

NARRATIVE FOR LIEUTENANT MATTHEW S SALISBURY

Ref: 21RIX1-1408-OF

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\*SEE ATTACHMENT FOR COMPLETE NARRATIVE\*\*

On Wednesday, August 25, 2021, at approximately 3:00pm, Major Robert Creamer advised me that Attorney General Peter Neronha spoke with Colonel Manni, at the request of Governor Dan McKee, about conducting an independent investigation into his Chief of Staff, Anthony Silva. The purpose of the inquiry was to determine whether Anthony Silva used the authority of his public office to obtain financial gain for himself or any person in his family. On the previous day, an article was published in the Providence Journal suggesting that Mr. Silva may have used his position in state government to expedite approval of a wetlands permit that he was planning on purchasing, in the Town of Cumberland. It was decided that AAG John Moreira from the Public Integrity Unit of the AG's Office, Investigator Ratigan of the FCU and I would work the investigation together.

#### PERSON OF INTEREST

Anthony J. Silva, [REDACTED]/56, was appointed by Governor Daniel McKee as his Chief of Staff in March of 2021. Prior to occupying this position, Mr. Silva served as Chief of Staff to then Lieutenant Governor Dan McKee. Since the early 1990's, Mr. Silva has served in various government positions to include Lincoln Police Officer, former Chief of Police for the Town of Cumberland, Director of the Rhode Island Municipal Police Academy and Administrator of the Department of Motor Vehicles. Until his resignation in August, Mr. Silva occupied a paid position as the Deputy EMA Director for Cumberland. Mr. Silva has also been listed on public documents as the owner of My Hero Construction. In 2017, Mr. Silva contacted realtor George Stansfield expressing interest in purchasing 45 Canning Street. Investigators learned that realtor Cynthia Antonelli of 36d5 Realty, sent out a mass mailer to owners of raw land who were interested in selling their property. On June 6, 2017, the property was listed on MLS. By June 17, 2017, Mrs. Joan Mooney entered into a purchase and sales agreement with Mr. Silva for the cost of \$45,000, contingent on the approval of a wetland's alteration permit.

#### PROPERTY IN QUESTION

45 Canning Street, Plat 37, Lot 186 is a wooded lot thick with vegetation consistent with wetlands, measuring approximately 5,600 square feet. Topographically, the lot is the lowest point within the surrounding area and has served as a receptacle for stormwater runoff from three

directions since the development of the neighborhood sometime post World War II. A corrugated steel pipe was buried from the west side to the east side of Canning Street and enters beneath the property to mitigate flooding. The Town has no record of this project to verify the necessity and date of the project. The applicant for the wetland's alteration permit was requesting approval to affect a swamp, perimeter wetland and an area subject to storm flowage. This area on Canning Street has historically plagued residents with flooding issues. Abutting neighbors have altered their own properties to leach the stormwater runoff from Nate Whipple Highway which has a higher elevation than Canning Street toward the proposed lot. The proposal to DEM from the applicant was to construct a single-family dwelling, with a garage, paved driveway, stormwater control features, utilities, and landscape plantings.

#### INTERVIEW OF MAYOR JEFFREY MUTTER

On the morning of Thursday, August 26, 2021, information provided by the Attorney General's Office indicated that Cumberland Mayor Jeffrey Mutter was eager to meet with the investigators, as soon as possible, to provide a statement as to his knowledge and involvement in the issues surrounding Mr. Silva. At approximately 2:00pm, Investigator Ratigan, AAG Moreira and I met with Mayor Jeffrey Mutter in his office at the Cumberland Town Hall. Mayor Mutter told investigators that he felt Mr. Silva was trying to shield himself with comments he made to the media. He specifically referred to WPRI Tim White's impromptu interview whereby Mr. Silva had answered a question stating that he was only trying to protect the mayor. Mayor Mutter's primary reason for speaking with investigators primarily revolved around a meeting between him and Mr. Silva on March 31, 2021, Mr. Silva had sent a text message to the mayor requesting a private meeting at Phantom Farms located in Cumberland. It was his understanding, at that time, that Mr. Silva was requesting this meeting to discuss political matters. Mr. Silva was appointed Chief of Staff for Governor McKee earlier that month. That same day the two men met. Instead of discussing political matters, the mayor was shocked that the topic of discussion for the entirety of the that conversation was Mr. Silva's frustration with the official position of the Town and its objection to his plans to develop 45 Canning Street. Mr. Silva suggested to the mayor that his Planning Director, Jonathan Stevens had some personal ill will toward him due to politics and even

suggested that the mayor should terminate his employment. The mayor quoted Mr. Silva as saying, *'If I were you and my planning director authored that objection, he wouldn't work for me anymore.'* The mayor also told investigators that Mr. Silva had been deceptive during this meeting because he mentioned that if the Town did not withdraw the objection that he would consider transferring the purchase and sales agreement to a family member who would then file a lawsuit against the town. A text message provided by Mayor Mutter from Mr. Silva stated the following, *"Mayor, thanks for the meeting with me today. I discussed this situation with my wife and we are going to allow my son Ross to purchase and developed [sic] a lot. Therefore, I won't be connected to it at all at the time of the sale. Hopefully this will be easier for you at Town Hall."* Investigators later learned from records that Mr. Silva had already performed the transfer to his son, a year earlier on July 14, 2021. Mr. Silva's intent on convincing the mayor to withdraw the objection did not alter his decision and he personally felt that this meeting was inappropriate. Ultimately, the mayor wanted investigators to know that his interactions with Mr. Silva dated back to 2006 when he was a member of the town council and Mr. Silva was the town Chief of Police. He had always respected Mr. Silva and had gone as far as writing an editorial for the Providence Journal extolling Mr. Silva's virtues and that he was being unfairly replaced as Chief of Police by an incoming mayor. He firmly denied any involvement or having any *'stake'* in the 45 Canning Street proposal and was frustrated and confused as to why Mr. Silva would make a statement to the media that he was trying to make it easier for him at Town Hall.

#### INTERVIEW OF TOWN SOLICITOR KELLEY MORRIS-SALVATORE

Investigators met with Cumberland Town Solicitor Kelley Morris-Salvatore at Town Hall on August 31, 2021. Ms. Morris-Salvatore has been the town solicitor since 2008, when she was appointed by Mayor Mutter. Previously, Ms. Morris-Salvatore was hired by the Cumberland Town Council for two years as outside legal counsel. Ms. Morris-Salvatore has been acquainted with Tony Silva since approximately 2006 when she was a member of the

Cumberland Town Council. Ms. Morris-Salvatore stated that she was well aware of the property issue at 45 Canning Street and first became aware of it when Jonathan Stevens requested a meeting to address his concerns related to the flooding in the area. The result of the meeting was that Mr. Stevens was designated as the person who would draft an objection letter from the Town to DEM. Upon his review, of the plan it was Mr. Stevens' concern that the remediation of water from this parcel would cause potentially more flooding on two adjacent properties owned by Michelle Burgoyne. Ms. Morris-Salvatore told investigators that around March 2020, Mr. Silva had contacted her seeking guidance on anything related to 45 Canning Street. Ms. Morris-Salvatore also received text messages from Mr. Silva and was willing to share them with investigators.

Text from Tony Silva

**March 6, 2020**

*Hi Kelley. As an FYI for you, J. Stevens is not aware that the town created the drainage issue on[sic] at the lot on Canning Street with grading pitch of the road surface over the years. Also, neighbor across the street discharges storm water across the street with every storm. Although I have already invested money, I will pull out silently. But Mooneys will certainly use the legal system to pursue their rights. I've [sic]- they've already told me that. I am willing to discuss the install of catch basins, replacement of drainage pipe, et cetera to re--, to mitigate and vastly improve existing situation. I appreciate your help. But I am on a hard stop on a Thursday to notify DEM. Thanks again. I do remember when we spoke he-he kind of said, you know: Oh, the Mooneys are gonna sue the town. And I said: Well, they don't have a claim against the town because there used to be a statute that said the town could essentially void a DEM application.*

**March 12, 2020**

*Hi Kelley. Heard anything re: Canning St? I would like to move forward.*

**March 13, 2020**

*Kelley I just got an extension to March 26 through DEM to submit my application for hearing. Don't bother mayor anymore. We can talk early next week. Thank you for your assistance with this far. Be careful with this virus.*

**February 3, 2020**

*Good morning Kelley. Tony Silva here. Could you please call me ASAP. Thank you*

After the Town was notified by DEM that they had awarded approval for the Wetland's Alteration Permit, they decided to hire Marissa Desautel, Esq., as outside legal counsel. Ms. Desautel had worked at RI DEM for eight years, as legal counsel. Ms. Morris-Salvatore told investigators that based on her experience at DEM, Ms. Desautel was convinced that they should have allowed a public hearing on this application.

**INTERVIEW OF MARISSA DESAUTEL, Esq.**

On September 2, 2021, investigators responded to the Desautel Law at 38 Bellevue Avenue, Newport, Rhode Island to interview Marissa Desautel. Ms. Desautel has been practicing environmental law since 2006. She was employed by RI DEM for eight years and has extensive knowledge of the agencies wetland's alteration requirements. Ms. Desautel explained, in detail, the application process for a wetland's alteration permit and ultimately who within the Wetland's Department, would approve it. It was her opinion, based on her experience, that a parcel of land, such as 45 Canning Street, would most likely not be approved for an alteration permit due to the high percentage of wetlands vegetation and stormwater runoff. Ms. Desautel also found that the timeline of the process to be highly suspicious. She explained that a parcel of land that was ninety-three percent (93%) wet, would take much longer to review and approve.

## PHONE INTERVIEW OF MR. &amp; MRS. JOHN MOONEY

On September 2, 2021, AAG Moreira and I made a telephone call to Ms. Joan Mooney of [REDACTED]. Investigators spoke via speaker phone to Mr. & Mrs. Mooney for purposes of convenience. Predominately, Mr. Mooney would answer the questions asked by investigators, but, at times, Ms. Mooney was spoken to directly or offered an answered for herself. Mr. & Mrs. Mooney are senior citizens living their retirement years in Florida. They told investigators that they had owned the property at 45 & 55 Canning Street in Cumberland for approximately thirty to forty years. The lot at 55 Canning St. included the dwelling they occupied for those years. In September of 2014, they sold their home at 55 Canning Street to Michelle Burgoyne. At the time, Mr. Mooney did not include the lot at 45 Canning Street. A couple years later, he had contacted Ms. Burgoyne about purchasing the lot but she had declined the offer. Ms. Mooney had told investigators that at some point in 2017 she was contacted by a realtor who had a client interested in purchasing the property at 45 Canning Street. She was actually shocked by that because in her opinion she couldn't believe anyone would want to build on the lot because it was wet. Mr. Mooney was aware that Tony Silva had purchased other lots on Canning Street and was interested in purchasing his vacant lot. I specifically asked Mr. & Mrs. Mooney if they had told Mr. Silva that they would file a lawsuit against the Town of Cumberland if the property wasn't sold. Both Mooney's stated that they had never told Mr. Silva that and furthermore, they had never spoken to Mr. Silva regarding anything about the sale of the property. They dealt entirely with their realtor who they eventually identified as Cynthia Antonelli.

## INTERVIEW OF REALTOR CYNTHA ANTONELLI &amp; BROKER BONNIE CARTER

On September 16, 2021, investigators met with Ms. Cynthia Antonelli, realtor for 36d5 Realty and Ms. Bonnie Carter, Broker for 36d5 Realty, at State Police Headquarters. Ms. Antonelli and Ms. Carter are business associates and mother and daughter, respectively. Ms. Antonelli told investigators that in 2017 she had sent out a mass mailing to owners of 'raw' land in the northern Rhode Island area, with the intent of generating interest in selling their properties. One of the owners that received this mailing was John and Joan Mooney. They

contacted Ms. Antonelli and advised her that they would be interested in placing the vacant lot at 45 Canning Street Cumberland on MLS. Ms. Antonelli began working on the request during the first week of June 2017. By June 13, 2017, Ms. Antonelli was contacted by George Stansfield, realtor who was representing a client interested in purchasing the lot. The purchase price of \$45,000 would be honored under the following conditions: subject to lot being a buildable lot per Town of Cumberland, to property being clean of any drainage requirements, clear title, and acceptable engineering requirements of buyer's cost. Ms. Antonelli and Ms. Carter had prepared documents relative to the property and turned them over to investigators. Both Ms. Antonelli and Carter told investigators that throughout the three-year process neither of them ever communicated directly with Tony Silva. They always dealt with Mr. Stansfield and explained that contacting another agent's client is considered an unethical business practice.

#### INTERVIEW OF DANIEL KOWAL

Investigators spoke with retired RI DEM Biologist Daniel Kowal, who was involved with the Request for Preliminary Determination and the first formal application to alter wetlands. Mr. Kowal was a thirty-three (33) year veteran of the Freshwater Wetlands Division of the DEM and worked on approximately one hundred forty (140) formal applications during that time. Per procedure, Mr. Kowal conducted the preliminary determination on 45 Canning Street on June 22, 2018. He told investigators that his initial thought was, "*You've got to be kidding me.*" When asked to elaborate on that thought, Mr. Kowal stated that in his professional opinion, building a house on this particular lot would invite years of flooding issues to the proposed dwelling and that it was not a lot that he would choose to develop. Regardless, Mr. Kowal performed his review. Prior to a final determination, Mr. Kowal responded back to the lot with biologist Jane Kelley. The purpose for this was to obtain a second opinion on his findings and to familiarize Ms. Kelley with the application because he had begun the process of retirement and therefore, would not be completing the application process. On August 9, 2018, a formal letter of determination was drafted by Martin Wencek, Permitting Supervisor, of the Freshwater Wetlands Program, to Joan Mooney, owner of the property. This letter explained, in detail, that the proposed project would constitute more than



a minimal change to the natural characteristics, functions and /or values of the freshwater wetlands, it also does not satisfactorily avoid, minimize, or mitigate impacts to the wetlands. Therefore, the project represented a significant alteration to wetlands but may proceed pursuant to the submission of an application to Alter a Freshwater Wetland.

Mr. Kowal told investigators that upon completion of a Request for Preliminary Determination report, the Program Engineer, Nicholas Pisani would need to determine that the proposed project wouldn't make the flooding issue any worse and that the applicant is not responsible for correcting the existing flooding issue. Mr. Kowal began work on the first formal application (No. 19-0107). He recalled that an 'objection of a substantive nature' was received by DEM which prompted a letter to the owner alerting them of the objection. Records received from DEM confirm that this letter resulted from the receipt of seven (7) letters of objection from abutting neighbors. The letter was drafted on February 14, 2020, then mailed to Ms. Mooney.

#### INTERVIEW OF NICHOLAS PISANI

Mr. Pisani is an Environmental Engineer IV, assigned to the Freshwater Wetlands Division of RI DEM. He has been employed in Freshwater Wetlands for the previous twenty-nine (29) years and has a total of forty-three (43) years of experience with state employment. In his current position, Mr. Pisani very rarely will visit a wetlands site as part of his review. He explained that if necessary, he will contact the biologist assigned to the project to gather data needed for his review. Mr. Pisani described the 'typical' travel of an application to alter wetlands. First, his supervisor, Charles, 'Chuck' Horbert will receive the application from the Office of Constituent & Technical Affairs (OCTA). Mr. Horbert conducts a partial review of the application and makes the determination if the application needs to be sent to the engineering section. If the application does not need to be forwarded to engineering then it is assigned to a biologist to perform a preliminary determination. In the case of 45 Canning Street, the application was deemed by Mr. Horbert as not presenting qualifiers requiring it to be reviewed by an environmental engineer. During the public comment period, DEM received

numerous objection letters about the proposed development. The application was sent to Mr. Pisani for his review.

After his review of the application, Mr. Pisani met with his supervisors and advised them that he would not be comfortable with approving this due to an issue with the current size of the pipe running through the property and the volume of storm water runoff it could displace as well as the dimensions of the proposed swale. It was Mr. Pisani's recommendation that the applicant provide a hydrology report to assist with a more thorough review by DEM. Mr. Pisani believes that the applicant withdrew the initial application hired an engineering firm then submitted a second application with proposed corrective action. After his second review, Mr. Pisani stated that there was only one minor mathematical calculation that needed to be corrected, which ultimately favored the applicant. Mr. Pisani told investigators that he recalled after he had cleared the application for public notice that either Marty Wencek or Eric Beck had sent a memo to their down chain that when the minor error was corrected to place the application on a priority status as a matter of customer service. Mr. Pisani did not recall ever receiving any undue pressure from his supervisors to complete the review or give preferential treatment.

#### INTERVIEW OF JANE KELLEY

Thursday, September 30, 2021, investigators met with Jane Kelly at State Police headquarters. Ms. Kelly is a wildlife biologist at DEM in the Freshwater Wetlands program and has been in the position for almost twenty (20) years. She accompanied wildlife biologist Dan Kowal (since retired) to the site at 45 Canning St. in 2018 when the first Application to Alter Freshwater Wetlands was filed.

She recalled the site as being very small and forested. She explained that her job entailed inspecting the site for vegetation, soils, ledge, as well as wildlife. She observed there was a very steep hill on the road leading to the lot.

After Dan Kowal retired, she was assigned the application. The second application included some hydrology information that had not been included on the first application. It also included some design changes including a deeper, wider swale and increased tree/shrub

plantings. The wetland edge flagging had also been corrected. The primary concern was the neighbor's and town's complaint about flooding. She would rely on the engineer as to how the project would affect flooding.

When all was said and done, she concluded it would be a significant alteration to the wetlands and she did not feel comfortable approving it. She left the decision up to her supervisor, Marty Wencek, who ultimately approved the application. She said she probably voiced her displeasure at the project being approved.

#### PHONE CONVERSATION WITH MR. JASON GRAMITT

On Friday, September 24, 2021, I contacted Mr. Jason Gramitt, Executive Director and Chief Prosecutor, for the Rhode Island Ethics Commission. AAG John Moreira had previously spoken to Mr. Gramitt about matters surrounding Anthony Silva and what each investigation would be focusing on. Mr. Gramitt stated that he had received a phone call from Mr. Silva, but he could not be specific about the date. He provided a date range between June 3, 2021, and August 24, 2021, when the initial Providence Journal article had been published. He stated that it wasn't unusual for someone like Mr. Silva to contact his office looking for guidance so he had no cause for alarm or to be suspicious about the call. Mr. Gramitt's recollection of the call was that Mr. Silva told him that he had entered into a purchase and sales agreement several years ago and the purchase of the property was contingent on a permit, from DEM, to alter wetlands. He and or the seller had applied for the permit and that it had been a long and 'drawn-out process'. Sometime after he became Chief of Staff to Governor McKee, the application had, 'out of the blue', somehow had gotten approved. Mr. Silva was inquiring if there were any ethics issues with this because now he was the Chief of Staff.

Mr. Gramitt believed that the advice he offered Mr. Silva was posed in the question of whether he had taken any action while he was the Governor's Chief of Staff to lobby the DEM, to approve this permit. Mr. Silva represented that he hadn't done anything with the permitting process since he became Chief of Staff. Mr. Gramitt told Mr. Silva that relative to the complaint filed with their office, the time period of when he was appointed Chief of Staff to the date of their conversation was of most concern. The Ethics Commission will be focusing it's

investigation on a violation of disclosure laws. Mr. Gramitt stated that he had delegated this investigation to Teresa Giusti, staff attorney and Investigator Gary Petrarca. Mr. Gramitt stated that his office would share any information relative to their investigation with law enforcement, upon request.

#### INTERVIEW OF MARTIN WENCEK

On October 7, 2021, investigators met with Mr. Martin Wencek at State Police Headquarters. Mr. Wencek is a Supervisor Environmental Scientist in the Wetlands Program at RI DEM. He has occupied this position since 1994 and has been employed by RI DEM for forty-one (41) years.

Mr. Wencek initially provided investigators with a broad overview of the application process for alteration of wetlands.

#### INTERVIEW OF ERIC BECK

On Wednesday, October 20, 2021, investigators met with Mr. Eric Beck, Administrator of Groundwater & Freshwater Protection in Rhode Island DEM, at State Police Headquarters. He has been employed at RI DEM for thirty-one (31) years, starting in July 1990 and in his current position since April 2017. Mr. Beck oversees the work of the biologists and engineers that have previously been interviewed by investigators and were involved in the wetland's application permitting process for 45 Canning Street, Cumberland. At the onset of the meeting, Mr. Beck was advised of the purpose of the investigation and was asked to recall his interaction relating to the wetland's alteration application for 45 Canning Street in Cumberland.

Mr. Beck's recollection of this particular application (Joan Mooney/Tony Silva) was after the preliminary review and the formal review by biologists and engineers had been completed. Mr. Beck recalled being presented with this application because the original plan submitted with the application was going to cause a significant impact on wetlands. During the initial meeting with Marty Wencek, regarding the first review of this application, Mr. Beck did not recall having knowledge that Tony Silva was the applicant or even that Tony Silva was a public employee.

During this meeting, Mr. Wencek presented Mr. Beck with the public comments from neighbors and from the Cumberland Town Planner. Mr. Wencek did not feel that the comments were “substantive in nature”, but due to the fact that the Town was objecting, the decision was made to defer to them. At this point, notices were sent out to abutting neighbors and the Town of Cumberland that a public hearing would be scheduled.

Mr. Beck expressed that his next interaction with this application came around the onset of Covid-19 pandemic. During this time, many of his employees were leaving the office to work, remotely so the application process may have been slowed due to that occurring. Around this time, Mr. Beck recalled receiving an email from Terry Gray asking about the status of this application. For some reason, the check in the amount of \$2,500, payment for a public hearing request, had been mistakenly forwarded to the Administrative Adjudication Department. It was Mr. Beck’s opinion that due to social distancing requirements and employees having to work remotely, there was confusion about what had stalled the application.

Mr. Beck could not be certain but believed that he was contacted by Mr. Silva by telephone asking about the status of the application and how he could navigate through the process. Mr. Beck advised him of his options, as the applicant, per DEM regulations. He felt that Mr. Silva was agreeable to the option of withdrawing the original application and re-submitting. From an email obtained by investigators, from Mr. Beck to Deputy Director Gray in May 2020, he indicated that he would personally follow up with the attorney representing the Mooney’s and also with the Town Planner. Mr. Beck informed Mr. Silva that prior to re-submitting he should have his private engineer contact the staff in the Wetland’s Program and when it was re-submitted, the application would not go to the back of the line due to the time it had taken to get to that point.

Upon further questioning, Mr. Beck shared with investigator’s his recollection of a phone call with Mr. Silva that struck him as unusual because Mr. Silva “*went out of his way to give his story*” to Mr. Beck. He specifically recalled Mr. Silva telling him that he used to be the Cumberland Chief of Police and he intimated that there were political enemies that were trying to block the development of the property because he was the buyer. Mr. Beck further offered that he appreciated the fact that Mr. Silva told him that he wasn’t looking

for any favors. Other than emails, he didn't recall having any additional conversations with Tony Silva. He was, however, contacted by Ross Silva, on March 3, 2021. Mr. Beck received a text message, on his work-issued phone, from Ross Silva advising Mr. Beck that he would be the point of contact in the future for anything related to 45 Canning Street.

In conclusion, Mr. Beck stated that former Director Janet Coit had created an atmosphere at DEM that emphasized customer service and it was his belief that whenever he was contacted by either Terry Gray or anyone on the executive level about an application, it was his job to pay closer attention to it because the administration placed higher priority on those requests. Mr. Beck stated that he never felt pressure from the former Director Janet Coit, the Acting Director, Terry Gray, or any other person to change the outcome of the wetland's application related to 45 Canning Street.

#### INTERVIEW WITH RONALD GAGNON

On Wednesday, October 27, 2021, investigators met with Ronald Gagnon, Administrator for the Office of Customer & Technical Assistance. Mr. Gagnon has occupied his position for the past twenty-five years and has been employed with RI DEM for over thirty-two (32) years. As described by Mr. Gagnon, his office is the "front door" to RI DEM and some of the responsibilities of his office involve greeting customers and providing them guidance as to whether they need permitting approval from the agency. The office receives all permitting applications, they conduct administrative reviews for completion before they are sent to different departments.

Mr. Gagnon recalled that he did not have knowledge of who Tony Silva was until he read an article in a newspaper written by Jim Hummel. Mr. Silva had no contact with Mr. Silva until the day Mr. Silva entered DEM with a check to request a public hearing. He recalled it being late on a Friday afternoon. Mr. Silva entered the office but did not identify himself. He stated that he had a check for a Wetland's application that he needed to drop off. Mr. Silva did not have any additional documentation, so Mr. Gagnon contacted Mr. Wencek to meet Mr. Silva. Mr. Gagnon described the interaction as 'quick', with minimal dialogue and Mr. Wencek told the applicant (Silva) that the check would be processed on the following Monday.

Mr. Gagnon did remember that the day the applicant (Silva) came into the office that it was the final day of the deadline to request the public hearing. Mr. Gagnon did not have contact with Mr. Silva prior to or after that interaction.

#### PHONE INTERVIEW WITH ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE JANET COIT

Ms. Coit has been in her current position since June of 2021 but prior to that she was the Director of the RI DEM. Ms. Coit was aware of the current investigation and that it was ordered by Governor Dan McKee. Ms. Coit told investigators that Mr. Silva, “Tony”, was first on her radar when Governor Chaffee had appointed him as the registrar of the RI DMV. She did interact with Mr. Silva on a regular basis during the Covid-19 pandemic mostly due to the fact that she had been assigned by Governor Raimondo to handle anything related to sports and sporting events. Due to this additional assignment, Ms. Coit recalled that at least one third of her time was consumed by this and that she would have regular phone calls with Mr. Silva as the Chief of Staff to Lt. Governor and then Governor McKee.

Ms. Coit had no recollection of having a discussion with Mr. Silva about any development ventures or any permitting issues related to 45 Canning Street. Typically, if she had been asked about any permitting issue involving a politician or someone in higher levels of state government, Ms. Coit stated that she would request information with either Terry Gray or Eric Beck. Ms. Coit stated that on several occasions she had had conversations with Major Mutter about a wetland’s permit on a parcel of land at Diamond Hill Park, but, she did not recall ever having any discussion with the mayor about Canning Street. Later in her tenure at RI DEM, she may have been advised by Terry Gray in casual conversation that Tony Silva was a land developer, “on the side”.

## INTERVIEW OF ACTING DIRECTOR OF RI DEM TERRANCE GRAY

Acting Director Gray has been employed at RI DEM for thirty-four years. He was appointed as Acting Director by Governor McKee in June 2021. Throughout the duration of the 45 Canning Street wetland's application process, Mr. Gray served as Deputy Director to former Director Janet Coit. Mr. Gray told investigators that he recalled having first met Tony Silva approximately five to six years ago, when Mr. Silva was the Chief of Staff for then, Lt. Governor Dan McKee. Mr. Gray stated that their relationship was professional, in nature and that they never recreated or met one another, socially. Mr. Gray further explained that his primary interactions with Mr. Silva revolved around the "Paint Care" program which was an initiative of Lt. Governor McKee involving the recycling of left-over paint.

Mr. Gray recalled that possibly around April of 2019, Mr. Silva had contacted him by telephone asking if he would obtain the status of his wetland's application for 45 Canning Street and if he could keep the *'process'* moving forward. In hindsight, Mr. Gray didn't feel that this was an uncommon or unusual request because most applicants are under some type of pressure to get their application approved as soon as possible. Mr. Silva had related to him that he was under significant pressure to secure financing for his project and needed a status update. After that initial request, Mr. Gray checked on the status of the application with his staff and discovered that Mr. Silva's application was more complex than most. The factors involved in this application moved beyond the preliminary determination stage and required significant review. Between May and September of 2020, Mr. Gray advised Mr. Silva that his project required a *'significant alteration permit'* and that he should contact an engineering consultant. As DEM policies dictate with relation to a wetland's permit, the application was sent out for a forty-five (45) day public comment period. At the conclusion of the public comment period, wetland's staff observed that there were several objections but the most significant objection came from the Town of Cumberland. Mr. Gray believed that he had received another request by Mr. Silva to have the public comments forwarded to him. Mr. Gray stated that he felt that this was a bit unusual because normally as the Deputy Director, he would not get requests for public comments and that his staff would handle it. Other applicants are advised to respond to DEM to view the public comments but due to the pandemic restrictions, other plans would be



made. It should also be noted that through a majority of the application process, Mr. Silva was not *formerly* the applicant and he would have no access to the public comments. After he forwarded the public comments to Mr. Silva, he chose to schedule a public hearing. Mr. Gray stated that public hearings were extremely rare and that he had engaged his staff in several discussions about how they were going to accommodate Mr. Silva's request. Ultimately, Mr. Silva decided to withdraw his request for a hearing making his application null and void. In order to continue, with his project, Mr. Silva was going to need to complete another application. At some point in 2020, it was brought to Mr. Gray's attention that another application had been submitted by Mr. Silva. Mr. Gray made it a point to tell investigators that if he is contacted by a state legislator or a municipal official about application status', he never identifies the applicant to his staff because he doesn't want to change their business process.

Mr. Gray told investigators that he was repeatedly contacted by Mr. Silva about the 'process' and asking for guidance how he should proceed. Mr. Gray stated that he wanted to avoid the appearance of impropriety and was 'sick of getting the calls from Tony' so he really wanted to push him down to Eric because he wanted out of it'. In hindsight, he admitted that he had the option of referring Mr. Silva straight to his staff and eventually did so.

Investigators reminded Mr. Gray about the timing of the media publishing information that the Biden Administration was considering Governor Raimondo as Health Secretary and the natural progression of the Lt. Governor if that were to occur. Mr. Gray denied ever having any concern about the authority of the Governor's Chief of Staff and as such did not feel that he needed to provide special treatment to Mr. Silva. Additionally, Mr. Gray told investigators that he had no prior knowledge that Janet Coit would resign to join the Biden cabinet and that he did not have any aspirations of becoming the Director of DEM.

In conclusion, when asked directly if he had been told or asked by anyone in his chain of command he stated that there was no such occurrence. When asked if Tony Silva had directly asked for special treatment with regard to the wetland's permit, he again stated that there was no such occurrence.

#### INTERVIEW OF GOVERNOR DANIEL MCKEE

On December 8, 2021, at approximately 4:00pm, investigators responded to the State House to meet with and interview Governor Dan McKee regarding his knowledge of former Chief of Staff Anthony Silva's involvement in the purchase of 45 Canning Street Cumberland, Rhode Island. Upon our arrival, we met with Ms. Claire Richards, Esq., Chief Legal Counsel to the Office of the Governor.

Having requested that the Attorney General open this investigation, Governor McKee was aware of the intent of our meeting and the context of the questioning. In response to questioning, the governor told investigators that he was unaware of Mr. Silva's real estate dealings concerning the property at 45 Canning Street until he saw it first reported by his local hometown newspaper, the Valley Breeze. Governor McKee stated that prior to the article he did not have any conversations with Mr. Silva concerning the property on Canning Street and had no knowledge that Mr. Silva was seeking a wetlands alteration permit. Governor McKee further stated that at no time was he asked by Mr. Silva to intercede on his behalf to facilitate the approval of the wetland's permitting process. The governor was very clear that he did not contact anyone at the Department of Environmental Management or in the Town of Cumberland, to use his political influence to secure an approval on the wetland's alteration permit.

Over a four-month period, investigators from the Attorney General's Office and the State Police conducted seventeen in-person interviews and one out-of-state telephone interview with the two original owners of 45 Canning Street. Investigators were instructed to review the actions of former Chief of Staff to Governor McKee, Anthony 'Tony' Silva, and determine whether he had exerted political influence on anyone at the Rhode Island Department of Environmental Management, to secure an approval of a wetland's alteration permit for the lot located at 45 Canning Street Cumberland, Rhode Island, of which he was planning to purchase and develop.

Throughout the investigation it was clear to investigators that the parcel of land, in question, required a thorough review by biologists and engineers at DEM due to existing

animal and plant life as well as the properties of natural hydrology in the surrounding area. Regardless of the intended developer of the parcel, an extensive review was required.

Interviews of all DEM personnel involved, from the preliminary determination to the final approval of the wetland's alteration permit, conducted their respective duties flawlessly and per DEM protocol. Several factors delayed the review process to include the first submission, by the 'applicant', which lacked certain information necessary to complete the review. Also, the effects of the Covid-19 pandemic had stalled the process due to state employees being mandated to work, remotely. Furthermore, the Town of Cumberland and abutting neighbors to the parcel, continued to object about the planned development. Investigators were told, by the DEM employees, directly or indirectly involved in the review, that none had been coerced, ordered, or pressured, in any way to find a resolution favorable to Mr. Silva.

Ultimately, testimony of those interviewed, the review of text messages, emails and documents related to this investigation presented a lack of any evidence that a crime was committed by Mr. Silva with regard to him using his position as a government employee to influence the decision to approve a wetland's alteration permit. The final determination of whether this matter is forwarded to the Rhode Island Ethics Commission, for their review, will be that of the Attorney General.

### INVESTIGATION TIMELINE OF EVENTS

2014	Michelle Burgoyne bought house and one other lot on Canning St. from Mr. & Mrs. Mooney
2017	Mooney's received phone call from Realtor Cynthia Antonelli, on behalf of Anthony Silva, expressing interest in purchasing 45 Canning Street.
06/17/2017	Purchase & Sale agreement entered into by Joan Mooney & Anthony Silva for \$45,000 conditioned on "acceptable findings by the buyer" re: stormwater drainage
2/02/2018	Terry Gray emails Freij and LaFaille re: OWTS
6/22/2018	Request for Preliminary Determination submitted to DEM in Joan Mooney's name
8/9/2018	DEM determined and notified Mooney that an application to alter wetlands was required in order to proceed
2/20/2019	Natural Resource Services report
4/4/2019	Request to Alter Wetlands Application submitted to DEM in Joan Mooney's name
5/17/2019	Letter from Martin Wencek to Joan Mooney stating DEM is unable to complete A review of application No. 19-0107. Need additional information
9/11/2019	Letter from Martin Wencek indicating that application is complete and adequate for public notice Kowal Biological App Review Sheet (p.94 of 2019 App)
10/11/2019	DEM Notice of Application; Public Comment period
11/22/2019	Letter from Cumberland Planning Director Jonathan Stevens to DEM objecting to the application
12/13/2019	Program Engineer Nick Pisani report is completed
1/28/2020	Terry Gray email: " <i>Guys we need to move on this one . . .</i> "
1/31/2020	Biologist Kowal Evaluation

- 2/14/2020 DEM determined that “substantive objections” to the application had been received.
- Terry Gray emailed comments from Public Notice to Silva
- Terry Gray emailed Beck & Wencek that he “passed this news on to the applicant”
- Terry Gray communicated that “he will need to meet with permitting staff to figure out the path forward.”
- 3/3/2020 Text chain between Silva and Solicitor Morris-Salvatore regarding the Town’s Objection
- 3/10/2020 Planning Director Stevens emailed Mayor Mutter and Ms. Morris-Salvatore that Silva has an interest in the 45 Canning Street lot.
- 3/10/2020 Letter from Wencek indicating app is complete and adequate for public Notice
- 3/23/2020 Silva emailed Terry Gray re: extensions
- 3/26/2020 “Buyer” delivered \$2500 check and letter from Mooney requesting public hearing
- 4/20/2020 Purchase & Sale Agreement extended subject to receiving approvals from DEM
- 5/1-8/2020 DEM internal email traffic re: applicant’s options
- 5/21/2020 DEM email re: AAD or public hearing
- 5/27/2020 Phone conference on AAD
- 6/3/2020 Beck email to Marty, Chuck asking to know when resubmit received  
Reminder that they agreed to look at sequence  
Chuck assign to Nick and ask him to expedite
- 7/27/2020 Tony Silva emailed Terry Gray that he wants to withdraw application and refile
- 9/11/2020 Eric Beck emailed Tony Silva
- 11/4/2020 New Application to Alter Wetlands filed again, in Joan Mooney’s name
- 11/20/2020 Silva emailed Beck thanking him for follow-up on application; request to expedite

- 12/4/2020 Letter from Martin Wencek – unable to complete review  
Pisani review / comments  
Kelly Application Inspection report
- 2/15/2021 Applicant response to technical deficiencies
- 2/17/2021 Biologist Pisani final review
- 3/2/2021 Gov. McKee takes oath of office
- 3/10/2021 Letter from Wencek indicating app is complete and adequate for pub notice
- 3/12/2021 Email from Wencek to Stevens that it will be going out to Public Notice soon
- 3/30/2021 Public Notice provided for application, including to the Town
- 3/31/2021 Meeting at Phantom Farms with Mayor Mutter and Silva; text chain
- 4/22/2021 Planner Stevens submitted 2<sup>nd</sup> letter on behalf of Town objecting to application
- 4/27/2021 Jane Kelly’s Application Inspection Report (Biologist Evaluation)
- 5/14/2021 Public Notice End date; Public Notice Comment Review.
- 6/2/2021 Application Review by Supervisor
- 6/3/2021 DEM issued permit signed by Wencek to Alter Freshwater Wetlands; The letter notes that 9 letters objecting to the application were received. It indicates the *“Program has determined that the comments contained within these letters noting potential impacts to all freshwater wetland values, do not constitute an objection of substantive nature.”*
- 7/14/2021 Ross Silva purchased lot from Mooney for \$17,500
- 7/29/2021 Civil Lawsuit filed by Marissa Desautel on behalf of Town against DEM, Ross Silva/Mooney; one ground is lack of public hearing

The following individuals were interviewed relative to this investigation:

August 26, 2021:	Mayor Jeffrey Mutter
August 31, 2021:	Cumberland Planning Director Jonathan Stevens Cumberland Town Solicitor Kelley Morris-Salvatore Cumberland Director of Public Works Robert Anderson
September 2, 2021: September 16, 2021:	Outside Legal Counsel Marissa Desautel, Esq. Cynthia Antonelli, 36d5 Realty, seller's agent (Mooney) Bonnie Carter, 36d5 Realty, Broker
September 17, 2021:	Daniel Kowal, retired biologist RI DEM
September 23, 2021:	Nicholas Pisani, Program Engineer, RI DEM
September 24, 2021:	Jason Grammitt, Executive Director & Chief Prosecutor for RI Ethics Commission
September 30, 2021:	Jane Kelley, Biologist, RI DEM
October 7, 2021:	Martin Wencek, Supervisor Environmental Scientist, RI DEM
October 20, 2021:	Eric Beck, Administrator of Groundwater & Freshwater Protection
October 27, 2021:	Ronald Gagnon, Chief of Customs & Technical Assistance, DEM
October 28, 2021:	Phone interview with Janet Coit, former Director of RI DEM
November 8, 2021:	Terrence Gray, Acting Director of RI DEM
December 9, 2021:	Governor Daniel McKee