

Rhode Island AG Interview with Terrance Gray

Recording Name:
[WS Terrance Gray]

Transcript Prepared By:



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1 Male: All right. Today's date is November 8, 2021. Time is
2 approximately 1:05 p.m. This is an interview of acting
3 director Terrance Gray, date of birth [REDACTED]/64. Just
4 place this right here. Okay. Whenever you're ready.

5 Male 2: All right. So, Mr. Gray, as you know, we've been asked
6 by the governor -- the AG has been asked, who in turn
7 asked the state police to assist us, with an
8 investigation into whether or not the former chief of
9 staff, Tony Silva, exerted any undue influence on the
10 Department of Environmental Management in regards to
11 an application to alter wetlands, a permit which was
12 approved earlier this year. Before we get into the
13 nuts and bolts, just a little bit about yourself, you
14 indicate you've been at DEM for 34 years?

15 Gray: Yeah, 34, almost 35 years.

16 Male 2: And basically started at the bottom and worked your
17 way through?

18 Gray: That's true, yep.

19 Male 2: And what's your position now?

20 Gray: I'm acting director of the department.

21 Male 2: Okay. Do you know Mr. Silva?

22 Gray: Yes.

23 Male 2: Okay. How long have you known Mr. Silva for?

24 Gray: I want to say, I would estimate probably five or six
25 years.

1 Male 2: Okay. Do you recall when you met him?

2 Gray: I met him in his role as Chief of Staff for then
3 Lieutenant Governor McKee.

4 Male 2: Okay. Through -- just through some type of policy
5 meetings or?

6 Gray: No, primarily, we interacted in, in the Lieutenant
7 Governor's office -- when he was in the Lieutenant
8 Governor's office, related to a concern that the
9 lieutenant governor had about a program called Pink
10 Hair. And what Pink Hair is, was a, uh -- what it is
11 really, is a, is an industry organization put together
12 by the paint industries, the paint manufacturers to,
13 to support recycling of paint. So if you have -- if
14 you have half a gallon of paint that you're not using,
15 they, they'll fund a program to, to collect that paint
16 and recycle it.

17 Male 2: Okay. And where are you from? Are you, are you Rhode
18 Island native or?

19 Gray: Yes, I am.

20 Male 2: From what part of the state?

21 Gray: I grew up in Warwick and now I live in West Greenwich,
22 and I've lived in West Greenwich for 22 years.

23 Male 2: Okay. So you've never had any interaction with him
24 when he was Chief of Police or any of his associated
25 work, either in Cumberland or Lincoln?

1 Gray: Nope. I had no idea, no idea who he was before uh,
2 before I met him in the lieutenant governor's office.

3 Male 2: Okay. And at some point, you became aware that he had
4 an application pending in front of DEM to alter
5 wetlands at 45 Canyon Street in Conklin, Rhode Island.

6 Gray: Yes, that's true.

7 Male 2: Can, can you tell us what you recall about how you
8 became aware of it?

9 Gray: I believe I became aware of it because he called me
10 about the status of the application. So he had
11 submitted that, and um, and he had called and wanted
12 to know, what the -- what the status of it was, how it
13 was going through the program, that type of thing.

14 Male 2: Do you recall when that happened, whether he was still
15 working as lieutenant governor chief of staff or if he
16 had segued into the governor's office by that time?

17 Gray: No, definitely when he was in the lieutenant
18 governor's office.

19 Male 2: Okay. So, and, what can you recall? You believe it was
20 a phone call?

21 Gray: Right.

22 Male 2: And what, what do you recall, if anything, about the
23 conversation?

24 Gray: It was just, um -- this is not uncommon. It was just a
25 question of what's the status, can we move this along,

1 um, can we, you know, keep the process moving, for the
2 most part?

3 Male 2: Great. You indicate this was not uncommon.

4 Gray: Right.

5 Male 2: Expound on that if you will, please.

6 Gray: We get -- so, let me back up a little bit. We get a
7 lot of applications for, um, wetlands permits. And a
8 lot of times, those are related to some kind of
9 property transaction. So we get a lot of calls to try
10 and move the process along, not necessarily to, to
11 expedite anything, just to keep it moving. And people
12 are under pressure because of financing, because of
13 closings, that type of thing, and they need their,
14 their wetlands permit right away, but it's a process
15 and it takes time. And, um, a lot of people, that,
16 that process isn't fast enough for a lot of people.

17 Male 2: In a, um, in a typical project, how long can that
18 process take?

19 Gray: It can be anywhere from probably a month and a half to
20 over a year.

21 Male 2: Okay.

22 Gray: Well over a year in some cases.

23 Male 2: And, and why, why the difference in time?

24 Gray: Well, it's two things. It depends on the caseload that
25 the program's handling. And the second thing is the

1 complexity the application. So if um, if an
2 application is relatively straightforward, then it's
3 usually handled using something called a preliminary
4 determination, which is kind of a minor permitting
5 process, but that can still take a month or two to get
6 through. If something is, has a more significant
7 impact on wetlands, then it gets into what's known as
8 a significant alteration permit. And that -- or a
9 formal permit, if you will, sometimes you use that
10 term. And that gets into a much longer process than
11 involves public notice, notice to abutters, a more
12 comprehensive application, and that could take
13 anywhere from a year to 18 months.

14 Male 2: Okay, so, when you said one month to more than a year,
15 the one month was for a preliminary determination.

16 Gray: Right, right.

17 Male 2: If you basically make a quick decision that says,
18 "You're okay here, this isn't significant."

19 Gray: Right, exactly.

20 Male 2: Okay. But for what the application, which Mr. Silva
21 applied for, the permit to alter the freshwater
22 wetlands, that's not something that gets approved in a
23 month.

24 Gray: No. Never. It can't. It has a 45-day public notice
25 period in it. So it's just not physically possible to

1 approve it.

2 Male 2: Okay. So it's not unusual for you to get calls to say,
3 "What's going on with my project?"

4 Gray: No, it's not. And quite frankly, it's not unusual to
5 get calls on PDs either. People have, people have
6 their own expectations of how fast the permit should
7 be issued. And sometimes that doesn't match with
8 reality.

9 Male 2: Okay. So at the time he was lieutenant governor, he
10 was checking in on his permit. Do you recall what you
11 did, if anything?

12 Gray: Um, at first, I would check on the status with the
13 program. I would ask either Eric Beck or Marty Wencek
14 what, what, what was going on, and then I would relay
15 that back. Eventually, it got to the point where um,
16 where when he called me, it was in the inner process
17 point that I, I essentially just directed him to deal
18 directly with Eric Beck on the, on the process.

19 Male 2: Okay. Rather than being the middleman --

20 Gray: Being the middleman, right.

21 Male 2: Okay, um. We honestly developed kind of a timeline for
22 this application --

23 Gray: Mm-hmm.

24 Male 2: So we, ultimately, I think we want to walk through
25 that with you, just try to get out some of the details

1 and even offer you some dates with certain parts of
2 the application, certain events were going on. Just
3 going back to when he first, Mr. Silva first contacted
4 you, um, about the application, do you recall if he
5 gave you a sense what is role was in the application?

6 Gray: The way I remember it is, is there was some type of
7 financing involved. And he was trying to meet a bank
8 timeline. So that's what, that's the urgency of moving
9 the application along.

10 Male 2: But in terms of -- was he the applicant? Was he
11 prospective purchaser of the property?

12 Gray: No, he wasn't the applicant. Um, this woman, Joan
13 Mooney, was the applicant.

14 Male 2: Okay.

15 Gray: So, my, my assumption was that he was a purchaser. But
16 he was, um -- My impression also was that he was the
17 lead driver behind whatever project was being proposed
18 in this permit application. And that's not, again,
19 that's not unheard of. A lot of times you'll have an
20 applicant that is the -- the applicant has to be the
21 property owner. So if there's some, if there's some
22 pending transaction or pending development, that
23 might, that might be different than the person that
24 you're dealing with sometimes.

25 Male 2: So in terms of the information that he was the

1 purchaser, do you think he conveyed that to you, or
2 did you have to research the application?

3 Gray: No, I didn't research the application, and, and he
4 might not -- I don't know. But I don't think he was
5 anywhere, his name was anywhere on the application.
6 That was the way he expressed it to me.

7 Male 2: That he was the purchase --

8 Gray: That he was that he was going to purchase a property.

9 Male 2: Okay. And do you think this conversation was
10 subsequent to your first contact with him at the
11 Lieutenant Governor's office? The conversation about
12 the application.

13 Gray: Yeah, it was after that. I had known him at that
14 point. That's why he was, he was calling me to um, to
15 really kind of see what the status is.

16 Male 2: Okay. So that, him calling you, you know, someone in
17 government, fairly high up in government, is that
18 unusual for them to call you at this point? You're the
19 Deputy Director of Environmental Protection?

20 Gray: No, not really. It depends. If somebody knew me, in
21 terms of some role in DEM, then they might call me
22 about an application and say, "Hey, can, can you look
23 into this? Where is this?" Because I don't think he
24 knew anyone in the program at that point. So, so I'm,
25 I was probably one of the few people in the Bureau of

1 Environmental Protection that had ever met this guy.
2 So.

3 Male 2: And, just trying to nail down the timing a little bit
4 of this first call. So we have, you know, from the DEM
5 records that there was this request for preliminary
6 determination back in June of 2018. Do you think it
7 would have been if, you know, before or after that?

8 Gray: No, I'm pretty sure it was after that.

9 Male 2: Okay. And then the -- it was determined that the
10 application to alter the wetlands was in August of
11 '18, so after that. And then, let's see, the first --
12 I'll refer as the first application, came in from the
13 Mooneys, April 4 of 2019. The request to alter
14 wetlands. Do you think the call was before or after
15 that?

16 Gray: Um, I'm trying to remember. I think it was after that.
17 It might have been around that time. And I'm not sure
18 about this but, but I want to say he might have called
19 when he got the notice that it needed to be a, um, a
20 formal application. And I got a few calls from Mr.
21 Silva that were essentially questions about, all
22 right, what do I do now? And, and he had gotten that
23 and, you know, the, what do you do now is you have to
24 submit the application to alter it, right? The more
25 formal permit.

1 Male 2: Okay. Are those kinds of questions unusual?

2 Gray: No, not at all.

3 Male 2: To the deputy director, though? How do I do this, what
4 do I do?

5 Gray: Um, no. They're not particularly unusual. They don't
6 happen every day but it's not completely out of line.

7 Male 2: Okay. So when it had to be a formal application, so
8 after that request for preliminary determination, is
9 that what you mean?

10 Gray: The first bar, yeah. After the -- after the required --
11 -- he submits the PD, this is -- and the folks look at
12 it, the staff looks at it, and they determined sorry,
13 this isn't, this doesn't fit within the groundworks of
14 a PD, you have to do a significant alteration permit.
15 So, at that point, I believe he called me and said,
16 All right, what do I do now? So he submits the
17 application to alter.

18 Male 2: Okay. When you -- well, you some extent what he needs
19 to do, right? I mean, did that include, "Oh, you have
20 to get an environmental consultant, you need to get
21 plans, things like that?"

22 Gray: Yeah. I mean, it would be, it would be everything. I
23 didn't get into the details like that, and I normally
24 wouldn't, but it would be that a significant
25 alteration permit is, is a, it's a heavier lift than a



1 PD. So you need, you need the engineering, you need
2 the plans, you need the notice, that type of thing.

3 Male 2: Okay. But you just kind of generally giving that to
4 people.

5 Gray: Mm-hmm. A lot of times when we deal with applicants,
6 what we really wanna do is talk to their consultants.

7 Male 2: Sure.

8 Gray: Because the, the consultants understand the process,
9 and they're the ones that are going to put together
10 the application. So um, so we kind of want to get by
11 the applicant and talk to their team about really
12 what's required so we can move the process along.

13 Male 2: Okay, that makes sense. So I want to show you an email
14 to kind of help us with the timeline, perhaps even
15 help you recall when some of these calls from Mr.
16 Silva were coming in. So it's an email from January 28
17 of 2020. So, I'll show it to you a second, I have it
18 front of me. It's sent from yourself to Martin,
19 Wencek, and Eric Beck. "Guys, we need to move on this
20 one. The application has been in for a long time, and
21 the applicant is under a ton of pressure from his
22 financing companies to get this done."

23 Gray: Right.

24 Male 2: At the bottom of the second page, continues on the
25 third page.

1 Gray: Yep.

2 Male 2: So, tell us about that. What, what prompted that?

3 Gray: So when an application comes in, it's, um, it's
4 reviewed, it's determined to be complete, it goes out
5 to public notice. At the time, people can weigh in,
6 people can comment on it, people may not comment on
7 it. Eventually that public notice period closes. And
8 at that point, it's, it's on the staff to review
9 whatever input they got from the public notice to
10 complete their review of the application and make a
11 decision. One of the things that we don't like, is an
12 extended period of time after public notice. Sometimes
13 applications are decided on the day they come off
14 public notice. Particularly if there's no comments,
15 right? So, what I -- what this was all about is, the
16 application had come off public notice, it had been
17 pending with the staff for a while. Silva had texted
18 me and said, "All right, what's the, what's the status
19 of this? How long do you think it's going to take?"
20 And at that point, I sent this email to Eric and Marty
21 saying, "All right, it's been off notice." My
22 intention here was to say it's been off notice for a
23 while, we need to, we need to make a decision on this.
24 Which they did.

25 Male 2: Okay. And then as part of that, you indicated the

1 applicant was under pressure from financing.

2 Gray: That's what he told me.

3 Male 2: Okay. Do you remember any particulars about that, that
4 expressed about that?

5 Gray: No.

6 Male 2: Okay. And in terms of you telling them, it's been,
7 it's been a long time, or they've come off public
8 notice, how did you get that information?

9 Gray: Well, at that point, um, that was the way that was the
10 way it had been conveyed to me and I had been getting
11 updates on the system on the status of the permit
12 application. I knew it had been off notice for a
13 while.

14 Male 2: Okay. So it had been conveyed to you by Mr. Silva that
15 it had been off notice --

16 Gray: Right. And I knew that from staff, yeah.

17 Male 2: Okay. Who were you checking with on the staff?

18 Gray: Mostly Eric.

19 Male 2: Okay.

20 Gray: Eric was -- is, a direct report of mine. So we have
21 bi-weekly update meetings, where we just go over
22 different issues with his program. I do that with all
23 of the chiefs that report to me.

24 Male 2: Do you remember what the discussions were with either
25 Eric and/or Marty Wencek after this email?

1 Gray: Yeah, so after that, after that email, looking at the
2 file and reviewing it, you know, after the fact, they
3 went through the comments. And they did -- Marty
4 determined that one of the comments, I believe it was
5 from the town of Cumberland, was a significant
6 comment. And, and at that point, the applicant has a
7 couple of points, a couple of choices. He can either
8 withdraw the application, or you can request a public
9 hearing on that comment. This was something I had
10 never experienced before, this is kind of a pretty
11 rare occurrence. So I don't know if the other guys
12 told you this, but this is kind of a rare outcome in
13 this process. And it wasn't clear what the options
14 were, you know, to me at least. So um, Silva ends up
15 asking for a hearing. And he, and then there was a lot
16 of discussion at that point between me and Marty and
17 Eric, in terms of, how does this happen? What are we
18 going to do here? And it was two things. Number one
19 is, this was an extremely rare occurrence with respect
20 to holding this hearing. So all logistics, who was the
21 hearing officer, where are we going to do it? How is
22 it done? All of that needed to be teased out. And the
23 other complication was, this was right on the sort of
24 the breaking wave of the pandemic. So the other piece
25 is, how do we do a hearing, right? This is before Zoom

1 was really big or Teams and there was all these
2 prohibitions about anyone coming into the office. So
3 we're just trying to figure out logistically, what do
4 we do with this request for a hearing. And ultimately,
5 we got to the point where Silva was involved in this
6 discussion now mostly with Eric and maybe with um,
7 with Marty a little bit in terms of, of what -- how
8 this was going to play out, and he decides to withdraw
9 his request for a hearing. And when he did that, and I
10 learned this after the fact -- when you, when you
11 withdraw the request for the hearing, eventually your
12 application becomes void. And you have to resubmit.

13 Male 2: And then do you recall, he resubmitted a second
14 application?

15 Gray: Right, he resubmitted. At that point, I was pretty
16 much out of it. He had, he had established a
17 relationship with Eric, he was talking to Eric about
18 the process. He submitted his application and went
19 through the process, and it got, it got um, it
20 ultimately got approved last June.

21 Male 2: Just going, going back to January of 2020. So in the
22 email chain, there's a response, and maybe not to read
23 the whole thing for time and efficiency sake, but Eric
24 responds to Marty, CCing you, and -- I'm sorry, Marty
25 responds to Eric CCing you, and Marty mentions there's



1 another file 118 days old, and taking the Mooney
2 application ahead of this one would derail that
3 project and the time estimate he's already given the
4 applicant, so I don't know if you remember seeing that
5 at all, or if that rings a bell at all.

6 Gray: Yeah, that's pretty typical of a response from Marty.
7 I think ultimately, he's got a portfolio he has to
8 manage of applications. And he's trying to be fair to
9 everybody. So if we -- if me or the director or, or
10 Eric even asks him to prioritize an application or
11 move an application along, he's going to tell us what
12 the implications are. That's, that's -- We expect
13 that, we want to know. All right, if I'm, if I'm
14 moving one up in the line, who's going back in the
15 line?

16 Male 2: And he ended this email on January 29 of 2020, "That's
17 just the way it is right now."

18 Gray: Mm-hmm.

19 Male 2: He's explaining, like you referenced, the realities of
20 what he's dealing with.

21 Gray: Right, you get a limited staff with a lot of
22 applications.

23 Male 2: Okay. So the request you kind of just mentioned it,
24 was to move this one up, right? To be --

25 Gray: Well, it was to make a decision on it.

1 Male 2: Okay. And he's telling you there's one ahead of it at
2 least.

3 Gray: Right.

4 Male 2: So then, February 13 is where this email chain
5 continues. It's you to the same two gentlemen, Wencek
6 and Eric Beck. And you -- Just showing that to you in
7 case it helps. "I need an update on this, please." So
8 it's about two weeks later. Was there something that
9 prompted that? Is that -- do you recall?

10 Gray: I don't remember. It could have been a call from, from
11 Tony. It's not -- it probably was.

12 Male 2: Okay.

13 Gray: I mean, this wasn't, this wasn't like my hot, hot
14 burner issue, right?

15 Male 2: Of course.

16 Gray: Where I really needed to get this done. It's just, if
17 somebody was asking me about it, I'll be ready to
18 respond to it. That's all.

19 Male 2: Okay. So you recall a fair amount of contact from Mr.
20 Silva, either by phone or text?

21 Gray: Most of it was -- almost, actually, all of it was
22 status related and process related.

23 Male 2: Okay. Little bit about financing, I guess, which could
24 be --

25 Gray: Well, that was all the context for why, why he was

1 calling.

2 Male 2: Okay. Then it looks like same day. Martin Wencek
3 responds to you CCing Eric Beck with three options
4 like, like you discussed. He can withdraw, he can
5 proceed to a public hearing, or address the issues in
6 the public notice with the town. Obviously, I'm
7 paraphrasing that email from there. Does that, do you
8 remember that?

9 Gray: Yeah.

10 Male 2: Those, those three scenarios being offered by Mr.
11 Wencek? Okay. Then the top of the email, you respond
12 the next day -- Actually, before we get to that,
13 there, there's also an email where you request from
14 Eric Beck, where he's responding to your request to
15 send the public notice comments. Do you remember that?

16 Gray: Um, yeah, I do vaguely. That was part of that -- the
17 public notice comments that came in were unusual. And
18 I wanted him to send them to me. And, yeah, to take a
19 look at those.

20 Male 2: Okay. So it's February 13 --

21 Gray: Especially since they came from the town. That was
22 kind of a key thing.

23 Male 2: That they -- why is that a key thing?

24 Gray: Because it's -- most of the comments we get for permit
25 applications are framed as not in my backyard type of

1 things. Like I don't like this -- I don't want, I
2 don't want this house here, because it's not
3 consistent with my neighborhood, or I don't want this
4 facility built here because we don't like it in our
5 community. When we get comments that are substantial,
6 especially from a town that I've detailed, then, then
7 a lot of times I want to take a look at those and see
8 what, what, what the issue is really.

9 Male 2: Okay. So it was February --

10 Gray: Especially when I'm getting pinged by the applicant,
11 quote unquote, in terms of what's going on with his
12 permit.

13 Male 2: Right. So there's a couple of things going on here
14 with the town objecting, the applicant contacting you.
15 So it's February 13, the same day we were talking
16 about where you would ask for the status update, and
17 Marty responded. So Eric Beck at 6:15 that night,
18 says, "Terry, as requested, I scanned the comments
19 from the public notice. There were some pictures that
20 did not scan well. If they want to review the actual
21 file, we can make it available." And then looks like
22 you forward then the scan comments, "Here you go," to
23 Mr. Silva.

24 Gray: Right.

25 Male 2: So tell us about that. What led up to that?

1 Gray: That was, um, that was part of the submission, that
2 was part of the next step of moving the applicant
3 forward, the application forward, is there had been
4 these comments that had been submitted. Um, we wanted
5 to forward those to Silva so he could see the
6 comments. And I don't know, maybe address them with
7 the town, that was one of the options that he could do
8 that. We knew he had a relationship, or he had he had
9 a background with the town of Cumberland. It's like,
10 all right --

11 Male 2: What do you mean by that? I mean, we know, but --

12 Gray: Right. He was the police chief in Cumberland. He's
13 been involved with, with, with Cumberland government
14 for a while. And it was more like, all right, why
15 don't you try and work these out with the, with the
16 municipality, right? And come back and see us when,
17 when you've reached agreement on that.

18 Male 2: Okay. So was it a request from him for the comments?

19 Gray: I believe so, yeah.

20 Male 2: All right. And so far, you've told us he's been
21 contacting you about, um, process, looking for some
22 guidance on how to submit things.

23 Gray: Well, this is a process piece too, I would describe
24 that.

25 Male 2: Okay. Question I feel like I should ask you, though,

1 is it unusual that someone would come to the deputy
2 director for those comments?

3 Gray: Yes. So again, I really wanted to push him down to
4 Eric as much as I could. And I was trying to do that,
5 but, but the other piece is, is I was not -- A lot of
6 times when I'll ask for the status of a permit
7 application, I'll ask for it to the staff without any
8 context. And it's, it's to avoid exactly what we're
9 talking about now. Which is, even though there might
10 be no, no implied priority, the fact that I'm asking
11 on behalf of somebody may be interpreted as saying,
12 "Hey, this is important." And, and I don't want the
13 staff to change their business process every single
14 time I ask him for the status of something. So a lot
15 of times, I won't say who's asking. You know, it might
16 be a legislator, it might be a municipal official.
17 It's, I just, that ends with me, and then I'll just
18 ask, what's the status of application 19, whatever it
19 is, right? And they'll, they'll give me that. It's
20 when it gets into this weirdness of this unique
21 process route, that, that things get a little, a
22 little different.

23 Male 2: Okay. Would an option have been just tell him to go
24 through Freshwater Wetlands for the public notice? Or
25 even the Mooneys?

1 Gray: No, I could have done that. Yeah, that's an option. I
2 could have just told him contact Eric Beck.

3 Male 2: Why didn't you do that?

4 Gray: Because -- probably because I would've figured, all
5 right, if I can just give him the comments, he can
6 deal with the town and, and, and that'll be the end of
7 it and I don't have to involve the staff anymore in
8 this.

9 Male 2: Okay. I'm just trying to understand why Eric Beck?
10 Like why not Marty Wencek, who then could have, you
11 know, staff pull it and send it to him?

12 Gray: It's kind of a chain of command thing. So I go to, I
13 go to Eric for things and then if Eric goes to Marty
14 or Eric goes to the other staff, that's, that's his
15 thing. But it would be more unusual for me to do it
16 the way you are suggesting, to go directly to staff
17 and say, "Give me this."

18 Male: Can I interject here?

19 Gray: Sure.

20 Male: I get the impression, correct me if I'm wrong, you
21 just made the statement, "We wanted to push Tony Silva
22 down to Eric Beck." Because you wanted to do it the
23 right way. You were afraid of what the perception
24 would be if you continued to remain in the equation,
25 right? And perception is reality. We all know that. So

1 you were trying to avoid the appearance of impropriety
2 in all of this. He's already contacted you. You've got
3 a previous relationship, professional, at least
4 professional relationship for five years. So you know
5 who he is, you know what office he holds. Why is he
6 calling you? He's, he's no better than [inaudible
7 0:31:05] sitting at the end of the table.

8 Gray: I think the only reason he was calling me is because I
9 was really the only one that he knew in the, in the,
10 in the department. And I was trying to be responsive
11 to him --

12 Male: Would you, would you find it odd if I called you out
13 of the blue about a piece of property that I was
14 trying to get a wetlands permit on?

15 Gray: Well, if I knew you from, like, if you called me in
16 six months, and said, "Hey, we sat across the table,
17 remember me?" And I would say, "Yeah, I remember you."
18 You would say, "Well, hey, guess what, I've got, I've
19 got a septic system permit in place, this lot that I'm
20 developing in Scituate, can you look into it?" I would
21 probably look into it.

22 Male: Right. And I'm not by any means saying that you did
23 anything wrong. All right? We're here to investigate
24 if the former chief of staff did something. Are you
25 familiar with Title 36?



1 Gray: Uh-uh.

2 Male: Okay, was instituted by Governor Raimondo, code of
3 ethics for all state employees, including the
4 governor. Okay? 36145, I believe it is, that prohibits
5 a state employee from using their position of
6 authority to gain some kind of profit. All right, this
7 is, this is what the whole --

8 Gray: Right, right, right.

9 Male: All of the interviews that we have done, and I think
10 it was, it was implemented, the law was passed because
11 of that, "I know a guy" type of thing, okay? That
12 everybody, you know, if we want equal treatment and
13 equity across the board, that every person that
14 applies for a wetlands permit should get the same
15 treatment. But he's not getting that treatment if he's
16 calling the Deputy Director. Do you see what I'm
17 saying?

18 Gray: Nope, I get it. No, I totally get it.

19 Male: Okay, so I'll go back to that first question I asked,
20 why did you feel you wanted to push this away from
21 yourself down to Eric Beck?

22 Gray: Well, primarily, because I was sick of getting the
23 calls from Tony, all right? That's the God's honest
24 truth, is I wanted out of it. I mean, it's one thing
25 if somebody calls you and asks the status, you give

1 them the status, and then they move on. It's another
2 thing if they call you over and over again, want to
3 know the status, want to get advice. Eventually, it's
4 like, look, this isn't my job. So um, so at that
5 point, I'm trying to push down to Eric and say, "Look,
6 can you deal with this applicant?" And I'm not trying,
7 I'm not trying to give him any special standing in
8 that. Really, I want him off my deck.

9 Male: Right.

10 Gray: And dealing with the staff for the most part.

11 Male: You wanted -- I'm not going to put any words in your
12 mouth, but you felt uncomfortable about it?

13 Gray: Yeah, I just --

14 Male: I think that's what you're saying here.

15 Gray: I mean, we have -- when somebody becomes kind of a
16 frequent flyer, right, where they're calling you all
17 the time about an issue, and when we have multiple
18 members of the public that do this. And eventually
19 you're like, "Look, I can't deal with this. This is
20 taking up too much of my time. You need to deal with
21 staff." And that's, that's kind of the tipping point
22 that this one reached.

23 Male 2: Was he calling you all the time during this time
24 period?

25 Gray: No, I would say, not all the time, but a lot.



1 Male 2: But enough.

2 Gray: Enough to the point where I was, I was like, all
3 right, you need to deal with the staff at this point.
4 And he had also gotten to a place where I didn't know
5 the answers, because I really hadn't experienced that
6 element of the wetlands program at all. So at that
7 point, I'm not adding any value to this, this
8 discussion, and he really needs to deal with the staff
9 at that point to really understand the, the options.
10 And just I gotta say this, in terms of context, at the
11 time that he's doing this, it's all -- he's the, he's
12 the Chief of Staff for the lieutenant governor. And I
13 never really considered him as a position of
14 authority. It's just, he was, he was a guy I knew in a
15 lieutenant governor's office. Lieutenant governor's
16 office, as you knew, didn't have a lot of standing in
17 the Raimondo administration. It was, it was not like
18 it was like, "Oh, my God, Tony Silva called, we need
19 to do this." It was nothing like that.

20 Male 2: Perhaps a point of clarification, he's someone you
21 knew as chief of staff in the lieutenant governor's
22 office, not outside of work or anything.

23 Gray: No, I -- that's the only context that I ever met him
24 or knew him. I don't have any personal interaction
25 with this guy. I never knew him when he was in

1 Cumberland. Just --

2 Male 2: Just to kind of finish up on this February 13,
3 February 14, so then you, you have an email that you
4 respond on February 14. I can kind of read it along
5 with you if it helps. To Marty and Eric, "Thank you, I
6 passed this news onto the applicant along with
7 electronic copies of the comments we received on the
8 application." So I'll just stop there, that, that just
9 directly flows from what we were talking about
10 earlier, that there was a request for the public
11 notice comments and, and then you sent them to Mr.
12 Silva. Um, and the news, though, would be these three
13 scenarios that Marty had laid out?

14 Gray: Right.

15 Male 2: Lower on in the email? Okay, then continuing on, "I
16 did not get into the specific alternatives outlined
17 below. But the communicatee will need to meet with
18 permitting staff to figure out the path forward. You
19 may want to include the town in that meeting. And I
20 made it very clear that we would not be meeting his
21 target dates, and that no schedule or expectations
22 could be set out until that meeting happens, at a
23 minimum, stay tuned, Terry Gray."

24 Gray: Right.

25 Male 2: Remember that?

1 Gray: Mm-hmm.

2 Male 2: Okay. So then just a couple of questions about that.
3 Your suggestion that he needs to communicate with
4 permitting staff, do you -- You've touched on it, do
5 you know, did that occur, that he started
6 communicating with permitting staff?

7 Gray: I believe so, yeah.

8 Male 2: Okay. And then your other suggestion, May 1, include
9 the town in the meeting.

10 Gray: Right. This is that tipping point where I've had
11 enough, right? I want out of this process. So I'm
12 pushing him down the staff. Since the comments came in
13 from the town, and if he wants to get this project
14 permitted, he's going to have to resolve those
15 comments with the town, that's why I wanted them
16 included in this meeting.

17 Male 2: And do you think that a meeting like that happened
18 with Mr. Silva and the town and permitting staff?

19 Gray: I don't think so.

20 Male 2: Okay. Any idea why that didn't happen?

21 Gray: No.

22 Male 2: Let's see. What's the date on that last email?

23 Male: February 14, 2020.

24 Male 2: Okay. So then, the next email I'd like to take a look
25 at is May 7 of 2020. And it's Eric Beck emailing you,

1 CCing Marty Wencek.

2 Gray: Mm-hmm.

3 Male 2: -- to get through this. So, Eric emails Terry, "I
4 copied you on an email to Christina, and I'm waiting
5 for her response, but I think there's a clear path to
6 ask the applicant to withdraw hearing request and
7 refund the money." So is this a reference to that
8 option of withdrawing the application?

9 Gray: This is when Eric, Marty and Christina were trying to
10 figure out how to do the hearing. And I think
11 ultimately, Eric talked to them and figured out that
12 the best way may be just to withdraw the application,
13 withdraw the request for the hearing and start fresh.

14 Male 2: And start with another application like you mentioned
15 earlier. Okay. Christina's from DEM legal?

16 Gray: Yeah, she's our attorney.

17 Male 2: Okay. Um, did you weigh in on this, like on this
18 email, as far as what was going on with the
19 withdrawal?

20 Gray: No.

21 Male 2: Okay.

22 Gray: I think at that point, Eric and Tony were talking
23 directly, and I was pretty much out of it. Because
24 like I said, I don't really have any -- I didn't have
25 any knowledge of this kind of avenue, of how the

1 wetlands program would, would proceed.

2 Male 2: Okay, that makes me -- That reminds me of something
3 else I wanted to ask you on this one. So the second
4 paragraph, "Marty said it would not go back into the
5 queue."

6 Gray: Right.

7 Male 2: What would you take that to mean?

8 Gray: What that means is, if he resubmitted an application,
9 it would not go to the bottom of the pile.

10 Male 2: And we've asked other DEM employees this, why would
11 that be the case?

12 Gray: I think there's two reasons, really. One is that some
13 of the confusion on how to deal with this hearing was
14 on, on us. And we're trying to, we're trying to
15 resolve this in a way that was fair to everybody. The
16 second piece is, we have biologists and engineers that
17 are somewhat familiar with the project at this point.
18 And it's, it's not, it's not a particularly difficult
19 thing to pick up a resubmission that's mostly the same
20 as the previous submission, see what the changes are,
21 and move it along. It's not, it's not a completely new
22 project at that point.

23 Male 2: Okay. And it's your understanding that DEM wasn't
24 taking that position because of who the applicant or
25 purchaser was, right?

1 Gray: No.

2 Male 2: Okay. So then, a week later, another email I'd like to
3 show you, Eric emails you, CCs Marty and says, "Terry,
4 as discussed, it would be great if you could
5 communicate with the applicant." So first question
6 about this, do you remember what he's referring to as,
7 "as discussed?" Did you talk about --

8 Gray: Yeah, probably in one of our update meetings, we
9 talked about where is this thing? He explained to me
10 where it was with respect to withdrawing the hearing
11 application, that kind of thing?

12 Male 2: Okay.

13 Gray: Again, it's, it's kind of an unusual occurrence. So I
14 had to learn like, what is going on here, really?

15 Male 2: Okay. You mentioned, was it status meetings?

16 Gray: Yeah, we had -- we have regular status meetings.

17 Male 2: Weekly or biweekly?

18 Gray: Biweekly.

19 Male 2: Okay. For things like applications to alter?

20 Gray: Well, no, it's everything in Eric's portfolio. So
21 would be septic system, stormwater, wetlands, he's got
22 a lot of IT projects going on. We -- it's basically,
23 how's it going in your division?

24 Male 2: Okay. Just continuing with the email. Eric continues,
25 "If they have addressed the drainage issues with the

1 town, we can see a reason why a significant comment,"
2 I think he left out a word, but, "we can see a reason
3 why a significant comment would arise in a round of
4 PN." So he was trying to say, "We don't see why
5 significant comment would come around." Okay. So Eric
6 is keeping you in the loop after the status meeting
7 and asking you, though, to communicate with Mr. Silva.
8 Right? Do you remember doing that at that point?

9 Gray: Um, not specifically, but I probably did.

10 Male 2: Okay. Looks like a week later, Eric reaches out to you
11 again through email. So it's May 21 of 2020. So read
12 from the bottom here. He states to you, "Terry, I sent
13 an email recently on this case, would you be able to
14 call the applicant? If we had to, I could try to run
15 the public hearing on Zoom, but it will take a
16 significant amount of prep time. Call me if you want
17 to discuss." And then you respond, looks like later
18 that morning on May 21, 2020 --

19 Gray: Yeah. "I will text him."

20 Male 2: "I will text him today."

21 Gray: Right.

22 Male 2: So that gets back to a little bit what you're saying
23 the difficulties during COVID of having a hearing and
24 things like that. Do you remember doing basically what
25 Eric's request --

1 Gray: Yeah, when Eric prompted me, I did it at some point.

2 Male 2: Okay, what do you remember about that communication
3 with Mr. Silva?

4 Gray: Just explained to him what Eric said, right?
5 Basically, was that the, the option to withdraw the
6 application -- or withdraw the request for the
7 hearing, and, and at that point, I do remember that I
8 was I was trying to get him to communicate directly
9 with Eric at that point.

10 Male 2: Okay. So up until now, it's still you communicating?

11 Gray: Yeah, and, and I think up until now, when, when, when
12 Eric's talking about the applicant, I'm not so sure he
13 knew that Silva was involved that much at that point.

14 Male 2: Okay.

15 Gray: So, you know, he knew I was talking to somebody on
16 Mooney's behalf, but I'm not sure exactly when he
17 became aware that it was Silva.

18 Male 2: So we should ask you, why have this kind of, you're
19 the only one talking to somebody on Mooney's behalf?

20 Gray: I think it gets back to what I said is, I do that a
21 lot to um, so that there's no specific undue priority
22 kind of given to this thing. But now it's getting into
23 a weird place where I don't know how the process is
24 going to play out. I don't understand the process at
25 that point. And I, I've got to connect him with, with

1 Eric, at this point.

2 Male 2: I guess it goes back to earlier questions by the
3 lieutenant too, why not just say, "Contact Freshwater
4 Wetlands," to Mr. Silva?

5 Gray: No, I could have. I guess --

6 Male 2: You just go down --

7 Gray: Yeah, I guess, looking back on it, I probably should
8 have and probably would have saved a lot of grief on
9 this thing. But um, it's um, again, it's not unusual
10 for, for um, for people to call, and I just kind of
11 insulate them. You know, it's, it's one of these
12 things that starts off innocently enough, where you're
13 just getting a status for somebody. And then, and then
14 it continues. And it's like, alright, this, it's a
15 continuing status update, status update, then it gets
16 in a weird place in the, in the, in the program, and
17 I'm trying to, I'm trying to walk them through that.
18 And eventually, I was like, "No, boss, I need to get
19 out of this." Because I'm, like I said before, I'm not
20 adding any value to this conversation. So for
21 instance, let's go back to that appl- -- that example
22 we talked about before. Let's say you called me and
23 um, and I, I then tell the staff. I could either tell
24 you, "Look, call Marty Wencek and he'll give you the
25 status report on your, your permit." Or I can tell

1 Marty, "Hey, somebody from the state police called me.
2 And they're an applicant for an ISDS system in
3 Scituate. Can you um, can you give them the status on
4 that?" What I don't want is Marty, in his mind,
5 prioritizing you because you're a member of the State
6 Police, or you're a state official. Just, so, I prefer
7 to just say, "What's the status of this application,"
8 and give it to you. And then he has no idea who asked
9 me.

10 Male 2: Right. Which, what I was trying to explain to you is
11 that, as far as I'm concerned, how you're explaining
12 it, you did it properly. But Tony Silva, on the other
13 hand, we're investigating Tony Silva, not you. And did
14 Tony Silva -- I mean, it was already implied -- he
15 didn't have to come right out and say it. It was
16 already implied because you'd had a five-year
17 professional relationship with the man. You knew he
18 sat in the Chief of Staff's office for lieutenant
19 governor McKee, who just so happens to become
20 governor. And in your position as acting director, I
21 mean, I'm just hypothetically spit balling here, could
22 the Chief of Staff have some weight with the governor
23 on the acting director of DEM? Now he's calling you to
24 get stuff going for him. That's my opinion.

25 Gray: No, but this was a year before any of that played out.

1 This was 2020, not 2021. So um, McKee didn't become
2 governor until March of 2021.

3 Male 2: Right. But wasn't there talk about Gina Raimondo
4 becoming the health secretary for Joe Biden in 2020?

5 Gray: Yeah, but March -- Biden didn't get elected until
6 November of 2020. So.

7 Male 2: All right, so that wasn't a concern for you --

8 Gray: No.

9 Male 2: -- that this man could negatively impact my career?

10 Gray: No, never. Never came into my mind, because two
11 things. Number one, I really didn't, I really didn't
12 see that coming in a lot of ways. Second of all, I
13 certainly didn't see the fact that Janet Coit was
14 leaving. I didn't see that at all. So to me, I was
15 perfectly comfortable in my role as deputy director,
16 and I expected to be there until I retired. And I
17 didn't have any ambitions of being director or
18 anything like that.

19 Male 2: Okay. Just going back to the May 14th email, we got a
20 way through these.

21 Gray: Yep.

22 Male 2: So the question that, like, Eric was requesting that
23 you pose to Mr. Silva, the quote unquote applicant,
24 was, do you want to withdraw the application? Is that
25 the way you remember it?

1 Gray: Yeah, I think it was, what do you want to do?

2 Male 2: Okay.

3 Gray: These are your options, what do you want to do? With
4 the preferred option being, "Would you rather request
5 for the hearing or the application, either way?"

6 Male 2: Okay. So, did it come up in the conversation -- well,
7 let me back up, I guess, a little bit. Were you aware
8 that he had an attorney that was going to represent
9 him in any kind of hearing? That didn't come up in the
10 conversation with him?

11 Gray: No.

12 Male 2: You must have known that he had an environmental
13 consultant, right?

14 Gray: Yes.

15 Male 2: So I can ask, why wasn't the communication through the
16 consultant? Or why don't you tell him, "Hey, your
17 attorney should --"

18 Gray: Well, at this point, we're talking about process, not
19 engineering. So um, I don't remember him ever saying
20 he had an attorney on this.

21 Male 2: Okay. Or legal mentioning that.

22 Gray: Or legal mentioning that at all. It was more, it was
23 more the fact that our legal office was consulted
24 because we had no idea how to do this hearing. And
25 it's like, all right, how do we, how do we pull this

1 off?

2 Male 2: Um, the consultants though, they often are the ones
3 that submit the applications, right? On behalf of the
4 client, the owner.

5 Gray: Right.

6 Male 2: Wouldn't there be communication with -- it would be --
7 I'm just not getting why it would be unheard of that
8 there'd be communication with them if they want to
9 withdraw. Like, you know, check -- you may want to
10 check with your client, if you want to withdraw.

11 Gray: I don't know why that didn't happen.

12 Male 2: Okay.

13 Gray: So, I don't think, I'm remembering right, I don't
14 remember there being much communication between, I
15 think it was Commonwealth Engineering and --

16 Male 2: NBN, I think it was.

17 Gray: Yeah, or anybody. I never talked to them. And uh, and
18 I don't know if they talked to my staff about this
19 application.

20 Male 2: Okay. And no attorney contacted you on Mr. Silva's
21 behalf?

22 Gray: No.

23 Male 2: Okay. Moving to May 27 of 2020. Some of the last emails
24 to show you. So at the bottom of the email, we have
25 Eric Beck contacting you. Request -- I'll just read

1 it. "Can you update me on your conversation? I can
2 follow up from here on if you want. I'd like to see if
3 they've addressed with the town. We can proceed with
4 hearing if necessary. It may be the most direct route.
5 This seems to be creating confusion. I get emails
6 every day from Mary, Sara, etc., when it's not even a
7 AAD case. Please call me today and I'll take it from
8 here." So I guess, trying to parse this a little bit.
9 So May 27, let's see. I think the last one we looked
10 at was May 21. So Eric's following up with you, was he
11 not, on your conversation with Mr. Silva?

12 Gray: Yeah.

13 Male 2: Okay. Do you remember what, what conversation -- what
14 that conversation was about?

15 Gray: I think --

16 Male 2: Same thing, or?

17 Gray: Yeah, I think it was the same thing at that point. I
18 mean, at this point, I'm feeling that, that I'm not
19 adding value. I think, I think Eric is, is sort of
20 sensing the same thing. And it's like, look, you want
21 me to just talk to the applicant? At that, at that
22 point, I was like, fine.

23 Male 2: Okay.

24 Gray: So that's, again, trying to get out of the middle of
25 this thing, at this point.



1 Male 2: Okay. And then Eric mentions, "I'd like to see if they
2 have addressed with the town meeting, if Mr. Silva,
3 and/or their consultants" --

4 Gray: "Have addressed the drainage complaints with the
5 town." Right.

6 Male 2: Okay. And then the last bit of this confusion with
7 Mary and Sarah, that's about the hearing --

8 Gray: That's about the hearing, yes.

9 Male 2: An administrative appeal, I think, hearing, right?

10 Gray: Right. So this type of hearing, this is another note,
11 most of our hearings go to this AAD office, which has
12 a full-time hearing officer. This particular type of
13 hearing doesn't necessarily go that way.

14 Male 2: It seemed like it may have gone off the tracks a
15 little bit --

16 Gray: Well, it --

17 Male 2: -- to go there instead of --

18 Gray: We weren't sure where it went.

19 Male 2: Okay.

20 Gray: And um, and that was part of the discussion with Mary
21 and Sarah in the legal office is, is this something
22 that's under AAD's jurisdiction? Because it's not
23 really a permit appeal hearing.

24 Male 2: Right. There hasn't been a permit, a decision yet.

25 Gray: Yeah. So permit -- there was no decision on the permit

1 at that point. And it's just kind of an oddball
2 process place to be. So we do have other hearings once
3 in a while, where, where a different person or an
4 attorney or a staff person will serve as the hearing
5 officer.

6 Male 2: Sure.

7 Gray: They're very unusual, but we were trying to figure out
8 if this was one of those or not.

9 Male 2: Okay. So then later on, May 27, 2020, "See the text I
10 just sent you." What was that text?

11 Gray: Good question. I'm not really -- I don't really
12 remember it that much. But again, at this point, what
13 I'm trying to do is transition the thing over to Eric.

14 Male 2: Okay.

15 Gray: So I don't exactly remember what that what that text
16 was about specifically.

17 Male 2: Any reason why would have jumped over to text instead
18 of email?

19 Gray: No, because he just tried to, um -- he said to call
20 him and I texted him instead. I wasn't trying to keep
21 it out of the records or anything like that. I don't
22 remember anything particularly controversial really
23 going on at that time. It was just a stream of
24 consciousness type of thing.

25 Male 2: Okay. I don't think we want to put you on the spot,

1 because that's something you could look and see if you
2 still have the text?

3 Gray: Oh, I did and I don't have it unfortunately. Because I
4 had the same question, I was like, crap, what was in
5 this thing? And I don't remember.

6 Male 2: Okay. Let's see then, just to finish up with this
7 email, Eric responds later on, May 27, 2020, "Thanks.
8 I'll follow up from here. I have to contact attorney
9 representing Mooney today and check in with town
10 planner to see what the status is." Does that email
11 from Eric kind of represent he's going to be in
12 contact with --

13 Gray: Yeah, I think that provides some context, I believe,
14 to the text, which is, can you take this from here,
15 you know, I don't, you know, I don't want to deal with
16 this anymore. I don't want to be in the middle of this
17 anymore. Maybe with contact information. That's what I
18 would guess it is.

19 Male 2: Okay. I don't want you to speculate. Could it be
20 something to the effect, "This guy's really been a
21 pain in the neck. Can you please contact him at this
22 number?"

23 Gray: It's kind of, at that point, it was -- I was kind of
24 tired of dealing with it, let's put it that way.

25 Male 2: Okay.

1 Male: When did you become aware that Tony Silva was a part-
2 time developer?

3 Gray: I want to say probably when, when I read it in the
4 paper. I really didn't know that he was -- other than
5 this particular project, you know, that's, that's
6 pretty much it. He had asked a bunch of years ago
7 about a septic system thing. But that was it. I mean,
8 I didn't think he was a developer. Um.

9 Male: Do you recall having mentioned it to Janet Coit before
10 she left as the director?

11 Gray: That he was a developer? I don't think so.

12 Male: Okay. She recalls it.

13 Gray: That I told her that she -- that he was a developer?

14 Male: Yeah, just like a conversation, light-hearted
15 conversation, that you had brought it to her
16 attention.

17 Gray: Hm. I didn't think -- I never thought of him as a
18 developer. I mean, I guess a developer is somebody
19 that I would define as somebody that does this often.
20 You know, I read in the paper afterwards that he had a
21 company that, that was a development company. And um,
22 but I didn't know about that. I didn't know about
23 that, prior to reading it in the paper.

24 Male: When, when this came out in the paper?

25 Gray: When this came out in the paper, right. I forgot what

1 the name of his development company was. Something
2 like Local Heroes or something like that. But I did
3 read about that in the journal. I didn't -- I had
4 never heard that before reading it in the paper.

5 Male 2: All right. One of the last emails that I can think of
6 to show you. So we start at the bottom of the email
7 chain, July 27 of 2020. I'm sorry, the second page
8 here -- thank you. July 27, 2020. So it's Mr. Silva
9 emailing you. And I'll just read it, "Terry, I want to
10 withdraw the wetlands application on 45 Canning Street
11 and Cumberland that I submitted many months ago. We
12 will be submitting a new application. How do I go
13 about that, please? FYI, I was just noticed --
14 notified this morning by Tim Behan that there's a
15 hearing scheduled today on it?" Question mark. So I
16 guess let's go down a little bit, sentence by
17 sentence. So he's still in contact with you towards
18 the end of July of 2020 about withdrawing the wetlands
19 application.

20 Gray: Right.

21 Male 2: Is that fair to say? Okay. And like we've walked
22 through, you, you've communicated with him generally
23 about some options, right?

24 Gray: Mm-hmm.

25 Male 2: Okay. And then it sounds like he's conveying his

1 decision that Eric was asking you to get from him at
2 this point.

3 Gray: Right.

4 Male 2: Okay. And this goes back to what you, I think, were
5 telling us earlier. He's asking you like, how to do
6 things. Going right to the -- you're nodding your head
7 yes, but going right to the deputy director of --

8 Gray: Right. Now we're into procedural stuff. How do I
9 withdraw an application, that type of thing? I don't
10 even know how to do that.

11 Male 2: Okay. I think we'll see that as we go up the email
12 chain, but just with this part of it, he mentioned
13 he's notified by Tim Behan that there's a hearing. Do
14 you know who Tim Behan is?

15 Gray: No.

16 Male 2: Does Commonwealth Engineering ring a bell?

17 Gray: Okay, all right.

18 Male 2: Okay. So he's being -- I mean --

19 Gray: So somebody's coordinating with Commonwealth that the
20 hearing's been scheduled. I didn't do that. I don't
21 know who, um, who did that. That's probably part of
22 the, the process that they were working on.

23 Male 2: Okay. So yeah, and he's -- Mr. Silva's saying, he's
24 notified by his consultant that there's a hearing, and
25 then he's --

1 Gray: He's going to withdraw the application.

2 Male 2: But he's going to you.

3 Gray: Right.

4 Male 2: About that. About the hearing schedule. Okay. Uh, so
5 then, later that day, July 27, 2020, you respond to
6 him forwarding your request to Eric Beck, "Since I
7 don't know, he can't work with -- he can work with the
8 wetland staff and let you know what the right path
9 forward is for this." So, is that what you were
10 referring to earlier?

11 Gray: Yes.

12 Male 2: Your value wasn't high --

13 Gray: At this point, I don't even know the answers to what
14 he's asking, so he's got to deal with staff.

15 Male 2: Sure. Okay. So then, well that, so that's forwarded to
16 Eric with Mr. Silva on there. And then, just to make
17 our way through this, July 27, 3:20, farther up in the
18 email chain, Mr. Silva says, "Hi, Eric, I have a
19 wetlands application in with your office since 2019.
20 Tim Behan has talked with you and we will be
21 submitting a new application. And we would like to
22 withdraw the current one, as we are starting over with
23 new plans, etc. I believe the application was filed
24 under the owner's name, which is Joe Mooney. The lot's
25 located at 45 Canning Street in Cumberland, how do we

1 withdraw the application? Thank you for your
2 assistance." So that was Mr. Silva to you CCing Eric
3 Beck.

4 Gray: Mm-hmm.

5 Male 2: What do you make of that?

6 Gray: Well, at that point, the transition is kind of over,
7 right? Silva's now reaching out to Beck, telling Beck
8 the whole context of what he's talking about, his
9 involvement, and that point, I'm hoping I'm out of it.

10 Male 2: Okay. It looks like the email chain ends with Mr.
11 Silva apologizing for emailing from his lieutenant
12 governor email. He conveys his personal email. Okay.
13 Do you remember him doing that? Apologizing?

14 Gray: Yeah.

15 Male 2: What was your take on that?

16 Gray: You know, a couple of times in his conversations,
17 Silva was -- Silva did mention that he didn't want any
18 special treatment. And he was, he was, he was pretty
19 upfront about that. I mean, other than the fact that
20 he's calling me as deputy director. He didn't want us
21 to do anything outside the ordinary on this. He was
22 conscientious about that.

23 Male 2: Okay.

24 Male: It's just a contradiction. I can't help -- I want to
25 laugh out loud. Because it is a contradiction, from

1 where I sit, he's sending emails with a lieutenant
2 governor's email address, you know, chief of staff,
3 lieutenant governor, and calling you. Like I said
4 before, it's implied. You know who he is. But then
5 he's going to sit back and say, "Oh, I don't want any
6 special treatment." So you know, if you don't want any
7 special treatment, Tony, then you need to contact Eric
8 Beck or Wencek.

9 Male 2: Or Jane Kelly, who was really processing the
10 application.

11 Gray: Right. Right.

12 Male 2: So we're just looking at July 28 of 2020. Going
13 forward, to your knowledge, was Mr. Beck the one in
14 communication with Tony Silva?

15 Gray: Yes.

16 Male 2: Okay. And then just, you probably know this, but
17 timeline wise, it's in early June, the department gets
18 granted of this year, 2021, so we're about a year
19 later. So between -- let's say, between May of '20 and
20 then end of July of '20. Did you -- You still were in
21 communication with Mr. Silva, right? Like, leading up
22 to that? Yes, you were?

23 Gray: Yes. I mean, that's --

24 Male 2: We're looking for the verbal. Yeah, okay, all right.
25 So then, July 28 of '20 until the application was

1 granted, did you discuss Mr. Silva's application with
2 your staff?

3 Gray: Not, not specifically. I mean, Eric might have gave me
4 an update, but I'll be honest with you, once, once I
5 wasn't getting texts or calls from Silva, it was off
6 my view screen at that point. I really wasn't tracking
7 it after that, and dealing with it. You know, at that
8 point, it wasn't my problem, to be honest with you.

9 Male 2: So before July 28 of 2020, you seem to be on it as far
10 as getting updates from Eric and Marty.

11 Gray: Right.

12 Male 2: So were you not as proactively seeking those?

13 Gray: I was not as proactively. I think once the hearing
14 issue got resolved and he was communicating directly
15 with the permitting staff on his resubmission, I was
16 done.

17 Male 2: Okay. Um, and you can, you can tell, we're just trying
18 to be thorough with everything.

19 Gray: Mm-hmm.

20 Male 2: So you didn't, doesn't sound, like proactively go down
21 and look for updates on Mr. Silva's application. How
22 about discussions with Director Coit from July 28,
23 2020 'til it was granted? Did you discuss Mr. Silva's
24 application with her?

25 Gray: I don't believe so. She wasn't, she wasn't really

1 involved in this that much. So I don't, I don't
2 believe so. I can't -- I mean, it might have been an
3 offhand thing. But after that, after that hearing
4 thing got resolved, I don't, I don't really remember
5 much of anything happened. I mean, Eric might have
6 told me that it got resubmitted. And I might have
7 mentioned it to Janet. I don't, but, but there was no,
8 there was no urgency. It might have been just like a
9 FYI type thing.

10 Male 2: Okay. So it may have been mentioned to her, but you
11 don't remember any detailed discussions about it.

12 Gray: Right.

13 Male 2: Okay. And why would it be an FYI thing?

14 Gray: Just because it's the lieutenant governor's chief of
15 staff that was the applicant.

16 Male 2: Like in case it comes up in her day to day.

17 Gray: Right, right.

18 Male 2: Okay, gotcha. Um. So I think you have touched on this,
19 but just to make sure I ask it. So from July 28th of
20 2020, to when the application to alter freshwater
21 wetlands was granted, did you have communications with
22 Tony Silva about that application?

23 Gray: I may have had some in the fall of 2020 too. No, 2020,
24 I guess it would -- the fall of 2020, he might have
25 told me that he resubmitted.

1 Male 2: Okay.

2 Gray: And there might be a couple of times where I -- we
3 talked about, all right, is everything going okay with
4 the staff? And that was the end of it. Everything was
5 fine. He was dealing with the staff at that point.

6 Male 2: What would the timeframe be roughly on that?

7 Gray: It was late -- It would be the fall of 2020.

8 Male 2: Okay. So nothing beginning of 2021 through, I guess,
9 June 2021?

10 Gray: I don't remember ever talking to Tony, or really ever
11 really hearing much of anything from Eric in 2021.

12 Male 2: Okay. How about any discussion about the application
13 with any representatives for Tony Silva in 2021?

14 Gray: No.

15 Male 2: So nothing with Ross Silva, anything like that?

16 Gray: No.

17 Male 2: Okay. All right. Last couple of questions. Don't take
18 any slight from this but you touched on a little bit
19 in terms of your current position, did Tony Silva
20 encourage you or prod you in any way to have the
21 freshwater wetlands permit issued so that you can
22 become permanent director?

23 Gray: No.

24 Male 2: Did anyone, anyone encourage you or prod you to have
25 Mr. Silva's permit to alter freshwater wetlands issued

1 so you could become a permanent director.

2 Gray: No.

3 Male 2: I think that's it from my questions.

4 Male: I just have a couple. And again, with all due respect,
5 I don't think you did anything inappropriate or
6 unethical. I think this was driven by the applicant,
7 Mr. Silva. You know, my personal opinion after, you
8 know, reviewing and interviewing all the employees
9 from DEM and everybody involved in this, this was
10 another typical, "I know a guy and I'm gonna call
11 Terry Gray and reach out to him and see if he can
12 grease the wheels a little bit so that this, this gets
13 through." It's a, it's a piece of, parcel of land,
14 5,000 square feet, 93 percent wet. Who develops on
15 that? I don't, I don't know. Maybe I don't know enough
16 about the construction industry. But it seems like a
17 lot of phone calls and emails, um, for a single-family
18 develop piece of property. And that was one of my
19 questions I was going to ask you earlier, and I think
20 you already answered it, was how often do you get
21 phone calls from a Rhode Island citizen who wants to
22 build a single-family home on a piece of property?
23 You, personally?

24 Gray: Um. Probably three or four a year. In that range.

25 Male: So they're very rare.

1 Gray: Yeah.

2 Male: All right.

3 Gray: Mostly it's commercial. It's a commercial development,
4 some kind of economic development project that's going
5 on.

6 Male: Okay. So you've admitted to a professional
7 relationship? Do you have any personal friendship with
8 Mr. Silva?

9 Gray: No.

10 Male: You've never recreated with him going out to dinner?

11 Gray: No.

12 Male: Okay. At any time -- John asked in the lawyer way. At
13 any time, did Tony Silva come right out and ask you to
14 push this or use your influence with your staff to get
15 his wetlands application approved?

16 Gray: No.

17 Male: Okay. That's all I have.

18 Male 2: Okay. All right.

19 Gray: I guess I'll break the rules by not -- by answering a
20 question you didn't ask. And that's that, we didn't
21 talk at all about the substance of this application.
22 It was all the process. So you mentioned 93 percent
23 wetlands, that decision process is, um, is made at the
24 staff level. I never talked to them about what their
25 decision was going to be. I never, I never went back

1 and forth in terms of what the decision should be, or
2 anything like that, that -- it is what it is. And they
3 -- I mean, they were moving forward to deny his
4 permit. It was just a question of timing and
5 continuing the process forward to meet whatever
6 timeframes the applicant asked for. It's to get them
7 an answer, not to get him the answer he wants. It's to
8 just move the thing to an answer. So, I wanted to make
9 that point, because I think it's important.

10 Male 2: No, I mean, we've -- through all the interviews that
11 we've sat here, your staff is top notch. Yeah, those
12 guys, they all seem to display that they have
13 integrity, and, and they, they're very committed to
14 what they're doing, and what the mission is, and the
15 wetlands program. So I'd like to relay that to your
16 staff.

17 Male: Absolutely.

18 Gray: No, that's great. So, where does this go from here? I
19 think you mentioned that that I'm one of the last guys
20 that you were interviewing? Where does it go from
21 here?

22 Male 2: I think that's something we have to get in touch with
23 legal counsel about.

24 Gray: Okay. So my hope is, I don't care what happens with
25 Silva. I want DEM cleared as much as possible. I mean,

1 if you said that the staff has got good integrity,
2 that's an important message to convey in this. And I'm
3 hoping that that happens at some point.

4 Male: Well, we started this in August, right? So we've
5 touched every base and interviewed every, every person
6 that's been involved in this. So it wasn't, you know,
7 it was a very thorough investigation. So I mean, if
8 that's, that's the message that you want out. I, I
9 agree with you that it should, it should be, but we're
10 not even sure right now where we're gonna go with
11 this?

12 Gray: Yeah, I'm just, I'm just -- You know, obviously, the
13 stories have been about Silva. And that's the way it
14 should be. But DEM's part of the story, and I want as
15 much as possible for DEM to be cleared in that story.

16 Male: Okay. I respect that. Okay.

17 Gray: If we can do it. All right, good.

18 Male: And that was, uh, 2:22 p.m.

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I, Josh Veal, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, Pages 1 through 55, was reduced to typewritten form from a digital recording of the proceedings held November 8, 2021, in this matter; and that the foregoing is an accurate record of the proceedings as above transcribed in this matter on the date set forth.

DATED this 19th day of May, 2022.



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