rhode Island General Law §38-2-2 excludes the release of personal information or information relating to an individual in any files and law enforcement records that could reasonably be expected to be an unwarranted invasion of personal privacy. In accordance with this expectation of privacy, some portions of this report have been redacted. This case was resolved on June 9, 2008 when the defendant, Barbara Riccio entered a plea of nolo contendere to one count of providing false documents to a public official and received one (1) year probation. The disposition information may be obtained at [www.courtconnect.courts.ri.gov](http://www.courtconnect.courts.ri.gov).

Page two  
July 10, 2012

Please be advised that the Rhode Island State Police have investigated approximately ten (10) allegations of violations with respect to elections from 2000 to 2010. None of these investigations resulted in either a determination that a crime had occurred or an arrest. Therefore, this letter will serve as written notification that the records that you have requested from the Rhode Island State Police are not considered public records under Rhode Island law. Rhode Island General Law § 38-2-2 excludes personal information relating to an individual in any files and law enforcement records that could reasonably be expected to be an unwarranted invasion of personal privacy, or could disclose information furnished on a confidential basis. Additionally, these matters are not circumstances where a crime had occurred, and no arrest was made. Accordingly, the privacy interests of the individuals involved are substantial and would not be considered a public record.

An Attorney General's opinion April 22, 2004, PR 04-08 refers to a similar request:

We recently addressed a comparable situation in In re: Cumberland Police Department, ADV PR 03-02. In that case, a request was made for an incident report filed with the police concerning an off-duty police officer. The law enforcement exemption to the APRA indicates specifically that "records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be public." R.I. Gen. Laws § 38-2-2(5)(i)(D). Upon an investigation of the incident at issue, the Cumberland Police determined the complaint was unfounded and that no violations of law had occurred. No arrest was made. Based on our review of the APRA law enforcement exemption in its entirety, we concluded the General Assembly made a substantive distinction between arrest records and incident reports which describe an incident lacking sufficient cause to prompt an arrest. That distinction was based on a concern for the privacy rights of those accused of misconduct. When a law enforcement agency investigates a complaint and determines that an arrest is not warranted, there exists a strong presumption that records arising out of that investigation fail to meet the threshold requirement established by R. I. Gen. Laws § 38-2-2(5)(i)(D)(c) [exempting from public disclosure records which "could reasonably be expected to constitute an unwarranted invasion of personal privacy"]. In other words, when the police determine probable cause does not exist, disclosure of related records can reasonably be expected, in most cases, to constitute an unwarranted invasion of personal privacy. To conclude otherwise would fail to give sufficient effect to the General Assembly's specific determination that arrest reports are public. In re: Cumberland Police Department, ADV PR 03-02.

We conclude the same privacy concerns arise here.

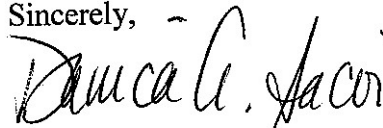
Lastly, in response to Mr. Doig's specific request of any cases involving Robert Costa in 2004, Keith Costa in 2004, Agnes Mancini in 2010, and Anthony Mancini in 2010, please be advised that the Rhode Island State Police are not in possession of any records that are responsive to this portion of his request.

Page three  
July 10, 2012

A copy of Rhode Island General Laws § 38-2-8 is enclosed which provides the procedures for appeals.

Please feel free to contact me should you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Danica A. Iacoi". The signature is fluid and cursive, with the first name "Danica" being more prominent.

Danica A. Iacoi, Esq.

Enclosure

Rhode Island State Police Headquarters  
Arrest Report

Page: 1  
06/21/2012

Arrest #: 08RIX1-33-AR  
Incident #: 08RIX1-26-OF

Date/Time Reported: 01/11/2008 @ 1209  
Arrest Date/Time: 01/14/2008 @ 1030  
Booking Date/Time: 01/14/2008 @ 1054  
Additional Cases: 08RIX1-65-AR  
Court: PROVIDENCE SUPERIOR COURT  
Court Date: 01/14/2008 @ 1400  
Reporting Officer: Corporal GERALD MCKINNEY  
Assisting Officer: Lieutenant ARTHUR KERSHAW  
Booking Officer: Corporal GERALD MCKINNEY  
Approving Officer: Corporal GERALD MCKINNEY

Signature: \_\_\_\_\_

Bail For Court: 3rd District Court  
Surety Bail Set  
5,000.00

Set: 01/14/2008 @ 0000

Bail Unpaid:

Signature: \_\_\_\_\_

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
1	RICCIO, BARBARA J 32 VIGILANT ST CRANSTON RI 02910	F	W	43		
HEIGHT: 502      WEIGHT: 100      HAIR: BROWN      EYES: BROWN BODY: NOT AVAIL.      COMPLEXION: NOT AVAIL. DOB: [REDACTED] 1964      PLACE OF BIRTH: NOT AVAIL. STATE ID: [REDACTED]      FBI ID: 921640EB5 LICENSE NUMBER: [REDACTED]      ETHNICITY: NOT HISPANIC						

[APPEARANCE]

GLASSES WORN: NO

[RIGHTS/BOOKING CHECKS]

RIGHTS ADVISED BY: Corporal GERALD M MCKINNEY      DATE/TIME: 01/14/2008 @ 1055  
PHONE USED: N  
ARRESTEE SECURED: Y      01/14/2008      1055  
ARRESTEE CELL #: N  
  
FINGERPRINTED: N  
PHOTOGRAPHED: N  
SUICIDE CHECK: Performed  
PERSONS: State&Federal  
WANTED BY: 6TH DC FOR FTA ATP  
NCIC VEHICLE CHECK: Not Performed  
INJURY OR ILLNESS: N

#	OFFENSE(S)	ATTEMPTED	TYPE
	LOCATION TYPE: Government/Public Building      Zone: Lincoln Area 869 PARK AVE CRANSTON RI 02910		

Rhode Island State Police Headquarters  
Arrest Report

Page: 2  
06/21/2012

Arrest #: 08RIX1-33-AR  
Incident #: 08RIX1-26-OF

#	OFFENSE(S)	ATTEMPTED	TYPE
1	ELECTION VIOLATIONS 17-23-17                      17-23              17 OCCURRED: 12/22/2007      1209	N	Felony
2	BENCH WARRANT ISSUED FROM 6TH DISTRICT COURT BWARRANT-6D                      BWARRANT      6D OCCURRED: 01/14/2008      1057	N	Misdemeanor
3	BENCH WARRANT ISSUED FROM 6TH DISTRICT COURT BWARRANT-6D                      BWARRANT      6D OCCURRED: 01/14/2008      1059	N	Misdemeanor
4	FORGERY AND COUNTERFEITING IN GENERAL 11-17-1                      11-17              1 OCCURRED: 12/22/2007      1340	N	Felony

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	CITY OF CRANSTON 869 PARK AVE CRANSTON RI 02910 VICTIM CONNECTED TO OFFENSE NUMBER(S): 1      4					

#	OTHER PROPERTIES	PROPERTY #	STATUS
1	SIGNATURES QUANTITY: 5                      VALUE: \$1.00 SERIAL #: NOT AVAIL DATE: 01/14/2008 OWNER: CITY		Counterfeited/Forged
		OF	CRANSTON



Ref: 08RIX1-33-AR

On January 10, 2008, Detective McKinney was assigned to investigate a complaint filed by the Cranston Board of Canvassers regarding possible violations of Rhode Island election laws. According to the complaint, members of the Cranston Board of Canvassers, in the course of verifying nomination papers, discovered that one particular nomination paper contained the purported signature of an individual who is deceased. In further scrutinizing the document, members of the Cranston Board of Canvassers noted several other signatures of similar handwriting which did not match the signatures contained on the respective voter's registration card. A copy of said document was provided to Detective McKinney.

In reviewing the nomination papers, it was determined that Barbara Riccio of 32 Vigilant Street, Cranston, Rhode Island, was responsible for completing the form. This form also contains a Notary Public stamp and the purported signature of [REDACTED]

In the course of identifying Barbara Riccio, information was obtained that Barbara Riccio, DOB [REDACTED] 64, of 32 Vigilant Street, Cranston, Rhode Island, had two active bench warrants for failure to appear on prior suspended license charges. As a result, on January 14, 2008, Corporal Kershaw and Detective McKinney responded to 32 Vigilant Street in Cranston, Rhode Island, and arrested Barbara Riccio. Ms. Riccio was transported to State Police Lincoln Barracks without incident.

While at the Lincoln Barracks, Detective McKinney provided Ms. Riccio with a Rights form, which she read and signed indicating that she understood her rights. Ms. Riccio was advised that she was under investigation for submitting forged signatures on Presidential nominating papers, and Ms. Riccio acknowledged that she was aware, due to media publications, that her nominating papers were suspected of containing forged signatures. Ms. Riccio agreed to provide a statement to detectives concerning her actions pertaining to the nomination papers.

In her statement, Ms. Riccio stated that she had been contacted by her cousin [REDACTED] the week before Christmas, who asked if she would assist him in obtaining signatures for the [REDACTED]. According to Ms. Riccio, [REDACTED] offered to pay her \$1.00 for every signature she collected. Ms. Riccio agreed, and [REDACTED] dropped off one nomination paper during that week. Ms. Riccio stated that [REDACTED] only instruction to her was that she had to witness the people sign the form. Ms. Riccio stated that she subsequently canvassed her neighborhood and obtained twelve signatures. After collecting the signatures, she attempted to turn in the form to [REDACTED] who stated that she did not obtain enough signatures and should collect more. Ms. Riccio stated that she continued to collect signatures, and when she reached 26 she again attempted to turn in the form to [REDACTED]. However, [REDACTED] told her she had one additional day and to continue collecting signatures. Ms. Riccio advised that she then took out a phone book and picked out five names, which she placed on the nomination paper. Ms. Riccio stated that she was aware that doing such an act was against prior instructions, however; she felt pressured to obtain additional signatures. When questioned about the document being notarized, Ms. Riccio stated that when she turned the paper over to [REDACTED] there was no notary stamp and/or signature on the form. Furthermore, Ms. Riccio stated that she is not familiar with [REDACTED] and has never appeared before him for any matters.

Ms. Riccio was subsequently charged with Election Violations and Forgery. She was processed and arraigned before Judge LaFazia in Third District Court, where Judge LaFazia set bail at \$5,000.00 with surety.

On January 15, 2008, Detective McKinney contacted [REDACTED] and advised him of the investigation regarding his cousin, Barbara Riccio. Mr. Cotoia stated that he had reached out to Barbara Riccio and asked her if

Ref: 08RIX1-33-AR

she would be interested in helping him collect signatures for Presidential nominee [REDACTED] stated that he informed Ms. Riccio that she would be paid \$1.00 for every signature collected. [REDACTED] stated that Ms. Riccio agreed to help him and that at some future point he dropped off the nomination papers to her residence. When questioned, [REDACTED] stated that he did not provide any instruction to Ms. Riccio, other than to collect signatures, due to the fact this was his first time participating in this type of event. When asked how he became involved in this activity, [REDACTED] stated that a friend of his named [REDACTED] had asked him to participate in collecting signatures. He stated that when he and his cousin were done collecting signatures he turned the nomination papers in to [REDACTED]

On January 18, 2008, Detectives Russell and McKinney interviewed [REDACTED] at State Police Headquarters. Present during the interview was [REDACTED] attorney, Matthew Smith. In his statement, [REDACTED] stated that he received a telephone call in early December 2007 from a friend of his, identified as [REDACTED]. According to [REDACTED], [REDACTED] is employed with Friends of the [REDACTED] campaign. [REDACTED] requested [REDACTED] assistance in obtaining nomination signatures so that [REDACTED] name could be placed on the primary ballot. [REDACTED] stated that he agreed to assist the campaign with obtaining signatures and in recruiting others to assist. [REDACTED] then contacted his friend, [REDACTED], and offered him \$1.00 per signature for his efforts in aiding the campaign. When questioned, [REDACTED] stated that the only instructions he gave to [REDACTED] was that he was not to sign anyone else's name. [REDACTED] further stated that he informed [REDACTED] that he could reach out to others to assist as well.

[REDACTED] further stated that on or about December 22, 2007, he personally collected the nomination papers from [REDACTED]. On December 23, 2007, [REDACTED] contacted a friend, [REDACTED], in order to have the nomination papers notarized. [REDACTED] advised that he informed [REDACTED] that he was in a rush to turn the papers in and needed them to be notarized at that time. [REDACTED] stated that he met with [REDACTED] and in turn [REDACTED] notarized the nomination papers. [REDACTED] was not aware of how many nomination papers he requested [REDACTED] notarize.

[REDACTED] further advised that he was unfamiliar with Barbara Riccio. With regards to her involvement, [REDACTED] indicated that he became aware of Ms. Riccio involvement through media coverage. [REDACTED] was of the belief that [REDACTED] had provided Ms. Riccio with the nomination paper.

On January 23, 2008, [REDACTED] accompanied by his attorney Paul Dimaio, turned himself in to Detective McKinney at State Police Headquarters. [REDACTED] was presented with a Rights form, which he read and signed, acknowledging that he understood his rights. [REDACTED] was advised that he was being charged with a misdemeanor count of Notary Public - Fraud and Deceit in Office. [REDACTED] provided a formal statement regarding his involvement in the notarizing of nomination papers for the [REDACTED] Campaign.

[REDACTED] advised that on December 23, 2007, he received a telephone call from [REDACTED] asking that he notarize some documents. [REDACTED] stated that he agreed to assist [REDACTED] and eventually met him in Providence. At that time [REDACTED] handed him an unknown number of nomination papers, which he notarized. When questioned further, [REDACTED] stated that at the time he notarized the documents he was aware that the individuals named thereon were not present to take the oath. [REDACTED] indicated that he is aware of the procedure Notaries are required to follow; however, due to his friendship with [REDACTED] he circumvented the process.

### **§ 38-2-8. Administrative appeals**

(a) Any person or entity denied the right to inspect a record of a public body by the custodian of the record may petition the chief administrative officer of that public body for a review of the determinations made by his or her subordinate. The chief administrative officer shall make a final determination whether or not to allow public inspection within ten (10) business days after the submission of the review petition.

(b) If the chief administrative officer determines that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general shall determine that the allegations of the complaint are meritorious, he or she may institute proceedings for injunctive or declaratory relief on behalf of the complainant in the superior court of the county where the record is maintained. Nothing within this section shall prohibit any individual or entity from retaining private counsel for the purpose of instituting proceedings for injunctive or declaratory relief in the superior court of the county where the record is maintained.

(c) The attorney general shall consider all complaints filed under this chapter to have also been filed pursuant to the provisions of § 42-46-8(a), if applicable.