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January 7, 2016

Jason Gramitt, Staff Attorney
Rhode Island Ethics Commission
40 Fountain Street
Providence RI 02903

RE: Financial Disclosure Requirements of Individuals on the Mayor's Staff, City of Providence, under R.I.G.L. § 36-14-16

Dear Mr. Gramitt,

Thank you for email response of January 6, 2016. I respectfully disagree with the staff's conclusions, as articulated in your email message.

According to R.I.G.L. § 36-14-16(a)(5), financial disclosure is required of "all *municipal* appointed officials whose official duties and responsibilities include exercising decision-making authority over the expenditure of more than fifty thousand dollars (\$50,000) in public funds in any fiscal or calendar year." (Emphasis added.) R.I.G.L. § 36-14-2(9) defines a "municipal appointed official" as "any officer or member of a ... municipal agency as defined herein ... who is appointed by or through the ... highest official of ... municipal government." R.I.G.L. § 36-14-2(8)(ii) defines a "municipal agency" broadly to include any "department, division, agency, commission, board, office, bureau, authority, quasi-public authority..."

Mr. Brett Smiley was appointed by Mayor Elorza as the Chief Operating Officer of the City of Providence. He was also appointed by Mayor Elorza as a member of the Providence Economic Development Partnership (PEDP). Mr. Smiley currently serves as Chairman of the Board of Directors and Chairman of the Loan Committee of the PEDP. A perusal of the minutes of the PEDP's regular twice monthly meetings shows numerous individual loan approvals in excess of \$50,000.

Is the Ethics Commission staff contending that Mr. Smiley is not an appointed municipal official who exercises decision-making authority over at least \$50,000 in any given year? If not, what specific investigations has the staff performed in Mr. Smiley's case to make such a determination?

Mr. Anthony E. (Tony) Simon is the Chief of Staff in Mayor Elorza's administration. In November 2014, upon Mayor-Elect Elorza's announcement of his appointment, Mr. Simon issued the following press statement: "Mayor-elect Elorza's fresh vision and new ideas for Providence are inspirational and I look forward to helping him

put together and *manage* a diverse, energetic and talented team to serve the residents of our city and deliver on the promise of his administration.” (Emphasis added.) According to the City's Budget for the Fiscal Year 2016, the Mayor's Office has budgeted expenditures of over \$1.4 million for base salaries, not counting pension, FICA or medical benefits. Other budgeted items in the Mayor's Office (Department 101-101) total over \$200,000.

Is the Ethics Commission staff contending that Mr. Simon is not an appointed municipal official who exercises decision-making authority over at least \$50,000 in any given year? If not, what specific investigations has the staff performed in Mr. Simon's case to make such a determination?

In the event that I file a formal complaint to the Ethics Commission alleging that certain individuals on the Mayor's Staff have violated R.I.G.L. § 36-14-16(a)(5), I trust that the Executive Director, acting in accordance with Commission Regulation 1002(a)(2), will forward my complaint to the Commission for review rather than attempt to unilaterally dismiss the complaint before it is properly considered by the Commission.

Sincerely,

A handwritten signature in black ink that reads "Johanna Harris". The signature is written in a cursive, flowing style.

Johanna Harris

Cc: Kent Williver