

In Re: Guy Dufault

November 10, 2005

Rhode Island State Police
311 Danielson Pike
North Scituate, RI 02857

COMPLAINT

The undersigned complainants file this complaint in the public interest and request that the Rhode Island State Police conduct an investigation to determine whether actions of Guy Dufault are in violation of Rhode Island General Law.

Respondent: Guy Dufault

Tel. No: (401) 952-7464

Address: 9 Courthouse Lane

City and State: East Greenwich, RI 02818

1. On November 4, 2004, respondent, acting on behalf of the "Non PAC Coalition" *Citizens for Representative Government*, filed a Notice of Organization (CF-1) and a Campaign Finance Report, specifically, a Schedule of Independent Expenditures (CF-8) with the Rhode Island Board of Elections. **(Exhibit I)**
2. The signature on both of the above documents is in the name of Edward O'Brien who is identified as Chairman and Treasurer of *Citizens for Representative Government*.
3. Respondent also filed on December 12, 1996, a Campaign and Expenditures Report for Citizens for Representative Government with the Board of Elections. **(Exhibit II)**
4. On January 25, 2005, Edward Achorn, deputy editorial-pages editor of the Providence Journal, wrote a commentary "*Hiding behind Mr. O'Brien*" **(Exhibit III)** which states:

....There was something else. The 1996 report by Citizens for Representative Government -- signed by Guy Dufault, then treasurer -- was in the same handwriting as the 2004 report, signed by the new treasurer, Mr. O'Brien.

I visited Mr. Dufault Friday.

Yes, he had filled out both reports, although Mr. O'Brien's name was on the 2004 report. Yes, there was indeed a Mr. O'Brien who was treasurer-chairman of the organization. Yes, Mr. Dufault and Mr. O'Brien both lived at 9 Court House Lane -- at least, Mr. O'Brien did so during the weeks when the campaign season was in full swing, helping Mr. Dufault as an operative.

5. Mr. Achorn goes on to say:

He [Guy Dufault] gave me a phone number in Aventura, Fla., which proved to be a listing for an "E. O'Brien." I called and finally reached the

elusive chairman-treasurer. He said for 18 years he has worked in politics, much of it "licking stamps." He was retired, and not eager to tell me what he had done before retirement. "I've had several jobs in my life," he said. His parents live in Narragansett, he said.

He said he lived at the East Greenwich address "during the summer" -- last year, between August and the election. Then he returned to Florida. Mr. Dufault recalled that he left on Nov. 3, the day after the election.

What's the upshot of this?

I don't know if any of this constitutes filing and signing a false report, since it is an enormous stretch to say Mr. O'Brien resides or works at the address listed, and may be reached at the phone number given. But it does seem puzzling that Mr. Dufault and Citizens for Representative Government chose to make it so difficult for the public to find out who was running the show.

6. The editorial by Edward Achorn in the *Providence Journal* on January 25, "*Hiding behind Mr. O'Brien*", prompted Operation Clean Government (OCG) to seek the advice of a forensic expert in the field of handwriting and document analysis. OCG specifically wanted to examine the Campaign Finance Reports filed on behalf of *Citizens for Representative Government* in 2004, and compare the handwriting with the Campaign Finance Reports filed on behalf of *Citizens for Representative Government* filed in 1996.
7. OCG sought an opinion from an independent, out of state Forensic Document Examiner, Roxi Phipps, CPA, of 3802 Harvey Penick Dr., Round Rock, Texas 78664. We asked her to determine if, in her opinion, the Campaign Finance Documents for Citizens for Representative Government, were filled out by the same person in 1996 and 2004 and if that person signed the name of Edward O'Brien.
8. The following pages were submitted to Ms. Phipps from a complaint filed with the board of Elections January 5, 2005, by Operation Clean Government against *Citizens for Representative Government* et al.
Pages: 2091, 2092, 2093, 2094, 2095, 2097 filed and signed by Guy Dufault in 1996 (**Exhibit II**)
Pages: 2037, 2038, 2039, 2040 and 2041 filed in 2004, with the signature of Edward O'Brien. (**Exhibit I**)
9. The report from Ms. Phipps, (**Exhibit IV**) compared the known documents (pages 2037, 2038, 2039, 2040, 2041) with the Questioned Documents (pages 2091, 2092, 2093, 2094, 2095, 2097). Ms Phipps states, "It is my opinion that the same author who wrote the Known Documents also wrote and signed the Questioned Documents." She concluded: "Edward O'Brien's name on the Questioned Documents was signed by the same person who filled out both the Questioned Documents and the Known Documents."
10. Based on the results of the examination of the records by Forensic Document Examiner, Roxi Phipps, OCG is asking the Rhode Island State Police to conduct an investigation into this matter to determine whether Guy Dufault did

sign and have notarized the name of Edward O'Brien on the Notice of Organization (CF-1) and the Schedule of Independent Expenditures (CF-8) filed with the Rhode Island Board of Elections on November 4, 2004. These documents are part of Exhibit I, pages 2037, 2038 and 2039.

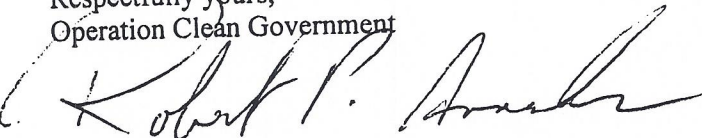
Sections of law that appear to be violated:

§ 11-17-1 Forgery and counterfeiting in general. – Every person who shall falsely make, alter, forge, or counterfeit, or procure to be falsely made, altered, forged, or counterfeited, any public record, or any writ, process, or proceeding in any court of justice in this state, any certificate or attestation of any judge, justice of the peace, warden, notary public, clerk of any court, town clerk, city clerk or other public officer, in any matter in which the certificate or attestation may be received as legal proof, any charter, deed, will, testament, bond, or writing obligatory, letter of attorney, policy of insurance, bill of exchange, bill of lading, railroad ticket, promissory note, order, acquittance, discharge for or upon the payment of money or delivery of goods, or any acceptance of a bill of exchange or any indorsement, assignment, or guaranty of any bill of exchange or promissory note, or any certificate, or accountable receipt for money, goods, or any other thing, or any warrant, order, or request for the payment of money or delivery of goods, or for the delivery of any note, bill, or other security for money or goods, or any lottery ticket, or part or share of any lottery ticket in any lottery authorized by the laws of any state, territory, or country, or any writing whatsoever purporting to contain evidence of any debt, contract, or promise, or of the discharge, payment of satisfaction of any debt, contract, or promise, with intent to defraud, or who shall utter and publish as true or shall procure to be uttered and published as true any such false, forged, altered, or counterfeited record, deed, or other writing as provided in this section, knowing it to be false, forged, altered, or counterfeited, with intent to defraud, shall be punished by imprisonment for not more than ten (10) years, or by a fine of not more than one thousand dollars (\$1,000), or both.

§ 11-18-1 Giving false document to agent, employee, or public official. – (a) No person shall knowingly give to any agent, employee, servant in public or private employ, or public official any receipt, account, or other document in respect of which the principal, master, or employer, or state, city, or town of which he or she is an official is interested, which contains any statement which is false or erroneous, or defective in any important particular, and which, to his or her knowledge, is intended to mislead the principal, master, employer, or state, city, or town of which he or she is an official.

(b) Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be imprisoned, with or without hard labor, for a term not exceeding one year or be fined not exceeding one thousand dollars (\$1,000).

Respectfully yours,
Operation Clean Government


Robert P. Arruda, in my capacity as Chairman


Beverly Clay, in my capacity as Board member and Research Chair

Notary: Judith C. LaFosse
Judith C. LaFosse
EX: 12-03-07