From: Isabella Ehrlich
Sent: Friday, October 2, 2026 3:47 PM
To: Patrick McHugh; Heather Cook
Cc: Tim Ehrlich; Christopher McNally; Michael Monti; Peter Regan
Subject: Re: Demand for Immediate Action, Preservation of Records, and Formal Notice Regarding CRMC File No. 2025-07-044 / USACE File No. NAE-2025-02363

VIA EMAIL - RECEIPT REQUESTED

Patrick A. McHugh, President

Little Compton Town Council

40 Commons St

Little Compton, RI 02837

Re: Demand for Immediate Action, Preservation of Records, and Formal Notice Regarding CRMC File No. 2025-07-044 / USACE File No. NAE-2025-02363

Dear President McHugh:

As you may know, we recently submitted an APRA request to the Town of Little Compton, an additional APRA request to CRMC, and a FOIA request to the Army Corps of Engineers concerning our dock application, CRMC File 2025-07-044.

Our review has raised serious concern of potential legal, statutory and ethical violations involving the Harbor Commission and individual Town officials. Taken together, the records suggest that **municipal authority has been used to advance a vindictive, personally targeted campaign against us.**

We are offering the Town an opportunity to discuss our concerns, but that offer should not be mistaken for hesitation or any limitation on our determination to pursue all available legal and administrative remedies based upon the facts as they are developed. The Town's conduct has caused substantial distress and disruption to us and our family. We are determined to continue to investigate these matters and if necessary pursue them to their conclusion in defense of our individual rights and the collective right of residents to lawful, transparent and accountable government.

1. Actions exceeding the Harbor Commission's lawful authority—ultra vires conduct
The threshold issue is whether the Harbor Commission had lawful authority to undertake this campaign. An appointed municipal commission cannot enlarge its own powers simply because its members oppose a resident's application.

Charter §707 assigns the Commission responsibility for making recommendations to the Council concerning harbor management, moorings, Town docks and facilities, fees, penalties and the harbor plan. It also permits other functions assigned by the Council. It does not expressly grant the Commission independent authority to organize a privately financed legal campaign against a resident.

Nevertheless, Chair Ben Gauthier solicited private contributions specifically to finance opposition to our application, represented those contributions as tax-deductible, and pursued additional federal intervention in connection with that opposition. The APRA production identifies no specific Council assignment or other applicable authority establishing the Commission's power to undertake this campaign.

A physical review of the Town's APRA production reveals that the Town completely omitted Bates pages 000127 through 000180 (54 pages) and 000281 through 000292 (12 pages). The Harbor Commission's own September 16 response explicitly identifies records within these exact ranges, including:

- Bates 000127–000134: Savage Law Partners engagement agreement.
- Bates 000135–000137: Entry of appearances by Attorneys Wagner and Paré before CRMC.
- Bates 000138–000157: Redacted legal billing records.
- Bates 000158–000163 & 000165–000178: CRMC public notice, Town objection, and accompanying exhibits.
- Bates 000164: Contents not specifically identified in the response.
- Bates 000179: Notes of a telephone conversation between the Harbor Commission Chair and CRMC
- Bates 000180: Falls within the response's general reference to "other CRMC communications."
- Bates 000281–000283: Fundraising-related emails with the Town Council liaison.
- Bates 000284–000286: July 20 donor-related correspondence with the Town Clerk.
- Bates 000287–000289: Commission correspondence regarding the updated fundraising flyer.
- Bates 000290–000291: Harbor Management Fund balance sheet.
- Bates 000292: Schedule/listing of charitable contributions.

On October 2, I spoke with Town Clerk Heather Cook, who confirmed that she had never received the missing Bates pages and was asking the Solicitor why, suggesting redaction as a possible explanation. The Town must reconcile these omissions with the Commission's response identifying the records as included, promptly supply any nonexempt records, and specifically explain any withholding.

The Commission's response identifies these records as included, yet the corresponding pages were not supplied, and no specific explanation accounts for their absence. This discrepancy requires immediate correction. *Any records withheld must be accompanied by specific written reasons under R.I. Gen. Laws § 38-2-7; any nonexempt records omitted must be produced promptly.*

B. Unaccounted Communications Disclosed via Federal FOIA

Furthermore, key federal communications disclosed in the Army Corps FOIA production were entirely missing from the Town's APRA file:

- **Ben Gauthier, Harbor Commission Chair:** The Corps produced his June 22, 2026 **email to Jenifer Thalhauser asking whether Section 408 could help the Town "stop bleeding the legal fees we are expending on the CRMC hearing process," and his June 30 email concerning the Commission's financial situation and the "prospects for the USACE intervention."** Neither was located in the Town's production. His July 30 email to Kelly Egan, forwarding opposition materials and seeking guidance on vegetative shallows, was also absent. These appear in the Corps at pages 188, 192, and 194.

We ask that you identify the statute, ordinance, Charter provision or valid Council action authorizing the solicitation, financial commitments and expenditures. Authority to advise on harbor matters, receive donations, and conduct and finance litigation are distinct questions. Establishing one does not automatically establish the others.

Rhode Island treats limits on municipal authority as substantive legal restrictions. In *Town of East Greenwich v. O'Neil*, 617 A.2d 104 (R.I. 1992), the Rhode Island Supreme Court held municipal action exceeding delegated authority *ultra vires* and declared the challenged ordinance null and void. Although that case involved a different regulatory setting, it establishes that home rule does not place municipal action beyond lawful limits.

If this campaign exceeded the Commission's delegated powers, the defect concerns its legal authority to act, not merely its paperwork. *We are prepared to seek declaratory and appropriate injunctive relief establishing those limits and stopping unauthorized activities and expenditures, and to raise any established lack of authority before CRMC.*

2. Private fundraising through public office and financial accountability

The production contains multiple letters from Mr. Gauthier soliciting private contributions to finance opposition to our application. Recipient identities are redacted, the letters describe contributions as tax-deductible, and the records include a personal check from a sitting Town Councillor.

A Councillor personally financing the campaign that the Council oversees raises a direct and serious accountability concern. The Town must disclose that member's involvement in authorizing the campaign, approving expenditures and participating in related decisions, including any conflict disclosures or recusals.

The production supplies no ledger entries showing how contributions were recorded or expenditures approved. Charter §301(B) restricts withdrawals from Town funds to authorized appropriations, subject to specified exceptions. We demand identification of the precise appropriation and other authority relied upon. General authority to receive donations does not establish authority for this particular campaign or its expenditures.

The fundraising warrants independent scrutiny under R.I. Gen. Laws § 36-14-5(a), concerning substantial conflicts as defined by § 36-14-7, and § 36-14-5(g) and (i), concerning contributions tied to an understanding or expectation of influence over official action. The Town must account for the donors' interests, any commitments accompanying their contributions, the basis for the tax-deductibility representations, and the officials who approved these arrangements.

3. Material omissions, unexplained Bates gaps, and non-compliance in the Town's APRA production

The 642-page production largely reproduces materials already presented during the CRMC hearing while

- **Margaret Manning, Harbor Commission member:** No email correspondence to or from her was located in the Town's production. CRMC supplied her January 28, 2026 meeting notification and the January 29 exchange in which she asked for the biologist report and sign-offs and received the staff report. The Town must account for these records and explain whether it treated her participation as Commission business or private activity.

- **Mike Massa, Harbormaster:** No authored email from him was located. The Corps nevertheless produced emails copying him, including Mr. Gauthier's June 30 financial/intervention email and July 1 and July 30 exchanges. Those received communications must be accounted for, together with any responsive replies and the accounts searched.

The communication initiating contact with Ms. Thalhauser also remains unaccounted for across all three productions. Her June 5 response establishes a preceding inquiry. The Town must identify who initiated it, when, what was communicated and whether it occurred by email, telephone or another method, and produce any existing record. If the initiating contact was oral, the Town should expressly state that rather than leave its origin unexplained.

The Town must identify the searches conducted for each Commission member—Ben Gauthier, Margaret Manning, Chris Brady, Thomas Grimes, Ian Parente, Gregory J. Mataronas and Gary Mataronas Jr.—and separately for Mr. Massa, including personal accounts and devices used for official business. For each identified missing communication, it must explain whether the record was withheld, not located or excluded from the search, and provide the specific basis for any withholding.

We intend to pursue an Attorney General APRA complaint and, if necessary, judicial enforcement seeking disclosure and applicable penalties, attorneys' fees and costs under § 38-2-9. The Town must conduct an immediate supplemental search and specifically account for the missing

have pursued a sustained campaign that has fueled hostility and vitriol among our neighbors and departed profoundly from the officials' responsibility to serve the public fairly without undertaking that basic firsthand review. **A dispute over a residential dock has escalated to the point that our family no longer feels safe visiting our own property. The Council must confront both the conduct of its officials and the serious harm this campaign has caused.**

The Town **must** explain whether it made comparable inquiries or sought comparable federal intervention concerning projects involving the Sakonnet Point Club and Sakonnet Yacht Club, and identify any material differences justifying its treatment of our application.

5. Interference with waterfront rights and unequal treatment

The Town continues to challenge our riparian and littoral rights notwithstanding the 2009 opinion of then-Town Attorney Anthony DeSisto recognizing those rights. Our existing private mooring lies outside the mooring field, and the proposed dock would extend a shorter distance from shore than that mooring.

The Town must identify the title documents and legal authority supporting its contrary position and explain its departure from its prior recognition of our rights. **We are prepared to seek a declaratory judgment establishing the nature and extent of those rights, together with appropriate injunctive relief against unlawful interference.** Applicable permitting requirements do not excuse an unsupported challenge to our waterfront rights.

We will examine the standards applied to the neighboring property's mooring and to materially comparable waterfront projects involving the Sakonnet Yacht Club and Sakonnet Point Club.

Where the evidence establishes intentional differential treatment of materially comparable owners or projects without a rational basis, we are prepared to pursue a **"class of one" equal-protection claim under the Fourteenth Amendment through 42 U.S.C. §1983**. We will also pursue any supported due-process claim involving deprivation of a protected property interest through constitutionally deficient procedures, seeking available damages and attorneys' fees under §1988.

6. Inadequate public notice and potential misuse of executive session

The Harbor Commission's May 14, 2026 minutes discuss litigation costs and donation sources, yet the posted agenda did not identify the proposed private fundraising discussion. Residents were therefore given no meaningful advance notice that the Commission would consider private financing for its opposition to our application.

R.I. Gen. Laws § 42-46-6(b) requires notice specifying the nature of the business to be discussed. Its limited provision for adding informational items does not ordinarily permit an unannounced vote authorizing a fundraising campaign. The Town must identify the notice, any motion adding the subject, and every decision authorizing solicitation, receipt or expenditure of these funds.

Soliciting or accepting donations is not itself a statutory ground for executive session. Sections 42-46-4 and 42-46-5 limit closed-session business to matters falling within the specific exception invoked; the litigation exception does not automatically make related financial transactions confidential.

The April 23 Council minutes state that no votes were taken in executive session. The subsequent public motion directing the Town Administrator, Finance Director and Harbor Commission Chair to act in accordance with that discussion does not identify a fundraising campaign or acceptance of contributions. If the Town claims that this action authorized those arrangements, it must identify the scope and legal basis of that authorization. Any actual closed-session vote is subject to § 42-46-4(b)'s disclosure requirements and limited grounds for postponement.

We intend to pursue Attorney General review of these Open Meetings Act concerns. Available judicial remedies under § 42-46-8 include injunctive relief, invalidation of actions taken in violation of the Act, attorneys' fees and costs, and civil fines for knowing or willful violations.

7. Council responsibility and individual accountability

The Harbor Commission is a Town body appointed by the Council. Its conduct cannot be dismissed as a private undertaking outside the Council's responsibility. You and your fellow Councillors must account for the Council's authorization, funding, participation and oversight of this campaign, including whether Commission members exceeded any lawful assignment.

We will examine the Council's own decisions and any ratification of unlawful conduct, together with each official's individual participation. ***This letter places these concerns directly before you and demands corrective action.***

We are prepared to take the following actions if our investigation reveals them to be supported by the facts and the law:

1. **Declaratory and appropriate injunctive relief** establishing our waterfront rights, determining the limits of the Town's and Commission's authority, and stopping any *ultra vires* activities or unauthorized expenditures;

2. **Relief before CRMC** challenging the Town's and Commission's authority, participation, funding arrangements and submissions, including exclusion or disqualification where legally available;

3. **Attorney General complaints** concerning APRA and Open Meetings Act violations, together with a separate public-integrity referral concerning potential corruption, misuse of office and unauthorized financial activity;

4. **Ethics Commission complaints** against responsible individuals; and

5. **Supported civil-rights claims** against the Town and officials in their individual capacities.

We intend to hold the Town and all responsible officials accountable, collectively and individually, to the fullest extent permitted by law, based on their respective participation, authorization or ratification of unlawful conduct. **In connection with any such filings we will seek all available damages, attorneys' fees, costs and expenses, including personal liability and punitive damages against individuals where legally available.**

The consequences for the Town may include substantial litigation expense, compelled disclosure of fundraising and financial records, statutory penalties and independent investigation. The Council must also account for its stewardship of taxpayer dollars, including public expenditures on this campaign and the additional financial exposure created by the conduct described above. As Council President, your response will bear directly on public confidence in your leadership.

Immediate action and opportunity for resolution

We demand prompt Council action to suspend further solicitation and expenditure for this campaign pending review, disclose its authority and financial records, correct the deficient records production (including producing Bates pages 000127–000180 and 000281–000292), and withdraw the Town's challenge to our waterfront rights.

If you do not take our requested actions and/or we are unable to reach a mutually agreeable resolution to these matters in a very timely manner, then we are prepared to share the documented findings and

supporting public records with the press. The use of municipal authority, private contributions and public resources in a campaign against residents warrants public scrutiny. During an election cycle, residents have a particular interest in understanding the conduct of their elected officials, the decisions made under their leadership, and whether they have exercised fiscal responsibility with taxpayer dollars—including the costs and financial risks of this campaign and any resulting litigation.

Please acknowledge this letter within **two business days** and propose a meeting with you and Town counsel within the following week. *Our investigation will continue during that period.*

Please ensure preservation of all relevant correspondence, solicitation and donor records, checks, accounting entries, legal invoices and expenditure approvals, including records maintained on personal accounts or devices used for Town business. We expressly reserve all rights, claims and remedies against the Town and responsible individuals.

Sincerely,

Isabella and Timothy Ehrlich

Cc:

Little Compton Town Clerk

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Isabella and Timothy Ehrlich
10 and 9 Minnesota Road
Little Compton, RI 02837

+1 978.505.5490 or izzyce@gmail.com