

STATE OF RHODE ISLAND
BEFORE THE RHODE ISLAND ETHICS COMMISSION

RECEIVED
RHODE ISLAND
ETHICS COMMISSION
16 APR 29 PM 12:37

IN RE: Brett Smiley
Respondent

Complaint No. _____
(For Office Use Only)

COMPLAINT

The undersigned Complainant(s) files this Complaint in the public interest and requests that the Rhode Island Ethics Commission conduct an investigation into certain conduct and activities of the above-named Respondent, for the purpose of determining whether said Respondent has violated the Rhode Island Code of Ethics.

To the best of my(our) information and belief, said Respondent has violated the Rhode Island Code of Ethics as follows:

1. Respondent is: (Please check one and fill in Respondent's title)

___ a state or municipal elected official:

a state or municipal appointed official: Chief Operating Officer, City of Providence

___ an employee of state or local government or of a board, commission or agency: _____

2. The Respondent's home or business address is (include telephone number if known):

Name Brett Smiley
Providence City Hall
Street 25 Dorrance Street

Tel. No. _____

City and State: Providence RI 02903

(Set forth below in separately numbered paragraphs each specific act complained of including the time and place of its occurrence.)

3. See attached.

I (We) acknowledge that the facts above-stated are true and accurate to the best of my(our) knowledge.

DATE: 04 29 2016
Rhode Island

Johanna Harris
Signature of Complainant

JOHANNA HARRIS
Print Name

PO Box 9483
Address

Providence, RI 02940

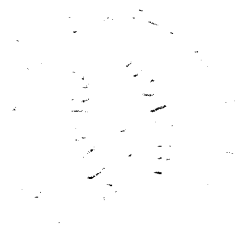
Redacted
Telephone Number

State of Rhode Island
County of Providence

Subscribed and sworn to by the above-signed at Providence before me this
29 day of April 2016.

Felecia G Fugere
NOTARY PUBLIC

My Commission Expires: FELECIA G FUGERE
(SEAL) Notary Public, State of Rhode Island
My Commission Expires April 20, 2018



**Complaint to the Rhode Island Ethics Commission
Against Brett Smiley for Violation of R.I.G.L. § 36-14-16(a)**

Complainant: Johanna Harris

1. This is a formal complaint against Brett Smiley, Chief Operating Officer, City of Providence, for violation of the Rhode Island Code of Ethics, specifically for failure to file a timely financial disclosure for the year 2014, as mandated by R.I.G.L. § 36-14-16(a).

Relevant Statutory Provisions and Commission Regulations

2. R.I.G.L. § 36-14-16(a), as amended, states in pertinent part:

On or before the last Friday in April of each year, the following officials and employees subject to this code of ethics shall file with the commission a financial statement complying with the requirements of this chapter. ... (5) 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, ... (Emphases added.)

3. 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...”

4. Commission Regulation 1002(a)(2) states:

If the Complaint contains no defect as to form, it shall be reviewed by the Executive Director or designee to determine whether or not the Complaint alleges facts sufficient to constitute a knowing and willful violation of the Code of Ethics, who *shall* forward the Complaint to the Commission for review at an initial determination. (Emphasis added.)

Allegations

5. Brett Smiley is Chief Operating Officer of the City of Providence. Mayor Jorge O. Elorza appointed Mr. Smiley to this post on December 29, 2014. (Exhibit #1, at 6) Mr. Smiley is a municipal appointed official within the meaning of R.I.G.L. § 36-14-2(9).

6. According to official documents issued by the City of Providence, the office of the Chief Operating Officer has major decision-making authority over 23 offices within the City's organizational hierarchy, including the Director of Economic Development, Finance Department, Director of Operations, Public Works Department, Tax Assessor Office, and the Human Resources Department. (Exhibit #2) These departments collectively have authorized budgetary expenditures in the millions of dollars annually. Accordingly, Mr. Smiley's 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.

7. In an April 17, 2015 submission of the names of public officials who were required to file financial disclosures for the calendar year 2014, Providence Municipal Integrity Officer Kathryn Sabatini explicitly listed Mr. Smiley's name and title. (Exhibit #1, at 6) In a cover email to Ethics Commission Administrative Officer Michelle Berg, attorney Sabatini wrote, "As we discussed, I wanted to send along by email additional City of Providence officials who should be filing financial disclosure forms." (Exhibit #1, at 1) On the same day, Ms. Berg responded, "I have quickly reviewed your attachments and it looks as though all of the relevant information is there. I hope you don't mind however that I will have to wait until the week of the 27th to take action on adding these filers." (Exhibit #1, at 1)

8. In the City's subsequent November 13, 2015 submission of the names of public officials who were required to file financial disclosures for the calendar year 2014, Mr. Smiley's name and title continued to appear. (Exhibit #3) In a cover email addressed to Commission Staff Attorney Jason Gramitt, Ms. Sabatini stated, "Please see attached. We believe that the individuals on the list should be filing." (Exhibit #3, at 1)

9. After a November 24, 2015 meeting between Gramitt, Berg and Sabatini, Mr. Smiley's name was improperly dropped without explanation from the list of required filers.

10. At some point in time prior to the November 24, 2015 meeting, the Commission had sent Mr. Smiley a letter informing him that he was required to file. In November 24 correspondence to Ms. Berg, attorney Sabatini wrote, "I will shred Brett's letter..." (Exhibit #4) At a February 23, 2016 public meeting of the Ethics Commission,

attorney Gramitt acknowledge that the Commission had indeed sent Mr. Smiley a letter informing him of his obligation to file.

11. On November 30, 2015, Ms. Berg wrote to Ms. Sabatini, “No letters have gone out... I am awaiting final word from you as to whether all folks left on the list have *major decision-making authority over \$50,000.*” (Exhibit #5. Emphasis added.)

12. On January 7, 2016, I wrote the Mr. Gramitt, contending that the Code of Ethics in fact required Mr. Smiley to file a financial disclosure. I noted, in particular, “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.” (Exhibit #6, at 2)

13. By the afternoon of January 7, 2016, Gramitt, Berg and Sabatini had arranged for Mr. Smiley’s voluntary filing. (Exhibit #7)

14. Mr. Smiley filed a “voluntary” disclosure on January 13, 2016. (Exhibit #8)

15. Mr. Smiley did not file a financial disclosure for the year 2014 by the April 24, 2015 deadline.

16. Mr. Smiley’s filing a “voluntary” disclosure on January 13, 2016 does not constitute compliance with R.I.G.L. § 36-14-16(a). If Mr. Smiley’s “voluntary” disclosure constituted compliance, then every other official covered by R.I.G.L. § 36-14-16(a) could similarly exercise his own discretion to “voluntarily” file from one year to the next without adhering to the deadline specified in the statute.

17. Pat assertions that the legislature in 2004 wanted to reduce the number of municipal employees subject to the financial disclosure requirement do not nullify section (5) of R.I.G.L. § 36-14-16(a) or somehow relieve Mr. Smiley from his obligation to comply with the plain language of the statute.

18. Inasmuch as this complaint alleges facts sufficient to constitute a knowing and willful violation of the Code of Ethics, the Executive Director is required under Commission Regulation 1002(a)(2) to forward this complaint to the Commission for its

review. The Executive Director has no discretion to unilaterally dismiss this complaint before it is properly considered by the Commission.

Respectfully submitted,



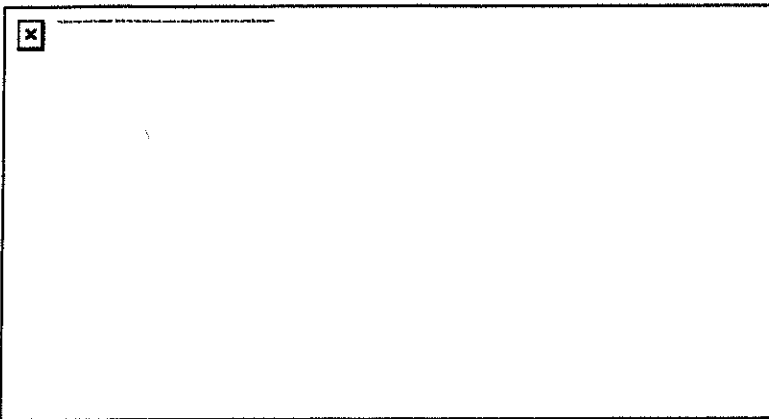
JOHANNA HARRIS 4/29/2016
PO Box 9483
Providence, Rhode Island 02940

EXHIBIT #1

Thanks so much for getting back to me, and absolutely no problem on the timing. I realize my timing is particularly bad for all of you. But please do let me know when you send out notifications to these filers because I was planning to follow up with them via email.

Please let me know if you need anything else.

Thank you,
Kate



From: Michelle Berg [<mailto:Michelle.Berg@ethics.ri.gov>]
Sent: Friday, April 17, 2015 1:04 PM
To: Sabatini, Kathryn
Subject: Re: Additional City of Providence Financial Disclosure Filers

Hi Kate -

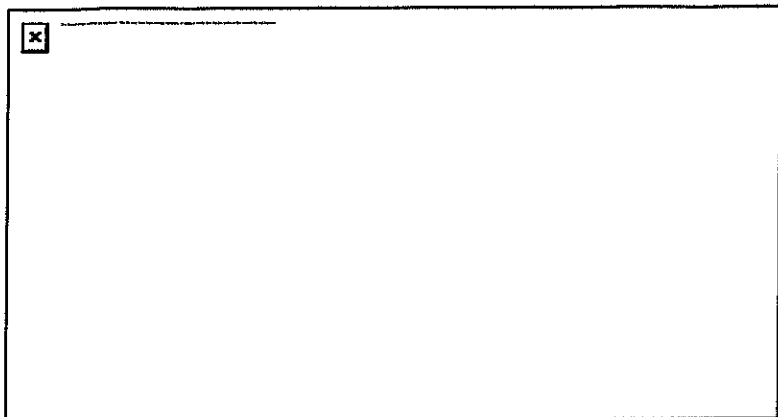
I have quickly reviewed your attachments and it looks as though all of the relevant information is there. I hope you don't mind however that I will have to wait until the week of the 27th to take action on adding these filers. We have just reached one week until the filing deadline and I will not be able to get to this until that time. I will give you a heads up as soon as I do though.

Thanks for sending this info over and I hope you have a great weekend!

Michelle Berg
RI Ethics Commission
222-3790, ext. 15 >> "Sabatini, Kathryn" <Ksabatini@providenceri.com> 4/17/2015 9:53 AM >>>
Hi Michelle:

As we discussed, I wanted to send along by email additional City of Providence officials who should be filing financial disclosure forms. The requisite information should be attached, but please let me know if you need anything further from me?

Thank you,
Kate



BOARD OF INVESTMENT COMMISSIONERS

MAYOR JORGE O. ELORZA, CHAIRMAN

APPOINTED		TERM EXPIRES
6/2010	THADEUS (TED) J. MOCARSKI	1/2011
6/2011	[REDACTED]	1/2014
1/2014	[REDACTED] (Replaced Allan M. Edwards)	1/31/2017
5/2014	MELISSA DUBOSE [REDACTED] (Replaced Aaron Simon – resigned)	1/2017
2/2015	NORM BENOIT [REDACTED] (Replaced Mark Tracy – term expired)	1/1/2018

All Ex-Officio

COUNCILMAN JOHN J. IGLIOZZI
Chairman
Committee on Finance

LAWRENCE J. MANCINI
Finance Director

JAMES LOMBARDI, III
City Treasurer

SECTIONS 302 (b) AND 815 OF THE PROVIDENCE HOME RULE CHARTER OF 1980
(City Council Approval NOT Required)
(3 Year Term)

PROVIDENCE REDEVELOPMENT AGENCY

Jim DeRentis
Chairman

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Appointment: April 24, 2014

Cliff Wood
Vice Chair

[REDACTED]

[REDACTED]
[REDACTED]

Appointment: January 16,
2015

Jesse Kenner
Member

[REDACTED]
[REDACTED]

[REDACTED]

Appointment: July 11, 2012

Julius Kolawole
Member

[REDACTED]
[REDACTED]

[REDACTED]

Appointment: March 4, 2013

Yahaira "Jay" Placencia
Member

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Appointment: February 9,
2011

Bryan Principe
Councilman

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Appointment: January 15,
2015

Mary Kay Harris
Councilwoman

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Appointment: January 15,
2015

Dexter Donation (public election)	Address		Appt Date
Theresa Agonia, Mayor's designee	[REDACTED]		January 16, 2015
Ernesto Figueroa	[REDACTED]		October 24, 2014
Sergio Scarcella	[REDACTED]	n/a	October 24, 2014
Alexandra Batista	[REDACTED]		October 24, 2014
Maryellen Goodwin	[REDACTED]		October 24, 2014
Shannon McDonald	[REDACTED]	[REDACTED]	October 24, 2014

Name	Title	Department	Date of Appointment	Business Address
Lynne McCormack	Dir. Arts Culture & Tourism	Arts, Culture and Tourism	3/13/2006	[REDACTED]
Michael D'Antuono	Business Manager(School & City	Chief Financial Officer(school)	9/20/2013	[REDACTED]
Michael Borg	Director of PEMMA	Emergency Management	3/13/2015	[REDACTED]
Scott Mello	Asst. Fire Chief	Fire Department	2/4/2015	[REDACTED]
Daniel Crowley	Asst. Chief of Operations	Fire Department	2/13/2014	[REDACTED]
Jim Silveria	Chief Information Officer	Information Technology	5/31/2011	[REDACTED]
Jeff Lykins	Director of Inspections	Inspections & Standards	1/16/2012	[REDACTED]
Claudia J. Haugen	Chairperson	Board of Canvassers	3/1/2015	[REDACTED]
Renay Brooks Omisore	Clerk of the Board	Board of Canvassers	3/1/2014	[REDACTED]
Tomás A. Ávila	Commissioner	Board of Canvassers	3/1/2013	[REDACTED]
Alan Sepe	Dir. Public Property/Operations	Public Property	3/1/2015	[REDACTED]
Wendy Nilsson	Superintendent of the Parks	Parks & Recreation	4/13/2015	[REDACTED]
Beth Charlesbois	Director of NPS & Recreation	Parks & Recreation	7/1/2011	[REDACTED]
Doug Still	City Forestry	Parks & Recreation	6/13/2005	[REDACTED]
Renee Gamba	Director of Museum	Parks & Recreation	9/11/2007	[REDACTED]
Karen Gomez	Fiscal Advisor Parks	Parks & Recreation	10/10/2006	[REDACTED]
Michael Stephens	Deputy Director Recreation	Parks & Recreation	11/5/2012	[REDACTED]
Bonnie Nickerson	Director of Planning & Dev.	Parks & Recreation	2/6/2015	[REDACTED]
Francisco Colon (Major)	Police Major	Planning & Development	12/22/2010	[REDACTED]
Ricky Caruolo	General Manager	Police Department	6/11/2014	[REDACTED]
Russell Knight	Director Public Works	Providence Water Supply Board	4/20/2015	[REDACTED]
John Murphy	City Collector	Public Works	2/1/2010	[REDACTED]
	Recorder of Deeds	City Collector		[REDACTED]
Peter Asen	Dir. of Healthy Communities	Human Services	7/1/2014	[REDACTED]
Sheila Dormody	Director of Policy	Mayor's Office	1/5/2015	[REDACTED]
Leah Bamberger	Sustainability Director	Public Property	5/18/2015	[REDACTED]
Tony Simon	Chief of Staff	Mayor's Office	12/29/2014	[REDACTED]
Brett Smiley	Chief Operations Officer	Mayor's Office	12/29/2014	[REDACTED]
Theresa Agonia	Deputy Chief of Staff	Mayor's Office	1/5/2015	[REDACTED]
Marisa O'Gara	Deputy Chief of Staff	Mayor's Office	1/5/2015	[REDACTED]
David Ortiz	Dir. of Strategic Comm.,Sr. Advisor Ma	Mayor's Office	1/5/2015	[REDACTED]
Adolfo Bailon	Dir. Mayor ONS	Mayor's Office	1/5/2015	[REDACTED]
David Quinn	City Tax Assessor	City Assessor	1/17/2012	[REDACTED]
William Trinque	Director of Communications	Communications	6/2/2003	[REDACTED]
Sybil F. Bailey	Director of Human Resources	Human Resources	9/18/2002	[REDACTED]
Margaret Wingate	Manager of Benefits	Human Resources	7/2/2012	[REDACTED]

EXHIBIT #2

City of Providence, Executive Administration Organizational Chart

Comprehensive Annual Financial Report, Fiscal Year Ended June 30, 2015, at page xi.



CITY OF PROVIDENCE

Jorge O. Elorza, Mayor

Executive Administration Organizational Chart

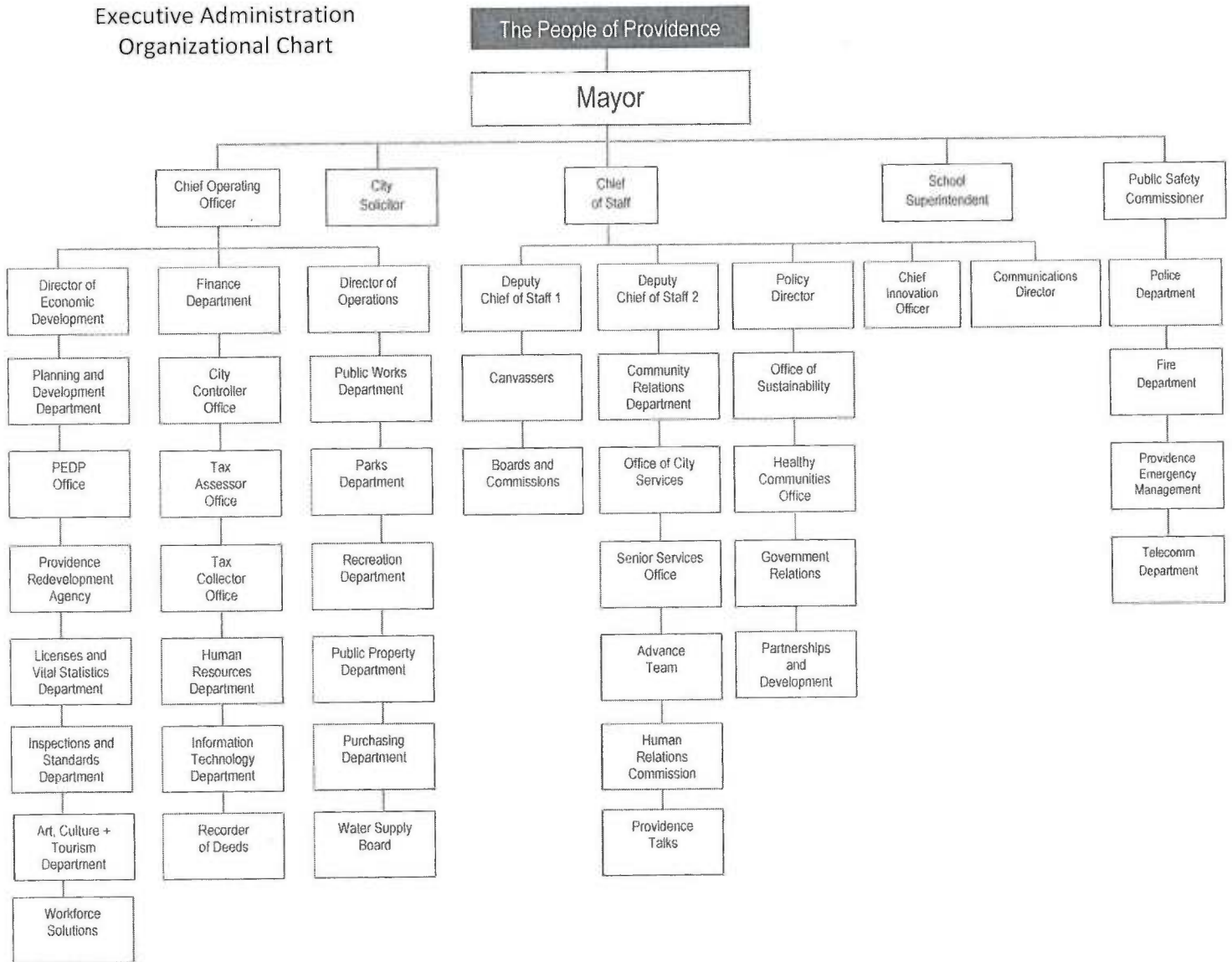


EXHIBIT #3



KATHRYN M. SABATINI
MUNICIPAL INTEGRITY OFFICER
City Solicitor's Office
City of Providence
444 Westminster Street, Suite 220
Providence, Rhode Island 02903
401 680-5333 OFFICE
401 680-5520 FAX
ksabatini@providenceri.com
www.providenceri.com

CITY OF PROVIDENCE

From: Gramitt, Jason (ETHICS) [<mailto:Jason.Gramitt@ethics.ri.gov>]
Sent: Friday, November 13, 2015 11:05 AM
To: Sabatini, Kathryn
Cc: Berg, Michelle (ETHICS)
Subject: RE: Financial Disclosure Additions

Thanks Kate!

Over the next couple of weeks we will be adding these names to our financial disclosure database and sending out filing notices, online filing PINs, and instructions.

Jason

Jason Gramitt
Staff Attorney/Education Coordinator
Rhode Island Ethics Commission
40 Fountain Street
Providence, RI 02903
(401) 222-3790
jason.gramitt@ethics.ri.gov

From: Sabatini, Kathryn [<mailto:Ksabatini@providenceri.com>]
Sent: Friday, November 13, 2015 10:51 AM
To: Gramitt, Jason (ETHICS) <Jason.Gramitt@ethics.ri.gov>
Subject: Financial Disclosure Additions

Jason:

Please see attached. We believe that the individuals on this list should be filing. Please feel free to call with questions.

Best,
Kate



KATHRYN M. SABATINI
MUNICIPAL INTEGRITY OFFICER
City Solicitor's Office
City of Providence
444 Westminster Street, Suite 220
Providence, Rhode Island 02903
401 680-5333 OFFICE
401 680-5520 FAX
ksabatini@providenceri.com
www.providenceri.com

CITY OF PROVIDENCE

Name	Title
VACANT	Dir.Arts Culture & Tourism
Michael D'Antuono	Business Manager(School & City)
Michael Borg	Director of PEMA
VACANT	Asst. Fire Chief
Kenneth Cirelli	Asst. Chief of Operations
Jim Silveria	Chief Information Officer
Jeff Lykins	Director of Inspections
Claudia J. Haugen	Chairperson
Renay Brooks Omisore	Clerk of the Board
Tomás A. Ávila	Commissioner
Alan Sepe	Dir.Public Property/Operations
Wendy Nilsson	Superintendent of the Parks
Michael Stephens	Director of Recreation
Doug Still	City Forestry
Renee Gamba	Director of Museum
Karen Gomez	Fiscal Advisor Parks
VACANT	Deputy Director Recreation
Bonnie Nickerson	Director of Planning & Dev.
Russell Knight	Director Public Works
John Murphy	City Collector
	Recorder of Deeds
Sheila Dormody	Director of Policy
Tony Simon	Chief of Staff
Brett Smiley	Chief Operating Officer
Theresa Agonia	Deputy Chief of Staff
Marisa O'Gara	Deputy Chief of Staff
Evan England	Director of Communications
Nicole Pollock	Chief Innovation Officer
Adolfo Bailon	Director of Mayor's Center for City Services
David Quinn	City Tax Assessor
William Trínque	Director of Communications
Sybil F. Bailey	Director of Human Resources
Margaret Wingate	Manager of Benefits
Joe Wojtanowski	Parks Director
Mark Huang	Director of Economic Development

Department	Date of Appointment
Arts, Culture and Tourism	VACANT
Chief Financial Officer(school)	9/20/2013
Emergency Management	3/13/2015
Fire Department	VACANT
Fire Department	11/12/1984
Information Technology	5/31/2011
Inspections & Standards	1/16/2012
Board of Canvassers	3/1/2015
Board of Canvassers	3/1/2014
Board of Canvassers	3/1/2013
Public Property	3/1/2015
Parks & Recreation	4/13/2015
Parks & Recreation	11/5/2012
Parks & Recreation	6/13/2005
Parks & Recreation	9/11/2007
Parks & Recreation	10/10/2006
Parks & Recreation	VACANT
Planning & Development	2/6/2015
Public Works	4/20/2015
City Collector	2/1/2010
Mayor's Office	1/5/2015
Mayor's Office	12/29/2014
Mayor's Office	12/29/2014
Mayor's Office	1/5/2015
Mayor's Office	1/5/2015
Mayor's Office	1/5/2015
Mayor's Office	2/17/2015
Mayor's Office	1/5/2015
City Assessor	1/17/2012
Communications	6/2/2003
Human Resources	9/18/2002
Human Resources	7/2/2012
Parks & Recreation	10/23/2006
Economic Development	7/13/2015

Business Address

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Jason, I believe you already added the Board of Canvassers, please confirm.

EXHIBIT #4

Berg, Michelle (ETHICS)

From: Sabatini, Kathryn <Ksabatini@providenceri.com>
Sent: Tuesday, November 24, 2015 2:40 PM
To: Gramitt, Jason (ETHICS); Berg, Michelle (ETHICS)
Subject: Copy of Financial Disclosure Additions_20151113_Revised Based on Meeting.xlsx
Attachments: Copy of Financial Disclosure Additions_20151113_Revised Based on Meeting.xlsx

Hi Jason and Michelle:

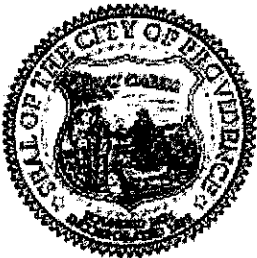
Thanks for taking the time to meet today. I have updated my spreadsheet to reflect where I believe we left things and what information I am working on gathering.

Brett Smiley and Theresa Agonia are both mayoral designees to PEDP and Dexter, so I guess this means that they do not file? I will shred Brett's letter...

Was there anything else that I owe you with respect to Board of Contract and Supply or Board of Parks Commissioners?

Michelle: can you confirm who from the School Department files? I was under the impression that it is just the Superintendent.

Thank you!
Kate



KATHRYN M. SABATINI
MUNICIPAL INTEGRITY OFFICER
City Solicitor's Office
City of Providence
444 Westminister Street, Suite 220
Providence, Rhode Island 02903
401 680-5333 OFFICE
401 680-5520 FAX
ksabatini@providenceri.com
www.providenceri.com

CITY OF PROVIDENCE

EXHIBIT #5

Berg, Michelle (ETHICS)

From: Berg, Michelle (ETHICS)
Sent: Monday, November 30, 2015 1:34 PM
To: 'Sabatini, Kathryn'
Subject: RE: Copy of Financial Disclosure Additions_20151113_Revised Based on Meeting.xlsx

Hi Kate –

No letters have gone out...I am awaiting final word from you as to whether all folks left on the list have major decision-making authority over \$50,000. The call I received from the Bd. Of Canvassers was in response to the e-mail you had sent.

My list pretty much mirrors the one you sent except for 3 individuals I had as being removed during our meeting that you have as checking on, but since you're checking on them anyway, no matter...but they are Renee Gamba, Michael Stephens & Joe Wojtanowski...I think they were removed because their positions were not specified in the charter...but, if they should remain, please let me know. I'm sure Gamba was gone, because she was the Director of Museums (the first call I received), so she had definitely been decided during the meeting...as to the other two, I have them crossed off but it's entirely possible we waived on those because they fell under Parks & Recreation.

Hope this is more helpful than confusing, let me know if you need anything further.

Thanks,

Michelle R. Berg
Administrative Officer
RI Ethics Commission
40 Fountain Street, 8th Floor
Providence, RI 02903

(401)222-3790, ext. 15

From: Sabatini, Kathryn [mailto:Ksabatini@providenceri.com]
Sent: Monday, November 30, 2015 1:13 PM
To: Berg, Michelle (ETHICS) <Michelle.Berg@ethics.ri.gov>
Subject: RE: Copy of Financial Disclosure Additions_20151113_Revised Based on Meeting.xlsx

Hi Michelle:

Quick question – did the letters for the Board of Canvassers already go out? Did any other letters already go out?

I just want to make sure I know where we are.

Thanks again. Hope you had a wonderful Thanksgiving!

Best,
Kate

EXHIBIT #6

Johanna Harris
P.O. Box 9483
Providence RI 02940
johannaharris@cox.net

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

EXHIBIT #7

Michelle R. Berg
Administrative Officer
RI Ethics Commission
40 Fountain Street, 8th Floor
Providence, RI 02903

(401)222-3790, ext. 15

From: Sabatini, Kathryn [<mailto:Ksabatini@providenceri.com>]
Sent: Thursday, January 07, 2016 4:35 PM
To: Berg, Michelle (ETHICS) <Michelle.Berg@ethics.ri.gov>
Subject: RE: Voluntary Filers

Michelle:

Thanks so much. Just to clarify, because they are voluntarily filing, they are not required to file by any particular deadline, correct?

Best,
Kate



KATHRYN M. SABATINI
ASSISTANT CITY SOLICITOR
City Solicitor's Office
City of Providence
444 Westminster Street
Providence, Rhode Island 02903
401 680 5333 OFFICE
401 680 5520 FAX
ksabatini@providenceri.com
www.providenceri.com

CITY OF PROVIDENCE

From: Berg, Michelle (ETHICS) [<mailto:Michelle.Berg@ethics.ri.gov>]
Sent: Thursday, January 07, 2016 4:08 PM
To: Sabatini, Kathryn
Subject: RE: Voluntary Filers

Okay great...I have set everyone up.

Since they are filing their 2014 Statements, the 2015 will not be required until April 29, 2016 and we will mail forms and login info out in March...so the choice is theirs whether they file the 2015 now or later, but they have that option when filing online. Theresa Agonia has already filed her 2014 Statement (she had filed for Dexter Donation Board before I

knew she was the Mayor's designee), but I am including her login info just in case she wants to take a peek at her filing or get a jump on her 2015.

Tony Simon

[REDACTED]

Brett Smiley

[REDACTED]

Theresa Agonia

[REDACTED]

Marisa O'Gara

[REDACTED]

Let me know if you need anything else and have a great night!

Michelle R. Berg
Administrative Officer
RI Ethics Commission
40 Fountain Street, 8th Floor
Providence, RI 02903

(401)222-3790, ext. 15

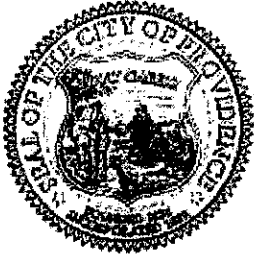
From: Sabatini, Kathryn [<mailto:Ksabatini@providenceri.com>]
Sent: Thursday, January 07, 2016 3:45 PM
To: Berg, Michelle (ETHICS) <Michelle.Berg@ethics.ri.gov>
Subject: RE: Voluntary Filers

Hi Michelle:

Great – thank you so much for your help with this. You can send their credentials to me, and I will forward.

They will file for 2014, so I will be sure to pass along these instructions.

Best,
Kate



KATHRYN M. SABATINI
MUNICIPAL INTEGRITY OFFICER
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401 680-5520 FAX
ksabatini@providenceri.com
www.providenceri.com

CITY OF PROVIDENCE

From: Berg, Michelle (ETHICS) [<mailto:Michelle.Berg@ethics.ri.gov>]
Sent: Thursday, January 07, 2016 3:38 PM
To: Sabatini, Kathryn
Subject: RE: Voluntary Filers

Hi Kate –

I will expedite these and handle them right now. If they don't have an issue with it, I can send you their login credentials...otherwise, you can forward me their e-mail addresses and I will certainly send it to them ASAP. Just FYI, because they are voluntary filers, I am setting them up for the 2015 filing period. If they were *required* to file, they would have been sent the 2014 Statement. Online, they will have the option to do both. If they opt to do both, please be sure to let them know that they should file the 2014 first so that their 2015 can pre-populate with that information...otherwise, they will be starting over from scratch.

Let me know how they want their login info sent to them.

Michelle R. Berg
Administrative Officer
RI Ethics Commission
40 Fountain Street, 8th Floor
Providence, RI 02903

(401)222-3790, ext. 15

From: Sabatini, Kathryn [<mailto:Ksabatini@providenceri.com>]
Sent: Thursday, January 07, 2016 3:29 PM
To: Berg, Michelle (ETHICS) <Michelle.Berg@ethics.ri.gov>
Subject: RE: Voluntary Filers

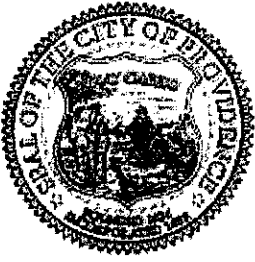
Michelle:

Please see attached.

Can you let me know if there is any way to convey this information to them sooner via email? They would like to file as soon as possible.

Best,

Kate



KATHRYN M. SABATINI
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CITY OF PROVIDENCE

From: Berg, Michelle (ETHICS) [<mailto:Michelle.Berg@ethics.ri.gov>]
Sent: Thursday, January 07, 2016 3:11 PM
To: Sabatini, Kathryn
Subject: RE: Voluntary Filers

Just to be clear, the mailing address does not need to be a home address.

Michelle R. Berg
Administrative Officer
RI Ethics Commission
40 Fountain Street, 8th Floor
Providence, RI 02903

(401)222-3790, ext. 15

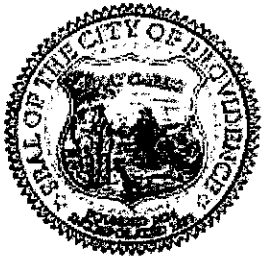
From: Sabatini, Kathryn [<mailto:Ksabatini@providenceri.com>]
Sent: Thursday, January 07, 2016 2:23 PM
To: Berg, Michelle (ETHICS) <Michelle.Berg@ethics.ri.gov>
Subject: Voluntary Filers

Hi Michelle:

I'd like to set up accounts for three voluntary filers. Can you please let me know what information you need?

Thank you as always!

Best,
Kate



KATHRYN M. SABATINI
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ksabatini@providenceri.com
www.providenceri.com

CITY OF PROVIDENCE

Tony Simon	Chief of Staff	Mayor's Office	12/29/2014	[REDACTED]	VOLUNTARY
Brett Smiley	Chief Operating Officer	Mayor's Office	12/29/2014	[REDACTED]	VOLUNTARY
Theresa Agonia	Deputy Chief of Staff	Mayor's Office	1/5/2015	[REDACTED]	VOLUNTARY
Marisa O'Gara	Deputy Chief of Staff	Mayor's Office	1/5/2015	[REDACTED]	VOLUNTARY

EXHIBIT #8



Rhode Island Ethics Commission

2014 Yearly Financial Statement

For BRETT SMILEY

All questions refer to the calendar year January 1, 2014 through December 31, 2014 unless otherwise specified.

Personal Information

Name	Mailing Address
BRETT SMILEY	CHIEF OPERATING OFFICER, CITY HALL, 25 DORRANCE STREET, PROVIDENCE, RI 02903

Current Positions

Public Position(s)	Municipality, State or Regional	Date elected, appointed or hired	Date of termination or resignation
VOLUNTARY FILING	PROVIDENCE	12-29-2014	

Description of Voluntary Position(s):

Description of Voluntary Position(s):	Filed On
Chief Operating Officer, City of Providence	01/13/2016 at 01:33PM

Elected Office Candidacies

Not Applicable.

Family Members

List name of spouse if you were married or were a party to a civil union during any part of 2014.

Spouse Name	Filed On
James V. DeRentis	01/13/2016 at 01:33PM

Family Income Sources

Add a response for each instance in which you, your spouse or dependent child received either \$1,000 or more gross income from an employer during 2014; or \$1,000 or more gross income through self-employment. This includes instances of receiving income through public employment or from service as an elected or appointed official.

In your response you must also provide information regarding any instances in which you, your spouse or dependent child were self-employed and received \$250 or more gross income for services rendered to a state or municipal agency.

Family Member Name	Self Employed ?	Business or Employer Name	Title/Occupation and Date of Employment	Address of Business	Services Rendered ?	Date & Nature of Services	Filed On
Self	No	CFO Compliance	Partner, Nov 2011	1 Park Row, 5th Fl, Providence, RI 02903	No	-	01/13/2016 at 01:33PM
Self	No	CFO Consulting Group	President / August 2007	1 Park Row, 5th Fl, Providence, RI 02903	No	-	01/13/2016 at 01:33PM
James DeRentis	No	Residential Properties	Realtor	140 Wickenden St, Providence, RI 02903	No	-	01/13/2016 at 01:33PM

Real Estate

Add a response for each instance in which you, your spouse or dependent child owned or had a financial interest in any real estate, wherever located, but other than real estate that is used exclusively as your principal residence, at any time during 2014.

Family Member Name	Nature of Interest	Address OR Description	Filed On
Self	Co-Owner	236 Hope St, Providence, RI 02906	01/13/2016 at 01:33PM
Self	Co-Owner	89 Angell St, Providence, RI 02906, USA	01/13/2016 at 01:33PM

Trust Incomes

Add a response if you, your spouse or dependent child received more than \$1,000 in gross income as a beneficiary of any trust. (Do not list amounts.)

Not Applicable.

Family Executive Positions

Add a response if you, your spouse or dependent child held a management position or were a director, officer, partner or trustee of any business, organization or other entity (whether for-profit or non-profit).

Family Member Name	Name of Business or Organization	Position	Address of Business	Filed On
Self	CFO Consulting Group LLC	President	1 Park Row, 5th Fl, Providence, RI 02903	01/13/2016 at 01:33PM
Self	CFO Compliance LLC	Partner	1 Park Row, 5th Fl, Providence, RI 02903	01/13/2016 at 01:33PM
Self	Strategic Campaign Management, Inc	President	1 Park Row, 5th Fl, Providence, RI 02903	01/13/2016 at 01:33PM
Self	Progressive Field Strategies	President	3500 S DuPont Highway, Dover, DE 19901	01/13/2016 at 01:33PM
James DeRentis	Rhode Island Housing	Board Chair	44 Washington St, Providence, RI 02903	01/13/2016 at 01:33PM
James DeRentis	Providence Redevelopment Authority	Board Chair	444 Westminster St, Providence, RI 02903	01/13/2016 at 01:33PM
James DeRentis	Providence Real Estate Guy LLC	President	89 Angell St, Providence, RI 02906	01/13/2016 at 01:33PM

Out-of-State Travel

Add a response if during the filing year any person or entity provided you with out-of-state travel valued at over \$250, AND you would not have been provided with such travel but for the fact that you held a public office or position. Your response will include disclosure of the source, value and description of the travel and related expenses.

Out-of-state travel includes all related expenses such as transportation, lodging, meals and entertainment. All of these expenses are considered together when determining whether the \$250 limit has been reached.

EXCEPTIONS: You do NOT have to disclose out-of-state travel that is provided to you either by your regular private employer OR by the state or municipal agency of which you are a member or by which you are employed.

Not Applicable.

Last Year Business Ownership Interests

Add a response if at any point during 2014 you, your spouse or dependent child individually or collectively held a 10% or greater ownership interest, or a \$5,000 or greater ownership or investment interest in any business (including holding publicly traded stock in a company).

If you add a response to this question, you will also be required to provide additional information if the business you list either (a) was subject to direct regulation by a state or municipal agency or; (b) did business in excess of a total of \$250 with a state or municipal agency.

Did the business listed above do business in excess of a total of \$250 in a calendar year 2014 with a state or municipal agency? If yes, enter the name of agency, the date of transaction and the nature of the transaction.

Was the business listed above a business entity subject to direct regulation by a state or municipal agency?

Family Member Name	Name of Business	Address of Business	Agency Name, Transaction Nature and Date	Regulating Agency Name	Filed On
Self	CFO Compliance	1 Park Row, Providence, RI 02903	-	-	01/13/2016 at 01:33PM

Family Member Name	Name of Business	Address of Business	Agency Name, Transaction Nature and Date	Regulating Agency Name	Filed On
Self	CFO Consulting Group LLC	1 Park Row, Providence, RI 02903	-	-	01/13/2016 at 01:33PM
Self	Progressive Field Strategies	3500 S DuPont Hgwy, Dover, DE 19901	-	-	01/13/2016 at 01:33PM
James DeRentis	Providence Real Estate Guy, LLC	89 Angell St, Providence, RI 02906	-	-	01/13/2016 at 01:33PM
Self	Strategic Campaign Management	1 Park Row, Providence, RI 02903	-	-	01/13/2016 at 01:33PM

This Year Business Ownership Interests - Regulation

This question relates to business interests that were acquired or divested AFTER calendar year 2014, that are regulated by a public agency. Add a response if any business in which you, your spouse or dependent child individually or collective acquired or divested a 10% ownership interest or a \$5,000 or greater ownership or investment interest (including holdings of publicly traded stocks) after January 1, 2015 but prior to filing this statement, IF said business was subject to direct regulation by a state or municipal agency.

Not Applicable.

This Year Business Ownership Interests - Business

This question relates to business interests that were acquired or divested AFTER calendar year 2014, that did business with a public agency. Add a response if any business in which you, your spouse or dependent child individually or collective acquired or divested a 10% ownership interest or a \$5,000 or greater ownership or investment interest (including holdings of publicly traded stocks) after January 1, 2015 but prior to filing this statement, IF said business had one or more business transactions with a state or municipal agency that, collectively, exceeded \$250.

Not Applicable.

Family Debts

Add a response if you, your spouse, or dependent child were indebted in an amount in excess of \$1,000 to any person, business entity, financial institution or other organization, other than:

- (1) Any person related to you, your spouse or dependent child at any time within the third degree of consanguinity;
- (2) A financial institution regulated by any state or by the United States where such indebtedness is secured solely by a mortgage of record on real property used exclusively as your principal residence;
- (3) Any indebtedness arising from transactions involving credit cards

Debtor Name	Debtor Address	Lender Name	Lender Address	Filed On
Self	37 George St, Providene, RI 02906	Coastway Community Bank	180 Washington St, Providence, RI 02903	01/13/2016 at 01:33PM
Self	37 George St, Providene, RI 02906	BankRI	1 Turks Head Pl, Providence, RI 02903	01/13/2016 at 01:33PM

Originally filed online by BRETT SMILEY on 01/13/2016 at 01:33PM, under the pains and penalties of perjury.