

## ILO Investigation Narrative (21-2-IV)

Background

On September 15, 2021, Rhode Island State Police (RISP) Financial Crimes Unit (FCU) was tasked with investigating the circumstances surrounding the awarding of a government consulting contract, commonly referred to as the "School Reopening Contract" to ILO Group, LLC (ILO). This contract was funded by Elementary and Secondary School Emergency Relief (ESSER) Federal funding.

On October 14, 2021, the Rhode Island Attorney General's Office (RIAG) joined this joint investigation. The awarding of this contract had come under intense public scrutiny in the media. This report is intended to summarize the facts from the RISP/RIAG joint investigation and provide a general timeline. By agreement, the RIAG will draft a separate report that will analyze these same facts from a legal perspective to determine whether there is any criminal culpability.

According to the Rhode Island Secretary of State public portal, ILO was registered on March 4, 2021. There were no partners, directors or members listed. There was no address listed. The only name on the filing with the Rhode Island Secretary of State is Jonathan Cabot, Esquire, who filed the original Articles of Organization on behalf of Adler, Pollack, and Sheehan P.C. as the Registered Agent. Filings subsequent to the original Articles of Organization are signed by Cerena Parker, also known as Cerena Figueroa (Figueroa) and Lauren Miller. Figueroa is currently the Chief Operating Officer of ILO, Miller is not listed in public documents or the ILO website. ILO maintains a website at [www.ilogroup.com](http://www.ilogroup.com) and lists a physical address of 304 Pecan Ridge, Matthews, North Carolina, 28104, (residence of Cerena Parker / Figueroa). ILO previously maintained a physical address of 1455 Pennsylvania Avenue, Washington, DC and 251 Norwood Avenue, Cranston, Rhode Island.

This investigation began as an informal review of open source and media accounts of the awarding of the School Reopening Contract to ILO and its progress through the public bidding process. The process originally generated a vast difference between the ILO (\$8,800,000) and WestEd (\$936,000) bids. The process was extended and generated a roughly \$4 million difference between

bidders.

### Chiefs for Change

Dr. Michael Magee (Magee) has had a relationship with Governor Daniel McKee (Governor McKee) since 2006. According to many media reports, McKee and Magee worked together to form Mayoral Academies/ Charter Schools in Cumberland during the time McKee was mayor of Cumberland. Magee left his local work in 2015 to become CEO of Chiefs for Change (CFC), an educational consulting and advocacy group. Various media accounts introduced the idea that ILO was related to CFC. Magee left CFC in 2022.

Open-source investigation found that Chiefs for Change is a 501(c)(3) Corporation based out of Washington, DC with the expressed purpose of "BUILD A DIVERSE COMMUNITY OF STATE AND LOCAL EDUCATION CHIEFS DEDICATED TO OUR SHARED VISION AND SUPPORT THEM IN WAYS THAT MAXIMIZE THE SUCCESS OF THEIR EFFORTS." CFC lists the physical address as 1455 Pennsylvania Avenue, Washington, DC. Note that this is the same address once listed for ILO.

Top Executives of CFC that received compensation are identified as (2019, 2020, 2021, respectively):

Michael Magee, Chief Executive Officer, \$308,211, \$317,963, \$387,439  
Julia Rafal-Baer, Chief Operating Officer, \$247,881, \$248,589, \$173,255

Dr. Michael Magee, PhD

CEO Chiefs for Change 2015 to 2022  
Co-Founder and CEO of RI Mayoral Academies 2008 to 2015  
Director of Office of Children Youth and Learning 2007-2009 (Cumberland, RI)  
Co-founder of Blackstone Valley Prep Mayoral Academy (Central Falls, RI)  
Donated \$5,650 to Gov. McKee since 2008

Dr. Julia Rafal-Baer, PhD

Former executive at Chiefs for Change.  
Left in 2021 to form ILO Group, LLC

Ref: 21-2-IV

66% owner, Managing Partner of ILO Group

Formerly an independent consultant under Hope Street Consulting

Spouse of Michael Baer. Michael Baer worked for RI Infrastructure Bank, No observed connection to Governor McKee.

Resides at [REDACTED]

RISP research indicates that Dr. Mike Magee, MD on the Governor's Covid-19 transition team is not Dr. Michael Magee, PhD of CFC. Public reporting on this connection appears to be incorrect. (Later RISP investigation revealed Dr. Mike Magee, MD is the father of Dr. Michael Magee, PhD. Both parties served in various volunteer roles with Governor McKee.)

Julia Rafal-Baer (Rafal-Baer) was the Chief Operating Officer at CFC. She left CFC in 2021 to form ILO Group, LLC. She also owns Hope Street Consulting, which is an educational consulting firm based in RI.

#### Witnesses and Investigative Team

On or about October 14, 2021, this investigation transformed from an informal FCU review of the facts surrounding the School Reopening Contract to a joint investigation to include the RIAG. I (Sergeant Brock) was assigned to this investigation to be supervised by Lieutenant Salisbury (Salisbury) who was later replaced by Lieutenant Ptaszek (Ptaszek). Detective Courtney Elliott (Elliott) was also assigned to this investigation until she resigned from RISP to take a position with another agency. Assigned to this investigation from the RIAG was Assistant Attorney General Peter Roklan (Roklan) and Assistant Attorney General John Moreira (Moreira). During the course of this investigation Roklan left the RIAG and began working for another agency. Roklan was replaced by Assistant Attorney General Jeff Morin (Morin) at RIAG. Attorneys and investigators from other law enforcement agencies contributed to this investigation. The above personnel are referred to as the investigative team during this joint investigation and report.

The following witnesses were interviewed during this investigation:

Representative Patricia Serpa

Senator Lou DiPalma

Ref: 21-2-IV

Nancy McIntyre  
Christine Lopes Metcalfe  
Kristen Danusis  
Thomas McCarthy  
Christopher Farrell, Esq.  
Daniel Majcher, Esq.  
Jeremy Licht, Esq.  
Robert Avossa  
David Irwin  
Mayor Charles Lombardi  
Dana Chambers  
Amanda Rivers  
Fred Stolle, Esq.  
Richard Thorton  
Devon Puglia  
James Thorsen  
Michael Trainor  
Jessica Pena  
Ed Galvin  
Brendan Galvin  
Alex Bloom  
Oren Shur  
Andrea Palagi  
Michael Magee (as to SKDK)

The following witnesses declined to be interviewed during this investigation:

Governor Daniel McKee  
Julia Rafal-Baer  
Michael Magee (as to ILO)  
Antonio Afonso, Esq.

Anthony Silva

Over the course of this investigation, which lasted from September 2021 to March 2024, in addition to the above referenced interviews, the investigative team executed multiple state search warrants and obtained voluminous amounts of documents, including but not limited to source materials as provided on pages 24 and 25 of this report.

### Investigation

On September 14, 2021, in a letter to the General Assembly, Governor McKee responded to media and other requests made to the Governor's Office regarding the awarding of the School Reopening Contract.

On October 5 and 6, 2021, oversight hearings were held in the General Assembly. Both the House and Senate conducted investigations into the selection process for the awarding of this contract. The investigations included document requests and testimony from involved parties.

I reviewed the Rhode Island Senate Committee on Rules, Government and Ethics hearing held on October 5, 2021, regarding awarding of the School Reopening Contract to ILO. This public hearing was audio and video recorded and featured the questioning of three witnesses, James Thorsen (Thorsen), Nancy McIntyre (McIntyre), and Dan Majcher (Majcher). All three testified that the proper purchasing protocols were followed throughout the procurement process.

Through a review of documents and testimony received in the Senate and House investigations, open-source searches, interviews and other investigative measures, the investigative team learned of the events preceding the award of the School Reopening Contract to ILO.

On March 2, 2021, Governor McKee was sworn into office as Governor of the State of Rhode Island. Before this date, Governor McKee served as the Lieutenant Governor of the State of Rhode Island.

Magee was Chief Executive Officer of CFC. In Governor McKee's letter to the House and Senate oversight committees dated September 14, 2021, Governor McKee acknowledged that he and

Magee have a relationship dating back to Governor McKee's time as Mayor of Cumberland. Governor McKee stated that "Magee worked with me on education." Magee helped Governor McKee start a mayoral academy in Cumberland over 10 years ago. Magee served as an advisor to Lt. Governor McKee's transition team.

Rafal-Baer was an employee of Magee's at CFC where she held the position of Chief Operating Officer. She held this position until June 28, 2021, according to news reports. According to filings with the RI Secretary of State, Rafal-Baer created Hope Street Consulting, LLC in January of 2017. The corporation, which is currently active according to the RI Secretary of State, lists its mission to consult in the field of education. On March 4, 2021, ILO was incorporated in the State of Rhode Island. According to ILO's website, Rafal-Baer is the managing partner. Rebecca Shah (Shah) is listed as a co-founder of ILO and was formerly a consultant and Fellow of Chiefs for Change.

On March 5, 2021, Governor McKee, Governor's Chief of Staff Anthony Silva (Silva), Director of Administration James Thorsen, Purchasing Agent Nancy McIntyre, and Magee had a "Zoom" meeting to discuss educational issues in the State of Rhode Island. Included in the invite list, but not present during the Zoom meeting, was Rafal-Baer. In his Senate testimony, Thorsen stated Magee introduced the idea of hiring ILO as a consulting firm to assist Governor McKee with pushing forward his initiative to have schools open full time in the fall of 2021 and to address any learning issues that may have been exacerbated by "at home learning" during the Covid-19 crisis.

In an interview with the investigative team on October 29, 2021, McIntyre described the competitive bid process that was used for the School Reopening Contract. She explained that on March 23, 2021, a Request for Proposal (RFP) was generated and publicly posted by the Division of Purchases for interested parties to bid upon. In his House testimony, Thorsen stated that he and "the Governor's Office" wrote the RFP. Additionally, Thorsen testified that Antonio Afonso (Afonso), former Deputy Chief of Staff, current Chief of Staff for Governor McKee, prepared the RFP on behalf of "the Governor's Office." Thorsen provided similar testimony before the Senate regarding the crafting of the RFP. In his September 14, 2021, letter to the House and Senate oversight committees, Governor McKee indicated that his "Administration issued a Request for Proposals (RFP)" and that the Division of Purchases "conducted a competitive proposal process."

Silva served as Governor McKee's Chief of Staff during the transition from the Raimondo administration to the McKee administration. He continued to serve in the McKee administration until his resignation on August 30, 2021. Afonso replaced Silva as Chief of Staff in the McKee administration. In 2021, Silva was under investigation by RISP for possible misdemeanor ethics violations involving the purchase and development of raw land in Cumberland, Rhode Island. RISP sought documentary evidence to support the investigation into allegations of code of ethics violations of § 36-14-5 of the General Laws of Rhode Island. A court authorized search warrant was issued for the personal email address of Silva [REDACTED]. Google provided the materials related to this email address from January 1, 2018, to September 8, 2021.

While reviewing Silva's personal emails for evidence of ethics violations, members of RISP found emails exchanged from this account prior to March 5, 2021, about the Governor's education initiative. These communications occurred through personal email accounts and not government email addresses. Investigators located and reviewed an email from Silva's personal Gmail address in which Magee, McKee, and Silva were discussing interagency communication in Rhode Island government. This email established Magee and Rafal-Baer were advising Governor McKee together as early as February 15, 2021.

On November 18, 2021, RISP executed a second search warrant for the following email address: [REDACTED] which authorized RISP to expand the scope of the search of Silva's email for the purpose of this investigation.

On December 3, 2021, RISP executed a court authorized search warrant for the following email addresses that were used for communications from August 1, 2020 through December 3, 2021: [REDACTED], [REDACTED], and [REDACTED], the accounts of Magee, Rafal-Baer, and Governor McKee, respectively. In January 2022, RISP received the results of the search warrants and began a review of the private email correspondence of Magee and Rafal-Baer. Investigators found that they remained in contact through email prior to the awarding of the contract. RISP also observed additional communications concerning the School Reopening Contract and the RFP between Governor McKee, Magee, Rafal-Baer and Silva.

In an email chain on February 23, 2021, Magee introduced Rafal-Baer to Silva.

An email chain between February 28, 2021, and March 1, 2021, indicates that Magee and Rafal-Baer (of CFC and Hope Street Consulting at the time) were involved in the drafting of the cost proposal for the initiative. Based on the review of documents obtained via a state search warrant, it is the belief of the investigative team that this cost proposal ultimately became the RFP which became the School Reopening Contract. This conflicts with the testimony of Thorsen and, to an extent, the statement regarding the RFP made by Governor McKee in his letter to the Oversight Committee on September 14, 2021. Governor McKee's letter to the Oversight Committee indicated that the Governor's Office initiated the RFP, when review of the emails indicated that Magee and Rafal-Baer introduced the idea to the Governor's Office by emailing Governor McKee, Silva and Christopher Farrell (Farrell), Senior Advisor to Governor McKee.

On March 1, 2021, Magee emailed then Lt. Governor McKee about the contract that Rafal-Baer was proposing. He explained that Rafal-Baer "would lead this project herself full-time with a team." He conveyed two options for implementation, an emergency contract or a "very fast RFP with a very fast turnaround - e.g. 10 days".

On March 2, 2021, according to the above referenced email review, a Zoom conference occurred with Lt. Governor McKee, Magee, Rafal-Baer, and Silva using non-government emails. There was a second Zoom meeting on March 3, 2021, with several individuals including Governor McKee, Magee, and Rafal-Baer. Also included in this Zoom meeting was Thomas McCarthy (McCarthy), a former employee of both RI Department of Education (RIDE) and RI Department of Health (RIDOH), who was ultimately a member of the review team for the RFP. Later that evening, Magee emailed his edits of the RFP to McKee, Silva, and Farrell. Page four of the document had language that was similar to the language and concepts in the RFP that was ultimately issued. Magee also stressed the "interest of quick turnaround" and offered to "help speed things along."

On the morning of March 4, 2021, Silva responded to Magee's email that he would inquire about an emergency contract. Based on a review of multiple emails from March 4, 2021, it appears that by the afternoon the discussion focused on the option of an RFP and not an emergency contract. Magee kept Rafal-Baer and Figueroa informed about the switch to an RFP to execute the contract.



Magee also made sure that McKee and Silva had the Request for Information (RFI) that he wrote and submitted to the Department of Administration (DOA).

On March 4, 2021, ILO Group was incorporated with the Rhode Island Secretary of State. Rafal-Baer is listed as the founder and managing partner on ILO's website, [www.ilogroup.com](http://www.ilogroup.com). Cerena Figueroa (also known as Cerena Parker) and Shah are identified on ILO's website as co-founders but are not listed in the Rhode Island Secretary of State database.

Based on these email communications, the implication is clear that Magee advised Governor McKee that an education consulting contract should be executed quickly and that it should be awarded to Rafal-Baer's consulting group. These communications through personal email accounts with Governor McKee's team occurred prior to the contract being put out for competitive bid.

The publicly known Zoom meeting occurred the next morning on March 5, 2021, with Governor McKee, Magee, Silva, Thorsen, and McIntyre. McIntyre recalled that Governor McKee stated that children had experienced learning loss and needed to get back to school. Governor McKee expressed the need to put services in place. McIntyre responded, "RFP . . .this is what we need to do." McIntyre recalled that Governor McKee was looking to her at that point "for direction." She gave him her professional opinion as the Purchasing Agent that an RFP was what the Governor should implement. When the prospect of a single source contract was raised in the meeting, McIntyre said "No, you should do a procurement." Rafal-Baer was invited to this meeting but according to several public media reports, and testimony by Thorsen and McIntyre, did not attend. Following that meeting Magee sent an email to Thorsen and McIntyre in which he attempted to narrow the field of those firms able to bid on the contract by including terms favorable to ILO. He ultimately forwarded that email to Governor McKee and Silva on March 8, 2021.

When read in the context of Magee's prior communications to the Governor's office, his advocating for one vendor to DOA officials suggests Magee's continued intent to have Rafal-Baer receive the contract.

On March 23, 2021, the Governor's office initiated the procurement process through DOA by posting the RFP. On the same day Rafal-Baer emailed an out-of-state education consultant who was

inquiring about the RFP. She advised the consultant, "It's a fixed RFP but luckily I know the person it's fixed for [winkie face emoji]."

This email shows that potential fraud or manipulation of the competitive bidding occurred at the outset of the process. It calls into question the legitimacy of the process that followed.

Director Thorsen's belief that the Governor's office wrote the RFP appears contradicted by the communications that Magee wrote the original proposal, which was later converted to a Request for Information (RFI) which ultimately became the RFP.

The RFP went out to public bid and five entities bid on the contract. A review committee was established to evaluate the bids. The Governor's office, specifically Thorsen and Afonso, was involved in choosing the members of the review committee. Daniel Majcher (Majcher); [REDACTED] Department of Administration, Charles Lombardi, [REDACTED] Mayor of North Providence, Thomas McCarthy, [REDACTED] Department of Health, and Kristen Danusis, [REDACTED] Department of Education, were all chosen to be on the review committee.

ILO, WestEd, and MGT were selected as finalists for the contract and were instructed to prepare a presentation outlining their proposal via Zoom to the review committee.

WestEd and ILO emerged as the two leading candidates for the RFP.

The vendors' cost proposals became an issue once the review committee received them. In Majcher's October 5, 2021, testimony before the Senate, he explained that they evaluated the cost proposal from ILO and WestEd. He stated, "we found that we could not compare apples to apples, that the vendors did not understand exactly what was being -- the state was expecting to be proposed there. Specifically, what the vendors did not understand was that a municipal learning center would be established in every city and town, in 39 cities and towns." He further testified, "we had one vendor [ILO Group, LLC] proposing ten times what the other vendors were proposing."

After getting best and final offers from the companies, on May 28, 2021, the review committee recommended shifting from an RFP to an MPA. Due to the disparity in the cost proposals, in June of 2021, State of Rhode Island Division of Purchases, through McIntyre and Thorsen, ultimately decided to change the award for this RFP to a MPA in which both WestEd and ILO would provide consulting services for reopening schools in the State of Rhode Island.

Majcher stated in his testimony, "we have two technically qualified eligible vendors that could provide these services. ...we'll put them on a Master Price Agreement, and then ... the *governor's office* [emphasis added] can have detailed discussions with each of the vendors, determine the scope of work, and negotiate the cost. I think as a result of this, they ended up with a 5 million dollar like cap."

This is verified by an email from Majcher to Afonso on June 1, 2021. In the email, Majcher suggested that "the project manager start working on the specific scope of work and any additional contract terms (i.e. deliverables, payment terms, etc.) for each vendor."

In early June of 2021, emails indicate that Magee's involvement in the procurement process remained. On June 4, 2021, Magee [REDACTED] emailed Silva [REDACTED] a draft of the scope of work for each vendor - ILO and West Ed. Notably, Magee was advising the Governor's office, through Silva and Afonso, on the amount of work and expenditure that the State would provide to Rafal-Baer's ILO.

On June 4, 2021, Afonso forwarded a scope of work outlined by Christine Lopes Metcalfe (Lopes Metcalfe) from his state email to his law firm email address, [REDACTED]. A review of Governor McKee's personal email shows that Afonso forwarded the scope of work email from Afonso's law firm email to Governor McKee's personal email account. Governor McKee responded to Afonso and Magee via his personal email account, asking Magee to examine the scope. Lopes Metcalfe was CEO of the RI School Building Authority at RIDE from 2019 to 2021. Magee was familiar with Lopes Metcalfe prior to the RFP. In an email dated January 25, 2021, to then Lt. Governor McKee, Magee advocated for Lopes Metcalfe to fill a position in Governor McKee's office.

On June 5, 2021, Magee's personal email account received an email from Afonso

[REDACTED] which included a redlined version of the draft of the scope of work. Afonso requested an opportunity to speak with Magee on the phone about the scope of work.

On June 11, 2021, Lopes Metcalfe emailed Majcher and copied Afonso through government email addresses. She requested information concerning the hourly rates of the two selected vendors. Majcher responded the same day with the maximum hourly rates.

On July 1, 2021, the RI Division of Purchases issued purchase orders in the amount of \$5,170,828.81 to ILO and \$962,163 to WestEd (revised on September 30, 2021) under the MPA.

On March 24, 2022, and April 7, 2022, RISP interviewed McCarthy about his involvement with the RFP process. McCarthy stated that he became aware of the RFP while he was employed at RIDOH and that Thorsen had reached out to him to get input regarding the drafting of the RFP based on his prior experience at RIDE. McCarthy stated that Afonso was pressing Thorsen to pursue the RFP and McCarthy had several discussions with Thorsen regarding the scope. McCarthy stated that Rhode Island already had a school re-opening team established and that a lot of the proposed items in the RFP did not make sense. McCarthy stated that Thorsen asked him to be on the review committee for the RFP.

McCarthy stated that his primary contact in Governor McKee's office was Silva. He stated that he had two interactions with Afonso. The first was a brief conversation that McCarthy described as a loyalty check in which Afonso called McCarthy and told him that he seemed like a "smart guy." McCarthy stated that Afonso told him that "he didn't know why everyone was giving them a hard time regarding the RFP as it was what the Governor wants."

McCarthy stated that Afonso called him a second time during the review committee process. During that call, Afonso told McCarthy that the RFP needed to move and that it was a priority for the Governor. McCarthy stated that Afonso warned him not to embarrass the Governor by choosing the "wrong firm". McCarthy stated that he felt Afonso was trying to influence the selection process. McCarthy stated that Afonso told him that he did not look at the proposals, but that the only suitable company that he could think of for the RFP was ILO Group. McCarthy indicated that he felt pressure to select ILO.

On May 7, 2021, Majcher completed a draft copy of the Final Evaluation Memo which recommended WestEd as the overall winner of the contract by a score of WestEd 92, ILO 79.3 and MGT 67.1. Majcher provided this Final Evaluation Memo dated May 7, 2021, to DOA Administrative and Legal Support Services Administrator Fred Stolle (Stolle) and Thorsen. Thorsen contacted Governor McKee to advise that the Final Evaluation Memo dated May 7, 2021, has been prepared. At 6:05 PM, Governor McKee texted Thorsen and asked, "Who made the final decision? I would like to speak to whoever made the final decision ....." Thorsen replied at 7:57 PM indicating that the decision was made by compiling the scores of the technical review and cost review. Thorsen offered to provide a hard copy of the Final Evaluation Memo dated May 7, 2021, to Governor McKee. Thorsen also advised that it was prepared by Majcher. Governor McKee indicated that he would like the hard copy of the Final Evaluation Memo dated May 7, 2021, and they agreed that Thorsen will drop it off at Governor McKee's residence on the morning of May 8, 2021.

On May 8, 2021, Thorsen texted Governor McKee that he is 5 minutes from his residence. In a subsequent interview with Thorsen, Thorsen advised that he did provide a hard copy of the Final Evaluation Memo dated May 7, 2021, to Governor McKee on the morning of May 8, 2021.

On May 8, 2021, at 9:09 PM, Governor McKee sent a text reply to Thorsen indicating the perceived flaws in the Final Evaluation Memo dated May 7, 2021. Governor McKee instructed Thorsen to not send out any notices to the vendors regarding this award. When asked whether Governor McKee influenced the procurement process, Thorsen initially wavered in his response, but eventually acknowledged that Governor McKee did personally influence the contract award process.

As a result of the above detailed interactions, the Final Evaluation Memo dated May 7, 2021, as prepared by Majcher did not get disseminated. In a subsequent interview with Majcher, he advised that he proposed the idea of changing the RFP to a Master Price Agreement (MPA).

On May 28, 2021, a new Final Evaluation Memo is disseminated. This memo recommends an MPA and awards it to WestEd and ILO.

#### SKDK and Chiefs for Change .

During this investigation, the investigative team learned that Magee and Rafal-Baer, in their

capacity as executives at CFC, arranged for consulting services to be provided to Governor McKee prior to, during and after his transition from Lieutenant Governor to Governor. Those consulting services were performed by SKDKnick (SKDK) and paid for by CFC.

SKDK is a national public affairs firm based in New York City with offices in Washington D.C., Los Angeles and Albany. SKDK advertises its services as "strategic and crisis communications, media relations and political consulting, digital and social media, opinion research and advertising, media training and speechwriting." In 2020, during Governor Gina Raimondo's administration, SKDK was hired by CFC to provide communications work for RIDE. More specifically, SKDK was hired by CFC to provide communications services regarding the state takeover of the Providence School District, efforts to expand charter schools, and school reopening plans in the fall of 2020 during the COVID-19 pandemic.

Rafal-Baer, who was chief operating officer of CFC at the time, had been working with SKDK Managing Director Devon Puglia (Puglia) on SKDK's consulting project for RIDE. In December of 2020, as speculation grew about Governor Raimondo's likely nomination to Secretary of Commerce by President-elect Biden, then Lt. Governor McKee began planning his transition to the governorship. When questioned by the investigative team, Magee stated that he identified a need for communications consulting support for McKee's transition to the governorship. At that time, Magee, a long-time supporter of McKee, felt it was important that the introduction of McKee as governor go smoothly. Magee did not think that the Lieutenant Governor's office was prepared for the communications work that would accompany the transition. Magee told then Lt. Governor McKee that CFC could provide additional communications services through philanthropic sources. To that end, Magee introduced then Lt. Governor McKee to Puglia of SKDK. Magee also told then Lt. Governor McKee of CFC's existing contract with SKDK to provide communications services to RIDE.

After being introduced to then Lt. Governor McKee, Puglia drafted a "Transition Communications Memo" which he sent to CFC's Magee and Rafal-Baer on December 30, 2020. Both Rafal-Baer and Magee provided feedback to Puglia by email. Magee's feedback on the memo was unrelated to education policy or RIDE. For example, Magee noted that the memo should include "how we should deal with this potential drama around whether Dan gets to appoint the LG."

On January 3, 2021, Magee sent the following email to Lt. Governor McKee, Rafal-Baer, and Puglia, with a revised draft of the "Transition Communications Memo" attached. Magee used the personal email address of then Lt. Governor McKee.

### Fwd: Draft Memo

**From:** Michael Magee [REDACTED]  
**To:** Dan McKee <[REDACTED]>, Joe Rodio [REDACTED], Devon Puglia [REDACTED], Julia Rafal-Baer [REDACTED]  
**Date:** Sun, 03 Jan 2021 14:51:39 -0500  
**Attachments:** Transition Communications Memo- 01.03.21.docx (250.33 kB)

Hi Dan,

Please see the attached draft communications plan. As you'll see it's quite comprehensive. Our thinking on this is that you get one shot to introduce yourself as Governor. We want to anchor your key themes and maximize positive earned media. You're well known throughout the state of course but voters will be meeting Governor McKee for the first time. As you know, Seth's campaign in particular is already in motion. We have an opportunity to make sure he and others are forced to run against a true incumbent.

Of course, the elements of the plan need to feel good to you. Any feedback you have we'll incorporate and adjust. Wherever we land, we will big-donor fundraise with an external-facing version of this plan.

We have new additional intelligence that Gina has at least been offered Commerce. No guarantee but everything is certainly pointing in that direction.

Best,  
Mike

In his cover email, Magee described the attached "Transition Communications Memo" as a "draft communications plan." Magee also discussed plainly political and campaign-related issues, such as "Seth [Magaziner's] campaign" for governor. When questioned by the investigative team, Magee acknowledged this. In his email, Magee stated that Seth Magaziner's campaign for Governor was "already in motion" and that there was an opportunity for "Governor McKee" to run as "a true incumbent." When asked by the investigative team about the email's stated plan to "big-donor fundraise," Magee claimed that he was referencing raising money from philanthropic sources for Lt. Governor McKee's transition to governor, not his re-election campaign. Magee stated that philanthropists donate to CFC to support alignment of mutual priorities. According to Magee, his reference to fundraising in the email was meant to indicate that CFC would obtain philanthropic funds to support Lt. Governor McKee's priorities when he became governor.

The attached SKDK "Transition Communications Memo" also included political and campaign-related references. SKDK described the need for Lt. Governor McKee to "be prepared with a preliminary communications and political plan to execute." SKDK recommended a "political

outreach program behind the scenes” with “[c]alls to our most critical mayors, stakeholders, and players.” SKDK wrote that “our long-term political success will hinge on our ability to have command of this [COVID] crisis early. As our management of COVID goes, so goes our political success.”

Later the same day, on January 3, 2021, then Lt. Governor McKee responded, using his personal email, to Magee’s email attaching the “Transition Communications Memo.” In his email, then Lt. Governor McKee indicated agreement with the SKDK/CFC proposed plan. McKee stated that “we will need to bring Andrea Palagi our communications director into the loop ASAP” and “build a local PR team that can partner with Devon [Puglia] to execute final plan.” Lt. Governor McKee closed by stating, “Thanks for your help.” At the time, Andrea Palagi served as the Office of Lt. Governor’s communications director. She later became Governor McKee’s communications director.

During Lt. Governor McKee’s transition to governor in the early part of 2021, his communications team for transition matters consisted of SKDK’s Puglia, Alex Bloom (Puglia’s colleague at SKDK), Palagi, and Michael Trainor (Trainor), who had worked on prior McKee campaigns. Trainor served as the spokesperson for the transition on a volunteer basis.

When questioned by the investigative team, Trainor stated that then Lt. Governor McKee informed him that Magee had arranged for SKDK to provide communications services for his transition to the office of governor. Trainor subsequently called Magee at Lt. Governor McKee’s request. Magee told Trainor that the SKDK personnel were “good guys,” and that Magee would make Puglia and Bloom available for the transition. Early on, Trainor recognized that that there were no state funds allocated for the transition. Therefore, there was no way for the Transition Team to pay for SKDK’s consulting services with state funds. When asked about the SKDK consultants by the investigative team, Trainor referred to Puglia and Bloom as “loaned executives.”

Emails obtained through state search warrants from Rafal-Baer’s personal Gmail account illustrate that between January and March of 2021, Puglia and Rafal-Baer had ongoing discussions regarding payments by CFC for SKDK’s work. The evidence shows that these discussions between Puglia and Rafal-Baer ultimately led to the drafting and execution of a “RI Communications Support”



contract between CFC and SKDK in March of 2021, as described below.

Emails obtained by state search warrants reveal that in January of 2021, Rafal-Baer, on behalf of CFC, sought funding for SKDK's services from City Fund. City Fund is a non-profit philanthropic organization that provides funding for educational initiatives. In emails that culminate on January 18, 2021, Rafal-Baer requested grant money from City Fund for three (3) distinct projects in Rhode Island. One of the three projects pertained to SKDK. Rafal-Baer requested that City Fund provide: "Jan 1- June 30: \$25k/ month for SKDK to support the RI communications and strategy work. This would be 6 months of support and then we would revisit after that point." City Fund eventually agreed to fund a grant to pay CFC for SKDK's "RI communications and strategy work."

On January 20, 2021, SKDK's Puglia sent CFC's Rafal-Baer a services proposal dated January 14, 2021. In the services proposal SKDK wrote, "The future of the education ecosystem and McKee are directly linked." SKDK offered to develop a communications plan for "the ecosystem in support of the transition and the new governor." The proposal also touted "SKDK's political track record." In the budget section, one option for a retainer was as follows:

"For a full-year engagement, SKDK would charge \$15,000 per month for transition support, initial brandbuilding, long-term outside communications support, and long-term political advice for the education ecosystem."

Following receipt of this services proposal, Rafal-Baer continued to communicate with Puglia about a potential contract between CFC and SKDK, funded by City Fund. On March 1, 2021, the day before Lt. Governor McKee was sworn in as governor, Puglia sent Rafal-Baer another draft of the "RI Communications Support" contract, which provided for a six-month retainer for SKDK at \$15,000 per month. The proposed contract attached an exhibit regarding the contract's scope of work.

The "Deliverables" sub-section of the attached exhibit proposed "drafting surrogate talking points, op-eds, and other communications in support of the McKee team and of the ecosystem." It mentioned working with "partners in the ecosystem to proactively communicate in support of the governor." It contained the same offer to develop a communications plan for "the ecosystem in support of the transition and the new governor." The "Budget" sub-section of the exhibit set forth

that the \$15,000 per-month retainer would cover “transition support, communications support for the ecosystem, and long-term political advice.”

On March 2, 2021, Lt. Governor McKee was sworn-in as Governor. Trainor became chairman of McKee’s re-election for governor campaign. When questioned by the investigative team, Trainor stated that he brought SKDK along to be part of the campaign team. According to SKDK’s Bloom and Puglia, their main goal was for SKDK to obtain the McKee campaign political consulting contract, and all the campaign-related services that SKDK provided to Governor McKee during this period went towards achieving that goal. Bloom further told investigators that SKDK provided campaign-related services to McKee with the objective of getting McKee re-elected in 2022.

On March 8 and 9, 2021, Figueroa reviewed SKDK’s proposed “RI Communications Support” contract at Rafal-Baer’s request. In an email chain, Rafael-Baer requested that Figueroa “[p]lease be sure there is nothing sketchy or illegal in this” and “please make sure nothing in the scope would be construed as lobbying or gifts.” Of note, although Figueroa and Rafal-Baer were working on this issue on behalf of CFC, Rafal-Baer had incorporated ILO on March 4 and was also acting as ILO’s managing partner at the time. By April 12, 2021, Figueroa submitted a vendor certification form as part of ILO’s bid. The form listed Figueroa as a partner and Rafal-Baer as the managing partner of ILO.

On March 16, 2021, SKDK and CFC executed the “RI Communications Support” contract. The term of the contract was backdated to January 5, 2021, to run through June 7, 2021, for \$15,000 per month.

When questioned by the investigative team about the “RI Communications Support” contract, Puglia stated that he spoke with Rafal-Baer about the draft scope of work for the “RI Communications Support” contract. The contract did not get signed with the original scope of work he sent to Rafal-Baer. According to Puglia, Rafal-Baer stated to him that the original scope would “look like a gift” and that CFC could not execute it in that form. Puglia further stated that Rafal-Baer requested that Puglia send her something different. Rafal-Baer told him to remove from the contract any reference to McKee or work related to Governor McKee. According to Puglia, Rafal-Baer told

him that the scope of the contract could be different on paper than it was in practice.

When questioned by the investigative team, Magee claimed that CFC paid for SKDK's "RI Communications Support" contract to support Lt. Governor McKee during his transition to governor and, following his inauguration on March 2, 2021, to support the new administration. Magee denied that CFC paid SKDK for McKee campaign-related work.

Notwithstanding this denial by Magee, records obtained by state search warrants during this investigation show that SKDK reported to CFC about their work for Governor McKee, including campaign/political work. For example, on January 5, 2021, SKDK's Alex Bloom emailed Puglia fundraising totals for the potential candidates for governor. This information was then forwarded by Puglia to Rafal-Baer. On February 1, 2021, SKDK's Bloom provided a "quick update on our work for Team McKee" to Rafal-Baer. Magee told the investigative team that he understood that SKDK provided CFC updates on their work for McKee because CFC was paying for the work with grant money.

Both Puglia and Bloom told the investigative team that there was an expectation that SKDK's work for McKee's transition from Lt. Governor to Governor would lead to work for McKee's anticipated campaign for election as governor. Bloom told the investigative team that he reported his work for McKee's transition team to CFC because he believed Magee and Rafal-Baer to be part of Governor McKee's 2022 campaign team. Bloom viewed this work as "an audition" and hoped it would lead to a larger contract for SKDK with the campaign. Puglia portrayed SKDK's communications work for McKee as a "business opportunity" that he hoped would lead to a lucrative contract with the campaign for political advertisements. When questioned by the investigative team, both Puglia and Bloom maintained that they were never paid for their campaign work for McKee.

Oren Shur, who served as the head of SKDK's political department in 2021, was also questioned by the investigative team. He stated that political consulting firms often do not receive upfront payments from a candidate's campaign. The general fee structure in the industry is that a public affairs firm will receive a percentage of the amount that the campaign eventually spends on media advertising. A standard commission for a firm is 13% of the total funds spent by a campaign

on media advertising.

When questioned by the investigative team about how SKDK separated their work for the McKee campaign from their transition and state education policy work, the parties involved gave varying responses. According to CFC's Magee, he was told there would be a "Chinese wall" in place between campaign work and official-side assistance to the Governor's communications office. Magee claimed that he told either Rafal-Baer or Trainor that CFC's funds could not be used to support the McKee campaign. In Magee's mind, it was Puglia's responsibility to ensure a separation of campaign work from official-side communications work performed by SKDK for McKee.

When questioned by the investigative team, SKDK's Bloom acknowledged that SKDK's work for the McKee campaign and their work for the state should have been kept separate. For their work in January of 2021, SKDK's Action Report (sent to CFC) included a section on "Gubernatorial Leadership Transition." For the work it had performed in February of 2021, SKDK conveyed in a separate Action Report that they joined "daily communications calls" to "strategically outline priorities." They conducted "in-depth media training" with Trainor and Lt. Governor McKee. They "monitored relevant campaign finance reporting."

Other sections of the Action Report for February included "COVID-19 Communications" and "Efforts to Improve Education and Protect Charter Schools." With respect to "COVID-19 Communications," SKDK reported that they "advised the LG's communications team to schedule more visits to vaccination sites, advised [the LG] to begin focusing his remarks on ending vaccine hesitancy, and encouraged [the LG] to begin wearing two masks, in accordance with CDC guidelines." With respect to "Efforts to Improve Education and Protect Charter Schools," SKDK advised that they "edited videos and drafted social media content that highlighted key moments from the state's Learning, Equity, and Accelerated Pathways Task Force," and "monitored and shared relevant media coverage related to education in Rhode Island and the charter school moratorium bill." According to Bloom, education reform efforts and the McKee campaign were separate but related streams of work, and they never should have included summaries of both in one report to CFC.

SKDK was not officially retained by the McKee campaign until April 2021. In all, the McKee

campaign reported one payment of \$6,200 to SKDK for the creation of a campaign website. There is no record of payment by the McKee campaign for any other consulting services provided by SKDK.

The investigation also established that separate and apart from this one \$6,200 payment to SKDK directly from the McKee campaign as described above, CFC contracted to pay \$90,000 to SKDK under the "RI Communications Support" contract from January 1, 2021 through June 30, 2021. Puglia indicated that SKDK received payments under this contract.

The legal significance of these facts, as described above, is described in the Attorney General's memorandum.

## TIMELINE OF SIGNIFICANT EVENTS

<b>December 2020</b>	Amid growing speculation that Governor Gina M.Raimondo will join President-elect Biden's cabinet in some capacity. Dr. Michael C. Magee (Magee), CEO of Chiefs for Change (CFC), informed Lt. Governor Daniel J. McKee (McKee) that CFC could provide additional communications services through philanthropic sources for McKee's Transition. Magee then introduced Lt. Governor McKee to Devon Puglia (Puglia), Managing Director of SKDK.
<b>January 3, 2021</b>	Magee emailed Lt. Governor McKee, Julia Rafal-Baer (Rafal-Baer), Chief Operating Officer of Chiefs for Change, and Puglia a revised draft of the Transition Communications Memo, outlining communications work to be performed for the McKee Transition Team.
<b>January 8, 2021</b>	Lt. Governor McKee publicly announced the transition is underway.
<b>January 20, 2021</b>	Puglia sent Rafal-Baer a proposal dated January 14, 2021, which became the "RI Communications Support" contract between CFC and SKDK.
<b>February 24, 2021</b>	Magee introduced Rafal-Baer to Anthony Silva, who eventually became Governor McKee's chief of staff.
<b>March 1, 2021</b>	Magee emailed Lt. Governor McKee a cost proposal for Rafal-Baer's education initiative for school reopening during the Covid-19 pandemic.
<b>March 2, 2021</b>	<b>McKee sworn-in as Governor of Rhode Island.</b>
<b>March 3, 2021</b>	Governor McKee, Silva, Thomas McCarthy (RIDE/RIDOH employee), Magee, and Rafal-Baer have a Zoom conference call about the education initiative. Later that day, Magee emails Governor McKee, Silva and Christopher Farrell, senior advisor to Governor McKee, edits to the RFP.
<b>March 4, 2021</b>	<b>ILO was incorporated in Rhode Island.</b>
<b>March 5, 2021</b>	Zoom meeting with Magee, Governor McKee, Silva, Director of Administration James Thorsen (Thorsen), and State Purchasing Officer Nancy McIntyre (McIntyre) in which they discussed hiring a consultant for school reopening plans.
<b>March 16, 2021</b>	SKDK and CFC executed the "RI Communications Support" contract. The term of the contract was backdated to January 5, 2021, to run through June 7, 2021, for \$15,000 per month.

<b>March 23, 2021</b>	<b>School Reopening Contract RFP posted by the Department of Administration (DOA).</b>
	Rafal-Baer emailed a colleague that, "It's a fixed RFP but luckily I know the person it's fixed for [winky face emoji]."
<b>April 12, 2021</b>	Media reports that McKee campaign confirmed the hiring of campaign consultant SKDK.
<b>April 13, 2021</b>	ILO and other bidders submit proposals in response to RFP. ILO's proposal lists Rafal-Baer as the Managing Partner.
<b>May 7, 2021</b>	Daniel Majcher of DOA and the School Reopening RFP review committee completed a draft of a Final Evaluation Memo which listed WestEd as the highest-scoring bidder.
<b>May 8, 2021</b>	Thorsen dropped off a copy of the draft Final Evaluation Memo, dated May 7, 2021, to Governor McKee.
<b>May 8, 2021</b>	Governor McKee texts Thorsen to discuss perceived flaws in scoring and instructs him not to release Memo.
<b>May 28, 2021</b>	A new Final Evaluation Memo was disseminated. It recommended placing WestEd and ILO on a Master Price Agreement.
<b>June 4, 2021</b>	Magee emailed Silva using their personal email accounts a draft of the scope of work for ILO and West Ed.
	Governor McKee received an email from Antonio Afonso, Deputy Chief of Staff, regarding the scope of work for the contract. Governor McKee sent an email response to Magee and Afonso in which he asked Magee to examine the scope of work. These emails were sent using their personal email accounts.
<b>June 28, 2021</b>	Rafal-Baer left CFC.
<b>July 1, 2021</b>	Purchase Orders were issued in the amount of \$5,170,828.81 million to ILO and in the amount of \$962,163 to WestEd.
<b>March 2022</b>	DOA states the actual cost of the ILO contract was \$1,820,624. ILO and DOA state that ILO completed its work for the state in December 2021, six months into a one-year contract.

## Attachments

1. Governor McKee Letter to General Assembly
2. Signed Search Warrant for Tony Silva Emails
3. Transcript for Interview of Nancy McIntyre (Interview 1 of 3)
- 4a. Video Recording of ILO Interview with Review Panel
- 4b. Video Recording of WestEd Interview with Review Panel
- 4c. Video Recording of MTG Interview with Review Panel
- 5a. Signed Search Warrant for Governor McKee's Personal Email
- 5b. Signed Search Warrant for Julia Rafal-Baer's Personal Email
- 5c. Signed Search Warrant for Michael Magee's Private Email
6. Rafal-Baer's "Fixed Contract" Email
- 7a. Signed Search Warrant for RIDE Email
- 7b. Signed Search Warrant for DOIT Email
- 7c. Signed Search Warrant for Christine Lopes Metcalfe Private Email
- 8a. Transcript of Interview (Part 1) of Christine Lopes Metcalfe
- 8b. Transcript of Interview (Part 2) of Christine Lopes Metcalfe
- 8c. RISP Contact Report for Christine Lopes Metcalfe (Interview 1 of 3)
- 9a. RISP Contact Report for Interview of Kristen Danusis (Interview 1 of 2)
- 9b. Transcript for Interview of Kristen Danusis
- 10a. RISP Contact Report for Interview of Thomas McCarthy (Interview 1 of 2)
- 10b. Transcript for Interview of Thomas McCarthy
11. RIAG Interview Notes for Interview of Thomas McCarthy (Interview 2 of 2)
- 12a. RISP Contact Report for Interview of Christopher Farrell
- 12b. Transcript for Interview of Christopher Farrell
13. RISP Contact Report for Christine Lopes Metcalfe (Interview 2 of 3)
14. RISP Contact Report for Daniel Majcher (Interview 1 of 2)
15. RISP Contact Report for Kristen Danusis (Interview 2 of 2)
16. RISP Contact Report for Interview of Nancy McIntyre (Interview 2 of 3)
17. RISP Contact Report for Interview of Jeremy Licht
- 18a. RISP Contact Report for Interview of Robert Avossa
- 18b. Transcript for Interview of Robert Avossa
- 19a. RISP Contact Report for Interview of David Irwin
- 19b. Interview of David Irwin
20. RISP Contact Report for Interview with Mayor Lombardi
- 21a. RISP Contact Report for Interview of Dana Chambers
- 21b. Transcript for Interview of Dana Chambers
22. RIAG Interview Notes for Interview of Christine Lopes Metcalfe (Interview 3 of 3)
23. RISP Contact Report for Daniel Majcher (Interview 2 of 2)
- 24a. Amanda Rivers Email



**Attachments Continued**

- 24b. RISP Contact Report for Interview of Amanda Rivers
- 24c. Transcript for Interview of Amanda Rivers
- 25. RISP Contact Report for Interview of Fred Stolle
- 26. RISP Contact Report for Interview of Devon Puglia
- 27a. RISP Contact Report for Interview of James Thorsen
- 27b. Thorsen / McKee May 7, 8, 9 Text Exchange
- 27c. Draft Final Evaluation Memo dated May 7, 2021
- 28a. RISP Contact Report for Interview of Michael Trainor (Interview 1 of 2)
- 28b. Transcript for Interview of Michael Trainor
- 29. RIAG Interview Notes for Interview of Jessica Pena
- 30. RISP Contact Report for Interview of Nancy McIntyre (3 of 3)
- 31. RISP Contact Report for Interview of Ed Galvin
- 32. RISP Contact Report for Interview of Alex Bloom
- 33. RISP Contact Report for Interview of Michael Trainor (Interview 2 of 2)
- 34. RISP Contact Report for Interview of Oren Shur
- 35. RISP Contact Report for Andrea Palagi
- 36. RISP Contact Report for Interview of Michael Magee (Interview 1 of 3)
- 37. RISP Contact Report for Interview of Michael Magee (Interview 2 of 3)
- 38. RISP Contact Report for Interview of Michael Magee (Interview 3 of 3)



STATE OF RHODE ISLAND  
**OFFICE OF GOVERNOR DANIEL J. MCKEE**

September 14, 2021

The Honorable K. Joseph Shekarchi  
Speaker of the House  
Rhode Island State House  
Providence, RI 02903

The Honorable Dominick Ruggiero  
Senate President  
Rhode Island Senate  
Providence, RI 02903

Dear Speaker Shekarchi and Senate President Ruggiero:

As of last week, every school district in the State of Rhode Island officially opened in-person for the 2021-2022 school year. After more than a year of virtual or hybrid learning due to COVID-19, one of my top priorities was to ensure that our teachers and students could safely return to in-person learning. As the school year continues, it is our priority to keep schools safe, support our students in overcoming the learning interruptions of the last 19 months, and ensure we have the resources to address any challenges that Delta or other COVID-19 variants could present in our schools.

To put Rhode Island in the best position to achieve these goals, my Administration issued a Request for Proposals (RFP) seeking a qualified organization to work closely with the Rhode Island Department of Education (RIDE), Rhode Island Department of Health (RIDOH) and the Governor's Office to oversee and coordinate school-related recovery activities.

The Division of Purchases within the Department of Administration conducted a competitive proposal process. Five proposals were received and the top two scorers, ILO Group and WestEd, were selected under a Master Price Agreement to complete two separate scopes of work – one addressing K-12 and the other addressing higher education. Both contracts are funded with dollars from the federal Elementary and Secondary School Emergency Relief III (ESSER III) Fund. I am enclosing a detailed Technical Evaluation Memo from May of this year prepared by the Technical Evaluation Committee that reviewed the proposals, which outlines the process. The selection process for the contract was well-documented and the procedures set forth and conducted by the Division of Purchases were followed.

I would like to take this opportunity to address a few important facts about one of the firms competitively chosen for this project and the work they are contracted to do.

ILO is a women-owned company that currently works with large-scale and small-scale school districts throughout the country. While ILO is newly organized as a Rhode Island-based business, its team members have worked together for years and have an extensive background working in

Rhode Island and throughout the country on education consulting projects. Their Managing Partner resides in Cranston.

One of ILO's initial tasks under the contract was the critical work of a safe reopening, but the scope of the contract goes far beyond that. As further detailed in the scope of work memo enclosed here, ILO was engaged by the State for several different components. In component one, ILO is supporting project management, coordination, and design for school reopening based on best practices developed through projects with districts across the country. Component two (use of Federal Funds to address pandemic-related learning loss) includes the design, implementation, and support for use of a federal spending tool. Components three and four include ILO's support for the program design of Municipal Learning Programs, Out of School Time Programs, and ongoing Summer Catch Up Programs.

ILO's initial charge from the State was to work with the communities that have the lowest vaccination rates. In addition, ILO's consulting services have been used by districts, including Providence. ILO worked with RIDOH to analyze the districts with vaccine rates below the state average and with high COVID-19 transmission. The team targeted the ILO capacity there to ensure effective use of the consulting hours.

ILO has provided daily capacity building and consolidated project planning support to RIDOH, RIDE and the Governor's Office to ensure effective implementation of overall reopening supports, which include targeted and overall outreach capacity to support all LEA reopening efforts by the State including individual letter outreach to each district and phone call supports. As the State manages the Providence Public School District, we have closely engaged ILO as a resource to ensure a safe and effective reopening. Attached is a detailed memo summarizing ILO's work to-date.

Additionally, to avoid unnecessary spending, the contract is to be billed hourly up to the amount of \$5.1 million instead of a fixed retainer fee. Based on ILO's billable hours for work performed since the beginning of July 2021 when the contract began, we expect to remain far below this cap. The cap was set to ensure enough money was budgeted to provide the highest level of support for RIDE, RIDOH and interested districts to open and operate schools in the face of COVID-19 and subsequent variants. As Governor, it is my job to maximize the value that Rhode Island receives from this contract.

It is also important to note the factual reason for the gap between ILO and WestEd's original pricing proposals. As stated in the technical evaluation memo, the initial competitive proposal process included a vague scope which led to different scope and pricing proposals from respondents. Accordingly, it is important to address such issues directly with the responding respondents. When the State gave further guidance on the number of hours necessary, ILO provided updated anticipated work hours of 28,669 and WestEd of 27,135, and subsequent negotiation across the work streams resulted in ILO Group at 22,695 hours. ILO's revised project rate was similar (and less) than MGT Consulting, the original third place respondent (23,650 hours). This is outlined in the Technical Evaluation Memo.

Finally, it is important to provide one additional correction to some accounts of this contract. Michael Magee worked with me on education during my time as Mayor of Cumberland. Together, we took on the status quo on behalf of local children and families to create new learning options for young people in our community. Contrary to certain accounts, Michael Magee has no past or current financial interest or management role in ILO Group.

There are three critical priorities that I am focused on right now: fighting the COVID-19 Delta variant by getting as many Rhode Islanders vaccinated as possible, ensuring our economy continues to recover fully and equitably, and keeping our students safely in the classroom while addressing the impacts of interrupted learning over the last 19 months. I know you both share those priorities and I thank you for being strong partners in the effort to ensure Rhode Island comes out of this once-in-a-century pandemic stronger than we went in.

Should you have any questions, my team and I are available to meet with you. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel McKee". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Governor Daniel J. McKee

CC: House Oversight Committee Chairwoman Patricia Serpa  
Senate Oversight Committee Chairman Louis DiPalma

**State of Rhode Island**  
**Complaint to Search and Seize Property / or Person**

TO Melissa Dugan Justice of the Supreme, Superior Court, or Judge of the District Court of the State of Rhode Island.

- a) Detective Sergeant Michael Brock, Member of the Division of State Police.
- b) \_\_\_\_\_ a person authorized by law to bring complaints for violation of the law which it is my responsibility to enforce/a person who has a right to possession of the property stolen, embezzled, or obtained by false pretense or pretenses:

ON OATH COMPLAINS THAT:

- (1) ~~Certain property has been stolen or embezzled, or obtained by false pretenses, or pretenses, with intent to cheat or defraud within this state or elsewhere.~~
- (2) ~~Certain property has been kept, suffered to be kept, concealed, deposited, or possessed in violation of law, or for the purpose of violating the law;~~
- (3) ~~Certain property is designed or intended for use, or is or has been used in violation of law, or as a means of committing a violation of law;~~
- (4) Certain property contains evidence of a crime;

and requests that a warrant to search for and seize said property/person be issued and if the same be subject to forfeiture, that the property be forfeited.

The person/property or articles to be searched for and/or seized is described as follows: All records associated with the Google email account, and Google + Photos account of, \_\_\_\_\_, from January 1, 2018, through September 8, 2021, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.

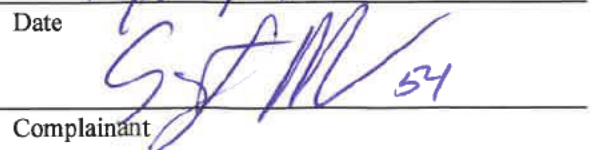
The name of the owner or keeper, thereof (if known) is: Custodian of Records, Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.

The place or person to be searched is described as follows: Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.

Subscribed and sworn to before me:

  
\_\_\_\_\_  
Judge/Justice

11/18/21  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Complainant

## Search Warrant

State Ex rel	Member of the Rhode Island State Police: <b>Detective Sergeant Michael Brock</b>	County: <b>Providence</b>
vs. Respondent: <b>Google Legal Investigations Support 1600 Amphitheatre Parkway Mountain View, California 94043</b>		TO: An Officer authorized by law to execute the within warrant _____

Complaint and affidavit having been made to me under oath by Detective Sergeant Michael Brock and as I am satisfied that there is probable cause for the belief therein set forth that grounds for issuing a search warrant exist, you are hereby commanded diligently to search the place or person herein described for the property specified and to bring such property or articles, and to summon the owner, or keeper thereof, if any be named in the complaint, if to be found by you, to appear before the District Court in the district where such property shall have been seized, namely the Sixth Division of the District Court of Rhode Island. **Google Legal Investigations Support shall not disclose/notify the user of the issuance of this search warrant. Disclosure to the user could impede this investigation or obstruct justice.**

**Google shall disclose responsive data, if any, by sending to Rhode Island State Police, Attention: Detective Sergeant Michael Brock, 311 Danielson Pike, Scituate, Rhode Island 02857, using the US Postal Service, LERS portal, or another courier service, notwithstanding 18 U.S.C. 2252A or similar statute or code.**

Property or articles to be searched for and/or seized is described as follows: **All records associated with the Google email account, and Google + Photos account of, [REDACTED], from January 1, 2018, through September 8, 2020, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.**

Place or person to be searched: **Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

Name of owner, or keeper, thereof if known to complainant: **Custodian of Records, Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

Said warrant shall be served in the daytime within seven (7) days from the issuance hereof, AND IF NOT SERVED WITHIN SAID TIME TO BE RETURNED FORTHWITH TO A JUDGE SITTING IN THE ABOVE NAMED COURT.

Property seized by you hereunder shall be safely kept by you under the direction of the Court so long as may be necessary for the purpose of being used as evidence in any case. As soon as may be thereafter, if the same be subject to forfeiture, such further proceedings shall be had thereon for forfeiture as is prescribed by law.

Hereof fail not and MAKE TRUE RETURN PROMPTLY OF THIS WARRANT TO A JUDGE THERE SITTING with your doings thereon, accompanied by a written inventory of any property taken to a judge sitting in the above named court.

Issued at 6<sup>th</sup> District Court in the county of Providence this 18th day of November, A.D. 2021.

  
\_\_\_\_\_  
Judge of the District Court

ACKNOWLEDGMENT OF RETURN

Warrant received on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, from **Detective Sergeant Michael Brock** at

\_\_\_\_\_.

**Electronic Records of email.**

\_\_\_\_\_  
Clerk of the Court

# AFFIDAVIT

I, Detective Sergeant Michael Brock, on oath, depose and say that I am a sworn member of the Rhode Island State Police and have been continuously employed in that capacity for the previous twenty-one years. I am currently assigned to the Financial Crimes Unit (“FCU”) of the Detective Bureau and am charged with the investigation of crimes committed in violation of the Rhode Island General Laws.

On September 15, 2021, your affiant was assigned to investigate potential crimes involving the award of a State of Rhode Island Division of Purchasing contract to ILO Group, LLC (“ILO”). This contract was converted into a Master Price Agreement (“MPA”) award in the amount of \$5.2 million to be paid to ILO over a two-year period.

This affidavit pertains to an investigation into whether certain individuals committed the crimes of Accessing a Computer for a Fraudulent Purpose and/or Restraint of Trade or Commerce. The potential fraud relates to conduct which may have interfered with the competitive process under which State purportedly awarded ILO the contract. Your affiant believes that multiple individuals have had communications about the suspected fraud or restraint on trade as it transpired.

The awarding of this contract to ILO has come under public scrutiny in the media. Oversight committees of both houses of the Rhode Island General Assembly conducted investigations into the process. The investigations included document requests and hearing testimony. In a letter to the General Assembly dated September 14, 2021, Governor Daniel McKee (“Governor McKee”) responded to requests made to the Governor’s Office regarding the ILO contract. On October 5 and 6, 2021, hearings were held, respectively, in the Senate and the House of Representatives. Many documents relating to the education services contract were posted on the General Assembly’s website. Through documents and testimony received in the Senate and House investigations and open-source searches, your affiant has learned of the events preceding the award of the State contract to ILO.

MAB



On March 2, 2021, Governor McKee was sworn into office as Governor of the State of Rhode Island. Before this date, Governor McKee served as the Lieutenant Governor of the State of Rhode Island. Your affiant is aware that Dr. Michael C. Magee Jr. ("Magee"), DOB [REDACTED]/71, is Chief Executive Officer of Chiefs for Change, a nonprofit educational consulting group based out of Washington, DC. In Governor McKee's above referenced letter dated September 14, 2021, Governor McKee acknowledged that he and Magee have a relationship dating back to Governor McKee's time as mayor of Cumberland. Governor McKee stated that "Magee worked with me on education." Magee helped Governor McKee start a mayoral academy in Cumberland over 10 years ago. Governor McKee chose Magee to be on his transition team, as an advisor.<sup>1</sup>

Dr. Julia Rafal-Baer ("Rafal-Baer") was an employee of Magee's at Chiefs for Change where she held the position of Chief Operating Officer. She held this position until June 28, 2021, according to news reports. According to filings with the RI Secretary of State, Rafal-Baer created Hope Street Consulting, LLC in January of 2017. The corporation which is currently active according to the RI Secretary of State, is listed as being created to consult in the field of education. On March 4, 2021, ILO was incorporated in the State of Rhode Island. According to ILO's website, Rafal-Baer is the managing partner.

On March 5, 2021, Governor McKee, Governor's Chief of Staff Anthony Silva ("Silva"), Director of Administration James Thorsen ("Thorsen"), State Purchasing Officer Nancy McIntyre ("McIntyre"), and Magee had a "Zoom" meeting to discuss educational issues in the State of Rhode Island. Included in the invite list, but not present during the Zoom meeting, was Rafal-Baer. In his Senate testimony, Thorsen stated Magee introduced the idea of hiring ILO as a consulting firm to assist Governor McKee with pushing forward his initiative to have schools open full time in the Fall of 2021 and to address any learning issues that may have been exacerbated by "at home learning" during the Covid-19 crisis.

In an interview on October 29, 2021, McIntyre described to your affiant the competitive bid process that was used for the Governor's education initiative. She explained on March 23, 2021, a Request for Proposal ("RFP") was generated and publicly posted by the Division of

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<sup>1</sup> Your affiant has not yet determined whether this was a paid position for Magee.

NAB

Purchases for interested parties to bid upon. In his House testimony, Thorsen stated that he and “the Governor's Office” wrote the RFP. Additionally, Thorsen testified that Antonio Afonso, former Deputy Chief of Staff, currently Chief of Staff for Governor McKee, prepared the RFP on behalf of “the Governor's Office.” Thorsen provided similar testimony before the Senate regarding the crafting of the RFP. In his previously referenced September 14, 2021 letter, Governor McKee indicated that his “Administration issued a Request for Proposals (RFP)” and that the Division of Purchases “conducted a competitive proposal process.”

Silva served as Governor McKee’s Chief of Staff during the transition from gubernatorial administrations. He continued to serve in the McKee administration until his resignation on August 30, 2021. Silva is currently under investigation by the FCU for possible misdemeanor ethics violations involving the purchase and development of raw land in Cumberland, Rhode Island. Your affiant, a member of the FCU, is aware that RISP sought documentary evidence to support the investigation into allegations of code of ethics violations of § 36-14-5 of the General Laws of Rhode Island. A court authorized search warrant was issued for the personal email address of Silva [REDACTED]. See Attached Exhibit. Google provided the materials related to this email address from January 1, 2018, to September 8, 2021.

While reviewing Silva's personal emails for evidence of ethics violations, members of the FCU found emails exchanged with the account prior to March 5, 2021, on the subject of the Governor’s education initiative. These communications occurred through personal email accounts and not government email addresses. One email chain with Governor McKee indicates that Magee and Rafal-Baer (of Hope Street Consulting at the time) were involved in the drafting of the cost proposal for the initiative. It is your affiant’s belief that this proposal ultimately became the RFP. This conflicts with the testimony of Thorsen and, to an extent, the statement regarding the RFP made by Governor McKee in his letter. In another email which was sent prior to March 5, 2021, Magee expressed that Rafal-Baer would be the lead on the education project with a team.

These communications through personal email accounts with Governor McKee’s team occurred prior to the contract being put out for competitive bid. The communications indicate that fraud was likely perpetrated on the competitive bid process. There is no indication that those involved in the competitive bid process were aware of Rafal-Baer’s involvement in

*MAB*

crafting the RFP prior to its issuance. To your affiant's knowledge, no one was made aware that, prior to it being put out to bid, Magee proposed to the Governor that Rafal-Baer should lead the project. This would have been important information since Rafal-Baer's entity ILO was ultimately awarded a \$5.2 million contract for the project. It is reasonable for your affiant to believe that the disclosure of this information would have likely resulted in the disqualification of Rafal-Baer's entity ILO from bidding on the contract.

In terms of potential fraud committed upon the bidding process, there is reason to believe that that the RFP was drafted in such a way that Rafal-Baer's entity ILO would most closely meet the RFP criteria. It is difficult to see how other vendors could fairly compete with Rafal-Baer's entity in these circumstances.

An email sent from Magee from [REDACTED] to Thorsen and McIntyre and cc'd Silva depicts Magee's involvement in the drafting of the RFP. Magee sent the email on March 5, 2020, subsequent to the above-referenced "Zoom" meeting. McIntyre provided a copy of this email to your affiant after her interview on October 29, 2021. In the email, Magee stated, "Here is a brief scope of work for what I described in our meeting. Happy to provide any additional details you need..." He further stated, "My own analysis is that we're looking at about \$12-15M worth of work over two years across the buckets above. Happy to provide some detail about how that breaks down across workstreams if that's helpful. I expect a firm will have 4 project teams dedicated to executing on these deliverables. 7-day turnaround would be ideal." McIntyre indicated she did not respond to this email, because "it would not be appropriate" as Magee is not an employee of the Governor's Office.

Your affiant believes that fraud or manipulation of any competitive bidding occurred in at the outset and during the State's procurement process. The manner in which the procurement process played out supports my belief that fraud or manipulation occurred.

McIntyre indicated in her interview that ILO and four other consultants submitted bids for this RFP. WestEd, one of the companies submitting a bid, is an education consulting company based out of San Francisco, California, and has been providing consulting services to the State of Rhode Island for several years.

MAB

According to WestEd's website, WestEd started in 1966 and it is a nonpartisan, nonprofit research, development, and service agency that works with education and other communities throughout the United States and abroad to promote excellence, achieve equity, and improve learning for children, youth, and adults.

McIntyre explained in her interview, as with all RFPs, a review committee was established to evaluate the bids. The Governor's office was involved in choosing the members of the review committee. Daniel Majcher ("Majcher"), Department of Administration, Charles Lombardi, Mayor of North Providence, Thomas McCarthy, Department of Health, and Kristen Danusis, Department of Education were all chosen to be on the RFP review committee. WestEd and ILO emerged as the two leading candidates for the RFP.

In Majcher's testimony before the Senate, he explained that they evaluated the cost proposal from ILO and WestEd. He stated, "we found that we could not compare apples to apples, that the vendors did not understand exactly what was being -- the state was expecting to be proposed there. Specifically, what the vendors did not understand was that a municipal learning center would be established in every city in town, in 39 cities and towns." He further testified, "we had one vendor [ILO Group, LLC] proposing ten times what the other vendors were proposing."

The disparity in the vendors' pricing proposals is likely explained by the information your affiant has initially discovered in the [REDACTED] email account. Namely, the emails indicate that Rafael-Baer was involved in the crafting the RFP for the Governor's Office and that she, in contrast to competing vendors, knew more precisely the nature and extent of the needs that the State sought the vendor to fulfill.

After getting best and final offers from the companies, on May 28, 2021, the review committee recommended shifting from an RFP to a MPA. Due to the disparity in the cost proposals, in June of 2021, State of Rhode Island Division of Purchases ultimately decided to change the award for this RFP to an MPA in which both WestEd and ILO would provide consulting services for reopening schools in the State of Rhode Island.

*MAB*

Majcher stated in his testimony, “we have two technically qualified eligible vendors that could provide these services. ...we’ll put them on a Master Price Agreement, and then...the *governor’s office* can have detailed discussions with each of the vendors, determine the scope of work, and negotiate the cost. I think as a result of this, they ended up with a 5 million dollar like cap.” (emphasis added). Your affiant is aware the Office of the Governor allotted \$5,200,000 to ILO and \$926,000 to WestEd under the MPA.

While the Court has previously authorized RISP to search the email account of Silva [REDACTED] for documentary evidence to support the investigation into allegations of Code of Ethics violations, your affiant seeks additional authorization to search the email account for evidence of the crimes of Access to a Computer for Fraudulent Purposes, in violation of Rhode Island General Law §11-52-2, as well as Restraint of Trade or Commerce in violation of Rhode Island General Law § 6-36-4. Your affiant believes that additional evidence of these crimes is held in the above referenced email account.

Your affiant is requesting additional authorization to search the previously seized information in the email account of Silva. Based on the above-stated facts and circumstances, your affiant requests that a second search warrant be issued for the same records associated with the Google email account, and Google + Photos account of, [REDACTED], from January 1, 2018, through September 8, 2021. These records include but are not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.

 54

**Sergeant Michael Brock #54  
Rhode Island State Police**

In Providence County this 18<sup>th</sup> day of November 2021  
before me personally came Sergeant Michael Brock and made oath to the truth of the  
foregoing.

  
**Judge of the District Court**

State of Rhode Island

Complaint to Search and Seize Property / or Person

TO Magistrate O'Neill <sup>Magistrate</sup> Justice of the Supreme, Superior Court, or Judge of the District Court of the State of Rhode Island.

a) Detective Jared J. Andrews, Member of the Division of State Police.

b) \_\_\_\_\_ a person authorized by law to bring complaints for violation of the law which it is my responsibility to enforce/a person who has a right to possession of the property stolen, embezzled, or obtained by false pretense or pretenses:

ON OATH COMPLAINS THAT:

(1) ~~Certain property has been stolen or embezzled, or obtained by false pretenses, or pretenses, with intent to cheat or defraud within this state or elsewhere.~~

(2) ~~Certain property has been kept, suffered to be kept, concealed, deposited, or possessed in violation of law, or for the purpose of violating the law;~~

(3) ~~Certain property is designed or intended for use, or is or has been used in violation of law, or as a means of committing a violation of law;~~

(4) Certain property contains evidence of a crime;

and requests that a warrant to search for and seize said property/person be issued and if the same be subject to forfeiture, that the property be forfeited.

The person/property or articles to be searched for and/or seized is described as follows: All records associated with the Google email account, and Google + Photos account of, \_\_\_\_\_, from January 1, 2018, through September 8, 2021, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.

The name of the owner or keeper, thereof (if known) is: Custodian of Records, Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.

The place or person to be searched is described as follows: Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.

Subscribed and sworn to before me:

J. O'Neill  
Magistrate

9/29/21  
Date  
J. J. Andrews  
Complainant

2021 SEP 28 11:11:07  
DISTRICT COURT  
RD DIVISION  
FILED

## Search Warrant

State Ex rel	Member of the Rhode Island State Police: <b>Detective Jared J. Andrews</b>	County: <b>Kent</b>
vs. Respondent: <b>Google Legal Investigations Support 1600 Amphitheatre Parkway Mountain View, California 94043</b>		TO: An Officer authorized by law to execute the within warrant _____

Complaint and affidavit having been made to me under oath by Detective Jared J. Andrews and as I am satisfied that there is probable cause for the belief therein set forth that grounds for issuing a search warrant exist, you are hereby commanded diligently to search the place or person herein described for the property specified and to bring such property or articles, and to summon the owner, or keeper thereof, if any be named in the complaint, if to be found by you, to appear before the District Court in the district where such property shall have been seized, namely the Sixth Division of the District Court of Rhode Island. Google Legal Investigations Support shall not disclose/notify the user of the issuance of this search warrant. Disclosure to the user could impede this cyber harassment investigation or obstruct justice.

Google shall disclose responsive data, if any, by sending to Rhode Island State Police, Attention: Detective Ruth Hernandez, 311 Danielson Pike, Scituate, Rhode Island 02857, using the US Postal Service, LERS portal, or another courier service, notwithstanding 18 U.S.C. 2252A or similar statute or code.

Property or articles to be searched for and/or seized is described as follows: All records associated with the Google email account, and Google + Photos account of [REDACTED], from January 1, 2018, through September 8, 2020, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.

Place or person to be searched: Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.


Name of owner, or keeper, thereof if known to complainant: Custodian of Records, Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.

Said warrant shall be served in the daytime within seven (7) days from the issuance hereof, AND IF NOT SERVED WITHIN SAID TIME TO BE RETURNED FORTHWITH TO A JUDGE SITTING IN THE ABOVE NAMED COURT.


Property seized by you hereunder shall be safely kept by you under the direction of the Court so long as may be necessary for the purpose of being used as evidence in any case. As soon as may be thereafter, if the same be subject to forfeiture, such further proceedings shall be had thereon for forfeiture as is prescribed by law.

Hereof fail not and MAKE TRUE RETURN PROMPTLY OF THIS WARRANT TO A JUDGE THERE SITTING with your doings thereon, accompanied by a written inventory of any property taken to a judge sitting in the above named court.

Issued at 3<sup>rd</sup> District Court in the county of Kent this 28<sup>th</sup> day of September, A.D. 2021.

  
 Judge of the District Court  
Meehan  
 2021 SEP 28 AM 11:07  
 DISTRICT COURT  
 6<sup>TH</sup> DIVISION

Warrant received on the 28<sup>th</sup> day of Sept, 2021, from Detective Jared J. Andrews at \_\_\_\_\_

  
 Clerk

## ATTACHMENT “A”

The following terms and definitions are provided in support of the application to search for and seize evidence:

**Computer Hardware** refers to the physical components of a computer system. Computer hardware can also be installed inside, or connected to the outside, of a computer system. Hardware includes, but is not limited to, desktop computers, laptop computers, mobile devices, video gaming consoles, digital storage devices, digital cameras, and peripheral devices. Mobile devices include, but are not limited to, cell phones, smart phones, portable MP3 players, tablets, and e-reader devices. Digital storage devices include, but are not limited to, internal and external hard drives, USB flash drives, compact discs (CDs), digital video discs (DVDs), and Blu-ray discs. Peripheral devices include, but are not limited to, keyboards, printers, scanners, video display monitors (to include televisions being used as a display monitor), optical readers, and related communications devices – such as modems, wireless cards, GPS devices, cables, routers, switches and gateways.

**Computer Software** is digital code and files, which can be interpreted by a computer system. Software is stored in electronic, binary, magnetic, optical, transient, volatile, or any other digital form. Computer software includes, but is not limited to, operating systems, applications like word-processing, graphics, or spreadsheet programs, file sharing programs, utilities, compilers, interpreters, and communications programs such as email.

**Computer-related Documentation** consists of written, recorded, printed or electronically stored material(s), which explains or illustrates how to configure access, control, operate, or interact with or use computer hardware, computer software, or other related items.



**Records, Documents, and Materials** include all items believed to be of evidentiary nature or evidence in any form including, but not limited to: printed “hard” copy records, phone records, written documents and their drafts or modifications, business and accounting records, books and ledgers, correspondence and notes; electronic records such as electronic text, electronic mail, text messages, website data and records, internet browser history, user activity data, digital images and digital video, photographs, drawings, internet accounts, peer-to-peer materials, live processes and services, network logs and records, audio recordings, records which reflect the ownership or control of computer hardware, computer software, records, documents, materials, and/or passwords or other data security devices, and documentation related to the identification of persons or entities which have control and possession of the place to be searched.

**Passwords and other Data Security Devices** consists of passwords, encryption keys, hardware devices, authentication devices, software programs, and biometric devices designed to effectuate authentication and/or hide, disguise, and prevent viewing or otherwise limit access to data and written records or notes.

## ATTACHMENT “B”

Computer hardware, computer software, records, documents and materials, computer related documentation, passwords, and data security devices may be important to a criminal investigation in two distinct and important respects: (1) the objects themselves may be instrumentalities, fruits or contain evidence of a crime and/or (2) the objects may have been used to collect and store information about crimes in the form of electronic data.

Based upon your affiant’s knowledge, training and experience, as well as on consultations with law enforcement officers in the area of computer forensics and investigations, it is known that searching and seizing information from computers often requires agents to seize most or all electronic storage devices, along with related peripherals, to be searched later by a qualified computer expert in a laboratory or other controlled environment. This is true because of the following:

**Volume of Evidence.** Computer storage devices, like hard drives, thumb drives, discs and mobile devices, can store the equivalent of thousands of pages of information. Additionally, a suspect may try to conceal criminal evidence; he or she may store it in random order with deceptive file names. This may require searching authorities to examine all the stored data to determine which particular files are evidence or instrumentalities of a crime. This sorting process may take weeks or months depending on the volume of data stored and it would be impractical to attempt this kind of data search on site.

**Technical Requirements.** Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer

hardware and software available requires even computer experts to specialize in some systems and applications, making it difficult to know before a search which expert is qualified to analyze the system and its data. Data search protocols are exacting scientific procedures designed to protect the integrity of the evidence and to recover even “hidden”, erased, compressed, password-protected or encrypted files. Evidence contained on computers/mobile devices/storage devices is extremely vulnerable to inadvertent or intentional modification or destruction, both from external sources or from destructive code imbedded in the system necessitating a controlled environment for complete and accurate analysis. Additionally, the nature of computer forensics is extremely time-consuming process which can take weeks or months.

Searching computerized information for evidence or instrumentalities of crime commonly requires seizure of most or all of a computer system’s input/output peripheral devices, related software, documentation and data security devices, including passwords, so that a qualified computer expert can accurately retrieve the system’s data in a laboratory or other controlled environment. This is true because of the following:

The peripheral devices, which allow users to enter or retrieve data from the storage devices, vary widely in their compatibility with other hardware and software. Many system storage devices require particular input/output (I/O) devices in order to read the data on the system. It is important that the analysts be able to properly reconfigure the system as it now operates in order to accurately retrieve the evidence listed above. Additionally, the analyst needs the relevant system software - operating systems, interfaces and hardware drivers, any application software which may have been used to create the data, whether stored on hard drives or external media, as well as related instruction manuals or other documentation and data security devices.

Ref: 21-2-IV

## WITNESS STATEMENT

**DATE:** October 29, 2021

**TIME:** 12:05 p.m.

**INTERVIEW OF:** Nancy McIntyre, DOB: [REDACTED]/1959  
Purchasing Agent/State of Rhode Island

**INTERVIEW BY:** Lieutenant Matthew Salisbury  
And  
Sergeant Michael Brock  
Rhode Island State Police Financial Crimes Unit

**PRESENT:** Special Assistant Attorney General Peter Roklan  
Rhode Island Office of the Attorney General

**LOCATION:**

**SUBJECT:** 21-2-IV (F.C.U.)

**LIEUTENANT SALISBURY:** Today's date is Friday, October 29<sup>th</sup>, 2021. The time is

approximately 12:05 p.m. I'm interviewing Ms. Nancy McIntyre. And present is Sergeant Michael Brock, Lieutenant Matthew Salisbury, and Assistant A.G., Peter Roklan, Special Assistant

**DETECTIVE LT. SALISBURY:**

1. **Q.** Ms. McIntyre, could you spell your last name for us.

**A.** Yes. It's M-C-capital - I-N-T-Y-R-E.

2. **Q.** And your date of birth.

**A.** [REDACTED]/59.

3. **Q.** And what is your current position?

**A.** I'm the State Purchasing agent for the State of Rhode Island.

Ref: 21-2-IV

4. Q. And how long have you been in that position?

A. **Seven years.**

5. Q. What was your position prior to that?

A. **Prior to that I was the Deputy purchasing agent.**

6. Q. And how long have you been with the Division of Purchasing?

A. **For 22 years.**

7. Q. And does that include all of your State service?

A. **Correct.**

**SAAG ROKLAN:**

8. Q. So I guess Ms. McIntyre, if you can, I - I guess the first part is to kind of educate us.

A. **Sure.**

9. Q. And -- and feel free to start however --

A. **Okay.**

10. Q. Like the -- some of the terms we talk about is like 'RFP,' or 'RFI,' --

A. **Okay.**

11. Q. -- 'Sole Source,' the um, 'MPA.'

A. **Okay. Sure.**

12. Q. All -- All that.

A. **All right. So, the 'RFI,' which is the Request for Information, it is not used that**

**often. It's an area that in our Purchases 101 Training Sessions, we speak to as 'the best kept**

**secret' at the Division of Purchases. And the reason for that is it gives the agencies who know**

Ref: 21-2-IV

they have a need for something, but they really don't know enough about to be able to explore the universe, the vendor community, cast that wide net to say: I need something. I'm not sure what it is. I – I need some additional information around this; can you, an expert in this field provide information. So, it's oftentimes agencies are always in a rush situation where they don't have the time to utilize the RFI process. But it is something, it's a tool in our toolbox that we do recommend to agencies whenever possible because it can give them insight on how they would prepare Request for Proposal in the future. So, the next – the next type is Request for Proposal. And that's where there is a technical and a cost component to it. When I first started in the Division 22 years ago, Request for Quotes were the predominant method of procurement. And that's where it's – it's price alone. It's the lowest response of responsible bidder. As time has – has gone on, and procurement has become more complex, and agencies want to have a say in the process because they really in many cases have some of that expertise, it has m--, the pendulum has moved to a Request for Proposal where they do, as part of an evaluation team, have that ability to review the proposals that have come in. So that is the – the second type is the Request for Proposal. The Request for Quote is, as I stated, it's a um, price-based. It's the lowest response of responsible bidder. We go out and we ask vendors to just give that price. Construction projects are often utilized with that methodology. So goods are – are typically just price driven. But predominantly today the service area is in the Request for Proposal range. Master Price Agreements, which I know was – was brought up at the – the hearing. And there seems to be a lot of confusion around that topic, so I – I want to speak to that as well. Master Price Agreements are where we have defined a need for goods or services that would not only benefit some state agencies, all state agencies,

Ref: 21-2-IV

municipalities, quasi-public agencies, but it's where we want to – we want to utilize this mechanism to drive prices down to afford agencies the flexibility on a just-in-time basis where they have that need, they can go to the Master Price Agreement, they can get a mini bid, they can get quotes off of those, and they can go through that process themselves. So, with the Master Price Agreement however, it always starts off as one of two procurement models in here. It's either a Request for Quote or a Request for Proposal. Now an example of, you know, when I speak of goods, goods are, you know, where typically you would say: Well then office supplies should be a Request for Quote. Well it's not. Because in – in the office supply area, we want to make sure that there's --delivery timeframes are met; that their stocking is – is met; that their customer service is adequate; that their reporting capabilities are appropriate. So for all those reasons it makes sense to have moved to a Request for Proposal model for an office supplies contract. So many of our MPSs today begin with a Request for Proposal, and then ultimately, an award.

**DETECTIVE SERGEANT BROCK:**

13. Q. You just said it made sense to go to a RFP that did you – did you mean to start that process, or to --

A. As an RFP.

14. Q. -- (indiscernible)?

A. As an RFP. Yes. So, if the – the ending result is in those cases in a – a Master Price Agreement. But it goes through either an RFP or an – or a RFQ process. So, there was much confusion in that discussion during that hearing about that topic.

**SAAG ROKLAN:**

Ref: 21-2-IV

15. Q. So ... for a MPA, is it usually multiple vendors or is it ...?

A. It can be.

16. Q. Okay.

A. But it also can be one. Office supply as an example is W.B. Mason.

17. Q. Okay.

A. We drive everything through that. We have rebates that come in through that

contract, and it makes sense for us to just to have one vendor. But many of the Master Price Agreements have the um – a multiple vendor award. And – and, you know, a major reason for that is, number one, we're servicing all the State agencies, all the quasi-publics, all of the municipalities, and so we need to have the bandwidth capacity for them to reach out to – to the vendor community on this.

18. Q. So, for example, I – I had a separate investigation that involved like physical therapists for the State, and it – there was like five different physical therapists that could do work for different agencies, --

A. Yes.

19. Q. -- (indiscernible) right. So, --

A. Yes.

20. Q. -- is that a --, would that be like a Master Pricing --

A. Yes.

21. Q. -- Agreement?

A. Mm hmm.

22. Q. Now, not to get too far off tangent, but is there like a rotating ...? So can like say a



Ref: 21-2-IV

agency wants to – needs physical therapy, is it a rotating basis or you can just take any of the five that say, are on that list?

**A. So, it depends. All of our Master Price Agreements also have a MPA user guide associated with it.**

**23. Q. Okay.**

**A. So, we're instructing the agencies how to utilize this. Now we can't obviously instruct municipalities or quasi-public agencies, but the State agencies that belong under Executive Branch would be required to follow the Master – the MPA user guide. What we do recognize however is, and Covid has – has presented that in many ways, that there's bandwidth issues with a lot of these vendors. Either, you know, they don't have the workforce themselves or they have too many projects at one given time that they may not – not even respond to a – a mini bid that we put out. So, again, to -- to do a rotating schedule would be problematic because for us, number one, to monitor that level of a--, of activity with the small staff that we have here, would be very difficult. But not to mention that there's so many circumstances that prevent us from, you know, doing something like that. We certainly encourage that they don't go to the same vendor all the time. You know, we see some repeated activity around that, and we're very specific to the agencies about not doing that. Because we have minority businesses on many of those MPA awards as well, and we want to spread the – the wealth accordingly.**

**24. Q. Now with the MPA, is there (indiscernible) a cap? Or?**

**A. So, on there – So, there's a couple of things. There's – there's two caps actually. One is, it's an arbitrary cap that we just set on – on a Master Price Agreement. And it – and it's**

Ref: 21-2-IV

– A lot of it is buyer's discretion where they think, you know, something like this potentially could be \$100,000 over the cost of a year. Some of our other contracts may have a much larger cap of even \$1 million. Because there's a lot of movement that goes into these contracts. In addition to that, on the MPA user guide there's a specific threshold that is associated with the Master Price Agreement in that any agency that is requesting to exceed the cap has to either come to myself or the deputy purchasing agent for approval. Sometimes we will grant that in the case if it's slightly over the cap. But in many cases, if we're seeing something that -- we just had an um, a circumstance with one of the divisions recently that we did not feel confident that they were going to stay within the cap by even \$50,000, and so we made it go out for a full solicitation. So. But they are required to follow that. And there's provisions within the – the RIFAN system that we have set up in terms of there we don't set in some cases a – a very high limit because we want them to come in on a project-by-project basis. So because we're concerned about change orders along those projects, and by having it set up in the system as a separate project mandates that they have to stay within that authorized limit.

25. Q. Who (indiscernible) determines the cap? Is it your office, or?

A. So, we – we are moving to an e-procurement system, Ocean State Procures over the next few months; we're going to be doing a – a waved implementation. And part of that is we have restrictions on the number of different types that we can establish caps. So for exa--, example: construction-related services is going to have a \$150,000 cap per project. That actually aligns with re-shent (phonetic) – recent legislation around the increase in the bonding capacity for projects to 150,000. So we're staying within that – that threshold. Goods will be

50,000 and services, IT services, consulting services will be 250,000. So those would be the three different types going forward. We're in the process now of revising any MPAs that don't fall within those three prescribed thresholds as being just that based on those three different types.

**DETECTIVE SERGEANT BROCK:**

26. Q. Now being (indiscernible) or for the life of the contract, tho-, those caps?

A. So those – the caps that I'm speaking about is on a per project basis only. So it's not even on an – an annual basis they would have to, yeah, they would have to come back to us for each project. So for example, on Architectural and Engineering, you know, they have a specific cap of \$150,000. And but there's latitude up to 250,000 to come to Amanda or myself for that up to 250,000. But anything up to 150, they have the ability to get the three quotes on their own.

27. Q. Emergency contracts. What's that?

A. Ugh. Emergency contracts have been certainly a bane of our existence for the last year-and-a-half. It's – it's something that we've had to utilize obviously more than we would like to here, because we are all about competition. But, you know, health, safety, welfare, all of those things have certainly impacted us as a result of Covid. So on – in emergency situations, the agency is required to again, go either to myself or Amanda for that emergency request. And we provide an emergency authorization to them in an email form, which then they are required to attach to the requisition when it comes in for us to process. But, you know, we've had a few emergency situations. The – the one that comes to mind is when we were re-fitting the Convention Center for the alternative hospital. That was – It was done on an basis.

Ref: 21-2-IV

However, we did a 24-hour bid overnight to the – the five very large construction firms in the state that could, you know, have the capability and capacity to turn around a two-week implementation rather quickly. But it's – it's something that we both, Amanda and I, have been telling our agency friends of late that Covid is starting to spiral down, and as a result, we expect you to move forward with procurements and competitive procurements going forward.

**SAAG ROKLAN:**

28. Q. So, who makes the call on emergency con--, or who has final authority to ...?

A. So it's – it's myself or Amanda. However, there was emergency provisions put forward, particularly by Governor Raimondo during her administration under those emergency preparedness requirements.

29. Q. So if a agency wants an emergency contract, do – or I guess has it come about, it is like they suggest it, or you suggest it, --

A. Yeah.

30. Q. -- or?

A. So, there's – there's a couple of things around emergencies. So, we have Master Price Agreements that are, you know, set up for plumbing services, electrical services, things like that, of which we're requiring that they go out and get three quotes. Well there's a lot of emergency situations in very aging buildings throughout the state that a pipe's just burst; we don't have time to do a three quote mini bid, so we requesting emergency approval to move forward with one vendor on that Master Price Agreement to um, to secure that pipe that's burst. So in that case they would come to – to one of us for that emergency authorization. And then that information gets attached to the requisition for processing at the time that the work

Ref: 21-2-IV

has been performed. The other emergency situation is where an – and Health was – was most involved in this over the last year-and-a-half where they have – have defined an – an urgent need. There's in many situations a – a vendor that they feel would be most adequately positioned to perform these services. And as a result, it's really a dovetail as an emergency single source request which does come into this office, and only myself or Amanda can sign off on that.

31. Q. So I guess single source. Run through that.

A. Yes. So we have single sources and sole sources. However, the law does not recognize per se single source. It's a forms that we had – that were in the Division of Purchases for years and years. Because there was a defined and a – a need to – to separate out those – those two different types of procurements. So, the sole source is only one company can perform these services, provide these goods, whatever it may be. And that's under the provision of the law that they send in a – a sole source justification form to us and at that point we review it, and then Amanda and I sign off on it and issue the purchase order. The single source is where there could be a few vendors that could provide these services. But because of proprietary situation where this piece of equipment, should anyone, an unauthorized company, try to repair it and void the warranty, certainly, you know, if we have very large pieces of equipment here, we wouldn't want to have that situation. So as a result, we allow for the single source justifications as well. And those come in here for our review and an approval. I will say that we are actually moving to a – a different model through our e-procurement system where we're going to be doing a Notice of Intent, NOI. And in that situation, the agency is actually going to request a – a single sole source. However, we're

Ref: 21-2-IV

going to be posting it for five days and we're going to see, you know, what the marketplace tells us if there is in fact a suitable replacement substitute that we can utilize and it could be equally as good as – as what, you know, the – the – the company is offering. So that is something that we're moving towards over the next several months. I don't think it's going to be well received by the agencies. But it is something for, you know, open transparency. You know, it's – it's – it's an important move for us to – to go in – in that direction. So that's the um, -- Those are the different .... I – So, I think we've touched on every ... The only other thing I guess I would say, we do have a – it's another RFQ, but it's Request for Qualification. And that's where we are evaluating technical only. So, you know, for example we're – we're – we're putting up a – a vets home, and we want – we want to qualify the vendors first of who we think would be most suited to build such a – a – such a large building. And as a result, we go through a very exhaustive process of technically qualifying those vendors that then could bid on the subset of an RFP after that. So, there are a few of those. And – and actually, some of our Master Price Agreements are set up that way where it's very difficult in some cases to get pricing from them on – on – You know, for example, our media buy MPA is set up that way. We went out for an RFP; we are asking for a qualified list of vendors. We do a – a search of – of those companies that meet certain requirements that have been put forth in the Request for Qualification. And in that case, we – we then award those vendors that have now qualified on this list. In an immediate buy situation it's very difficult to determine a need up front of what an agency is looking for. So that gives them again, through a mini bid process, to then identify that specialized need and go out to the vendors that are on that Master Price Agreement.

**DETECTIVE LT. SALISBURY:**

32. Q. On the Master Price Agreement, how detailed is the vetting process on the vendor?

A. It – It – Well, so we have a bidder certification cover form, which if you haven't seen one of those, I would – will give you a copy for you to look at. Because it's actually, it's been – it, it's a very good tool for us. It has a certification; it has a disclosure section. They have to agree to all of the general conditions of purchase, the state purchasing regulations, all of the laws, if there's federal laws regarding a procurement, they have to certify all of that. And it's a – it's a three-page form. If um – If a company is an LLC, they're required to provide the ownership information as well. So it's – that's one of the things that we first look at when a buy opens a um, a solicitation that has – we've just received the proposals, we go through that review process. They're supposed to be answering yes or no depending on the – the section of the – of the form. If – if there is an issue where they don't agree to something that they're supposed to, then that has to be vetted to myself or Amanda for further discussion. In some cases, we need to bring Legal into that conversation based on – on the circumstances. With the MPAs, many of these require licenses. There maybe reference checks. There's, you know, various - depending on the types of services that we're looking at, we do that vetting process as well. And then it's through all of that there is a recommendation we have a procurement termination form which the buyer has to prepare. They provide the basis for the award. They may include some additional paragraph of – of information. And then, again, Amanda or I sign off on it. We do have a policy that the Interdepartmental Project Managers, which is the next level of our senior staff here, had the ability up to \$500,000 to sign procurements to that level. But anything over that has to go to Amanda or I, as well as all single and sole sources and emergencies would go to us. There's no provision for any of the

Ref: 21-2-IV

buyers or other senior staff to sign off on any of those.

33. Q. So it sounds like the average vetting of a vendor is a time consuming process.

A. Mm hmm.

34. Q. This is not a 24-hour turnaround.

A. No. And – and I will tell you too that there’s an initial vetting process as well from the supplier coordinator and the accounts patrol. The supplier coordinator sits in the Division of Purchases, but actually reports to the Associate Controller and Accounts Control. And so when – when the vendor comes in and they have the ability to partially register and that gives them the opportunity to bid with us. But then it’s not until they are subject to award that they get finalized the award, the vendor registration gets finalized. And through that, there’s a vetting process with the Secretary of State on the federal database. There’s some other regis--, register’s office that they have to view. So there’s – there’s vetting even at that point with the vendor registration as well.

SAAG ROKLAN:

35. Q. Run me through um ... So does Purchasing fall under the Department of Administration or is it separate?

A. Yes. Yes. So, Director Thorsen, who is the – the Department Director of Administration, also serves a dual role as the Chief purchasing officer for the State.

36. Q. Okay.

A. So there are certain provisions in the law that require him to sign off on a few things. One that comes to mind right now is the design build that the law requires the chief purchasing officer to sign off. But the majority of the – of the signatory authority resides with



me as the Purchasing agent and the deputy purchasing agent.

37. Q. Who do you--? Do you report to anyone directly, or?

A. I report to the Director of Administration. Director Thorsen.

38. Q. And then he reports directly to ...?

A. To the governor. Yes.

39. Q. Is your position an appointed position or is it ...?

A. No, it's--

40. Q. No.

A. -- not. It's not. However, --

41. Q. (indiscernible)

A. -- I was interviewed by Governor Chaffee at the time.

42. Q. Okay.

A. But it was not a um, a normal process.

43. Q. It's not like kinda like the director heads who once --

A. Yeah.

44. Q. -- the new governor comes in --

A. No.

45. Q. -- and those --

A. No.

46. Q. -- kinda change.

A. No. No.

Ref: 21-2-IV

47. Q. You're --

A. **Nope, I'm --**

48. Q. -- you're stable.

A. **I'm -- I'm -- I'm --**

49. Q. You -

A. **Yup. I'm -- I'm --**

50. Q. Okay.

A. **I'm here.**

51. Q. Perfect.

A. **(laughs)**

52. Q. [Aside: I don't think ...

DETECTIVE LT. SALISBURY: Get right into the ...the ILO Project?

53. Q. All right. So, my understanding from watching the hearing is you first become involved  
March 5<sup>th</sup>.

A. **Correct.**

54. Q. Prior to March 5<sup>th</sup>, any kind of outreach? Nothing? No word?

A. **No.**

55. Q. So you get invited to this Zoom meeting.

A. **Correct.**

56. Q. Or a Zoom meeting.

A. **Yup. (laughs)**

Ref: 21-2-IV

57. Q. Does...? H--? So how does that – your knowledge of that meeting come about? Is it just email? Is it ...?

A. Y--, Yeah, it's just an email invite. I think the initial email invite came in as a – a hold for a meeting --

58. Q. With the governor.

A. -- with the governor. Yeah. And – and then I th--, I believe it was updated where then it included the individuals' names. Now just to also add, I have a – an – an admin here, Kelly Connors, who accepts my meeting invites for me because I have a rather busy appointment schedule. So, she was probably the one that accepted that meeting invite on my behalf.

59. Q. Do you know when that invite came in? Would it have been on the 4<sup>th</sup>, or like would it have been the same day, a couple of --

A. I don't --

60. Q. -- days prior?

A. Honestly, I don't know. Just because you know that was a – a time period in early March where we still didn't have vaccines --

61. Q. Mm hmm.

A. -- and I was working home sometimes. And I know I was working home that week because I remember I was sitting in my dining room at the time having the Zoom call with the governor. So, I don't – I don't remember. I think it was Tuesday is when it – Was that when he became governor?

Ref: 21-2-IV

62. Q. S...

63. Q. Second.

A. **The 2nd? Which I think --**

64. Q. I don't know.

A. **-- was that --**

65. Q. (indiscernible)

A. **-- Tuesday. And then the 5<sup>th</sup> was the meeting on that Friday.**

66. Q. Yeah.

A. **Okay. Yeah, so it would have had to come in between, you know, then and Friday.**

67. Q. When it comes in, it's a meeting with the governor, is there any kind of subject, or?

A. **As I said, what I recall was the first one -- and, and this is after looking at it, you**

**know, after the fact -- was a hold by this Tabitha over at the governor's office. And then I**

**believe it was after seeing it later, it was updated with individuals that were on this meeting.**

68. Q. But like --

A. **But no --**

69. Q. -- there's -- there's --

A. **-- subject.**

70. Q. There's no subject like, discussed like --

A. **No.**

71. Q. -- RFP or, I don't know, --

A. **No.**

Ref: 21-2-IV

72. Q. -- anything.

A. **Nothing.**

73. Q. So you --

A. **Nothing.**

74. Q. -- you're going to this meeting, and you were like have no clue what it's about?

A. **Correct. That's correct.**

75. Q. So do you talk to Director Thorsen or anything, like hey ...?

A. **I don't - I ...**

76. Q. -- (indiscernible) or anything, --

A. **Yes.**

77. Q. -- or like...?

A. **I don't recall that we had talked about the meeting, you know, in advance. I mean,**

**he was brand new as well into this position that week. So, we were both going into this meeting of there's a call with the governor, and that's - and that's it.**

78. Q. Now did you know Director Thorsen before you came over to DOA, or?

A. **I did.**

79. Q. Okay.

A. **I did. Because he was at HSRI years ago as their CFO. And then I think maybe the**

**d--, deputy. And so that was - that was early on. And - and it wasn't in my capacity as**

**purchasing agent at that time. But he would - we would have meetings with HSRI, because**

**that was in their early infancy of the - of that division, and as a result, we would have, I - I**

Ref: 21-2-IV

want to say, bi-weekly meetings. So he would come in and – and talk about HSRI. So, I did – I did know him through that. But I hadn't, you know ... And then when he came back to – to the State as DOR director, I had reached out to him back, I think it was last October, to say, you know, welcome back, you know, love to meet with you. Because that's one of the things that I like to do with new directors, I like to get them on their right foot --

80. Q. Mm hmm.

A. -- as far as procurement.

81. Q. Right.

A. And so I offered that to, you know, to give him a session on purchases 101.

**DETECTIVE LT. SALISBURY:**

82. Q. What we're doing.

**SAAG ROKLAN:**

83. Q. Like this one (laughs).

A. **Right. Right.**

84. Q. (indiscernible)

A. (laughs)

85. Q. All right. So, basically we're – Just to give you a road map, you know, a kind of timeline that by (indiscernible) and try to refresh your memory as best as possible. So, you get the Zoom link.

You said you were home?

A. **Yes.**

86. Q. You get on and make sure the kids and animals aren't in the back ...

A. **Yup, no one around.**

Ref: 21-2-IV

87. Q. So, how many people were physically on the link, I guess --

A. Yeah.

88. Q. -- that you could see, or no?

A. Yeah. So, it was -- it was the -- the director, and Tony Silva, and the governor, and

this other guy that I didn't know --

89. Q. Yup.

A. -- who --

90. Q. (indiscernible)

A. -- it turns out was -- Yeah, Mike McGee.

91. Q. The director, Tony Silva, and the governor.

DETECTIVE SERGEANT BROCK:

92. Q. And were you familiar with Tony Silva?

A. I was. I was. Because --

93. Q. (indiscernible)

A. -- you know, I've just, you know, over the years interacted with him when he was at

DMV, you know, Registrar and you know, so it was on different procurement related --

94. Q. And --

A. -- items.

95. Q. -- McGee you never heard of?

A. No.

96. Q. You were -- How was he introduced to you?

Ref: 21-2-IV

**A. He was introduced as, you know, part of the governor's transition team, and, you know, that he had worked with the governor when he was in Cumberland.**

**SAAG ROKLAN:**

**97. Q. Did you know the governor at --**

**A. No.**

**98. Q. -- like...? You never interacted when he was lieutenant governor ...**

**A. No. No. The only interaction I had was with Tony Silva as his chief of staff.**

**99. Q. So, who's kinda running the meeting I guess? Is it ...?**

**A. The governor -- Yeah, the governor had -- had started it, and he was, you know, he was talking about the whole learning loss and getting the kids back to school, and, you know, we really need to, you know, to put some services in place. And that's when, you know, I just came in and said, 'RFP.'**

**100. Q. What --**

**A. This is what we need to do.**

**101. Q. So, ob--, obviously he had this um ... agenda or policy or whatever about learning loss and whatnot. What --? I guess, why were you there? Were they saying like, how do we do it or like what --? What was your role I guess.**

**A. Yeah. I mean, I don't -- I'm -- I am assuming -- and -- and again, I don't know. I'm, you know ... The director was brand new in his role as Director of Administration. You know, he was also the chief purchasing officer. But he doesn't know what purchasing is all about and he, of course, relies on me even today to tell him what it's all about. And so I am assuming that it was, you know, through that that they felt the need for me to be there. But I**



Ref: 21-2-IV

don't – you know, I don't really know the genesis of any discussions that may have taken place of, you know, we should have Nancy McIntyre at this meeting. I don't know.

102. Q. What ...? So, ...

DETECTIVE SERGEANT BROCK: As best as you can, tell me ...

103. Q. -- what was said at the meeting? Word for word.

A. So, I mean --

104. Q. (indiscernible)

A. -- it was – I just spoke about the Request for Proposal process. And, you know, the – the governor said, well, you know, we need to move this along. And I said, okay, I understand that, you know, September is right around the corner. And so there's – The law allows between five and 28 days for a posting.

105. Q. For a RFP?

A. For RFP --

106. Q. For?

A. -- RFQ. That's – that's our normal timeframe.

107. Q. Five?

A. Five. Five days to 28 days.

108. Q. What's the ...

A. So, the typical for an RFP is 28 days.

109. Q. Okay.

A. But I said in this case, you know, we can truncate it a bit – I don't want to truncate

Ref: 21-2-IV

it much, because you know, with a Request for Proposal process there have to provide a technical as well as a cost. I want to provide adequate competition on, you know, if for any reason there were any questions that were associated with the procurement on the street, we would have to extend the bid opening. So, on – I gave a very detailed email to the director, which was then forwarded to Tony Afonso on the timeline of – of, you know, these were all of the – the conditions, you know, we need to – the, you know, RFP, the scope of work has to be prepared, we need to post the solicitation. We'll post it for 21 days. If there's any questions that are raised, we'll have to extend the bid opening. Once these bids are opened, we will then – you know, the evaluation team will evaluate the technical proposal only initially. They will be given a very finite period of time in order to do that. It will then move on to the cost phase. And – and then we have a tentative award process. We have the ultimate, you know, procurement vehicle is the purchase order. But there's – there's a timeline associated with that. So, that was on, you know, what I offered at the time: We could do a slightly expedited RFP.

110. Q. Was there a pushback or concern with that timeline; that they wanted it faster or anything, or?

A. No. Nope. No. I think he was – you know, he was – The governor was looking to me at that point, you know, for direction.

111. Q. Okay.

A. And – and I gave him that in my professional opinion as the purchasing agent, this is what you should be doing.

112. Q. Did emergency contracts or single source or anything like that ever come up?

Ref: 21-2-IV

**A. Single source did come up. And --**

**113. Q. All right.**

**A. -- again, I said no, you should do a procurement.**

**114. Q. Who brought up single source?**

**A. I believe it was the governor.**

**115. Q. Who -- Is it mostly the governor talking and you, or is everyone kinda sharing --**

**A. I mean --**

**116. Q. -- (indiscernible)?**

**A. -- it was a very short meeting. It was --**

**117. Q. All right.**

**A. -- not long at all. It was --**

**118. Q. Was it short like ...?**

**A. -- like 20 minutes, 15 minutes. It -- it was not long on -- You know, the -- Director**

**Thorsen did a little talking to just, you know, further emphasize, you know, what I was saying.**

**Mike McGee did speak.**

**119. Q. What --? T--, Let's talk about him for a minute. Like what was he saying?**

**A. He was just, you know -- He was further emphasizing what the ... what the governor was saying in terms of, you know, the various aspects of learning losses and all of the different, you know, getting the -- the teachers vaccinated, getting the proper PPE in place. All of that. it was just a, you know, again, a quick conversation around that.**

**120. Q. Did he bring up ILO or any companies or...?**

Ref: 21-2-IV

**A. They did. They brought up ILO. And --**

**121. Q.** And who was the first person to bring that up as best as you remember?

**A. (pause) I believe it was -- it was McGee. But I -- I don't -- I think you'd have --**

**122. Q.** And --

**A. -- to go back to the hearing to look at --**

**123. Q.** ... And --

**A. -- the (indiscernible) ...**

**124. Q.** -- I know this was a long time ago.

**A. Yeah.**

**125. Q.** And as best as you can remember. We know it's as best as you can remember. We're not --

**A. Yup.**

**126. Q.** -- bullying you, --

**A. Yup, I know.**

**127. Q.** -- (indiscernible).

DETECTIVE LT. SALISBURY:

**128. Q.** Do you -- do you know if -- if that Zoom meeting was recorded?

**A. I don't believe so. Because I would have had to accept that, right? That if it was recorded?**

**129. Q.** I'm not sure if you have to accept it, but it would have displayed.

**A. Yeah, definitely -- There was definitely nothing --**

Ref: 21-2-IV

130. Q. Okay.

A. -- displayed. But usually I know when we -- Because we do a lot of recordings for our e-procurement sessions, and it's normally where you're make--, they're making you aware --

131. Q. Mm.

A. -- that it was recorded.

**SAAG ROKLAN:**

132. Q. Tell me, as best as you can remember, what he said about ILO, or a contest.

A. Just that it was a company that does this type of services. And again, I emphasized the Request for Proposal process.

**DETECTIVE SERGEANT BROCK:**

133. Q. Did then ILO come up when discussing a single source --

A. I mean, there was --

134. Q. (indiscernible) single source?

A. It was -- it was just in the context of, you know, that there's a company that I know of that could do this type of service.

135. Q. Any other --

A. And --

136. Q. -- companies mentioned --

A. No.

137. Q. -- (indiscernible)?

Ref: 21-2-IV

**A. No.**

**138. Q.** Did anyone mention Hope Street Consulting?

**A. No.**

**139. Q.** Does that ring any bells?

**A. No.**

**140. Q.** No. Did Doctor Julia Rafael Baer, was her name specifically mentioned --

**A. No.**

**141. Q.** -- (indiscernible)?

**A. Not that I recall.**

**SAAG ROKLAN:**

**142. Q.** Was there anyone else on the Zoom meeting that didn't show up besides her?

**A. Not that I'm aware of.**

**143. Q.** Did you look at like the list of attendees or invites or?

**A. I – I didn't. I mean, I usually – You know, (indiscernible) I had a meeting with the governor. I didn't know what it was about, I don't – you know, I – I don't usually look at list of attendees. I mean, I look at them from my e-procurement standpoint to make sure all the people that I need on – on that meeting.**

**144. Q.** Mm.

**A. But when it's an outside meeting that someone's requesting me to go to, I don't – I don't look at it.**

**145. Q.** Was it – Was there anyone there to take notes in the meeting that you know? Like

Ref: 21-2-IV

Minutes or anything like that?

**A. Not that I'm aware of, no.**

**146. Q.** Do you typically meet with the governor? Is that part of your duties, or?

**A. No. But it's h--, I think every administration is very different. And I – I see this administration as one that has a tendency to bring subject matter experts in more so than, you know – As I said Governor Chaffee. Although that was right at the end of his administration. I was interviewed by him. Governor Raimondo I believe I may have had – been on two meetings with her over the six years. But again, it was with respect to Office of Diversity Equity and Opportunity. With this governor, I've been on four meetings with him already, and two of them were Office of Diversity Equity and Opportunity as well. And Amanda was actually on one of them with me that we were discussing the disparity study findings. And another meeting that I had with him was on change orders and his concern for the change orders that were going – were taking place at Department of Health during Covid. So um, that was – you know, that was another meeting. So that's where, you know, it's – it's a very – it's a different administration than what I've experienced as purchasing agent. But I don't necessarily honestly think it's a bad thing when they're bringing in people that are telling them what you should be doing. I actually welcome it.**

**DETECTIVE SERGEANT BROCK:**

**147. Q.** In that – In that meeting, is that essentially what you had to do, you had to tell everyone

--

**A. Yup.**

**148. Q.** -- in there: Hey, I – I don't know what your plans are, but this is what you need to do.

Ref: 21-2-IV

**A. Yeah. Yup.**

**149. Q. Did you feel like they came into the meeting with a plan?**

**A. No, I didn't. No, I really didn't. I um, I just felt like they were – they were really**

**listening. And – and obviously, you know, going through the procurement, they did listen. So, I – I respected that and appreciated it.**

**SAAG ROKLAN:**

**150. Q. Was an emergency contract ever mentioned?**

**A. I don't recall it was. I d--, I don't think it was. I – You know, as I said, I just, I**

**remember one of the things I said was, 'You want to wrap a procurement around this.' This is – This is – We want to – 'We want to do a Request for Proposal.'**

**151. Q. Is that just because that's what you – the – it's the right way to do it basically?**

**A. Well, it's --**

**152. Q. (indiscernible)**

**A. -- it's what I recommend. You --**

**153. Q. Yeah.**

**A. -- know. It's – it's what we're all about here. And --**

**154. Q. Right.**

**A. -- we're – we're about transparency and, you know, open government and trying to get the best price for taxpayers and the best value because that's what an RFP does: it's not always the best price, it's the best value.**

**155. Q. So, the meeting ends. What's the next thing that happens, if you know.**



**A. So, the next thing that happens is the director is – is working on the scope of work with the governor’s office. You know, he talks to me about it, and, you know, that’s when I had to provide the email to him on the – on the prescriptive timeline on – and we worked on assembling the evaluation team.**

**156. Q. So how about immediately after, do you have anymore interactions? Or, you know, a lot of times like I’ll be on a Zoom call with a bigger group and like, I’ll go immediately like and talk like --**

**A. Yup.**

**157. Q. -- to my colleague or.**

**A. No. No. So the only thing I will say and is that Mike McGee sent both the director and I an email after that meeting, --**

**158. Q. Okay.**

**A. -- and copied Tony Silva on it.**

**159. Q. What was that email?**

**A. And it was thanking us for this meeting and basically, you know, highlighting the discussion points of the learning losses, municipal learning districts. Things like that.**

**160. Q. Do you still have that email?**

**A. I do.**

**161. Q. Can you –? Can you --? (indiscernible) get a copy of that?**

**A. Yes. It’s been given to the press.**

**162. Q. Okay.**

**A. Just as of last week.**

Ref: 21-2-IV

163. Q. An APRA...?

A. This was based on ... Yeah, it was --

164. Q. Okay.

A. -- based on the -- the Apra request that they had made that included all the emails from DOA.

165. Q. Who compiled that APRA?

A. Like ... the um ... It was like a --

166. Q. (indiscernible)

A. -- DOA like ... Yes. Yes.

**DETECTIVE SERGEANT BROCK:**

167. Q. (indiscernible) I know that

A. Yes.

168. Q. the -- that email back in (indiscernible)?

A. Yes.

169. Q. So that should be in our book (phonetic) ...?

A. I'm sure.

**(laughing)**

170. Q. Who -- Who at Legal? Was that uh ...?

A. Well, Fred Stolle heads the Division. And I believe that ...

171. Q. Stolle heads it?

A. Al, um ...

Ref: 21-2-IV

172. Q. (indiscernible)

UNIDENTIFIED SPEAKER: Vitale?

A. **Al Vitale, thank you, was the lawyer assigned to getting all the emails.**

**SAAG ROKLAN:**

173. Q. A younger guy?

A. **Yeah.**

174. Q. Okay.

A. **Yeah. Yeah. Yeah. Did he ...?**

175. Q. He's from my office.

A. **Yeah, I was gonna say, I thought he -- he came from the AG's office. Yeah.**

176. Q. Um ...

A. **And just for further edification on that, both the director nor I responded to that email that --**

177. Q. (indiscernible)

A. **-- Mike McGee sent.**

178. Q. Any other interactions with Mike McGee --

A. **No.**

179. Q. -- through phone? Test?

A. **Absolutely not.**

180. Q. Social media?

Ref: 21-2-IV

**A. Absolutely not.**

**181. Q.** Okay.

DETECTIVE LT. SALISBURY:

**182. Q.** Can I ask why you wouldn't respond to him?

**A. Because I didn't think it was appropriate.**

**183. Q.** Why not?

**A. Because it was just – I had – As far as I was concerned, I was in procurement world. I had no reason to respond to him.**

SAAG ROKLAN:

**184. Q.** Did he mention ILO in any email, or?

**A. I don't believe so.**

**185. Q.** All right. Did – And I'm asking your opinion. Did it seem like he was pushing ILO, McGee?

**A. I mean, I th--, You know, as I said, he mentioned ILO in that meeting. But that was, you know. I'm --**

**186. Q.** Yeah.

**A. -- purchasing agent here.**

**187. Q.** Right.

**A. I came ba--, I, I came myself with an auditing background. I was at – I'm dating myself, although you know my age based on asking my – my date of birth. But I started with Industrial National Bank back in the day as an auditor. And then they became Fleet National**

Ref: 21-2-IV

Bank, and so I was an auditor there. So, I – I have that background --

188. Q. (indiscernible) your old office roommate.

A. -- as well. Yes. Yeah. So, it's, you know, - I'm all about ethics and you know,

everything else. So yeah, that was --

189. Q. Okay.

A. And that was the end of my – my dealings.

190. Q. Not that it needs to be said. But we think you are the most like ethical.

A. Well, thank you.

191. Q. It's probably why we're starting with you.

A. Thank you.

**DETECTIVE LT. SALISBURY:**

192. Q. It's definitely why we're starting with you.

(laughing)

A. Thank you.

**SAAG ROKLAN:**

193. Q. What --? Sorry. Just the package that went out, any other emails that we should be aware of that you can think of?

A. No, not that I'm, you know. I was just – I was getting a lot of correspondence, you know, during the – the evaluation once they had – had determined, you know, the – the technical. Because they have to send in the technical evaluation first in order to release the cost proposal. So, you know, I'm certainly made aware of – of that. And the – the final

Ref: 21-2-IV

evaluation, and then the issues at that point that, you know, came to be in terms of not being able to make an apples-to-apples comparison. So the – the chair of the Evaluation Committee, you know, had conversations with myself and the director on that topic. So. But it was all – it was all procurement related.

**DETECTIVE SERGEANT BROCK:**

**194. Q.** Did McGee seem more like an advisor or more like a salesman in your dealings?

**A.** I think more of an advisor, honestly. Because he was, as I said, you know, he – he talked about working with the governor back when he was in Cumberland as mayor, and – and, you know, introducing himself as part of the transition team for the governor. You know, it was in that role.

**DETECTIVE LT. SALISBURY:**

**195. Q.** And you didn't – you didn't know him prior to that Zoom meeting or his background.

**A.** Nothing.

**196. Q.** Okay. Do you know of any ...? I'll frame it like this. In – When all the introductions were being made in the Zoom meeting, did the governor or anybody else bring up, you know, that – that this needed to be done so quickly and they were going to do it under like a Covid emergency or an executive order, so they wanted you to, like you said, truncate it. Because normally it takes 28 days. So they referred him to --?

**A.** Yeah.

**197. Q.** Anything that would --

**A.** No, --

**198. Q.** -- give him that latitude?

Ref: 21-2-IV

**A. No. I mean, I – I think it was – it was more of, you know, I want to balance procurement with wanting to get this done as quickly as possible. Because, you know, the issue also became, you know, it's – it's now March, September is right around the corner, and there's gonna be other states and school departments that are also vying for these same types of consultant-related services from probably a fairly small group of companies. And as a result, you know, sadly, procurement is always looked at, you know, the – the black hole. You know. We're the ones that we follow the procedures, the rules and regulations, everything takes time, and we don't have time, and so, you know, why do we have to go through ...? Because I hear it from the agencies all the time: Why --? It's – it's what we do here. And --**

**199. Q. Right.**

**A. And there's reason for it. And I think, you know, a lot of times after the fact they actually thank us for it because we do keep them, you know, under -- under wrap. So.**

**DETECTIVE SERGEANT BROCK:**

**200. Q. Who's telling you that these companies are going to get gobbled up and – and we're gonna lose out? Who's – who's telling you...?**

**A. No, I mean I'm just saying that in terms of, you know, that was an – an area of, you know, concern I think just from, you know, the governor wanting to expedite things, not necessarily where he was pointing out that there's, you know, a few companies that --**

**201. Q. So --**

**A. -- can do this.**

**202. Q. So that's your rationalization for why they're – they want to get it r--, quickly --**

**A. Yeah. They wanted to --**

Ref: 21-2-IV

203. Q. -- to ...

A. -- get the boots on the ground

204. Q. So you're -- you're -- It's only because you're thinking that, not because someone told you --

A. Correct.

205. Q. -- there's only 10 of these companies --

A. No.

206. Q. -- and --

A. No. Yeah, no. No. It's just, you know, ... And that's, you know, I think the -- we did get five proposals, which was great. But, you know, there was certainly a -- a finite group that deals with these types of things. And I've been on calls, you know, just so you know that you know we're part of a NASPO organization, the National Association of State Procurement Officials. And they were having monthly calls during Covid. And so we were h--, I was hearing, because Amanda wasn't here at that time, I was hearing a lot of, you know, what the states were experiencing in terms of you know, PPE consulting services. All of that that, you know, there was that everyone was trying to grab at the same -- same companies over and over again.

SAAG ROKLAN:

207. Q. Are you familiar with the LEAP Task Force?

A. I was not.

208. Q. Now you are?

A. And now I am. I had no idea what they were talking about at the um, the --



Ref: 21-2-IV

209. Q. Hearing.

A. -- the hearing. No idea.

210. Q. How ...? In – in general, it seems, not --not necessarily specifically here though, the state's vague, and we have a lot of different agencies and a lot of different things. Like when – Is there ever a time that you say like: Why are we putting this out for consulting or whatnot, like, we have in-house, in-state people who (indiscernible/loud beep) do that?

A. I mean ...

211. Q. I mean, I don't know if that's necessarily your --

A. Yeah.

212. Q. -- position. But --

A. Yeah. And I – I – You know, just from my experience over the last year-and-a-half, alls (phonetic) I can say to that is that Covid just presented an unprecedented time, you know, in the world, and it just – it didn't seem like there were enough state employees to do all of the work that needed to get done. And so there was a heavy reliance on consulting services during this time. And – and that's not unique to Rhode Island.

213. Q. Okay. What's your understanding of the LEAP Task Force now I guess?

A. Well, now after you know, researching it, you know, they were looking at a lot of these same types of issues, which again, you know, it would have been nice to include ...

(recording ends)

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WITNESS STATEMENT OF MCINTYRE, NANCY

Ref: 21-2-IV

**STATEMENT TAKEN BY:**

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**WITNESSED BY:**

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**State of Rhode Island**  
**Complaint to Search and Seize Property / or Person**

TO Melissa Dusek Justice of the Supreme, Superior Court, or Judge of the District Court of the State of Rhode Island.

- a) Detective Sergeant Michael Brock, Member of the Division of State Police.
- b) \_\_\_\_\_ a person authorized by law to bring complaints for violation of the law which it is my responsibility to enforce/a person who has a right to possession of the property stolen, embezzled, or obtained by false pretense or pretenses:

ON OATH COMPLAINS THAT:

- (1) ~~Certain property has been stolen or embezzled, or obtained by false pretenses, or pretenses, with intent to cheat or defraud within this state or elsewhere.~~
- (2) ~~Certain property has been kept, suffered to be kept, concealed, deposited, or possessed in violation of law, or for the purpose of violating the law;~~
- (3) ~~Certain property is designed or intended for use, or is or has been used in violation of law, or as a means of committing a violation of law;~~
- (4) Certain property contains evidence of a crime;

and requests that a warrant to search for and seize said property/person be issued and if the same be subject to forfeiture, that the property be forfeited.

The person/property or articles to be searched for and/or seized is described as follows: All records associated with the Microsoft Corporation, USA email account of [REDACTED] from August 1, 2020, to the present day, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.

The name of the owner or keeper, thereof (if known) is: Custodian of Records, Microsoft Corporation, USA, 1065 La Avenida, Building 4, Mountain View, CA 94043.

The place or person to be searched is described as follows: Custodian of Records, Microsoft Corporation, USA, 1065 La Avenida, Building 4, Mountain View, CA 94043.

Subscribed and sworn to before me:

  
\_\_\_\_\_  
Judge/Justice

12/3/21  
\_\_\_\_\_  
Date

58 J M 54  
\_\_\_\_\_  
Complainant

## Search Warrant

State Ex rel	Member of the Rhode Island State Police: <b>Detective Sergeant Michael Brock</b>	County: <b>Providence</b>
vs. Respondent: <b>Custodian of Records, Microsoft Corporation, USA, 1065 La Avenida, Building 4, Mountain View, CA 94043.</b>		TO: An Officer authorized by law to execute the within warrant _____

Complaint and affidavit having been made to me under oath by Detective Sergeant Michael Brock and as I am satisfied that there is probable cause for the belief therein set forth that grounds for issuing a search warrant exist, you are hereby commanded diligently to search the place or person herein described for the property specified and to bring such property or articles, and to summon the owner, or keeper thereof, if any be named in the complaint, if to be found by you, to appear before the District Court in the district where such property shall have been seized, namely the Sixth Division of the District Court of Rhode Island. **Microsoft Corporation, USA shall not disclose/notify the user of the issuance of this search warrant. Disclosure to the user could impede this investigation or obstruct justice.**

**Microsoft Corporation USA shall disclose responsive data, if any, by sending to Rhode Island State Police, Attention: Detective Sergeant Michael Brock, 311 Danielson Pike, Scituate, Rhode Island 02857, using the US Postal Service, LERS portal, or another courier service, notwithstanding 18 U.S.C. 2252A or similar statute or code.**

Property or articles to be searched for and/or seized is described as follows: **All records associated with the Microsoft Corporation, USA email account of [REDACTED] from August 1, 2020, to the present day, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.**

Place or person to be searched: **Custodian of Records, Microsoft Corporation, USA, 1065 La Avenida, Building 4, Mountain View, CA 94043.**

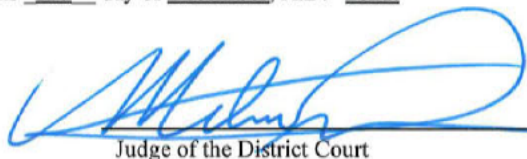
Name of owner, or keeper, thereof if known to complainant: **Custodian of Records, Microsoft Corporation, USA, 1065 La Avenida, Building 4, Mountain View, CA 94043.**

Said warrant shall be served in the daytime within seven (7) days from the issuance hereof, AND IF NOT SERVED WITHIN SAID TIME TO BE RETURNED FORTHWITH TO A JUDGE SITTING IN THE ABOVE NAMED COURT.

Property seized by you hereunder shall be safely kept by you under the direction of the Court so long as may be necessary for the purpose of being used as evidence in any case. As soon as may be thereafter, if the same be subject to forfeiture, such further proceedings shall be had thereon for forfeiture as is prescribed by law.

Hereof fail not and MAKE TRUE RETURN PROMPTLY OF THIS WARRANT TO A JUDGE THERE SITTING with your doings thereon, accompanied by a written inventory of any property taken to a judge sitting in the above named court.

Issued at 6<sup>th</sup> District Court in the county of Providence this 3rd day of December, A.D. 2021.

  
\_\_\_\_\_  
Judge of the District Court

ACKNOWLEDGMENT OF RETURN

Warrant received on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, from **Detective Sergeant Michael Brock** at  
\_\_\_\_\_.

**Electronic Records of email pending.**

\_\_\_\_\_  
Clerk of the Court

# AFFIDAVIT

I, Detective Sergeant Michael Brock, on oath, depose and say that I am a sworn member of the Rhode Island State Police and have been continuously employed in that capacity for the previous twenty-one years. I am currently assigned to the Financial Crimes Unit (“FCU”) of the Detective Bureau and am charged with the investigation of crimes committed in violation of the Rhode Island General Laws.

On September 15, 2021, I was assigned to investigate potential crimes involving the award of a State of Rhode Island Division of Purchasing (State) contract to ILO Group, LLC (“ILO”). This contract was converted into a Master Price Agreement (“MPA”) award, in the amount of \$5.2 million to be paid to ILO over a two-year period.

This affidavit pertains to an investigation into whether certain individuals committed the crimes of accessing a computer for a fraudulent purpose or restraining of trade or commerce. The potential fraud relates to conduct which may have interfered with the competitive process under which the State purportedly awarded ILO the contract. Your affiant believes that multiple individuals have had communications about the suspected fraud or restraint on trade as it transpired. Specifically, your affiant believes that the following email addresses were used for these communications: [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

The awarding of this contract to ILO has come under public scrutiny in the media. Oversight committees of both houses of the Rhode Island General Assembly conducted investigations into the process. The investigations included document requests and hearing testimony. In a letter to the General Assembly dated September 14, 2021, Governor Daniel McKee (“Governor McKee”) responded to requests made to the Governor’s Office. On October 5 and 6, 2021, hearings were held, respectively in the Senate and the House of Representatives. Many documents relating to an education services contract were posted on the General Assembly’s website. Through documents and testimony received in the Senate

and House investigations and open-source searches, your affiant has learned of the events preceding the award of the State contract to ILO.

On March 2, 2021, Governor McKee was sworn into office as Governor of the State of Rhode Island. Before this date, Governor McKee served as the Lieutenant Governor of the State of Rhode Island. Your affiant is aware that Dr. Michael C. Magee Jr. ("Magee"), DOB [REDACTED]/71, is Chief Executive Officer of Chiefs for Change, a nonprofit educational consulting group based out of Washington, DC. In Governor McKee's letter dated September 14, 2021, Governor McKee acknowledged that he and Magee have a relationship dating back to Governor McKee's time as mayor of Cumberland. Governor McKee stated that "Magee worked with me on education." Magee helped Governor McKee start a mayoral academy in Cumberland over 10 years ago. Governor McKee chose Magee to be on his transition team, as an advisor.<sup>1</sup>

Dr. Julia Rafal-Baer ("Rafal-Baer") was an employee of Magee's at Chiefs for Change where she held the position of Chief Operating Officer. She held this position until June 28, 2021, according to news reports. According to filings with the RI Secretary of State, Rafal-Baer created Hope Street Consulting, LLC in January of 2017. The corporation, which is currently active according to the RI Secretary of State, is listed as being created to consult in the field of education. On March 4, 2021, ILO was incorporated in the State of Rhode Island. According to ILO's website, Rafal-Baer is the managing partner.

On March 5, 2021, Governor McKee, Governor's Chief of Staff Anthony Silva ("Silva"), Director of Administration James Thorsen ("Thorsen"), State Purchasing Officer Nancy McIntyre ("McIntyre"), and Magee had a "Zoom" meeting to discuss educational issues in the State of Rhode Island. Included in the invite list, but not present during the Zoom meeting, was Rafal-Baer. In his Senate testimony, Thorsen stated Magee introduced the idea of hiring ILO as a consulting firm to assist Governor McKee with pushing forward his initiative to have schools open full time in the Fall of 2021 and to address any learning issues that may have been exacerbated by "at home learning" during the Covid-19 crisis.

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<sup>1</sup> Your affiant has not yet determined whether this was a paid position for Magee.

In an interview on October 29, 2021, McIntyre described to your affiant the competitive bid process that was used for the Governor's education initiative. She explained on March 23, 2021, a Request for Proposal ("RFP") was generated and publicly posted by the Division of Purchases for interested parties to bid upon. In his House testimony, Thorsen stated that he and "the Governor's Office" wrote the RFP. Additionally, Thorsen testified that Antonio Afonso, former Deputy Chief of Staff, currently Chief of Staff for Governor McKee, prepared the RFP on behalf of "the Governor's Office." Thorsen provided similar testimony before the Senate regarding the crafting of the RFP. In his September 14, 2021, letter Governor McKee indicated that his "Administration issued a Request for Proposals (RFP)" and that the Division of Purchases "conducted a competitive proposal process."

Silva served as Governor McKee's Chief of Staff during the transition from gubernatorial administrations. He continued to serve in the McKee administration until his resignation on August 30, 2021. Silva is currently under investigation by the FCU for possible misdemeanor ethics violations involving the purchase and development of raw land in Cumberland, Rhode Island. Your affiant, a member of the FCU, is aware that RISP sought documentary evidence to support the investigation into allegations of code of ethics violations of § 36-14-5 of the General Laws of Rhode Island. A court authorized search warrant was issued for the personal email address of Silva [REDACTED]. Google provided the materials related to this email address from January 1, 2018, to September 8, 2021.

While reviewing Silva's personal emails for evidence of ethics violations, members of the FCU found emails exchanged with the account prior to March 5, 2021, on the subject of the Governor's education initiative. On November 18, 2021, your affiant sought a search warrant for additional authorization to search Silva's personal emails for emails related to the crimes of access to a computer for fraudulent purposes, Rhode Island General Law §11-52-2, as well as restraint of trade or commerce in violation of Rhode Island General Law § 6-36-4. With this authorization, your affiant specifically looked for emails related to ILO and the education initiative.

Your affiant located and reviewed the following email from Silva's personal Gmail email address:



**Subject:** Suggestion on staffing policy

**From:** Michael Magee <[REDACTED]>

**Date:** 2/15/2021, 11:38 AM

**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Hi Dan and Tony,

Given the Tom McCarthy drama between RIDE and DOH, Julia Rafal-Baer and I thought you might want to get word out to all your agencies that they should not be poaching each other's senior staff right now, particularly as you work to identify your own senior team.

We put together this draft memo for you both to consider, which if you think it makes sense would go out from Tony to the agency chiefs.

Let me know if it would be helpful to discuss.

Best,

Mike

Attachments:

---

DRAFT - Internal Hiring Protocol Memo - for review.docx

15.1 KB

This email establishes Magee and Rafal-Baer were advising Governor McKee together as early as February 15, 2021. These communications occurred through personal email accounts and not government email addresses. Magee's email address is identified as [REDACTED] and Governor McKee's personal email address is identified as [REDACTED].

The following email chain establishes when Silva was introduced to Rafal-Baer and was provided her personal email address of [REDACTED]:

**Subject:** Re: [Intro] Tony Silva & Julia Rafal-Baer  
**From:** Julia Rafal-Baer <[REDACTED]>  
**Date:** 2/24/2021, 10:48 AM  
**To:** Michael Magee <[REDACTED]>  
**CC:** Anthony Silva <[REDACTED]>

Thank you, Mike!

Tony - it is a pleasure to meet you. Please let me know a good time to connect. I am available 12:30-1:30pm or this evening at 8pm or happy to look for other options.

My best,  
Julia

On Tue, Feb 23, 2021 at 8:54 PM Michael Magee <[REDACTED]> wrote:

Hi Tony,

Per our conversation, I'm introducing you to Julia Rafal-Baer. Julia's consulting firm, Hope Street, provides a wide variety of services to support government on research, planning and implementation of complex projects.

In particular, she would bring deep expertise and relationships to stand up COVID-testing in schools, research and develop the best approach to teacher eligibility for vaccination and support the current advisory group, and to support all aspects of the Governor's school reopening and learning acceleration plans. She can also support personnel recruitment if need be. Julia would play a lead role on all consulting projects you chose to engage Hope Street for. I cannot recommend her highly enough.

Julia, Tony is the Governor's Chiefs of Staff and when the Governor is sworn in will oversee all aspects of RI's pandemic response.

Hope the two of you are able to connect soon. I'm happy to join if that's helpful.

Best,

Mike

The following email chain with Governor McKee indicates that Magee and Rafal-Baer (of Hope Street Consulting at the time) were involved in the drafting of the cost proposal for the initiative. It is your affiant's belief that this proposal ultimately became the RFP. This conflicts with the testimony of Thorsen and, to an extent, the statement regarding the RFP made by Governor McKee in his letter.

**Subject:** Consulting contract for reopening schools

**From:** Michael Magee <[REDACTED]>

**Date:** 2/28/2021, 6:38 PM

**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Hi Dan, Tony and Chris,

Including you all since I have spoken with each of you about the need for major consulting support on all aspects of reopening schools and accelerating learning for RI students over the next two years.

Julia Rafal-Baer and I worked on this scope over the weekend. As you'll see it's comprehensive. Julia would play the lead role in this personally and Hope Street Consulting would staff the work.

The most urgent priorities are:

- 1) research and planning for teacher vaccination
- 2) COVID testing plans and support for all RI school districts
- 3) Analysis of all federal stimulus support for education and how best to spend it.

But everything else outlined here will soon be upon us as well.

If this looks right and feasible I can have Julia price it and we can discuss how a contract might be swiftly executed so Julia and her team can get to work.

I want to point out now that as with a BCG or McKinsey contract, or the Alvarez contract that's been in the news, none of this is cheap. It would be a contract in the many millions of dollars to support a large staff of consultants. What I can promise is that it would give you the very best team in the country to do this work. My only goal is to put Dan in a position to say he led the nation in fully reopening schools and accelerating learning.

Looking forward to discussing.

Best,

Mike

Governor McKee responded to the above email:

**Subject:** Re: Consulting contract for reopening schools

**From:** Dan McKee <[REDACTED]>

**Date:** 3/1/2021, 9:32 AM

**To:** Michael Magee <[REDACTED]>

**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Thanks Mike  
How many millions?

Sent from my iPhone

Magee responded:

**Subject:** Re: Consulting contract for reopening schools

**From:** Michael Magee <[REDACTED]>

**Date:** 3/1/2021, 4:18 PM

**To:** Dan McKee <[REDACTED]>

**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Should have a good estimate for you later today. Wanted to confirm that the scope was right and am working with Julia to properly cost out.

Later that evening Magee responded:

**Subject:** Re: Consulting contract for reopening schools

**From:** Michael Magee <[REDACTED]>

**Date:** 3/1/2021, 10:13 PM

**To:** Dan McKee <[REDACTED]>

**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Dan, Tony and Chris,

I worked with Julia and her team to get some clarity on a two-year consulting budget, much of which would be executed in the first 12 months, though important work on the Governor's education agenda would extend into year two. Julia would lead this project herself full-time with a team dedicated to the management of the overall project and three additional project teams. The total cost of the proposal is approximately \$12M: \$9M in year 1 and \$3M in year 2. I've attached an itemization by project and year.

For context, I was able to get some information on the Alvarez and Marsal contract and I have copied that below. The contract Julia and Hope Street Consulting are proposing provides significantly greater return on investment, it seems to me.

In terms of strategy for executing a contract, my understanding is there are two options:

1. An emergency contract.
2. A very fast RFP with a very fast turnaround -- e.g. 10 days. This could be quite specific - i.e. winning vendor must be able to do turnaround of 12 hours and must live in R.I. and must have experience with operationalizing education and health for at least 15 school districts and more than 6 states. (That's apparently how Alvarez contract started as well as a contract with Salesforce.) Hope Street group would qualify under parameters like that.

My only goal here is to ensure Dan leads the nation in school reopening and learning acceleration over the next two year and I think this contract would go a long way towards ensuring that.

Can we find 30-60 mins tomorrow to discuss?

Best,

Mike

The following day a Zoom conference occurred with all participants using non-government emails:

**Subject:** Please join Zoom meeting in progress

**From:** Mike Magee <[REDACTED]>

**Date:** 3/2/2021, 7:31 PM

**To:** Dan McKee <[REDACTED]>, Julia Rafal-Baer <[REDACTED]>, Anthony Silva <[REDACTED]>

Join Zoom Meeting

<https://chiefsforchange.zoom.us/j/530476963?pwd=MVhkUkIOZW9BZHNIcDZQZlZlZW1CQQT09>

Meeting ID: 530 476 963

Passcode: 457756

One tap mobile

+19292056099,,530476963# US (New York)

+13017158592,,530476963# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 530 476 963

Find your local number: <https://chiefsforchange.zoom.us/u/aNFuZDdlh>

There was a second Zoom meeting on March 3, 2021, with several individuals including Governor McKee, Magee, Rafal-Baer, and McCarthy who was ultimately a member of the review team for the RFP:

**Subject:** 3pm meeting with Governor

**From:** Michael Magee <[REDACTED]>

**Date:** 3/3/2021, 1:49 PM

**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>, Julia Rafal-Baer <[REDACTED]>, "Dube, Tabatha (LTGOV)" <[REDACTED]>

Hi everyone, please see details below for our 3pm meeting with the Governor.

Tabatha, hoping you can forward to Brenna McCabe and Lisa Baldelli Hunt.

Mike

Mike Magee is inviting you to a scheduled Zoom meeting.

Topic: Mike Magee's Zoom Meeting

Time: Mar 3, 2021 03:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://chiefsforchange.zoom.us/j/4014869025?pwd=Y0U2Ky9lZlNXQ1QrVkJQ4cDZGbz0xZz09>

Meeting ID: 401 486 9025

Passcode: 7643

One tap mobile

+13017158592,,4014869025# US (Washington DC)

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Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 401 486 9025

Later that evening after the Zoom meeting Magee sent the following email:

**Subject:** RFI for School Reopening

**From:** Michael Magee <[REDACTED]>

**Date:** 3/3/2021, 8:16 PM

**To:** Dan McKee <[REDACTED]>

**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Hi all,

I edited the RFI I received from DOA to reflect all the needs we discussed and a quick turnaround time (3/12).

Ideally this would go to DOA tomorrow in the interest of quick turnaround and beginning the urgent work.

I'm just guessing at this and am sure DOA can be helpful in getting it exactly right. Happy to talk to anyone there if that would help speed things along. Let me know if there's anything else you need me to do.

Best,

Mike

---

— Attachments: —

rfi-RIschools.3.3.21.docx

134 KB



Attached to the email was a six-page word document. Page four of the document had language that was similar to the language and concepts in the RFP that was ultimately issued:

## SECTION 2. REQUEST FOR INFORMATION

This RFI outlines the type of information being solicited and response structure requested from potential respondents.

### A. Background

The State is considering issuance of a Request for Proposals ("RFP") from qualified vendors to provide comprehensive school reopening support along with technical assistance in accelerating learning for Rhode Island students to Rhode Island local education agencies (LEAs). Some of the goals of the upcoming RFP will be to:

- Support the Office of the Governor, Department of Health, Department of Education, LEAs and other relevant agencies in developing a coherent approach to vaccinating teachers and other essential schools staff and overcoming any vaccine hesitancy among teachers and school staff through effective communications.
- Support Rhode Island LEAs to design and implement approaches to COVID testing for all teachers, staff and students, in coordination with relevant offices and agencies.
- Provide project management support of all aspects of school reopening including strategic advising to Rhode Island Department of Education, analysis of all COVID relief funding, program design and evaluation, policy development, stakeholder communications and engagement and implementation support.
- Support design and implementation of Rhode Island plan to address student learning loss, including: strategic planning, the use of municipal education offices, equity audits, accountability services, learning loss program design and evaluation and implementation support. ]

### B. RFI Response

The following outline is intended to standardize and structure responses for ease of analysis. *Do NOT include a cost proposal with the RFI response as cost shall not be considered with this RFI.*

- Response to the requirements outlined in Section 2.A.

## SECTION 3. QUESTIONS

Questions concerning this solicitation must be e-mailed to the Division of Purchases at [....@purchasing.ri.go](mailto:....@purchasing.ri.go) no later than the date and time indicated on page one of this solicitation. No other contact with State parties is permitted. Please reference RFI# [xxxx] on all correspondence. Questions should be submitted in writing in a Microsoft Word attachment in a narrative format with no tables. Answers to questions received, if any, shall be posted on the Division of Purchases' website as an addendum to this solicitation. It is the responsibility of all interested parties to monitor the Division of Purchases website for any procurement related

Here is the pertinent part of the final RFP:

## SECTION B: SCOPE OF WORK AND REQUIREMENTS

### *RI Schools*

This RFP is for consulting services related to the reopening of RI schools for full in person learning. Components of the project for which proposals are being sought include:

- i. COVID testing planning, organization and communication as a part of statewide full in-person public school reopening including, but not limited to, underserved students;
- ii. advice to State of Rhode Island government from the Governor through and including the Rhode Island Department of Education and the Rhode Island Department of Health with respect to school reopening activities organization and communication;
- iii. advice, consultation and project management support with respect to expenditure and prioritization of American Rescue Plan and other relevant federal funds to address learning loss, catch up and accelerated learning;
- iv. planning, program development and implementation of municipal learning programs of Cities and Towns in the State including municipal programs not directly administered by LEAs and/or traditional school committees to address lost learning and catch up and long-term learning programs;
- v. program design, analysis and evaluation backed with empirical data for municipal programs, summer catch up programs and state school reopening;
- vi. equity review and initiatives;
- vii. development of metrics and accountability of outcomes relevant to program implementation and organization;
- viii. higher education needs assessment relative to in person reopening of state colleges and universities, and
- ix. act as lead project manager for setting up pool testing for public schools, K through 12, Rhode Island Office of Higher Education, public colleges and universities as well as coordination of communication regarding same.

Silva responded to Magee's email:

**Subject:** Re: RFI for School Reopening

**From:** Anthony Silva <[REDACTED]>

**Date:** 3/4/2021, 6:53 AM

**To:** Michael Magee <[REDACTED]>

**CC:** Dan McKee <[REDACTED]> Christopher Farrell <[REDACTED]>

Ok. I will talking to Jeremy Licht at DOA on specifics of emergency contract. Today

Sent from my iPhone

Late that evening Magee sent the following email to Governor McKee and Silva:

**Subject:** Fwd: Consulting contract for reopening schools

**From:** Michael Magee <[REDACTED]>

**Date:** 3/4/2021, 5:39 PM

**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Hi Dan and Tony,

Putting the message below back at the top of your inbox. It includes information on the Alvarez and Marsal contract as well as a full scope of work that Julia put together. As you'll see it is very comprehensive and covers two years of all work related to school reopening and addressing learning loss, including everything from analysis of all federal dollars and how best to spend them, to the standing up of new OCYLs in municipalities. It's the whole package, involving 4 full senior project teams.

I've also included the draft RFI I filled out -- though after talking to Tony I'm not sure that's the right form for a quick turnaround.

Dan, Tony and I are going to meet with Jim Thorsen and Nancy McIntyre in the morning to figure out the best path forward.

Mike

The publicly known Zoom meeting occurred the next morning on March 5, 2021, with McKee, Magee, Silva, Thorsen, and McIntyre. Rafal-Baer was invited to this meeting but did not attend. Following that meeting Magee sent an email to Thorsen and McIntyre. He ultimately forwarded that email to Governor McKee and Silva on March 8, 2021:

**Subject:** Fwd: RFP  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/8/2021, 9:56 AM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Dan and Tony,

This is what I sent to Jim and Nancy last week.

Mike

----- Forwarded message -----

**From:** Michael Magee <[REDACTED]>  
**Date:** Fri, Mar 5, 2021 at 12:56 PM  
**Subject:** RFP  
**To:** Thorsen, James (DOR) <[REDACTED]>, McIntyre, Nancy (DOA)  
<[REDACTED]>  
**Cc:** <[REDACTED]>

Hi Jim and Nancy,

Great to meet you and thanks so much for your help!

Here is a brief scope of work for what I described in our meeting. Happy to provide any additional details you need:

We're look for qualified vendor to provide comprehensive school reopening support along with technical assistance in accelerating learning for Rhode Island students to RIDE and local education agencies (LEAs). I personally think "qualified" should be defined as a firm whose partners have worked on the health and education areas listed below in at least 15 large school districts and at least 6 states.

The specific goals are:

- Support the Office of the Governor, Department of Health, Department of Education, LEAs and other relevant agencies in developing a coherent approach to vaccinating teachers and other essential schools staff and overcoming any vaccine hesitancy among teachers and school staff through effective communications.
- Support Rhode Island LEAs to design and implement approaches to COVID testing for all teachers, staff and students, in coordination with relevant offices and agencies.
- Provide project management support of all aspects of school reopening including strategic advising to Rhode Island Department of Education, analysis of all COVID relief funding, program design and evaluation, policy development, stakeholder communications and engagement and implementation support.
- Support design and implementation of Rhode Island plan to address student learning loss,

including: strategic planning, the use of municipal education offices, equity audits, accountability services, learning loss program design and evaluation and implementation support.

We want one vendor with the capacity to oversee, manage and deliver on all this work.

My own analysis is that we're looking at about \$12-15M worth of work over two years across the buckets above. Happy to provide some detail about how that breaks down across workstreams if that's helpful. I expect a firm will have 4 project teams dedicated to executing on these deliverables.

7 day turnaround would be ideal.

I'm available anytime to answer questions.

Best,

Mike

 (my cell)

These communications through personal email accounts with Governor McKee's team occurred prior to the contract being put out for competitive bid. The communications indicate that fraud was likely perpetrated on the competitive bid process. There is no indication that those involved in the competitive bid process were aware of Rafal-Baer's involvement in crafting the RFP prior to its issuance. To your affiant's knowledge, no one was made aware that, prior to it being put out to bid, Magee proposed to the Governor that Rafal-Baer should lead the project. This would have been important information since Rafal-Baer's entity ILO was ultimately awarded a \$5.2 million contract for the project. It is reasonable for your affiant to believe that the disclosure of this information would have likely resulted in the disqualification of Rafal-Baer's entity ILO from bidding on the contract.

In terms of potential fraud committed upon the bidding process, there is reason to believe that the RFP was drafted in such a way that Rafal-Baer's entity ILO would most closely meet the RFP criteria. It is difficult to see how other vendors could fairly compete with Rafal-Baer's entity under these circumstances with Rafal-Baer's inside knowledge.

Your affiant believes that fraud or manipulation of any competitive bidding occurred at the outset and during the State's procurement process. The manner in which the procurement

process played out supports my belief that fraud or manipulation occurred.

McIntyre indicated in her interview that ILO and four other consultants submitted bids for this RFP. WestEd, one of the companies submitting a bid, is an education consulting company based out of San Francisco, California, and has been providing consulting services to the State of Rhode Island for several years.

According to WestEd's website, WestEd started in 1966 and is a nonpartisan, nonprofit research, development, and service agency that works with education and other communities throughout the United States and abroad to promote excellence, achieve equity, and improve learning for children, youth, and adults.

McIntyre explained in her interview, as with all RFPs, a review committee was established to evaluate the bids. The Governor's office was involved in choosing the members of the review committee. Daniel Majcher ("Majcher"), Department of Administration, Charles Lombardi, Mayor of North Providence, Thomas McCarthy, Department of Health, and Kristen Danusis, Department of Education were all chosen to be on the RFP review committee. WestEd and ILO emerged as the two leading candidates for the RFP. As noted above McCarthy was at least involved in one non-publicly known Zoom meeting with Governor McKee, Rafal-Baer and Magee prior to the RFP being issued.

In Majcher's testimony before the Senate, he explained that they evaluated the cost proposal from ILO and WestEd. He stated, "we found that we could not compare apples to apples, that the vendors did not understand exactly what was being -- the state was expecting to be proposed there. Specifically, what the vendors did not understand was that a municipal learning center would be established in every city and town, in 39 cities and towns." He further testified, "we had one vendor [ILO Group, LLC] proposing ten times what the other vendors were proposing."

The disparity in the vendors' pricing proposals is likely explained by the insider knowledge Rafal-Baer had that is displayed from the previous mentioned emails. Namely, the

emails indicate that Rafael-Baer was involved in the crafting the RFP for the Governor's Office and that she, in contrast to competing vendors, knew more precisely the nature and extent of the needs that the State sought the vendor to fulfill.

After getting best and final offers from the companies, on May 28, 2021, the review committee recommended shifting from a RFP to a MPA. Due to the disparity in the cost proposals, in June of 2021, State of Rhode Island Division of Purchases ultimately decided to change the award for this RFP to a MPA in which both WestEd and ILO would provide consulting services for reopening schools in the State of Rhode Island.

Majcher stated in his testimony, "we have two technically qualified eligible vendors that could provide these services. ...we'll put them on a Master Price Agreement, and then...the *governor's office* can have detailed discussions with each of the vendors, determine the scope of work, and negotiate the cost. I think as a result of this, they ended up with a 5 million dollar like cap." (emphasis added). Your affiant is aware the Office of the Governor allotted \$5,200,000 to ILO and \$926,000 to WestEd under the MPA.

Based on the above-stated facts and circumstances, your affiant requests that a search warrant be issued for all records associated with the Google email account, and Google + Photos account and/or Microsoft Corporation, USA (Hotmail) account of, [REDACTED], and [REDACTED], from August 1, 2020, to the present day, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records. Your affiant seeks documentary evidence to support an investigation into allegations of Access to a Computer for Fraudulent Purposes, Rhode Island General Law §11-52-2, as well as Restraint of trade or commerce in violation of Rhode Island General Law § 6-36-4.

Your affiant has not included each and every fact known to me concerning this investigation and has only set forth the facts and circumstances that your affiant believes are necessary to establish the foundation for the search warrant.

  
Sergeant Michael Brock #54  
Rhode Island State Police

In Providence County this 3rd day of December 2021  
before me personally came Sergeant Michael Brock and made oath to the  
truth of the foregoing.

  
Judge of the District Court  
Justice of the Supreme / Superior Court



**State of Rhode Island**  
**Complaint to Search and Seize Property / or Person**

TO   Melissa Durose   Justice of the Supreme, Superior Court, or Judge of the District Court of the State of Rhode Island.

- a)   Detective Sergeant Michael Brock  , Member of the Division of State Police.
- b) \_\_\_\_\_ a person authorized by law to bring complaints for violation of the law which it is my responsibility to enforce/a person who has a right to possession of the property stolen, embezzled, or obtained by false pretense or pretenses:

ON OATH COMPLAINS THAT:

- (1) ~~Certain property has been stolen or embezzled, or obtained by false pretenses, or pretenses, with intent to cheat or defraud within this state or elsewhere.~~
- (2) ~~Certain property has been kept, suffered to be kept, concealed, deposited, or possessed in violation of law, or for the purpose of violating the law;~~
- (3) ~~Certain property is designed or intended for use, or is or has been used in violation of law, or as a means of committing a violation of law;~~
- (4) Certain property contains evidence of a crime;


and requests that a warrant to search for and seize said property/person be issued and if the same be subject to forfeiture, that the property be forfeited.


The person/property or articles to be searched for and/or seized is described as follows: All records associated with the Google email account, and Google + Photos account of [REDACTED] from August 1, 2020, to the present day, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.

The name of the owner or keeper, thereof (if known) is: Custodian of Records, Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.

The place or person to be searched is described as follows: Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.

Subscribed and sworn to before me:

  
\_\_\_\_\_  
Judge/Justice

12/3/21  
Date \_\_\_\_\_  
 54  
Complainant \_\_\_\_\_

## Search Warrant

State Ex rel	Member of the Rhode Island State Police: <b>Detective Sergeant Michael Brock</b>	County: <b>Providence</b>
vs. Respondent: <b>Google Legal Investigations Support 1600 Amphitheatre Parkway Mountain View, California 94043</b>		TO: An Officer authorized by law to execute the within warrant _____

Complaint and affidavit having been made to me under oath by Detective Sergeant Michael Brock and as I am satisfied that there is probable cause for the belief therein set forth that grounds for issuing a search warrant exist, you are hereby commanded diligently to search the place or person herein described for the property specified and to bring such property or articles, and to summon the owner, or keeper thereof, if any be named in the complaint, if to be found by you, to appear before the District Court in the district where such property shall have been seized, namely the Sixth Division of the District Court of Rhode Island. **Google Legal Investigations Support shall not disclose/notify the user of the issuance of this search warrant. Disclosure to the user could impede this investigation or obstruct justice.**

Google shall disclose responsive data, if any, by sending to Rhode Island State Police, Attention: Detective Sergeant Michael Brock, 311 Danielson Pike, Scituate, Rhode Island 02857, using the US Postal Service, LERS portal, or another courier service, notwithstanding 18 U.S.C. 2252A or similar statute or code.

Property or articles to be searched for and/or seized is described as follows: **All records associated with the Google email account, and Google + Photos account of [REDACTED] from August 1, 2020, to the present day, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.**

Place or person to be searched: **Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

Name of owner, or keeper, thereof if known to complainant: **Custodian of Records, Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

Said warrant shall be served in the daytime within seven (7) days from the issuance hereof, AND IF NOT SERVED WITHIN SAID TIME TO BE RETURNED FORTHWITH TO A JUDGE SITTING IN THE ABOVE NAMED COURT.

Property seized by you hereunder shall be safely kept by you under the direction of the Court so long as may be necessary for the purpose of being used as evidence in any case. As soon as may be thereafter, if the same be subject to forfeiture, such further proceedings shall be had thereon for forfeiture as is prescribed by law.

Hereof fail not and MAKE TRUE RETURN PROMPTLY OF THIS WARRANT TO A JUDGE THERE SITTING with your doings thereon, accompanied by a written inventory of any property taken to a judge sitting in the above named court.

Issued at 6<sup>th</sup> District Court in the county of Providence this 3rd day of December, A.D. 2021.

  
\_\_\_\_\_  
Judge of the District Court

ACKNOWLEDGMENT OF RETURN

Warrant received on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, from Detective Sergeant Michael Brock at \_\_\_\_\_.

Electronic Records of email pending.

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Clerk of the Court

# AFFIDAVIT

I, Detective Sergeant Michael Brock, on oath, depose and say that I am a sworn member of the Rhode Island State Police and have been continuously employed in that capacity for the previous twenty-one years. I am currently assigned to the Financial Crimes Unit (“FCU”) of the Detective Bureau and am charged with the investigation of crimes committed in violation of the Rhode Island General Laws.

On September 15, 2021, I was assigned to investigate potential crimes involving the award of a State of Rhode Island Division of Purchasing (State) contract to ILO Group, LLC (“ILO”). This contract was converted into a Master Price Agreement (“MPA”) award, in the amount of \$5.2 million to be paid to ILO over a two-year period.

This affidavit pertains to an investigation into whether certain individuals committed the crimes of accessing a computer for a fraudulent purpose or restraining of trade or commerce. The potential fraud relates to conduct which may have interfered with the competitive process under which the State purportedly awarded ILO the contract. Your affiant believes that multiple individuals have had communications about the suspected fraud or restraint on trade as it transpired. Specifically, your affiant believes that the following email addresses were used for these communications: [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

The awarding of this contract to ILO has come under public scrutiny in the media. Oversight committees of both houses of the Rhode Island General Assembly conducted investigations into the process. The investigations included document requests and hearing testimony. In a letter to the General Assembly dated September 14, 2021, Governor Daniel McKee (“Governor McKee”) responded to requests made to the Governor’s Office. On October 5 and 6, 2021, hearings were held, respectively in the Senate and the House of Representatives. Many documents relating to an education services contract were posted on the General Assembly’s website. Through documents and testimony received in the Senate

and House investigations and open-source searches, your affiant has learned of the events preceding the award of the State contract to ILO.

On March 2, 2021, Governor McKee was sworn into office as Governor of the State of Rhode Island. Before this date, Governor McKee served as the Lieutenant Governor of the State of Rhode Island. Your affiant is aware that Dr. Michael C. Magee Jr. (“Magee”), DOB [REDACTED]/71, is Chief Executive Officer of Chiefs for Change, a nonprofit educational consulting group based out of Washington, DC. In Governor McKee’s letter dated September 14, 2021, Governor McKee acknowledged that he and Magee have a relationship dating back to Governor McKee’s time as mayor of Cumberland. Governor McKee stated that “Magee worked with me on education.” Magee helped Governor McKee start a mayoral academy in Cumberland over 10 years ago. Governor McKee chose Magee to be on his transition team, as an advisor.<sup>1</sup>

Dr. Julia Rafal-Baer (“Rafal-Baer”) was an employee of Magee’s at Chiefs for Change where she held the position of Chief Operating Officer. She held this position until June 28, 2021, according to news reports. According to filings with the RI Secretary of State, Rafal-Baer created Hope Street Consulting, LLC in January of 2017. The corporation, which is currently active according to the RI Secretary of State, is listed as being created to consult in the field of education. On March 4, 2021, ILO was incorporated in the State of Rhode Island. According to ILO’s website, Rafal-Baer is the managing partner.

On March 5, 2021, Governor McKee, Governor’s Chief of Staff Anthony Silva (“Silva”), Director of Administration James Thorsen (“Thorsen”), State Purchasing Officer Nancy McIntyre (“McIntyre”), and Magee had a “Zoom” meeting to discuss educational issues in the State of Rhode Island. Included in the invite list, but not present during the Zoom meeting, was Rafal-Baer. In his Senate testimony, Thorsen stated Magee introduced the idea of hiring ILO as a consulting firm to assist Governor McKee with pushing forward his initiative to have schools open full time in the Fall of 2021 and to address any learning issues that may have been exacerbated by “at home learning” during the Covid-19 crisis.

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<sup>1</sup> Your affiant has not yet determined whether this was a paid position for Magee.

In an interview on October 29, 2021, McIntyre described to your affiant the competitive bid process that was used for the Governor's education initiative. She explained on March 23, 2021, a Request for Proposal ("RFP") was generated and publicly posted by the Division of Purchases for interested parties to bid upon. In his House testimony, Thorsen stated that he and "the Governor's Office" wrote the RFP. Additionally, Thorsen testified that Antonio Afonso, former Deputy Chief of Staff, currently Chief of Staff for Governor McKee, prepared the RFP on behalf of "the Governor's Office." Thorsen provided similar testimony before the Senate regarding the crafting of the RFP. In his September 14, 2021, letter Governor McKee indicated that his "Administration issued a Request for Proposals (RFP)" and that the Division of Purchases "conducted a competitive proposal process."

Silva served as Governor McKee's Chief of Staff during the transition from gubernatorial administrations. He continued to serve in the McKee administration until his resignation on August 30, 2021. Silva is currently under investigation by the FCU for possible misdemeanor ethics violations involving the purchase and development of raw land in Cumberland, Rhode Island. Your affiant, a member of the FCU, is aware that RISP sought documentary evidence to support the investigation into allegations of code of ethics violations of § 36-14-5 of the General Laws of Rhode Island. A court authorized search warrant was issued for the personal email address of Silva ( [REDACTED] ). Google provided the materials related to this email address from January 1, 2018, to September 8, 2021.

While reviewing Silva's personal emails for evidence of ethics violations, members of the FCU found emails exchanged with the account prior to March 5, 2021, on the subject of the Governor's education initiative. On November 18, 2021, your affiant sought a search warrant for additional authorization to search Silva's personal emails for emails related to the crimes of access to a computer for fraudulent purposes, Rhode Island General Law §11-52-2, as well as restraint of trade or commerce in violation of Rhode Island General Law § 6-36-4. With this authorization, your affiant specifically looked for emails related to ILO and the education initiative.

Your affiant located and reviewed the following email from Silva's personal Gmail email address:

**Subject:** Suggestion on staffing policy

**From:** Michael Magee <[REDACTED]>

**Date:** 2/15/2021, 11:38 AM

**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Hi Dan and Tony,

Given the Tom McCarthy drama between RIDE and DOH, Julia Rafal-Baer and I thought you might want to get word out to all your agencies that they should not be poaching each other's senior staff right now, particularly as you work to identify your own senior team.

We put together this draft memo for you both to consider, which if you think it makes sense would go out from Tony to the agency chiefs.

Let me know if it would be helpful to discuss.

Best,

Mike

Attachments:

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DRAFT - Internal Hiring Protocol Memo - for review.docx

15.1 KB

This email establishes Magee and Rafal-Baer were advising Governor McKee together as early as February 15, 2021. These communications occurred through personal email accounts and not government email addresses. Magee's email address is identified as [REDACTED] and Governor McKee's personal email address is identified as [REDACTED].

The following email chain establishes when Silva was introduced to Rafal-Baer and was provided her personal email address of [REDACTED]:

**Subject:** Re: [Intro] Tony Silva & Julia Rafal-Baer  
**From:** Julia Rafal-Baer <[REDACTED]>  
**Date:** 2/24/2021, 10:48 AM  
**To:** Michael Magee <[REDACTED]>  
**CC:** Anthony Silva <[REDACTED]>

Thank you, Mike!

Tony - it is a pleasure to meet you. Please let me know a good time to connect. I am available 12:30-1:30pm or this evening at 8pm or happy to look for other options.

My best,  
Julia

On Tue, Feb 23, 2021 at 8:54 PM Michael Magee <[REDACTED]> wrote:

Hi Tony,

Per our conversation, I'm introducing you to Julia Rafal-Baer. Julia's consulting firm, Hope Street, provides a wide variety of services to support government on research, planning and implementation of complex projects.

In particular, she would bring deep expertise and relationships to stand up COVID-testing in schools, research and develop the best approach to teacher eligibility for vaccination and support the current advisory group, and to support all aspects of the Governor's school reopening and learning acceleration plans. She can also support personnel recruitment if need be. Julia would play a lead role on all consulting projects you chose to engage Hope Street for. I cannot recommend her highly enough.

Julia, Tony is the Governor's Chiefs of Staff and when the Governor is sworn in will oversee all aspects of RI's pandemic response.

Hope the two of you are able to connect soon. I'm happy to join if that's helpful.

Best,

Mike

The following email chain with Governor McKee indicates that Magee and Rafal-Baer (of Hope Street Consulting at the time) were involved in the drafting of the cost proposal for the initiative. It is your affiant's belief that this proposal ultimately became the RFP. This conflicts with the testimony of Thorsen and, to an extent, the statement regarding the RFP made by Governor McKee in his letter.



**Subject:** Consulting contract for reopening schools

**From:** Michael Magee <[REDACTED]>

**Date:** 2/28/2021, 6:38 PM

**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Hi Dan, Tony and Chris,

Including you all since I have spoken with each of you about the need for major consulting support on all aspects of reopening schools and accelerating learning for RI students over the next two years.

Julia Rafal-Baer and I worked on this scope over the weekend. As you'll see it's comprehensive. Julia would play the lead role in this personally and Hope Street Consulting would staff the work.

The most urgent priorities are:

- 1) research and planning for teacher vaccination
- 2) COVID testing plans and support for all RI school districts
- 3) Analysis of all federal stimulus support for education and how best to spend it.

But everything else outlined here will soon be upon us as well.

If this looks right and feasible I can have Julia price it and we can discuss how a contract might be swiftly executed so Julia and her team can get to work.

I want to point out now that as with a BCG or McKinsey contract, or the Alvarez contract that's been in the news, none of this is cheap. It would be a contract in the many millions of dollars to support a large staff of consultants. What I can promise is that it would give you the very best team in the country to do this work. My only goal is to put Dan in a position to say he led the nation in fully reopening schools and accelerating learning.

Looking forward to discussing.

Best,

Mike

Governor McKee responded to the above email:

**Subject:** Re: Consulting contract for reopening schools

**From:** Dan McKee <[REDACTED]>

**Date:** 3/1/2021, 9:32 AM

**To:** Michael Magee <[REDACTED]>

**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Thanks Mike  
How many millions?

Sent from my iPhone

Magee responded:

**Subject:** Re: Consulting contract for reopening schools

**From:** Michael Magee <[REDACTED]>

**Date:** 3/1/2021, 4:18 PM

**To:** Dan McKee <[REDACTED]>

**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Should have a good estimate for you later today. Wanted to confirm that the scope was right and am working with Julia to properly cost out.

Later that evening Magee responded:

**Subject:** Re: Consulting contract for reopening schools

**From:** Michael Magee <[REDACTED]>

**Date:** 3/1/2021, 10:13 PM

**To:** Dan McKee <[REDACTED]>

**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Dan, Tony and Chris,

I worked with Julia and her team to get some clarity on a two-year consulting budget, much of which would be executed in the first 12 months, though important work on the Governor's education agenda would extend into year two. Julia would lead this project herself full-time with a team dedicated to the management of the overall project and three additional project teams. The total cost of the proposal is approximately \$12M: \$9M in year 1 and \$3M in year 2. I've attached an itemization by project and year.

For context, I was able to get some information on the Alvarez and Marsal contract and I have copied that below. The contract Julia and Hope Street Consulting are proposing provides significantly greater return on investment, it seems to me.

In terms of strategy for executing a contract, my understanding is there are two options:

1. An emergency contract.
2. A very fast RFP with a very fast turnaround -- e.g. 10 days. This could be quite specific - i.e. winning vendor must be able to do turnaround of 12 hours and must live in R.I. and must have experience with operationalizing education and health for at least 15 school districts and more than 6 states. (That's apparently how Alvarez contract started as well as a contract with Salesforce.) Hope Street group would qualify under parameters like that.

My only goal here is to ensure Dan leads the nation in school reopening and learning acceleration over the next two year and I think this contract would go a long way towards ensuring that.

Can we find 30-60 mins tomorrow to discuss?

Best,

Mike

The following day a Zoom conference occurred with all participants using non-government emails:

**Subject:** Please join Zoom meeting in progress

**From:** Mike Magee <[REDACTED]>

**Date:** 3/2/2021, 7:31 PM

**To:** Dan McKee <[REDACTED]>, Julia Rafal-Baer <[REDACTED]>, Anthony Silva <[REDACTED]>

Join Zoom Meeting

<https://chiefsforchange.zoom.us/j/530476963?pwd=MVhkUkIOZW9BZHNIcDZQZlZlYlY1CQQT09>

Meeting ID: 530 476 963

Passcode: 457756

One tap mobile

+19292056099,,530476963# US (New York)

+13017158592,,530476963# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 530 476 963

Find your local number: <https://chiefsforchange.zoom.us/j/aNFuZDdlh>

There was a second Zoom meeting on March 3, 2021, with several individuals including Governor McKee, Magee, Rafal-Baer, and McCarthy who was ultimately a member of the review team for the RFP:

**Subject:** 3pm meeting with Governor

**From:** Michael Magee <[REDACTED]>

**Date:** 3/3/2021, 1:49 PM

**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>, Julia Rafal-Baer <[REDACTED]>, [REDACTED], [REDACTED], [REDACTED], "Dube, Tabatha (LTGOV)" <[REDACTED]>

Hi everyone, please see details below for our 3pm meeting with the Governor.

Tabatha, hoping you can forward to Brenna McCabe and Lisa Baldelli Hunt.

Mike

Mike Magee is inviting you to a scheduled Zoom meeting.

Topic: Mike Magee's Zoom Meeting

Time: Mar 3, 2021 03:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://chiefsforchange.zoom.us/j/4014869025?pwd=Y0U2Ky9lZ1NXQ1QrVkJQ4cDZGb0sxZz09>

Meeting ID: 401 486 9025

Passcode: 7643

One tap mobile

+13017158592,,4014869025# US (Washington DC)

+13126266799,,4014869025# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 401 486 9025

Later that evening after the Zoom meeting Magee sent the following email:

**Subject:** RFI for School Reopening

**From:** Michael Magee <[REDACTED]>

**Date:** 3/3/2021, 8:16 PM

**To:** Dan McKee <[REDACTED]>

**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Hi all,

I edited the RFI I received from DOA to reflect all the needs we discussed and a quick turnaround time (3/12).

Ideally this would go to DOA tomorrow in the interest of quick turnaround and beginning the urgent work.

I'm just guessing at this and am sure DOA can be helpful in getting it exactly right. Happy to talk to anyone there if that would help speed things along. Let me know if there's anything else you need me to do.

Best,

Mike

— Attachments: —

rfi-RIschools.3.3.21.docx

134 KB

Attached to the email was a six-page word document. Page four of the document had language that was similar to the language and concepts in the RFP that was ultimately issued:

## SECTION 2. REQUEST FOR INFORMATION

This RFI outlines the type of information being solicited and response structure requested from potential respondents.

### A. Background

The State is considering issuance of a Request for Proposals ("RFP") from qualified vendors to [provide comprehensive school reopening support along with technical assistance in accelerating learning for Rhode Island students to Rhode Island local education agencies (LEAs)] Some of the goals of the upcoming RFP will be to:

- [Support the Office of the Governor, Department of Health, Department of Education, LEAs and other relevant agencies in developing a coherent approach to vaccinating teachers and other essential schools staff and overcoming any vaccine hesitancy among teachers and school staff through effective communications.
- Support Rhode Island LEAs to design and implement approaches to COVID testing for all teachers, staff and students, in coordination with relevant offices and agencies.
- Provide project management support of all aspects of school reopening including strategic advising to Rhode Island Department of Education, analysis of all COVID relief funding, program design and evaluation, policy development, stakeholder communications and engagement and implementation support.
- Support design and implementation of Rhode Island plan to address student learning loss, including: strategic planning, the use of municipal education offices, equity audits, accountability services, learning loss program design and evaluation and implementation support. ]

### B. RFI Response

The following outline is intended to standardize and structure responses for ease of analysis. *Do NOT include a cost proposal with the RFI response as cost shall not be considered with this RFI.*

- Response to the requirements outlined in Section 2.A.

## SECTION 3. QUESTIONS

Questions concerning this solicitation must be e-mailed to the Division of Purchases at [....@purchasing.ri.gov] no later than the date and time indicated on page one of this solicitation. No other contact with State parties is permitted. Please reference RFI# [xxxx] on all correspondence. Questions should be submitted in writing in a Microsoft Word attachment in a narrative format with no tables. Answers to questions received, if any, shall be posted on the Division of Purchases' website as an addendum to this solicitation. It is the responsibility of all interested parties to monitor the Division of Purchases website for any procurement related

Here is the pertinent part of the final RFP:

## **SECTION B: SCOPE OF WORK AND REQUIREMENTS**

### *RI Schools*

This RFP is for consulting services related to the reopening of RI schools for full in person learning. Components of the project for which proposals are being sought include:

- i. COVID testing planning, organization and communication as a part of statewide full in-person public school reopening including, but not limited to, underserved students;
- ii. advice to State of Rhode Island government from the Governor through and including the Rhode Island Department of Education and the Rhode Island Department of Health with respect to school reopening activities organization and communication;
- iii. advice, consultation and project management support with respect to expenditure and prioritization of American Rescue Plan and other relevant federal funds to address learning loss, catch up and accelerated learning;
- iv. planning, program development and implementation of municipal learning programs of Cities and Towns in the State including municipal programs not directly administered by LEAs and/or traditional school committees to address lost learning and catch up and long-term learning programs;
- v. program design, analysis and evaluation backed with empirical data for municipal programs, summer catch up programs and state school reopening;
- vi. equity review and initiatives;
- vii. development of metrics and accountability of outcomes relevant to program implementation and organization;
- viii. higher education needs assessment relative to in person reopening of state colleges and universities, and
- ix. act as lead project manager for setting up pool testing for public schools, K through 12, Rhode Island Office of Higher Education, public colleges and universities as well as coordination of communication regarding same.



Silva responded to Magee's email:

**Subject:** Re: RFI for School Reopening  
**From:** Anthony Silva <[REDACTED]>  
**Date:** 3/4/2021, 6:53 AM  
**To:** Michael Magee <[REDACTED]>  
**CC:** Dan McKee <[REDACTED]>, Christopher Farrell <[REDACTED]>

Ok. I will talking to Jeremy Licht at DOA on specifics of emergency contract. Today  
Sent from my iPhone

Late that evening Magee sent the following email to Governor McKee and Silva:

**Subject:** Fwd: Consulting contract for reopening schools  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/4/2021, 5:39 PM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Hi Dan and Tony,

Putting the message below back at the top of your inbox. It includes information on the Alvarez and Marsal contract as well as a full scope of work that Julia put together. As you'll see it is very comprehensive and covers two years of all work related to school reopening and addressing learning loss, including everything from analysis of all federal dollars and how best to spend them, to the standing up of new OCYLs in municipalities. It's the whole package, involving 4 full senior project teams.

I've also included the draft RFI I filled out -- though after talking to Tony I'm not sure that's the right form for a quick turnaround.

Dan, Tony and I are going to meet with Jim Thorsen and Nancy McIntyre in the morning to figure out the best path forward.

Mike

The publicly known Zoom meeting occurred the next morning on March 5, 2021, with McKee, Magee, Silva, Thorsen, and McIntyre. Rafal-Baer was invited to this meeting but did not attend. Following that meeting Magee sent an email to Thorsen and McIntyre. He ultimately forwarded that email to Governor McKee and Silva on March 8, 2021:

**Subject:** Fwd: RFP

**From:** Michael Magee <[REDACTED]>

**Date:** 3/8/2021, 9:56 AM

**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Dan and Tony,

This is what I sent to Jim and Nancy last week.

Mike

----- Forwarded message -----

**From:** Michael Magee <[REDACTED]>

**Date:** Fri, Mar 5, 2021 at 12:56 PM

**Subject:** RFP

**To:** Thorsen, James (DOR) <[REDACTED]>, McIntyre, Nancy (DOA)

<[REDACTED]>

**Cc:** [REDACTED]

Hi Jim and Nancy,

Great to meet you and thanks so much for your help!

Here is a brief scope of work for what I described in our meeting. Happy to provide any additional details you need:

We're look for qualified vendor to provide comprehensive school reopening support along with technical assistance in accelerating learning for Rhode Island students to RIDE and local education agencies (LEAs). I personally think "qualified" should be defined as a firm whose partners have worked on the health and education areas listed below in at least 15 large school districts and at least 6 states.

The specific goals are:

- Support the Office of the Governor, Department of Health, Department of Education, LEAs and other relevant agencies in developing a coherent approach to vaccinating teachers and other essential schools staff and overcoming any vaccine hesitancy among teachers and school staff through effective communications.
- Support Rhode Island LEAs to design and implement approaches to COVID testing for all teachers, staff and students, in coordination with relevant offices and agencies.
- Provide project management support of all aspects of school reopening including strategic advising to Rhode Island Department of Education, analysis of all COVID relief funding, program design and evaluation, policy development, stakeholder communications and engagement and implementation support.
- Support design and implementation of Rhode Island plan to address student learning loss,

including: strategic planning, the use of municipal education offices, equity audits, accountability services, learning loss program design and evaluation and implementation support.

We want one vendor with the capacity to oversee, manage and deliver on all this work.

My own analysis is that we're looking at about \$12-15M worth of work over two years across the buckets above. Happy to provide some detail about how that breaks down across workstreams if that's helpful. I expect a firm will have 4 project teams dedicated to executing on these deliverables.

7 day turnaround would be ideal.

I'm available anytime to answer questions.

Best,

Mike

 (my cell)

These communications through personal email accounts with Governor McKee's team occurred prior to the contract being put out for competitive bid. The communications indicate that fraud was likely perpetrated on the competitive bid process. There is no indication that those involved in the competitive bid process were aware of Rafal-Baer's involvement in crafting the RFP prior to its issuance. To your affiant's knowledge, no one was made aware that, prior to it being put out to bid, Magee proposed to the Governor that Rafal-Baer should lead the project. This would have been important information since Rafal-Baer's entity ILO was ultimately awarded a \$5.2 million contract for the project. It is reasonable for your affiant to believe that the disclosure of this information would have likely resulted in the disqualification of Rafal-Baer's entity ILO from bidding on the contract.

In terms of potential fraud committed upon the bidding process, there is reason to believe that the RFP was drafted in such a way that Rafal-Baer's entity ILO would most closely meet the RFP criteria. It is difficult to see how other vendors could fairly compete with Rafal-Baer's entity under these circumstances with Rafal-Baer's inside knowledge.

Your affiant believes that fraud or manipulation of any competitive bidding occurred at the outset and during the State's procurement process. The manner in which the procurement

process played out supports my belief that fraud or manipulation occurred.

McIntyre indicated in her interview that ILO and four other consultants submitted bids for this RFP. WestEd, one of the companies submitting a bid, is an education consulting company based out of San Francisco, California, and has been providing consulting services to the State of Rhode Island for several years.

According to WestEd's website, WestEd started in 1966 and is a nonpartisan, nonprofit research, development, and service agency that works with education and other communities throughout the United States and abroad to promote excellence, achieve equity, and improve learning for children, youth, and adults.

McIntyre explained in her interview, as with all RFPs, a review committee was established to evaluate the bids. The Governor's office was involved in choosing the members of the review committee. Daniel Majcher ("Majcher"), Department of Administration, Charles Lombardi, Mayor of North Providence, Thomas McCarthy, Department of Health, and Kristen Danusis, Department of Education were all chosen to be on the RFP review committee. WestEd and ILO emerged as the two leading candidates for the RFP. As noted above McCarthy was at least involved in one non-publicly known Zoom meeting with Governor McKee, Rafal-Baer and Magee prior to the RFP being issued.

In Majcher's testimony before the Senate, he explained that they evaluated the cost proposal from ILO and WestEd. He stated, "we found that we could not compare apples to apples, that the vendors did not understand exactly what was being -- the state was expecting to be proposed there. Specifically, what the vendors did not understand was that a municipal learning center would be established in every city and town, in 39 cities and towns." He further testified, "we had one vendor [ILO Group, LLC] proposing ten times what the other vendors were proposing."

The disparity in the vendors' pricing proposals is likely explained by the insider knowledge Rafal-Baer had that is displayed from the previous mentioned emails. Namely, the

emails indicate that Rafael-Baer was involved in the crafting the RFP for the Governor's Office and that she, in contrast to competing vendors, knew more precisely the nature and extent of the needs that the State sought the vendor to fulfill.

After getting best and final offers from the companies, on May 28, 2021, the review committee recommended shifting from a RFP to a MPA. Due to the disparity in the cost proposals, in June of 2021, State of Rhode Island Division of Purchases ultimately decided to change the award for this RFP to a MPA in which both WestEd and ILO would provide consulting services for reopening schools in the State of Rhode Island.


Majcher stated in his testimony, "we have two technically qualified eligible vendors that could provide these services. ...we'll put them on a Master Price Agreement, and then...the *governor's office* can have detailed discussions with each of the vendors, determine the scope of work, and negotiate the cost. I think as a result of this, they ended up with a 5 million dollar like cap." (emphasis added). Your affiant is aware the Office of the Governor allotted \$5,200,000 to ILO and \$926,000 to WestEd under the MPA.

Based on the above-stated facts and circumstances, your affiant requests that a search warrant be issued for all records associated with the Google email account, and Google + Photos account and/or Microsoft Corporation, USA (Hotmail) account of, [REDACTED], [REDACTED], and [REDACTED] from August 1, 2020, to the present day, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records. Your affiant seeks documentary evidence to support an investigation into allegations of Access to a Computer for Fraudulent Purposes, Rhode Island General Law §11-52-2, as well as Restraint of trade or commerce in violation of Rhode Island General Law § 6-36-4.

Your affiant has not included each and every fact known to me concerning this investigation and has only set forth the facts and circumstances that your affiant believes are necessary to establish the foundation for the search warrant.

  
Sergeant Michael Brock #54  
Rhode Island State Police

In Providence County this 3rd day of December 2021  
before me personally came Sergeant Michael Brock and made oath to the  
truth of the foregoing.

  
Judge of the District Court  
Justice of the Supreme / Superior Court

**State of Rhode Island**  
**Complaint to Search and Seize Property / or Person**

TO Melissa Durase Justice of the Supreme, Superior Court, or Judge of the District Court of the State of Rhode Island.

- a) Detective Sergeant Michael Brock, Member of the Division of State Police.
- b) \_\_\_\_\_ a person authorized by law to bring complaints for violation of the law which it is my responsibility to enforce/a person who has a right to possession of the property stolen, embezzled, or obtained by false pretense or pretenses:

ON OATH COMPLAINS THAT:

- (1) ~~Certain property has been stolen or embezzled, or obtained by false pretenses, or pretenses, with intent to cheat or defraud within this state or elsewhere.~~
- (2) ~~Certain property has been kept, suffered to be kept, concealed, deposited, or possessed in violation of law, or for the purpose of violating the law;~~
- (3) ~~Certain property is designed or intended for use, or is or has been used in violation of law, or as a means of committing a violation of law;~~
- (4) Certain property contains evidence of a crime;

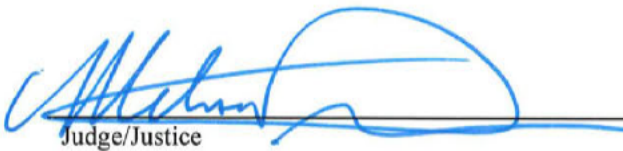
and requests that a warrant to search for and seize said property/person be issued and if the same be subject to forfeiture, that the property be forfeited.


The person/property or articles to be searched for and/or seized is described as follows: **All records associated with the Google email account, and Google + Photos account of, [REDACTED] from August 1, 2020, to the present day, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.**

The name of the owner or keeper, thereof (if known) is: **Custodian of Records, Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

The place or person to be searched is described as follows: **Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

Subscribed and sworn to before me:

  
\_\_\_\_\_  
Judge/Justice

12/3/21  
Date  
  
Complainant

## Search Warrant

State Ex rel	Member of the Rhode Island State Police: <b>Detective Sergeant Michael Brock</b>	County: <b>Providence</b>
vs. Respondent: <b>Google Legal Investigations Support 1600 Amphitheatre Parkway Mountain View, California 94043</b>		TO: An Officer authorized by law to execute the within warrant _____

Complaint and affidavit having been made to me under oath by Detective Sergeant Michael Brock and as I am satisfied that there is probable cause for the belief therein set forth that grounds for issuing a search warrant exist, you are hereby commanded diligently to search the place or person herein described for the property specified and to bring such property or articles, and to summon the owner, or keeper thereof, if any be named in the complaint, if to be found by you, to appear before the District Court in the district where such property shall have been seized, namely the Sixth Division of the District Court of Rhode Island. **Google Legal Investigations Support shall not disclose/notify the user of the issuance of this search warrant. Disclosure to the user could impede this investigation or obstruct justice.**

Google shall disclose responsive data, if any, by sending to Rhode Island State Police, Attention: Detective Sergeant Michael Brock, 311 Danielson Pike, Scituate, Rhode Island 02857, using the US Postal Service, LERS portal, or another courier service, notwithstanding 18 U.S.C. 2252A or similar statute or code.

Property or articles to be searched for and/or seized is described as follows: **All records associated with the Google email account, and Google + Photos account of, [REDACTED] from August 1, 2020, to the present day, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.**

Place or person to be searched: **Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

Name of owner, or keeper, thereof if known to complainant: **Custodian of Records, Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

Said warrant shall be served in the daytime within seven (7) days from the issuance hereof, AND IF NOT SERVED WITHIN SAID TIME TO BE RETURNED FORTHWITH TO A JUDGE SITTING IN THE ABOVE NAMED COURT.

Property seized by you hereunder shall be safely kept by you under the direction of the Court so long as may be necessary for the purpose of being used as evidence in any case. As soon as may be thereafter, if the same be subject to forfeiture, such further proceedings shall be had thereon for forfeiture as is prescribed by law.

Hereof fail not and MAKE TRUE RETURN PROMPTLY OF THIS WARRANT TO A JUDGE THERE SITTING with your doings thereon, accompanied by a written inventory of any property taken to a judge sitting in the above named court.

Issued at 6<sup>th</sup> District Court in the county of Providence this 3rd day of December, A.D. 2021.

  
\_\_\_\_\_  
Judge of the District Court



ACKNOWLEDGMENT OF RETURN

Warrant received on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, from Detective Sergeant Michael Brock at \_\_\_\_\_:

Electronic Records of email pending.

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Clerk of the Court

# AFFIDAVIT

I, Detective Sergeant Michael Brock, on oath, depose and say that I am a sworn member of the Rhode Island State Police and have been continuously employed in that capacity for the previous twenty-one years. I am currently assigned to the Financial Crimes Unit (“FCU”) of the Detective Bureau and am charged with the investigation of crimes committed in violation of the Rhode Island General Laws.

On September 15, 2021, I was assigned to investigate potential crimes involving the award of a State of Rhode Island Division of Purchasing (State) contract to ILO Group, LLC (“ILO”). This contract was converted into a Master Price Agreement (“MPA”) award, in the amount of \$5.2 million to be paid to ILO over a two-year period.

This affidavit pertains to an investigation into whether certain individuals committed the crimes of accessing a computer for a fraudulent purpose or restraining of trade or commerce. The potential fraud relates to conduct which may have interfered with the competitive process under which the State purportedly awarded ILO the contract. Your affiant believes that multiple individuals have had communications about the suspected fraud or restraint on trade as it transpired. Specifically, your affiant believes that the following email addresses were used for these communications: [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

The awarding of this contract to ILO has come under public scrutiny in the media. Oversight committees of both houses of the Rhode Island General Assembly conducted investigations into the process. The investigations included document requests and hearing testimony. In a letter to the General Assembly dated September 14, 2021, Governor Daniel McKee (“Governor McKee”) responded to requests made to the Governor’s Office. On October 5 and 6, 2021, hearings were held, respectively in the Senate and the House of Representatives. Many documents relating to an education services contract were posted on the General Assembly’s website. Through documents and testimony received in the Senate

and House investigations and open-source searches, your affiant has learned of the events preceding the award of the State contract to ILO.

On March 2, 2021, Governor McKee was sworn into office as Governor of the State of Rhode Island. Before this date, Governor McKee served as the Lieutenant Governor of the State of Rhode Island. Your affiant is aware that Dr. Michael C. Magee Jr. ("Magee"), DOB [REDACTED] 71, is Chief Executive Officer of Chiefs for Change, a nonprofit educational consulting group based out of Washington, DC. In Governor McKee's letter dated September 14, 2021, Governor McKee acknowledged that he and Magee have a relationship dating back to Governor McKee's time as mayor of Cumberland. Governor McKee stated that "Magee worked with me on education." Magee helped Governor McKee start a mayoral academy in Cumberland over 10 years ago. Governor McKee chose Magee to be on his transition team, as an advisor.<sup>1</sup>

Dr. Julia Rafal-Baer ("Rafal-Baer") was an employee of Magee's at Chiefs for Change where she held the position of Chief Operating Officer. She held this position until June 28, 2021, according to news reports. According to filings with the RI Secretary of State, Rafal-Baer created Hope Street Consulting, LLC in January of 2017. The corporation, which is currently active according to the RI Secretary of State, is listed as being created to consult in the field of education. On March 4, 2021, ILO was incorporated in the State of Rhode Island. According to ILO's website, Rafal-Baer is the managing partner.

On March 5, 2021, Governor McKee, Governor's Chief of Staff Anthony Silva ("Silva"), Director of Administration James Thorsen ("Thorsen"), State Purchasing Officer Nancy McIntyre ("McIntyre"), and Magee had a "Zoom" meeting to discuss educational issues in the State of Rhode Island. Included in the invite list, but not present during the Zoom meeting, was Rafal-Baer. In his Senate testimony, Thorsen stated Magee introduced the idea of hiring ILO as a consulting firm to assist Governor McKee with pushing forward his initiative to have schools open full time in the Fall of 2021 and to address any learning issues that may have been exacerbated by "at home learning" during the Covid-19 crisis.

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<sup>1</sup> Your affiant has not yet determined whether this was a paid position for Magee.

In an interview on October 29, 2021, McIntyre described to your affiant the competitive bid process that was used for the Governor's education initiative. She explained on March 23, 2021, a Request for Proposal ("RFP") was generated and publicly posted by the Division of Purchases for interested parties to bid upon. In his House testimony, Thorsen stated that he and "the Governor's Office" wrote the RFP. Additionally, Thorsen testified that Antonio Afonso, former Deputy Chief of Staff, currently Chief of Staff for Governor McKee, prepared the RFP on behalf of "the Governor's Office." Thorsen provided similar testimony before the Senate regarding the crafting of the RFP. In his September 14, 2021, letter Governor McKee indicated that his "Administration issued a Request for Proposals (RFP)" and that the Division of Purchases "conducted a competitive proposal process."

Silva served as Governor McKee's Chief of Staff during the transition from gubernatorial administrations. He continued to serve in the McKee administration until his resignation on August 30, 2021. Silva is currently under investigation by the FCU for possible misdemeanor ethics violations involving the purchase and development of raw land in Cumberland, Rhode Island. Your affiant, a member of the FCU, is aware that RISP sought documentary evidence to support the investigation into allegations of code of ethics violations of § 36-14-5 of the General Laws of Rhode Island. A court authorized search warrant was issued for the personal email address of Silva [REDACTED] Google provided the materials related to this email address from January 1, 2018, to September 8, 2021.

While reviewing Silva's personal emails for evidence of ethics violations, members of the FCU found emails exchanged with the account prior to March 5, 2021, on the subject of the Governor's education initiative. On November 18, 2021, your affiant sought a search warrant for additional authorization to search Silva's personal emails for emails related to the crimes of access to a computer for fraudulent purposes, Rhode Island General Law §11-52-2, as well as restraint of trade or commerce in violation of Rhode Island General Law § 6-36-4. With this authorization, your affiant specifically looked for emails related to ILO and the education initiative.

Your affiant located and reviewed the following email from Silva's personal Gmail email address:

**Subject:** Suggestion on staffing policy

**From:** Michael Magee <[REDACTED]>

**Date:** 2/15/2021, 11:38 AM

**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Hi Dan and Tony,

Given the Tom McCarthy drama between RIDE and DOH, Julia Rafal-Baer and I thought you might want to get word out to all your agencies that they should not be poaching each other's senior staff right now, particularly as you work to identify your own senior team.

We put together this draft memo for you both to consider, which if you think it makes sense would go out from Tony to the agency chiefs.

Let me know if it would be helpful to discuss.

Best,

Mike

— Attachments: —

DRAFT - Internal Hiring Protocol Memo - for review.docx

15.1 KB

This email establishes Magee and Rafal-Baer were advising Governor McKee together as early as February 15, 2021. These communications occurred through personal email accounts and not government email addresses. Magee's email address is identified as [REDACTED] and Governor McKee's personal email address is identified as [REDACTED].

The following email chain establishes when Silva was introduced to Rafal-Baer and was provided her personal email address of [REDACTED]:

**Subject:** Re: [Intro] Tony Silva & Julia Rafal-Baer  
**From:** Julia Rafal-Baer <[REDACTED]>  
**Date:** 2/24/2021, 10:48 AM  
**To:** Michael Magee <[REDACTED]>  
**CC:** Anthony Silva <[REDACTED]>

Thank you, Mike!

Tony - it is a pleasure to meet you. Please let me know a good time to connect. I am available 12:30-1:30pm or this evening at 8pm or happy to look for other options.

My best,  
Julia

On Tue, Feb 23, 2021 at 8:54 PM Michael Magee <[REDACTED]> wrote:

Hi Tony,

Per our conversation, I'm introducing you to Julia Rafal-Baer. Julia's consulting firm, Hope Street, provides a wide variety of services to support government on research, planning and implementation of complex projects.

In particular, she would bring deep expertise and relationships to stand up COVID-testing in schools, research and develop the best approach to teacher eligibility for vaccination and support the current advisory group, and to support all aspects of the Governor's school reopening and learning acceleration plans. She can also support personnel recruitment if need be. Julia would play a lead role on all consulting projects you chose to engage Hope Street for. I cannot recommend her highly enough.

Julia, Tony is the Governor's Chiefs of Staff and when the Governor is sworn in will oversee all aspects of RI's pandemic response.

Hope the two of you are able to connect soon. I'm happy to join if that's helpful.

Best,

Mike

The following email chain with Governor McKee indicates that Magee and Rafal-Baer (of Hope Street Consulting at the time) were involved in the drafting of the cost proposal for the initiative. It is your affiant's belief that this proposal ultimately became the RFP. This conflicts with the testimony of Thorsen and, to an extent, the statement regarding the RFP made by Governor McKee in his letter.

**Subject:** Consulting contract for reopening schools

**From:** Michael Magee <[REDACTED]>

**Date:** 2/28/2021, 6:38 PM

**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Hi Dan, Tony and Chris,

Including you all since I have spoken with each of you about the need for major consulting support on all aspects of reopening schools and accelerating learning for RI students over the next two years.

Julia Rafal-Baer and I worked on this scope over the weekend. As you'll see it's comprehensive. Julia would play the lead role in this personally and Hope Street Consulting would staff the work.

The most urgent priorities are:

- 1) research and planning for teacher vaccination
- 2) COVID testing plans and support for all RI school districts
- 3) Analysis of all federal stimulus support for education and how best to spend it.

But everything else outlined here will soon be upon us as well.

If this looks right and feasible I can have Julia price it and we can discuss how a contract might be swiftly executed so Julia and her team can get to work.

I want to point out now that as with a BCG or McKinsey contract, or the Alvarez contract that's been in the news, none of this is cheap. It would be a contract in the many millions of dollars to support a large staff of consultants. What I can promise is that it would give you the very best team in the country to do this work. My only goal is to put Dan in a position to say he led the nation in fully reopening schools and accelerating learning.

Looking forward to discussing.

Best,

Mike

Governor McKee responded to the above email:

**Subject:** Re: Consulting contract for reopening schools

**From:** Dan McKee <[REDACTED]>

**Date:** 3/1/2021, 9:32 AM

**To:** Michael Magee <[REDACTED]>

**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Thanks Mike  
How many millions?

Sent from my iPhone

Magee responded:

**Subject:** Re: Consulting contract for reopening schools

**From:** Michael Magee <[REDACTED]>

**Date:** 3/1/2021, 4:18 PM

**To:** Dan McKee <[REDACTED]>

**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Should have a good estimate for you later today. Wanted to confirm that the scope was right and am working with Julia to properly cost out.



Later that evening Magee responded:

**Subject:** Re: Consulting contract for reopening schools

**From:** Michael Magee <[REDACTED]>

**Date:** 3/1/2021, 10:13 PM

**To:** Dan McKee <[REDACTED]>

**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Dan, Tony and Chris,

I worked with Julia and her team to get some clarity on a two-year consulting budget, much of which would be executed in the first 12 months, though important work on the Governor's education agenda would extend into year two. Julia would lead this project herself full-time with a team dedicated to the management of the overall project and three additional project teams. The total cost of the proposal is approximately \$12M: \$9M in year 1 and \$3M in year 2. I've attached an itemization by project and year.

For context, I was able to get some information on the Alvarez and Marsal contract and I have copied that below. The contract Julia and Hope Street Consulting are proposing provides significantly greater return on investment, it seems to me.

In terms of strategy for executing a contract, my understanding is there are two options:

1. An emergency contract.
2. A very fast RFP with a very fast turnaround -- e.g. 10 days. This could be quite specific - i.e. winning vendor must be able to do turnaround of 12 hours and must live in R.I. and must have experience with operationalizing education and health for at least 15 school districts and more than 6 states. (That's apparently how Alvarez contract started as well as a contract with Salesforce.) Hope Street group would qualify under parameters like that.

My only goal here is to ensure Dan leads the nation in school reopening and learning acceleration over the next two year and I think this contract would go a long way towards ensuring that.

Can we find 30-60 mins tomorrow to discuss?

Best,

Mike

The following day a Zoom conference occurred with all participants using non-government emails:

**Subject:** Please join Zoom meeting in progress

**From:** Mike Magee <[REDACTED]>

**Date:** 3/2/2021, 7:31 PM

**To:** Dan McKee <[REDACTED]>, Julia Rafal-Baer <[REDACTED]>, Anthony Silva <[REDACTED]>

Join Zoom Meeting

<https://chiefsforchange.zoom.us/j/530476963?pwd=MVhkUkIOZW9BZHNIcDZQZlZlZW1CQT09>

Meeting ID: 530 476 963

Passcode: 457756

One tap mobile

+19292056099,,530476963# US (New York)

+13017158592,,530476963# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 530 476 963

Find your local number: <https://chiefsforchange.zoom.us/u/aNFuZDdlh>

There was a second Zoom meeting on March 3, 2021, with several individuals including Governor McKee, Magee, Rafal-Baer, and McCarthy who was ultimately a member of the review team for the RFP:

**Subject:** 3pm meeting with Governor

**From:** Michael Magee <[REDACTED]>

**Date:** 3/3/2021, 1:49 PM

**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>, Julia Rafal-Baer <[REDACTED]>, [REDACTED], "Dube, Tabatha (LTGOV)" <[REDACTED]>

Hi everyone, please see details below for our 3pm meeting with the Governor.

Tabatha, hoping you can forward to Brenna McCabe and Lisa Baldelli Hunt.

Mike

Mike Magee is inviting you to a scheduled Zoom meeting.

Topic: Mike Magee's Zoom Meeting

Time: Mar 3, 2021 03:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://chiefsforchange.zoom.us/j/4014869025?pwd=Y0U2Ky9lZ1NXQ1QrVkQ4cDZGb0sxZz09>

Meeting ID: 401 486 9025

Passcode: 7643

One tap mobile

+13017158592,,4014869025# US (Washington DC)

+13126266799,,4014869025# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 401 486 9025

Later that evening after the Zoom meeting Magee sent the following email:

**Subject:** RFI for School Reopening  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/3/2021, 8:16 PM  
**To:** Dan McKee <[REDACTED]>  
**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Hi all,

I edited the RFI I received from DOA to reflect all the needs we discussed and a quick turnaround time (3/12).

Ideally this would go to DOA tomorrow in the interest of quick turnaround and beginning the urgent work.

I'm just guessing at this and am sure DOA can be helpful in getting it exactly right. Happy to talk to anyone there if that would help speed things along. Let me know if there's anything else you need me to do.

Best,

Mike

---

— Attachments: —

rfi-RIschools.3.3.21.docx	134 KB
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Attached to the email was a six-page word document. Page four of the document had language that was similar to the language and concepts in the RFP that was ultimately issued:

## SECTION 2. REQUEST FOR INFORMATION

This RFI outlines the type of information being solicited and response structure requested from potential respondents.

### A. Background

The State is considering issuance of a Request for Proposals ("RFP") from qualified vendors to [provide comprehensive school reopening support along with technical assistance in accelerating learning for Rhode Island students to Rhode Island local education agencies (LEAs)] Some of the goals of the upcoming RFP will be to:

- [Support the Office of the Governor, Department of Health, Department of Education, LEAs and other relevant agencies in developing a coherent approach to vaccinating teachers and other essential schools staff and overcoming any vaccine hesitancy among teachers and school staff through effective communications.
- Support Rhode Island LEAs to design and implement approaches to COVID testing for all teachers, staff and students, in coordination with relevant offices and agencies.
- Provide project management support of all aspects of school reopening including strategic advising to Rhode Island Department of Education, analysis of all COVID relief funding, program design and evaluation, policy development, stakeholder communications and engagement and implementation support.
- Support design and implementation of Rhode Island plan to address student learning loss, including: strategic planning, the use of municipal education offices, equity audits, accountability services, learning loss program design and evaluation and implementation support. ]

### B. RFI Response

The following outline is intended to standardize and structure responses for ease of analysis. *Do NOT include a cost proposal with the RFI response as cost shall not be considered with this RFI.*

- Response to the requirements outlined in Section 2.A.

## SECTION 3. QUESTIONS

Questions concerning this solicitation must be e-mailed to the Division of Purchases at [...@purchasing.ri.go] no later than the date and time indicated on page one of this solicitation. No other contact with State parties is permitted. Please reference RFI# [xxxx] on all correspondence. Questions should be submitted in writing in a Microsoft Word attachment in a narrative format with no tables. Answers to questions received, if any, shall be posted on the Division of Purchases' website as an addendum to this solicitation. It is the responsibility of all interested parties to monitor the Division of Purchases website for any procurement related

Here is the pertinent part of the final RFP:

## **SECTION B: SCOPE OF WORK AND REQUIREMENTS**

### *RI Schools*

This RFP is for consulting services related to the reopening of RI schools for full in person learning. Components of the project for which proposals are being sought include:

- i. COVID testing planning, organization and communication as a part of statewide full in-person public school reopening including, but not limited to, underserved students;
- ii. advice to State of Rhode Island government from the Governor through and including the Rhode Island Department of Education and the Rhode Island Department of Health with respect to school reopening activities organization and communication;
- iii. advice, consultation and project management support with respect to expenditure and prioritization of American Rescue Plan and other relevant federal funds to address learning loss, catch up and accelerated learning;
- iv. planning, program development and implementation of municipal learning programs of Cities and Towns in the State including municipal programs not directly administered by LEAs and/or traditional school committees to address lost learning and catch up and long-term learning programs;
- v. program design, analysis and evaluation backed with empirical data for municipal programs, summer catch up programs and state school reopening;
- vi. equity review and initiatives;
- vii. development of metrics and accountability of outcomes relevant to program implementation and organization;
- viii. higher education needs assessment relative to in person reopening of state colleges and universities, and
- ix. act as lead project manager for setting up pool testing for public schools, K through 12, Rhode Island Office of Higher Education, public colleges and universities as well as coordination of communication regarding same.

Silva responded to Magee's email:

**Subject:** Re: RFI for School Reopening  
**From:** Anthony Silva <[REDACTED]>  
**Date:** 3/4/2021, 6:53 AM  
**To:** Michael Magee <[REDACTED]>  
**CC:** Dan McKee <[REDACTED]>, Christopher Farrell <[REDACTED]>

Ok. I will talking to Jeremy Licht at DOA on specifics of emergency contract. Today  
Sent from my iPhone

Late that evening Magee sent the following email to Governor McKee and Silva:

**Subject:** Fwd: Consulting contract for reopening schools  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/4/2021, 5:39 PM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Hi Dan and Tony,

Putting the message below back at the top of your inbox. It includes information on the Alvarez and Marsal contract as well as a full scope of work that Julia put together. As you'll see it is very comprehensive and covers two years of all work related to school reopening and addressing learning loss, including everything from analysis of all federal dollars and how best to spend them, to the standing up of new OCYLs in municipalities. It's the whole package, involving 4 full senior project teams.

I've also included the draft RFI I filled out -- though after talking to Tony I'm not sure that's the right form for a quick turnaround.

Dan, Tony and I are going to meet with Jim Thorsen and Nancy McIntyre in the morning to figure out the best path forward.

Mike

The publicly known Zoom meeting occurred the next morning on March 5, 2021, with McKee, Magee, Silva, Thorsen, and McIntyre. Rafal-Baer was invited to this meeting but did not attend. Following that meeting Magee sent an email to Thorsen and McIntyre. He ultimately forwarded that email to Governor McKee and Silva on March 8, 2021:

**Subject:** Fwd: RFP  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/8/2021, 9:56 AM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Dan and Tony,

This is what I sent to Jim and Nancy last week.

Mike

----- Forwarded message -----

**From:** Michael Magee <[REDACTED]>  
**Date:** Fri, Mar 5, 2021 at 12:56 PM  
**Subject:** RFP  
**To:** Thorsen, James (DOR) <[REDACTED]>, McIntyre, Nancy (DOA) <[REDACTED]>  
**Cc:** [REDACTED]

Hi Jim and Nancy,

Great to meet you and thanks so much for your help!

Here is a brief scope of work for what I described in our meeting. Happy to provide any additional details you need:

We're look for qualified vendor to provide comprehensive school reopening support along with technical assistance in accelerating learning for Rhode Island students to RIDE and local education agencies (LEAs). I personally think "qualified" should be defined as a firm whose partners have worked on the health and education areas listed below in at least 15 large school districts and at least 6 states.

The specific goals are:

- Support the Office of the Governor, Department of Health, Department of Education, LEAs and other relevant agencies in developing a coherent approach to vaccinating teachers and other essential schools staff and overcoming any vaccine hesitancy among teachers and school staff through effective communications.
- Support Rhode Island LEAs to design and implement approaches to COVID testing for all teachers, staff and students, in coordination with relevant offices and agencies.
- Provide project management support of all aspects of school reopening including strategic advising to Rhode Island Department of Education, analysis of all COVID relief funding, program design and evaluation, policy development, stakeholder communications and engagement and implementation support.
- Support design and implementation of Rhode Island plan to address student learning loss,



including: strategic planning, the use of municipal education offices, equity audits, accountability services, learning loss program design and evaluation and implementation support.

We want one vendor with the capacity to oversee, manage and deliver on all this work.

My own analysis is that we're looking at about \$12-15M worth of work over two years across the buckets above. Happy to provide some detail about how that breaks down across workstreams if that's helpful. I expect a firm will have 4 project teams dedicated to executing on these deliverables.

7 day turnaround would be ideal.

I'm available anytime to answer questions.

Best,

Mike

██████████ (my cell)

These communications through personal email accounts with Governor McKee's team occurred prior to the contract being put out for competitive bid. The communications indicate that fraud was likely perpetrated on the competitive bid process. There is no indication that those involved in the competitive bid process were aware of Rafal-Baer's involvement in crafting the RFP prior to its issuance. To your affiant's knowledge, no one was made aware that, prior to it being put out to bid, Magee proposed to the Governor that Rafal-Baer should lead the project. This would have been important information since Rafal-Baer's entity ILO was ultimately awarded a \$5.2 million contract for the project. It is reasonable for your affiant to believe that the disclosure of this information would have likely resulted in the disqualification of Rafal-Baer's entity ILO from bidding on the contract.

In terms of potential fraud committed upon the bidding process, there is reason to believe that the RFP was drafted in such a way that Rafal-Baer's entity ILO would most closely meet the RFP criteria. It is difficult to see how other vendors could fairly compete with Rafal-Baer's entity under these circumstances with Rafal-Baer's inside knowledge.

Your affiant believes that fraud or manipulation of any competitive bidding occurred at the outset and during the State's procurement process. The manner in which the procurement

process played out supports my belief that fraud or manipulation occurred.

McIntyre indicated in her interview that ILO and four other consultants submitted bids for this RFP. WestEd, one of the companies submitting a bid, is an education consulting company based out of San Francisco, California, and has been providing consulting services to the State of Rhode Island for several years.

According to WestEd's website, WestEd started in 1966 and is a nonpartisan, nonprofit research, development, and service agency that works with education and other communities throughout the United States and abroad to promote excellence, achieve equity, and improve learning for children, youth, and adults.

McIntyre explained in her interview, as with all RFPs, a review committee was established to evaluate the bids. The Governor's office was involved in choosing the members of the review committee. Daniel Majcher ("Majcher"), Department of Administration, Charles Lombardi, Mayor of North Providence, Thomas McCarthy, Department of Health, and Kristen Danusis, Department of Education were all chosen to be on the RFP review committee. WestEd and ILO emerged as the two leading candidates for the RFP. As noted above McCarthy was at least involved in one non-publicly known Zoom meeting with Governor McKee, Rafal-Baer and Magee prior to the RFP being issued.

In Majcher's testimony before the Senate, he explained that they evaluated the cost proposal from ILO and WestEd. He stated, "we found that we could not compare apples to apples, that the vendors did not understand exactly what was being -- the state was expecting to be proposed there. Specifically, what the vendors did not understand was that a municipal learning center would be established in every city and town, in 39 cities and towns." He further testified, "we had one vendor [ILO Group, LLC] proposing ten times what the other vendors were proposing."

The disparity in the vendors' pricing proposals is likely explained by the insider knowledge Rafal-Baer had that is displayed from the previous mentioned emails. Namely, the

emails indicate that Rafael-Baer was involved in the crafting the RFP for the Governor's Office and that she, in contrast to competing vendors, knew more precisely the nature and extent of the needs that the State sought the vendor to fulfill.

After getting best and final offers from the companies, on May 28, 2021, the review committee recommended shifting from a RFP to a MPA. Due to the disparity in the cost proposals, in June of 2021, State of Rhode Island Division of Purchases ultimately decided to change the award for this RFP to a MPA in which both WestEd and ILO would provide consulting services for reopening schools in the State of Rhode Island.

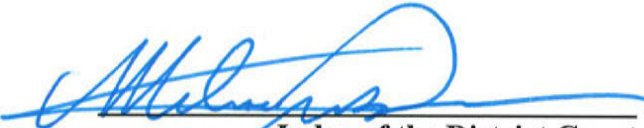
Majcher stated in his testimony, "we have two technically qualified eligible vendors that could provide these services. ...we'll put them on a Master Price Agreement, and then...the *governor's office* can have detailed discussions with each of the vendors, determine the scope of work, and negotiate the cost. I think as a result of this, they ended up with a 5 million dollar like cap." (emphasis added). Your affiant is aware the Office of the Governor allotted \$5,200,000 to ILO and \$926,000 to WestEd under the MPA.

Based on the above-stated facts and circumstances, your affiant requests that a search warrant be issued for all records associated with the Google email account, and Google + Photos account and/or Microsoft Corporation, USA (Hotmail) account of, [REDACTED], [REDACTED], and [REDACTED], from August 1, 2020, to the present day, to include but not limited to - all email content including read, unread, sent, received and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records. Your affiant seeks documentary evidence to support an investigation into allegations of Access to a Computer for Fraudulent Purposes, Rhode Island General Law §11-52-2, as well as Restraint of trade or commerce in violation of Rhode Island General Law § 6-36-4.

Your affiant has not included each and every fact known to me concerning this investigation and has only set forth the facts and circumstances that your affiant believes are necessary to establish the foundation for the search warrant.

  
Sergeant Michael Brock #54  
Rhode Island State Police

In Providence County this 3rd day of December 2021  
before me personally came Sergeant Michael Brock and made oath to the  
truth of the foregoing.

  
Judge of the District Court  
Justice of the Supreme / Superior Court

**Subject:** Re: Solicitation Create Notification from State of Rhode Island: RFP21000563 K-12 School and Higher Education Reopening Plan...

**From:** Julia Rafal-Baer [REDACTED]

**Date:** 3/23/2021, 10:48 PM

**To:** David Irwin [REDACTED]

Hi!

It's a fixed RFP but luckily I know the person it's fixed for 😊

Already talked with Avossa about us all partnering on this one.

Will circle back but think it should be smooth!

On Mar 23, 2021, at 10:18 PM, David Irwin <[REDACTED]> wrote:

When you have a moment, let know if you have any insight into this and/or opinions on whether we should respond. It was released today and due on 4/13. We have some good existing content we could use for the proposal but it would require some work and as you know, we are quite busy right now :). Let me know what you think.

David

<RFP21000563 Reopening schools RFP.pdf>

Begin forwarded message:

**From:** Ocean State Procures <[REDACTED]>

**Subject:** Solicitation Create Notification from State of Rhode Island: RFP21000563 K-12 School and Higher Education Reopening Plan...

**Date:** March 23, 2021 at 5:39:21 PM EDT

**To:** David Irwin <[REDACTED]>

**Reply-To:** [REDACTED]

**Ocean State Procures**

*Powered by WebProcure*

**Solicitation Created Notification**

# **Solicitation RFP21000563 K-12 School and Higher Education Reopening Plan Consulting Services Created**

State of Rhode Island has created Solicitation **RFP21000563 K-12 School and Higher Education Reopening Plan Consulting Services** for your review. Please follow the steps below to view and respond to this Solicitation.

---

- 1) [Log into Ocean State Procures](#)
  - 2) Click on the Solicitations navigation menu.
  - 3) Click on View Current Solicitations for State of Rhode Island.
  - 4) Locate the Solicitation by entering RFP21000563 in the Opp No filter.
  - 5) Click the Submit button.
  - 6) Select the Solicitation by clicking on the link in the Opp No column on the left-hand side of the page.
  - 7) Review the Solicitation and any required documents included. These documents contain important information required to respond to the Solicitation.
  - 8) After you have reviewed all of the documents, you are required to accept them by checking the box next to each document and clicking on the Accept button.
  - 9) After you have accepted all documents, you may respond to the Solicitation by clicking on the Respond (Line Items) or Attach Documents (No Line Items) tab.
  - 10) You must submit your Solicitation response from the Review Response tab. Failure to submit your response before the Solicitation End Date / Time will result in your response not being evaluated.
-

Please note that some Buying Organizations may not accept electronic responses. See this Solicitations Terms and Conditions for further instructions.

You may receive additional notices as this Solicitation is changed. Addenda are issued as the Solicitation progresses to Award.

---

**IMPORTANT:** This is NOT an Order. DO NOT ship any goods and/or perform any services until you receive a Purchase Order from the Buying Organization.

---

## Need Help?

### Support Team

Monday through Friday

8:00AM to 8:00PM EST (excluding holidays)

[WebProcure.Support@perfect.com](mailto:WebProcure.Support@perfect.com)

[\(866\) 889-8533](tel:(866)889-8533)

### Mailing Address

Perfect Commerce

Attn: WebProcure Customer Support

One BayPort Way, Suite 120

Newport News, VA 23606

**State of Rhode Island**  
**Complaint to Search and Seize Property / or Person**

TO Melissa Dubose Justice of the Supreme, Superior Court, or Judge of the District Court of the State of Rhode Island.

- a) Detective Sergeant Michael Brock, Member of the Division of State Police.
- b) \_\_\_\_\_ a person authorized by law to bring complaints for violation of the law which it is my responsibility to enforce/a person who has a right to possession of the property stolen, embezzled, or obtained by false pretense or pretenses:

ON OATH COMPLAINS THAT:

- (1) ~~Certain property has been stolen or embezzled, or obtained by false pretenses, or pretenses, with intent to cheat or defraud within this state or elsewhere.~~
- (2) ~~Certain property has been kept, suffered to be kept, concealed, deposited, or possessed in violation of law, or for the purpose of violating the law;~~
- (3) ~~Certain property is designed or intended for use, or is or has been used in violation of law, or as a means of committing a violation of law;~~
- (4) Certain property contains evidence of a crime;

and requests that a warrant to search for and seize said property/person be issued and if the same be subject to forfeiture, that the property be forfeited.

The person/property or articles to be searched for and/or seized is described as follows: **All records associated with the Rhode Island Department of Education (RIDE) email accounts of, \_\_\_\_\_ and \_\_\_\_\_ from December 1, 2020, to December 1, 2021, to include but not limited to - all email content including read, unread, sent, received, draft and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.**

The name of the owner or keeper, thereof (if known) is: **Keeper of Records, Rhode Island Department of Education, 255 Westminster Street, Providence, Rhode Island, 02903.**

The place or person to be searched is described as follows: **Keeper of Records, Rhode Island Department of Education, 255 Westminster Street, Providence, Rhode Island, 02903.**

Subscribed and sworn to before me:

  
\_\_\_\_\_  
Judge/Justice

2/18/22  
\_\_\_\_\_  
Date  
Sgt M 34  
\_\_\_\_\_  
Complainant



## Search Warrant

State Ex rel	Member of the Rhode Island State Police: <b>Detective Sergeant Michael Brock</b>	County: <b>Providence</b>
vs. Respondent: <b>Rhode Island Department of Education 255 Westminster Street Providence, Rhode Island 02903</b>		TO: An Officer authorized by law to execute the within warrant _____

Complaint and affidavit having been made to me under oath by **Detective Sergeant Michael Brock** and as I am satisfied that there is probable cause for the belief therein set forth that grounds for issuing a search warrant exist, you are hereby commanded diligently to search the place or person herein described for the property specified and to bring such property or articles, and to summon the owner, or keeper thereof, if any be named in the complaint, if to be found by you, to appear before the District Court in the district where such property shall have been seized, namely the Sixth Division of the District Court of Rhode Island. **Rhode Island Department of Education shall not disclose/notify the user of the issuance of this search warrant. Disclosure to the user could impede this investigation or obstruct justice.**

Rhode Island Department of Education shall disclose responsive data, if any, by sending to Rhode Island State Police, Attention: Detective Sergeant Michael Brock, 311 Danielson Pike, Scituate, Rhode Island 02857, using the US Postal Service, or another courier service, notwithstanding 18 U.S.C. 2252A or similar statute or code.

Property or articles to be searched for and/or seized is described as follows: **All records associated with the Rhode Island Department of Education (RIDE) email account of, [REDACTED] and [REDACTED] from December 1, 2020, to December 1, 2021, to include but not limited to - all email content including read, unread, sent, received, draft and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.**

Place or person to be searched: **Keeper of Records, Rhode Island Department of Education, 255 Westminster Street, Providence, Rhode Island, 02903.**

Name of owner, or keeper, thereof if known to complainant: **Keeper of Records, Rhode Island Department of Education, 255 Westminster Street, Providence, Rhode Island, 02903.**

Said warrant shall be served in the daytime within seven (7) days from the issuance hereof, AND IF NOT SERVED WITHIN SAID TIME TO BE RETURNED FORTHWITH TO A JUDGE SITTING IN THE ABOVE NAMED COURT.

Property seized by you hereunder shall be safely kept by you under the direction of the Court so long as may be necessary for the purpose of being used as evidence in any case. As soon as may be thereafter, if the same be subject to forfeiture, such further proceedings shall be had thereon for forfeiture as is prescribed by law.

Hereof fail not and MAKE TRUE RETURN PROMPTLY OF THIS WARRANT TO A JUDGE THERE SITTING with your doings thereon, accompanied by a written inventory of any property taken to a judge sitting in the above named court.

Issued at 6<sup>th</sup> District Court in the county of Providence this 18th day of February, A.D. 2022.

  
\_\_\_\_\_  
Judge of the District Court

ACKNOWLEDGMENT OF RETURN

Warrant received on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, from Detective Sergeant Michael Brock at

\_\_\_\_\_

\_\_\_\_\_  
Clerk of the Court

# AFFIDAVIT

I, Detective Sergeant Michael Brock, on oath, depose and say that I am a sworn member of the Rhode Island State Police and have been continuously employed in that capacity for the previous twenty-one years. I am currently assigned to the Financial Crimes Unit (“FCU”) of the Detective Bureau and am charged with the investigation of crimes committed in violation of the Rhode Island General Laws.

On September 15, 2021, I was assigned to investigate potential crimes involving the award of a State of Rhode Island Division of Purchasing (State) contract to ILO Group, LLC (“ILO”). This contract was converted into a Master Price Agreement (“MPA”) award, in the amount of \$5.2 million to be paid to ILO over a two-year period.

This affidavit pertains to an investigation into whether certain individuals committed the crimes of accessing a computer for a fraudulent purpose or restraining of trade or commerce. The alleged fraud relates to conduct which may have interfered with the competitive process under which the State purportedly awarded ILO the contract. Your affiant believes that evidence of these crimes may be contained in communications of multiple individuals involved in the process – namely 4 members of the review team that evaluated the bids and the project manager from the Governor’s office. Specifically, your affiant believes that the following email accounts contain communications about the genesis of and the process by which the ILO contract was awarded:

[REDACTED], [REDACTED],  
[REDACTED], [REDACTED],  
[REDACTED], [REDACTED],  
[REDACTED] and [REDACTED].

The awarding of this contract to ILO has come under public scrutiny in the media. Oversight committees of both houses of the Rhode Island General Assembly conducted investigations into the process. The investigations included document requests and hearing testimony. In a letter to the General Assembly dated September 14, 2021, Governor Daniel McKee (“Governor McKee”) responded to requests made to the Governor’s Office. On October 5 and 6, 2021, hearings were held, respectively in the Senate and the House of

Representatives. Many documents relating to an education services contract were posted on the General Assembly's website. Through documents and testimony received in the Senate and House investigations and open-source searches, your affiant has learned of the events preceding the award of the State contract to ILO.

On March 2, 2021, Governor McKee was sworn into office as Governor of the State of Rhode Island. Before this date, Governor McKee served as the Lieutenant Governor of the State of Rhode Island. Your affiant is aware that Dr. Michael C. Magee Jr. ("Magee"), DOB [REDACTED]/71, is Chief Executive Officer of Chiefs for Change, a nonprofit educational consulting group based out of Washington, DC. In Governor McKee's letter dated September 14, 2021, Governor McKee acknowledged that he and Magee have a relationship dating back to Governor McKee's time as mayor of Cumberland. Governor McKee stated that "Magee worked with me on education." Magee helped Governor McKee start a mayoral academy in Cumberland over 10 years ago. Governor McKee chose Magee to be on his transition team, as an advisor.

Dr. Julia Rafal-Baer ("Rafal-Baer") was an employee of Magee's at Chiefs for Change where she held the position of Chief Operating Officer. She held this position until June 28, 2021, according to news reports. According to filings with the RI Secretary of State, Rafal-Baer created Hope Street Consulting, LLC in January of 2017. The corporation, which is currently active according to the RI Secretary of State, is listed as being created to consult in the field of education. On March 4, 2021, ILO was incorporated in the State of Rhode Island. According to ILO's website, Rafal-Baer is the managing partner.

On March 5, 2021, Governor McKee, Governor's Chief of Staff Anthony Silva ("Silva"), Director of Administration James Thorsen ("Thorsen"), State Purchasing Officer Nancy McIntyre ("McIntyre"), and Magee had a "Zoom" meeting to discuss educational issues in the State of Rhode Island. Included in the invite list, but not present during the Zoom meeting, was Rafal-Baer. In his Senate testimony, Thorsen stated Magee introduced the idea of hiring ILO as a consulting firm to assist Governor McKee with pushing forward his initiative to have schools open full time in the Fall of 2021 and to address any learning issues that may have been exacerbated by "at home learning" during the Covid-19 crisis.

In an interview on October 29, 2021, McIntyre described to your affiant the competitive bid process that was used for the Governor's education initiative. She explained on March 23, 2021, a Request for Proposal ("RFP") was generated and publicly posted by the Division of Purchases for interested parties to bid upon. In his House testimony, Thorsen stated that he and "the Governor's Office" wrote the RFP. Additionally, Thorsen testified that Antonio Afonso ("Afonso"), former Deputy Chief of Staff, currently Chief of Staff for Governor McKee, prepared the RFP on behalf of "the Governor's Office." Thorsen provided similar testimony before the Senate regarding the crafting of the RFP. In his September 14, 2021, letter Governor McKee indicated that his "Administration issued a Request for Proposals (RFP)" and that the Division of Purchases "conducted a competitive proposal process."

Silva served as Governor McKee's Chief of Staff during the transition from gubernatorial administrations. He continued to serve in the McKee administration until his resignation on August 30, 2021.

Your affiant located and reviewed the following email from Silva's personal Gmail email address:

**Subject:** Suggestion on staffing policy  
**From:** Michael Magee [REDACTED]  
**Date:** 2/15/2021, 11:38 AM  
**To:** Dan McKee [REDACTED], Anthony Silva [REDACTED]

Hi Dan and Tony,

Given the Tom McCarthy drama between RIDE and DOH, Julia Rafal-Baer and I thought you might want to get word out to all your agencies that they should not be poaching each other's senior staff right now, particularly as you work to identify your own senior team.

We put together this draft memo for you both to consider, which if you think it makes sense would go out from Tony to the agency chiefs.

Let me know if it would be helpful to discuss.

Best,

Mike

Attachments:

DRAFT - Internal Hiring Protocol Memo - for review.docx

15.1 KB

This email establishes Magee and Rafal-Baer were advising Governor McKee together as early as February 15, 2021. These communications occurred through personal email accounts and not government email addresses. It further suggests Magee and Rafal-Baer had some connection to Thomas McCarthy.

In an email chain on February 24, 2021, Magee introduced Rafal-Baer to Silva:

**Subject:** Re: [Intro] Tony Silva & Julia Rafal-Baer  
**From:** Julia Rafal-Baer <[REDACTED]>  
**Date:** 2/24/2021, 10:48 AM  
**To:** Michael Magee <[REDACTED]>  
**CC:** Anthony Silva <[REDACTED]>

Thank you, Mike!

Tony - it is a pleasure to meet you. Please let me know a good time to connect. I am available 12:30-1:30pm or this evening at 8pm or happy to look for other options.

My best,  
Julia

On Tue, Feb 23, 2021 at 8:54 PM Michael Magee <[REDACTED]> wrote:  
Hi Tony,

Per our conversation, I'm introducing you to Julia Rafal-Baer. Julia's consulting firm, Hope Street, provides a wide variety of services to support government on research, planning and implementation of complex projects.

In particular, she would bring deep expertise and relationships to stand up COVID-testing in schools, research and develop the best approach to teacher eligibility for vaccination and support the current advisory group, and to support all aspects of the Governor's school reopening and learning acceleration plans. She can also support personnel recruitment if need be. Julia would play a lead role on all consulting projects you chose to engage Hope Street for. I cannot recommend her highly enough.

Julia, Tony is the Governor's Chiefs of Staff and when the Governor is sworn in will oversee all aspects of RI's pandemic response.

Hope the two of you are able to connect soon. I'm happy to join if that's helpful.

Best,

Mike

An email chain between February 28, 2021, and March 1, 2021, indicates that Magee and Rafal-Baer (of Hope Street Consulting at the time) were involved in the drafting of the cost proposal for the initiative.

On March 1, 2021, Magee emailed the Governor about the contract that Rafal-Baer was proposing. He explained that Rafal-Baer “would lead this project herself full-time with a team.” He conveyed two options for implementation:

**Subject:** Re: Consulting contract for reopening schools  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/1/2021, 10:13 PM  
**To:** Dan McKee <[REDACTED]>  
**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Dan, Tony and Chris,

I worked with Julia and her team to get some clarity on a two-year consulting budget, much of which would be executed in the first 12 months, though important work on the Governor’s education agenda would extend into year two. Julia would lead this project herself full-time with a team dedicated to the management of the overall project and three additional project teams. The total cost of the proposal is approximately \$12M: \$9M in year 1 and \$3M in year 2. I’ve attached an itemization by project and year.

For context, I was able to get some information on the Alvarez and Marsal contract and I have copied that below. The contract Julia and Hope Street Consulting are proposing provides significantly greater return on investment, it seems to me.

In terms of strategy for executing a contract, my understanding is there are two options:

1. An emergency contract.
2. A very fast RFP with a very fast turnaround – e.g. 10 days. This could be quite specific - i.e. winning vendor must be able to do turnaround of 12 hours and must live in R.I. and must have experience with operationalizing education and health for at least 15 school districts and more than 6 states. (That’s apparently how Alvarez contract started as well as a contract with Salesforce.) Hope Street group would qualify under parameters like that.

My only goal here is to ensure Dan leads the nation in school reopening and learning acceleration over the next two year and I think this contract would go a long way towards ensuring that.

Can we find 30-60 mins tomorrow to discuss?

Best,

Mike

It appears that the potential consulting contract was further discussed in a series of Zoom calls. On March 2, 2021, a Zoom conference occurred with all participants using non-government emails:

**Subject:** Please join Zoom meeting in progress  
**From:** Mike Magee <[REDACTED]>  
**Date:** 3/2/2021, 7:31 PM  
**To:** Dan McKee <[REDACTED]>, Julia Rafal-Baer <[REDACTED]>, Anthony Silva <[REDACTED]>

Join Zoom Meeting  
<https://chiefsforchange.zoom.us/j/530476963?pwd=MVhkUkIOZW9BZHNjcDZQZlZYW1cQT09>

Meeting ID: 530 476 963  
Passcode: 457756  
One tap mobile  
+19292056099,,530476963# US (New York)  
+13017158592,,530476963# US (Washington DC)

Dial by your location  
+1 929 205 6099 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 312 626 6799 US (Chicago)  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)

Meeting ID: 530 476 963  
Find your local number: <https://chiefsforchange.zoom.us/u/aNFuZDdlh>

There was a second Zoom meeting on March 3, 2021, with several individuals including Governor McKee (who was sworn-in the previous day), Magee, Rafal-Baer, and McCarthy who was ultimately a member of the review team for the RFP. Later that evening, Magee emailed McKee, Silva, and Farrell, his edits to a Request for Information. Page four of the document had language that was similar to the language and concepts in the RFP that was ultimately issued. It is your affiant's belief that this proposal ultimately became the RFP. Magee also stressed the "interest of quick turnaround" and offered to "help speed things along."



On the morning of March 4, 2021, Silva responded to Magee's email that he would inquire about an emergency contract. Based on your affiant's review of multiple emails from March 4, 2021, it appears that by the afternoon the discussion focused the option of an RFP and not an emergency contract. Magee kept Rafal-Baer and Cerena Figueroa (partner in the newly formed ILO) informed about the switch to a RFP to execute the contract. He also made sure that they had the RFI that he wrote and submitted to Department of Administration ("DOA").

Subject: Fwd: RFI for School Reopening  
From: Michael Magee <[REDACTED]>  
Date: 3/4/2021, 4:38 PM  
To: [REDACTED], Julia Rafal-Baer <[REDACTED]>

This is what went to DOA today. I also told Tony that if there's a way to make it exclusive to RI vendors (or to preference them) that would help. Jim Thorsen, the new head of DOA is supposed to take it from here and get it posted. I also spoke to McKee about it.

----- Forwarded message -----  
From: Michael Magee <[REDACTED]>  
Date: Wed, Mar 3, 2021 at 8:16 PM  
Subject: RFI for School Reopening  
To: Dan McKee <[REDACTED]>  
Cc: Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Hi all,

I edited the RFI I received from DOA to reflect all the needs we discussed and a quick turnaround time (3/12).

Ideally this would go to DOA tomorrow in the interest of quick turnaround and beginning the urgent work.

I'm just guessing at this and am sure DOA can be helpful in getting it exactly right. Happy to talk to anyone there if that would help speed things along. Let me know if there's anything else you need me to do.

Best,

Mike

— Attachments:

rfi-RISchools.3.3.21.docx

134 KB

Magee's communication with Rafal-Baer and Figueroa continued on March 4, 2021. When they sought clarification on the mechanism to get the contract executed, Magee stated in the below email that he would check with Silva:

**Subject:** Re: RFI for School Reopening  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/4/2021, 4:53 PM  
**To:** Cerena Figueroa <[REDACTED]>  
**CC:** Julia Rafal-Baer <[REDACTED]>

I'll clarify with Tony.

On Thu, Mar 4, 2021 at 4:48 PM Cerena Figueroa <[REDACTED]>

Request for information	Request for proposal	Request for quote
<p align="center">- RFI -</p> <p>An RFI is requesting potential solutions for the property owner's problem. The owner does not yet know exactly what work needs to be done. A response should include your solution with detail explaining why it would be an appropriate.</p>	<p align="center">- RFP -</p> <p>An RFP is requesting a formal, detailed proposal to complete a specific project. The owner knows what work needs to be done and is looking for the right contractor to complete it. The proposal should include detail about the work, your capabilities and experience, and the cost required to complete it.</p>	<p>An RFQ to complete a specific request requires a prepared proposal.</p>

Later that evening, Magee forwarded the RFI that he wrote to Governor McKee and Silva. The below email indicates that a RFP process through DOA would likely be commencing for the education contract:

**Subject:** Fwd: Consulting contract for reopening schools  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/4/2021, 5:39 PM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Hi Dan and Tony,

Putting the message below back at the top of your inbox. It includes information on the Alvarez and Marsal contract as well as a full scope of work that Julia put together. As you'll see it is very comprehensive and covers two years of all work related to school reopening and addressing learning loss, including everything from analysis of all federal dollars and how best to spend them, to the standing up of new OCYLs in municipalities. It's the whole package, involving 4 full senior project teams.

I've also included the draft RFI I filled out -- though after talking to Tony I'm not sure that's the right form for a quick turnaround.

Dan, Tony and I are going to meet with Jim Thorsen and Nancy McIntyre in the morning to figure out the best path forward.

Mike

Based on these email communications, the implication is clear that Magee advised Governor McKee that an education consulting contract should be executed quickly and that it should be awarded in one form or another for Rafal-Baer's consulting group. These

communications through personal email accounts with Governor McKee's team occurred prior to the contract being put out for competitive bid.

The communications indicate that fraud was likely perpetrated on the competitive bid process. These communications through personal email accounts with Governor McKee's team occurred prior to the contract being put out for competitive bid.

The publicly known Zoom meeting occurred the next morning on March 5, 2021, with McKee, Magee, Silva, Thorsen, and McIntyre. Rafal-Baer was invited to this meeting but did not attend. Following that meeting Magee sent an email to Thorsen and McIntyre. He ultimately forwarded that email to Governor McKee and Silva on March 8, 2021:

**Subject:** Fwd: RFP  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/8/2021, 9:56 AM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Dan and Tony,

This is what I sent to Jim and Nancy last week.

Mike

----- Forwarded message -----

**From:** Michael Magee <[REDACTED]>  
**Date:** Fri, Mar 5, 2021 at 12:56 PM  
**Subject:** RFP  
**To:** Thorsen, James (DOR) <[REDACTED]>, McIntyre, Nancy (DOA) <[REDACTED]>  
**Cc:** [REDACTED]

Hi Jim and Nancy,

Great to meet you and thanks so much for your help!

Here is a brief scope of work for what I described in our meeting. Happy to provide any additional details you need:

We're look for qualified vendor to provide comprehensive school reopening support along with technical assistance in accelerating learning for Rhode Island students to RIDE and local education agencies (LEAs). I personally think "qualified" should be defined as a firm whose partners have worked on the health and education areas listed below in at least 15 large school districts and at least 6 states.

The specific goals are:

- Support the Office of the Governor, Department of Health, Department of Education, LEAs and other relevant agencies in developing a coherent approach to vaccinating teachers and other essential schools staff and overcoming any vaccine hesitancy among teachers and school staff through effective communications.
- Support Rhode Island LEAs to design and implement approaches to COVID testing for all teachers, staff and students, in coordination with relevant offices and agencies.
- Provide project management support of all aspects of school reopening including strategic advising to Rhode Island Department of Education, analysis of all COVID relief funding, program design and evaluation, policy development, stakeholder communications and engagement and implementation support.
- Support design and implementation of Rhode Island plan to address student learning loss,

including: strategic planning, the use of municipal education offices, equity audits, accountability services, learning loss program design and evaluation and implementation support.

We want one vendor with the capacity to oversee, manage and deliver on all this work.

My own analysis is that we're looking at about \$12-15M worth of work over two years across the buckets above. Happy to provide some detail about how that breaks down across workstreams if that's helpful. I expect a firm will have 4 project teams dedicated to executing on these deliverables.

7 day turnaround would be ideal.

I'm available anytime to answer questions.

Best,

Mike

 (my cell)

When read in the context of Magee's prior communications to the Governor's office, his advocating for one vendor to DOA officials likely suggests Magee's continued intent to have Rafal-Baer receive the contract.

On March 23, 2021, the Governor's office initiated the procurement process through DOA by posting the RFP. On the same day Rafal-Baer emailed an out-of-state education consultant who was inquiring about the RFP:

Subject: Re: Solicitation Create Notification from State of Rhode Island: RFP21000563 K-12 School and Higher Education Reopening Plan...  
From: Julia Rafal-Baer <[REDACTED]>  
Date: 3/23/2021, 10:48 PM  
To: David Irwin <[REDACTED]>

Hi!

It's a fixed RFP but luckily I know the person it's fixed for 😊

Already talked with Avossa about us all partnering on this one.

Will circle back but think it should be smooth!

On Mar 23, 2021, at 10:18 PM, David Irwin <[REDACTED]> wrote:

When you have a moment, let know if you have any insight into this and/or opinions on whether we should respond. It was released today and due on 4/13. We have some good existing content we could use for the proposal but it would require some work and as you know, we are quite busy right now ;). Let me know what you think.

David

<RFP21000563 Reopening schools RFP.pdf>

This email confirms your affiant's belief that fraud or manipulation of any competitive bidding occurred at the outset of the process. It calls into question the legitimacy of the process that followed. Your affiant also notes that David Irwin ("Irwin") and "Thru-ed" did not bid on the RFP. Irwin was listed as a subject matter expert with ILO during ILO's presentation to the RFP review committee.

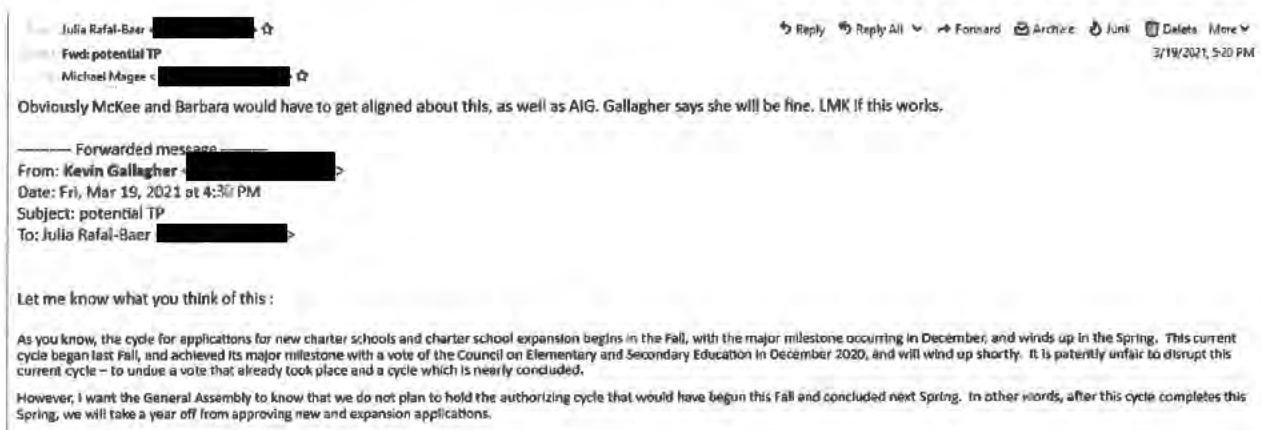
Director Thorsen's belief that the Governor's office wrote the RFP appears contradicted by the communications that Magee wrote the RFI which ultimately became the RFP. Email communications to Thorsen ([REDACTED]) regarding who wrote the RFP would be evidence of the fraud on the competitive bidding process.

### Evaluation of Bids

Your affiant seeks to search the above-referenced email accounts of review team members for evidence of fraud committed during the bid evaluation process. There is reason to believe that the RFP was drafted in such a way that Rafal-Baer's entity ILO would most

closely meet the RFP criteria. It is difficult to see how other vendors could fairly compete with Rafal-Baer's entity under these circumstances with Rafal-Baer's inside knowledge.

Your affiant requested and was granted a search warrant for all records associated with the Google email account, and Google + Photos accounts of [REDACTED], [REDACTED] from August 1, 2020, to December 2021. Your affiant incorporates by reference the affidavit in support of those search warrants dated December 3, 2021 (attached as Attachment A).<sup>1</sup> In January 2022, your affiant received the results of the search warrants and began a review of the private email correspondence of Magee and Rafal-Baer. Your affiant found that they remained in contact through email prior to the awarding of contracts. For example, in a March 19, 2021 email, Rafal-Baer forwarded Magee an email about charter schools from Kevin Gallagher, an education adviser in Governor Raimondo's administration:



The manner in which the procurement process played out supports my belief that fraud or manipulation occurred. McIntyre indicated in her interview that ILO and four other consultants submitted bids for this RFP. WestEd, one of the companies submitting a bid, is an education consulting company based out of San Francisco, California, and has been providing consulting services to the State of Rhode Island for several years.

According to WestEd's website, WestEd started in 1966 and is a nonpartisan, nonprofit research, development, and service agency that works with education and other communities

<sup>1</sup> Your affiant also obtained a search warrant for the Microsoft account [REDACTED] and the results of that search warrant have not yet been returned by the Microsoft Corporation.

throughout the United States and abroad to promote excellence, achieve equity, and improve learning for children, youth, and adults.

McIntyre explained in her interview, as with all RFPs, a review committee was established to evaluate the bids. The Governor's office was involved in choosing the members of the review committee. Daniel Majcher ("Majcher"); [REDACTED] Department of Administration, Charles Lombardi, [REDACTED] Mayor of North Providence, Thomas McCarthy ("McCarthy"), [REDACTED] Department of Health, and Kristen Danusis, [REDACTED] Department of Education, were all chosen to be on the RFP review committee.

On April 26, 2021, Rafal-Baer presented ILO's proposal to the review committee. Your affiant found an email dated April 18, 2021, in which Magee advised Rafal-Baer on how to present to the review committee. Rafal-Baer later shared with Magee a version of ILO's presentation to the review committee on May 15, 2021:

**Subject:** This is the version of the deck we could send to Reed/Jessica  
**From:** Julia Rafal-Baer <[REDACTED]>  
**Date:** 5/15/2021, 12:01 PM  
**To:** Michael Magee <[REDACTED]>

Not sure it's worth it, but this is a paired back one from the interview that I could share to basically say, this is what Gov wants to get done and RFP does not need to be the vehicle, but we need to move.

— Attachments:

RI RFP (1).pdf

853 KB

WestEd and ILO emerged as the two leading candidates for the RFP. As noted above, McCarthy was at least involved in one non-publicly known Zoom meeting with Governor McKee, Rafal-Baer and Magee prior to the RFP being issued.

Christine Lopes-Metcalf [REDACTED] had been an employee at RIDE, and then moved to the Governor's staff in March of 2021. On April 29, 2021, McCarthy introduced Christine Lopes-Metcalf to the review committee once it had been put



in place. He introduced her as the Governor's senior education advisor in the below email which was provided in an APRA response from the DOA:

---

From: "McCarthy, Thomas (RIDOH)" <[REDACTED]>  
Date: Thursday, April 29, 2021 at 3:03 PM  
To: "Majcher, Daniel (DOA)" <[REDACTED]>, Mayors Office  
<[REDACTED]>, "Danusis, Kristen" <[REDACTED]>  
"Lopes Metcalfe, Christine (GOV)" <[REDACTED]>  
Subject: Education RFP

Good afternoon team,

I wanted to introduce you to Christine Lopes-Metcalfe, the senior education advisor in the Governor's Office.

Christine,

This group is working to complete the evaluation for an RFP tied to delivering on the Governor's education and supporting municipalities in fully reopening schools next year, building upon the outcomes of the LEAP task force, and working to establish municipal education departments. I spoke with Tony Afonso and he asked that we work with you to develop a rough sizing of what we think the engagement would require to deliver on the Governor's intent. Kristen Danusis and RIDE have taken a first pass at the sizing but we want to make sure we're fully aligned with the Governor's expectations. Can you please work with Kristen to help flesh out what we would assess the minimum level of effort would be so that we can ask the vendors to bid accordingly?

Thank you,  
Tom

Tom McCarthy

The vendors' cost proposals became an issue once the review committee received them. In Majcher's testimony before the Senate, he explained that they evaluated the cost proposal from ILO and WestEd. He stated, "we found that we could not compare apples to apples, that the vendors did not understand exactly what was being -- the state was expecting to be proposed there. Specifically, what the vendors did not understand was that a municipal learning center would be established in every city and town, in 39 cities and towns." He further testified, "we had one vendor [ILO Group, LLC] proposing ten times what the other vendors were proposing." The disparity in the vendors' pricing proposals is likely explained by Rafal-Baer's insider knowledge. Moreover, a search of the email accounts of the review team members is necessary to determine

whether any influence was exerted on the review team to look more favorably on ILO's proposal in terms of scoring.

### MPA and Scope of Work

After getting best and final offers from the companies, on May 28, 2021, the review committee recommended shifting from a RFP to a MPA. Due to the disparity in the cost proposals, in June of 2021, State of Rhode Island Division of Purchases ultimately decided to change the award for this RFP to a MPA in which both WestEd and ILO would provide consulting services for reopening schools in the State of Rhode Island.

Majcher stated in his testimony, "we have two technically qualified eligible vendors that could provide these services. ...we'll put them on a Master Price Agreement, and then...the *governor's office* can have detailed discussions with each of the vendors, determine the scope of work, and negotiate the cost. I think as a result of this, they ended up with a 5 million dollar like cap." (emphasis added).

This is verified by an email from Majcher to Afonso on June 1, 2021. In the email, Majcher suggested that "the project manager (not sure if it is Christine Lopes Metcalf?) start working on the specific scope of work and any additional contract terms (i.e. deliverables, payment terms, etc.) for each vendor."

In early June of 2021, emails indicate that Magee's involvement in the procurement process remained. On June 4, 2021, Magee ([REDACTED]) emailed Silva ([REDACTED]) a draft of the scope of work for each vendor – ILO and West Ed. Notably, Magee was advising the Governor's office on the amount of work and expenditure that the State would provide to Rafal-Baer's ILO. On June 5, 2021, Afonso ([REDACTED]) emailed Magee a redlined version of the draft of the scope of work. Afonso requested an opportunity to speak with Magee on the phone about the scope of work.

On June 11, 2021, Lopes-Metcalf emailed Majcher and other DOA employees and copied Afonso through government email addresses. She requested information concerning the hourly rates of the two selected vendors. Majcher responded the same day with the maximum

hourly rates. Your affiant is aware the Office of the Governor allotted \$5,200,000 to ILO and \$926,000 to WestEd through purchase orders in late June 2021 under the MPA. Your affiant requests a search of the email accounts of the review team members, as well as Thorsen and Lopes-Metcalf, for any evidence of fraud at this stage in the procurement process.

Lopes-Metcalf's Additional Email Addresses

Magee was familiar with Lopes-Metcalf prior to the RFP. Below are excerpts of an email dated January 25, 2021, in which Magee advocated for Lopes-Metcalf to McKee (then Lt. Governor) to fill the position in Governor's office:

Subject: Follow up: Education  
From: Michael Magee <[REDACTED]>  
Date: 1/25/2021, 10:39 PM  
To: Dan McKee <[REDACTED]>, Joe Rodio <[REDACTED]>

Hi Dan and Joe,

Following up on conversations we've had about education. As I've mentioned, there are big opportunities ahead to execute on Dan's vision for empowering municipal government, especially in the early childhood education, civic engagement and workforce development spaces.

3. I'd like to set up a call with Dan and Christine Lopes. I continue to think she'd be very strong in Kevin's role and she wants the job. I understand Jeremy Chiappetta has some interest. I have three major concerns with that. 1) He's even more associated with the old charter school wars than Dan is. 2) Political savvy is not Jeremy's greatest strength. 3) He is a white man and I think diversity is critical in that role, in addition to being important to Dan's overall brand in the next election. 4) There is no succession plan at BVP and this choice needs to be made soon. I say all this despite the fact that Jeremy is a close friend and I'm a big fan.

Lopes-Metcalf used multiple email addresses to communicate with Magee and Rafal-Baer. In the below email invitation, she used [REDACTED] to communicate with Magee:

Subject: Invitation: Mike/Christine Connect @ Tue Feb 23, 2021 7pm - 8pm (EST)

From: [REDACTED]

Date: 2/22/2021, 7:21 PM

To: [REDACTED]

[REDACTED].com has invited you to Mike/Christine Connect

You have been invited to the following event.

**Mike/Christine Connect**

When Tue Feb 23, 2021 7pm – 8pm Eastern Time - New York

[more details »](#)

Where Mike call Christine ([map](#))

Joining info Join with Google Meet  
[meet.google.com/dvg-ruaw-tyr](https://meet.google.com/dvg-ruaw-tyr)

Calendar [REDACTED]

Who • [REDACTED] - organizer  
• [REDACTED]

Going [REDACTED]? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account [REDACTED] because you are subscribed for invitations on calendar [REDACTED]

To stop receiving these emails, please log in to <https://calendar.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. [Learn More.](#)

In an email from March of 2021 where Magee [REDACTED] was included, Lopes-Metcalf used [REDACTED]

Subject: RE: Hearing next week  
From: "Lopesmetcalfe, Christine" <[REDACTED]>  
Date: 3/17/2021, 11:52 AM  
To: "Horan, Kevin (GOV)" <[REDACTED]>, "Ahern, Kim (GOV)" <[REDACTED]>, "Vota, Rico (GOV)" <[REDACTED]>, "Abhulime, Christopher (GOV)" <[REDACTED]>, "Sheaff, Matt (COMM)" <[REDACTED]>, "Jones, Corey (GOV)" <[REDACTED]>, "Crowell, Emily" <[REDACTED]>, "Palagi, Andrea R (GOV)" <[REDACTED]>

Kim – thanks for the email and reaching out.

Unfortunately I have a negotiations session tomorrow from 3-6, but I am open from 12:30 – 3:00 or 11-Noon if either of those blocks work.

If not, if I could find time with you after my meetings to get caught up that would be great.

Best  
Christine

In the following email from April of 2021, Rafal-Baer emailed Lopes-Metcalfe using Lopes-Metcalfe's private Gmail address:

Subject: Re: updated union contract research  
From: Julia Rafal-Baer <[REDACTED]>  
Date: 4/2/2021, 3:05 PM  
To: Michael Magee <[REDACTED]>, Christine Lopes Metcalfe <[REDACTED]>

This seemed important to flag:

Parent/teacher conference

- The [2004-2007 agreement](#) appears to be the first one to not say the parent-teacher conference is mandatory for 230 day teachers. Compare to [prior \(2001\) agreement](#).

Professional development approach

- The 2004-2007 agreement includes this sentence: "Teachers are required to be in attendance at all Professional Time sessions and shall be compensated at their daily/hourly rate."
- This sentence is not found in subsequent agreements (see: page 32 of [2011-14 agreement](#)) but the [2007-2010 agreement seems to carry over almost everything](#)
- It is worth noting that this sentence isn't in prior agreements either but the prior agreements seem to be silent on it altogether...maybe it was previously implied that teachers were required to participate.
- The [2017-20 agreement](#) says: "Beginning with the 2019-20 school year, the City shall provide an additional two (2) days of unpaid professional development opportunities. Participation in said professional development opportunities shall not be mandatory."

The above emails establish Lopes-Metcalf had a relationship with Rafal-Baer and Magee. The emails also show that Lopes-Metcalf was at least in communication with them during the time of the procurement process. This prior familiarity coupled with Lopes-Metcalf's role in the Governor's office of determining the scope of ILO's work and the cost of their services establishes probable cause that evidence of crimes may be found within her three (3) above-referenced email accounts.

Based on the above-stated facts and circumstances, your affiant requests a search warrant for all records associated with the Rhode Island Department of Education (RIDE) accounts of [REDACTED] and [REDACTED] from December 1, 2020, to December 1, 2021, to include but not limited to - all email content including read, unread, sent, received, draft and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records. Your affiant seeks documentary evidence to support an investigation into allegations of Access to a Computer for Fraudulent Purposes, Rhode Island General Law §11-52-2, as well as Restraint of trade or commerce in violation of Rhode Island General Law § 6-36-4.

Your affiant has not included each and every fact known to me concerning this investigation and has only set forth the facts and circumstances that your affiant believes are necessary to establish the foundation for the search warrant.

  
Sergeant Michael Brock #54  
Rhode Island State Police

In Providence County this 18th day of February 2022  
before me personally came Sergeant Michael Brock and made oath to the  
truth of the foregoing.

  
Judge of the District Court

**State of Rhode Island**  
**Complaint to Search and Seize Property / or Person**

TO Melissa Dusek Justice of the Supreme, Superior Court, or Judge of the District Court of the State of Rhode Island.

- a) Detective Sergeant Michael Brock, Member of the Division of State Police.
- b) \_\_\_\_\_ a person authorized by law to bring complaints for violation of the law which it is my responsibility to enforce/a person who has a right to possession of the property stolen, embezzled, or obtained by false pretense or pretenses:

ON OATH COMPLAINS THAT:

- (1) ~~Certain property has been stolen or embezzled, or obtained by false pretenses, or pretenses, with intent to cheat or defraud within this state or elsewhere.~~
- (2) ~~Certain property has been kept, suffered to be kept, concealed, deposited, or possessed in violation of law, or for the purpose of violating the law;~~
- (3) ~~Certain property is designed or intended for use, or is or has been used in violation of law, or as a means of committing a violation of law;~~
- (4) Certain property contains evidence of a crime;

and requests that a warrant to search for and seize said property/person be issued and if the same be subject to forfeiture, that the property be forfeited.

The person/property or articles to be searched for and/or seized is described as follows: **All records associated with the Rhode Island Division of Information Technology (DOIT) email account of**, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ from December 1, 2020, to December 1, 2021, to include but not limited to - all email content including read, unread, sent, received, draft and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.

The name of the owner or keeper, thereof (if known) is: **Keeper of Records, Rhode Island Division of Information Technology, One Capitol Hill, Providence, Rhode Island, 02908.**

The place or person to be searched is described as follows: **Keeper of Records, Rhode Island Division of Information Technology, One Capitol Hill, Providence, Rhode Island, 02908.**

Subscribed and sworn to before me:

  
\_\_\_\_\_  
Judge/Justice

2/10/22  
Date  
Sgt M Brock  
Complainant  
MICHAEL BROCK

## Search Warrant

State Ex rel	Member of the Rhode Island State Police: <b>Detective Sergeant Michael Brock</b>	County: <b>Providence</b>
vs. Respondent: <b>Rhode Island Division of Information Technology One Capitol Hill Providence, Rhode Island 02908</b>		TO: An Officer authorized by law to execute the within warrant _____

Complaint and affidavit having been made to me under oath by **Detective Sergeant Michael Brock** and as I am satisfied that there is probable cause for the belief therein set forth that grounds for issuing a search warrant exist, you are hereby commanded diligently to search the place or person herein described for the property specified and to bring such property or articles, and to summon the owner, or keeper thereof, if any be named in the complaint, if to be found by you, to appear before the District Court in the district where such property shall have been seized, namely the Sixth Division of the District Court of Rhode Island. **Rhode Island Department of Information Technology shall not disclose/notify the user of the issuance of this search warrant. Disclosure to the user could impede this investigation or obstruct justice.**

Rhode Island Division of Information Technology shall disclose responsive data, if any, by sending to Rhode Island State Police, Attention: Detective Sergeant Michael Brock, 311 Danielson Pike, Scituate, Rhode Island 02857, using the US Postal Service, or another courier service, notwithstanding 18 U.S.C. 2252A or similar statute or code.

Property or articles to be searched for and/or seized is described as follows: **All records associated with the Rhode Island Division of Information Technology (DOIT) email account of, [REDACTED], [REDACTED], and [REDACTED] from December 1, 2020, to December 1, 2021, to include but not limited to - all email content including read, unread, sent, received, draft and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.**

Place or person to be searched: **Keeper of Records, Rhode Island Division of Information Technology, One Capitol Hill, Providence, Rhode Island, 02908.**

Name of owner, or keeper, thereof if known to complainant: **Keeper of Records, Rhode Island Division of Information Technology, One Capitol Hill, Providence, Rhode Island, 02908.**

Said warrant shall be served in the daytime within seven (7) days from the issuance hereof, AND IF NOT SERVED WITHIN SAID TIME TO BE RETURNED FORTHWITH TO A JUDGE SITTING IN THE ABOVE NAMED COURT.

Property seized by you hereunder shall be safely kept by you under the direction of the Court so long as may be necessary for the purpose of being used as evidence in any case. As soon as may be thereafter, if the same be subject to forfeiture, such further proceedings shall be had thereon for forfeiture as is prescribed by law.

Hereof fail not and MAKE TRUE RETURN PROMPTLY OF THIS WARRANT TO A JUDGE THERE SITTING with your doings thereon, accompanied by a written inventory of any property taken to a judge sitting in the above named court.

Issued at **6<sup>th</sup> District Court** in the county of **Providence** this **10th** day of **February**, A.D. **2022**.

  
Judge of the District Court



ACKNOWLEDGMENT OF RETURN

Warrant received on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, from **Detective Sergeant Michael Brock** at

\_\_\_\_\_.

\_\_\_\_\_  
Clerk of the Court

# AFFIDAVIT

I, Detective Sergeant Michael Brock, on oath, depose and say that I am a sworn member of the Rhode Island State Police and have been continuously employed in that capacity for the previous twenty-one years. I am currently assigned to the Financial Crimes Unit (“FCU”) of the Detective Bureau and am charged with the investigation of crimes committed in violation of the Rhode Island General Laws.

On September 15, 2021, I was assigned to investigate potential crimes involving the award of a State of Rhode Island Division of Purchasing (State) contract to ILO Group, LLC (“ILO”). This contract was converted into a Master Price Agreement (“MPA”) award, in the amount of \$5.2 million to be paid to ILO over a two-year period.

This affidavit pertains to an investigation into whether certain individuals committed the crimes of accessing a computer for a fraudulent purpose or restraining of trade or commerce. The alleged fraud relates to conduct which may have interfered with the competitive process under which the State purportedly awarded ILO the contract. Your affiant believes that evidence of these crimes may be contained in communications of multiple individuals involved in the process – namely 4 members of the review team that evaluated the bids and the project manager from the Governor’s office. Specifically, your affiant believes that the following email accounts contain communications about the genesis of and the process by which the ILO contract was awarded:

[REDACTED], [REDACTED],  
[REDACTED], [REDACTED],  
[REDACTED], [REDACTED],  
[REDACTED], and [REDACTED].

The awarding of this contract to ILO has come under public scrutiny in the media. Oversight committees of both houses of the Rhode Island General Assembly conducted investigations into the process. The investigations included document requests and hearing testimony. In a letter to the General Assembly dated September 14, 2021, Governor Daniel McKee (“Governor McKee”) responded to requests made to the Governor’s Office. On October 5 and 6, 2021, hearings were held, respectively in the Senate and the House of

Representatives. Many documents relating to an education services contract were posted on the General Assembly's website. Through documents and testimony received in the Senate and House investigations and open-source searches, your affiant has learned of the events preceding the award of the State contract to ILO.

On March 2, 2021, Governor McKee was sworn into office as Governor of the State of Rhode Island. Before this date, Governor McKee served as the Lieutenant Governor of the State of Rhode Island. Your affiant is aware that Dr. Michael C. Magee Jr. ("Magee"), DOB [REDACTED]/71, is Chief Executive Officer of Chiefs for Change, a nonprofit educational consulting group based out of Washington, DC. In Governor McKee's letter dated September 14, 2021, Governor McKee acknowledged that he and Magee have a relationship dating back to Governor McKee's time as mayor of Cumberland. Governor McKee stated that "Magee worked with me on education." Magee helped Governor McKee start a mayoral academy in Cumberland over 10 years ago. Governor McKee chose Magee to be on his transition team, as an advisor.

Dr. Julia Rafal-Baer ("Rafal-Baer") was an employee of Magee's at Chiefs for Change where she held the position of Chief Operating Officer. She held this position until June 28, 2021, according to news reports. According to filings with the RI Secretary of State, Rafal-Baer created Hope Street Consulting, LLC in January of 2017. The corporation, which is currently active according to the RI Secretary of State, is listed as being created to consult in the field of education. On March 4, 2021, ILO was incorporated in the State of Rhode Island. According to ILO's website, Rafal-Baer is the managing partner.

On March 5, 2021, Governor McKee, Governor's Chief of Staff Anthony Silva ("Silva"), Director of Administration James Thorsen ("Thorsen"), State Purchasing Officer Nancy McIntyre ("McIntyre"), and Magee had a "Zoom" meeting to discuss educational issues in the State of Rhode Island. Included in the invite list, but not present during the Zoom meeting, was Rafal-Baer. In his Senate testimony, Thorsen stated Magee introduced the idea of hiring ILO as a consulting firm to assist Governor McKee with pushing forward his initiative to have schools open full time in the Fall of 2021 and to address any learning issues that may have been exacerbated by "at home learning" during the Covid-19 crisis.

In an interview on October 29, 2021, McIntyre described to your affiant the competitive bid process that was used for the Governor’s education initiative. She explained on March 23, 2021, a Request for Proposal (“RFP”) was generated and publicly posted by the Division of Purchases for interested parties to bid upon. In his House testimony, Thorsen stated that he and “the Governor’s Office” wrote the RFP. Additionally, Thorsen testified that Antonio Afonso (“Afonso”), former Deputy Chief of Staff, currently Chief of Staff for Governor McKee, prepared the RFP on behalf of “the Governor’s Office.” Thorsen provided similar testimony before the Senate regarding the crafting of the RFP. In his September 14, 2021, letter Governor McKee indicated that his “Administration issued a Request for Proposals (RFP)” and that the Division of Purchases “conducted a competitive proposal process.”

Silva served as Governor McKee’s Chief of Staff during the transition from gubernatorial administrations. He continued to serve in the McKee administration until his resignation on August 30, 2021.

Your affiant located and reviewed the following email from Silva’s personal Gmail email address:

**Subject:** Suggestion on staffing policy  
**From:** Michael Magee <[REDACTED]>  
**Date:** 2/15/2021, 11:38 AM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Hi Dan and Tony,

Given the Tom McCarthy drama between RIDE and DOH, Julia Rafal-Baer and I thought you might want to get word out to all your agencies that they should not be poaching each other's senior staff right now, particularly as you work to identify your own senior team.

We put together this draft memo for you both to consider, which if you think it makes sense would go out from Tony to the agency chiefs.

Let me know if it would be helpful to discuss.

Best,

Mike

---

Attachments:

DRAFT - Internal Hiring Protocol Memo - for review.docx

15.1 KB

This email establishes Magee and Rafal-Baer were advising Governor McKee together as early as February 15, 2021. These communications occurred through personal email accounts and not government email addresses. It further suggests Magee and Rafal-Baer had some connection to Thomas McCarthy.

In an email chain on February 24, 2021, Magee introduced Rafal-Baer to Silva:

**Subject:** Re: [Intro] Tony Silva & Julia Rafal-Baer  
**From:** Julia Rafal-Baer <[REDACTED]>  
**Date:** 2/24/2021, 10:48 AM  
**To:** Michael Magee <[REDACTED]>  
**CC:** Anthony Silva <[REDACTED]>

Thank you, Mike!

Tony - it is a pleasure to meet you. Please let me know a good time to connect. I am available 12:30-1:30pm or this evening at 8pm or happy to look for other options.

My best,  
Julia

On Tue, Feb 23, 2021 at 8:54 PM Michael Magee <[REDACTED]> wrote:

Hi Tony,

Per our conversation, I'm introducing you to Julia Rafal-Baer. Julia's consulting firm, Hope Street, provides a wide variety of services to support government on research, planning and implementation of complex projects.

In particular, she would bring deep expertise and relationships to stand up COVID-testing in schools, research and develop the best approach to teacher eligibility for vaccination and support the current advisory group, and to support all aspects of the Governor's school reopening and learning acceleration plans. She can also support personnel recruitment if need be. Julia would play a lead role on all consulting projects you chose to engage Hope Street for. I cannot recommend her highly enough.

Julia, Tony is the Governor's Chiefs of Staff and when the Governor is sworn in will oversee all aspects of RI's pandemic response.

Hope the two of you are able to connect soon. I'm happy to join if that's helpful.

Best,

Mike

An email chain between February 28, 2021, and March 1, 2021, indicates that Magee and Rafal-Baer (of Hope Street Consulting at the time) were involved in the drafting of the cost proposal for the initiative.

On March 1, 2021, Magee emailed the Governor about the contract that Rafal-Baer was proposing. He explained that Rafal-Baer “would lead this project herself full-time with a team.” He conveyed two options for implementation:

**Subject:** Re: Consulting contract for reopening schools  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/1/2021, 10:13 PM  
**To:** Dan McKee <[REDACTED]>  
**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Dan, Tony and Chris,

I worked with Julia and her team to get some clarity on a two-year consulting budget, much of which would be executed in the first 12 months, though important work on the Governor's education agenda would extend into year two. Julia would lead this project herself full-time with a team dedicated to the management of the overall project and three additional project teams. The total cost of the proposal is approximately \$12M: \$9M in year 1 and \$3M in year 2. I've attached an itemization by project and year.

For context, I was able to get some information on the Alvarez and Marsal contract and I have copied that below. The contract Julia and Hope Street Consulting are proposing provides significantly greater return on investment, it seems to me.

In terms of strategy for executing a contract, my understanding is there are two options:

1. An emergency contract.
2. A very fast RFP with a very fast turnaround -- e.g. 10 days. This could be quite specific - i.e. winning vendor must be able to do turnaround of 12 hours and must live in R.I. and must have experience with operationalizing education and health for at least 15 school districts and more than 6 states. (That's apparently how Alvarez contract started as well as a contract with Salesforce.) Hope Street group would qualify under parameters like that.

My only goal here is to ensure Dan leads the nation in school reopening and learning acceleration over the next two year and I think this contract would go a long way towards ensuring that.

Can we find 30-60 mins tomorrow to discuss?

Best,

Mike

It appears that the potential consulting contract was further discussed in a series of Zoom calls. On March 2, 2021, a Zoom conference occurred with all participants using non-government emails:

**Subject:** Please join Zoom meeting in progress  
**From:** Mike Magee <[REDACTED]>  
**Date:** 3/2/2021, 7:31 PM  
**To:** Dan McKee <[REDACTED]>, Julia Rafal-Baer <[REDACTED]>, Anthony Silva <[REDACTED]>

Join Zoom Meeting  
<https://chiefsforchange.zoom.us/j/530476963?pwd=MVhkUklOZW9BZHNjcDZQZlZXYW1CQT09>

Meeting ID: 530 476 963  
Passcode: 457756  
One tap mobile  
+19292056099,,530476963# US (New York)  
+13017158592,,530476963# US (Washington DC)

Dial by your location  
+1 929 205 6099 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 312 626 6799 US (Chicago)  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)

Meeting ID: 530 476 963  
Find your local number: <https://chiefsforchange.zoom.us/u/aNFuZDdlh>

There was a second Zoom meeting on March 3, 2021, with several individuals including Governor McKee (who was sworn-in the previous day), Magee, Rafal-Baer, and McCarthy who was ultimately a member of the review team for the RFP. Later that evening, Magee emailed McKee, Silva, and Farrell, his edits to a Request for Information. Page four of the document had language that was similar to the language and concepts in the RFP that was ultimately issued. It is your affiant’s belief that this proposal ultimately became the RFP. Magee also stressed the “interest of quick turnaround” and offered to “help speed things along.”

On the morning of March 4, 2021, Silva responded to Magee's email that he would inquire about an emergency contract. Based on your affiant's review of multiple emails from March 4, 2021, it appears that by the afternoon the discussion focused the option of an RFP and not an emergency contract. Magee kept Rafal-Baer and Cerena Figueroa (partner in the newly formed ILO) informed about the switch to a RFP to execute the contract. He also made sure that they had the RFI that he wrote and submitted to Department of Administration ("DOA").

**Subject:** Fwd: RFI for School Reopening  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/4/2021, 4:38 PM  
**To:** [REDACTED] Julia Rafal-Baer <[REDACTED]>

This is what went to DOA today. I also told Tony that if there's a way to make it exclusive to RI vendors (or to preference them) that would help. Jim Thorsen, the new head of DOA is supposed to take it from here and get it posted. I also spoke to McKee about it.

----- Forwarded message -----  
**From:** Michael Magee <[REDACTED]>  
**Date:** Wed, Mar 3, 2021 at 8:16 PM  
**Subject:** RFI for School Reopening  
**To:** Dan McKee <[REDACTED]>  
**Cc:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Hi all,

I edited the RFI I received from DOA to reflect all the needs we discussed and a quick turnaround time (3/12).

Ideally this would go to DOA tomorrow in the interest of quick turnaround and beginning the urgent work.

I'm just guessing at this and am sure DOA can be helpful in getting it exactly right. Happy to talk to anyone there if that would help speed things along. Let me know if there's anything else you need me to do.

Best,

Mike

---

— Attachments: 134 KB  
rfi-RISchools.3.3.21.docx

Magee's communication with Rafal-Baer and Figueroa continued on March 4, 2021. When they sought clarification on the mechanism to get the contract executed, Magee stated in the below email that he would check with Silva:



**Subject:** Re: RFI for School Reopening  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/4/2021, 4:53 PM  
**To:** Cerena Figueroa <[REDACTED]>  
**CC:** Julia Rafal-Baer <[REDACTED]>

I'll clarify with Tony.

On Thu, Mar 4, 2021 at 4:48 PM Cerena Figueroa <[REDACTED]>

<p><b>Request for information</b></p> <p><b>- RFI -</b></p> <p>An RFI is requesting potential solutions for the property owner's problem. The owner does not yet know exactly what work needs to be done. A response should include your solution with detail explaining why it would be an appropriate.</p>	<p><b>Request for proposal</b></p> <p><b>- RFP -</b></p> <p>An RFP is requesting a formal, detailed proposal to complete a specific project. The owner knows what work needs to be done and is looking for the right contractor to complete it. The proposal should include detail about the work, your capabilities and experience, and the cost required to complete it.</p>	<p><b>Request for quotation</b></p> <p><b>- RFQ -</b></p> <p>An RFQ is requesting to complete a specific project. The owner knows what work needs to be done and is looking for the right contractor to complete it. The proposal should include detail about the work, your capabilities and experience, and the cost required to complete it.</p>
--	--	---

Later that evening, Magee forwarded the RFI that he wrote to Governor McKee and Silva. The below email indicates that a RFP process through DOA would likely be commencing for the education contract:

**Subject:** Fwd: Consulting contract for reopening schools  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/4/2021, 5:39 PM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Hi Dan and Tony,

Putting the message below back at the top of your inbox. It includes information on the Alvarez and Marsal contract as well as a full scope of work that Julia put together. As you'll see it is very comprehensive and covers two years of all work related to school reopening and addressing learning loss, including everything from analysis of all federal dollars and how best to spend them, to the standing up of new OCYLs in municipalities. It's the whole package, involving 4 full senior project teams.

I've also included the draft RFI I filled out -- though after talking to Tony I'm not sure that's the right form for a quick turnaround.

Dan, Tony and I are going to meet with Jim Thorsen and Nancy McIntyre in the morning to figure out the best path forward.

Mike

Based on these email communications, the implication is clear that Magee advised Governor McKee that an education consulting contract should be executed quickly and that it should be awarded in one form or another for Rafal-Baer's consulting group. These

communications through personal email accounts with Governor McKee's team occurred prior to the contract being put out for competitive bid.

The communications indicate that fraud was likely perpetrated on the competitive bid process. These communications through personal email accounts with Governor McKee's team occurred prior to the contract being put out for competitive bid.

The publicly known Zoom meeting occurred the next morning on March 5, 2021, with McKee, Magee, Silva, Thorsen, and McIntyre. Rafal-Baer was invited to this meeting but did not attend. Following that meeting Magee sent an email to Thorsen and McIntyre. He ultimately forwarded that email to Governor McKee and Silva on March 8, 2021:

**Subject:** Fwd: RFP  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/8/2021, 9:56 AM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Dan and Tony,

This is what I sent to Jim and Nancy last week.

Mike

----- Forwarded message -----

**From:** Michael Magee <[REDACTED]>  
**Date:** Fri, Mar 5, 2021 at 12:56 PM  
**Subject:** RFP  
**To:** Thorsen, James (DOR) <[REDACTED]>, McIntyre, Nancy (DOA) <[REDACTED]>  
**Cc:** <[REDACTED]>

Hi Jim and Nancy,

Great to meet you and thanks so much for your help!

Here is a brief scope of work for what I described in our meeting. Happy to provide any additional details you need:

We're look for qualified vendor to provide comprehensive school reopening support along with technical assistance in accelerating learning for Rhode Island students to RIDE and local education agencies (LEAs). I personally think "qualified" should be defined as a firm whose partners have worked on the health and education areas listed below in at least 15 large school districts and at least 6 states.

The specific goals are:

- Support the Office of the Governor, Department of Health, Department of Education, LEAs and other relevant agencies in developing a coherent approach to vaccinating teachers and other essential schools staff and overcoming any vaccine hesitancy among teachers and school staff through effective communications.
- Support Rhode Island LEAs to design and implement approaches to COVID testing for all teachers, staff and students, in coordination with relevant offices and agencies.
- Provide project management support of all aspects of school reopening including strategic advising to Rhode Island Department of Education, analysis of all COVID relief funding, program design and evaluation, policy development, stakeholder communications and engagement and implementation support.
- Support design and implementation of Rhode Island plan to address student learning loss,

including: strategic planning, the use of municipal education offices, equity audits, accountability services, learning loss program design and evaluation and implementation support.

We want one vendor with the capacity to oversee, manage and deliver on all this work.

My own analysis is that we're looking at about \$12-15M worth of work over two years across the buckets above. Happy to provide some detail about how that breaks down across workstreams if that's helpful. I expect a firm will have 4 project teams dedicated to executing on these deliverables.

7 day turnaround would be ideal.

I'm available anytime to answer questions.

Best,

Mike

[REDACTED] (my cell)

When read in the context of Magee's prior communications to the Governor's office, his advocating for one vendor to DOA officials likely suggests Magee's continued intent to have Rafal-Baer receive the contract.

On March 23, 2021, the Governor's office initiated the procurement process through DOA by posting the RFP. On the same day Rafal-Baer emailed an out-of-state education consultant who was inquiring about the RFP:

**Subject:** Re: Solicitation Create Notification from State of Rhode Island: RFP21000563 K-12 School and Higher Education Reopening Plan...  
**From:** Julia Rafal-Baer <[REDACTED]>  
**Date:** 3/23/2021, 10:48 PM  
**To:** David Irwin <[REDACTED]>

Hi!

It's a fixed RFP but luckily I know the person it's fixed for 😊

Already talked with Avossa about us all partnering on this one.

Will circle back but think it should be smooth!

On Mar 23, 2021, at 10:18 PM, David Irwin <[REDACTED]> wrote:

When you have a moment, let know if you have any insight into this and/or opinions on whether we should respond. It was released today and due on 4/13. We have some good existing content we could use for the proposal but it would require some work and as you know, we are quite busy right now :). Let me know what you think.

David

<RFP21000563 Reopening schools RFP.pdf>

This email confirms your affiant's belief that fraud or manipulation of any competitive bidding occurred at the outset of the process. It calls into question the legitimacy of the process that followed. Your affiant also notes that David Irwin ("Irwin") and "Thru-ed" did not bid on the RFP. Irwin was listed as a subject matter expert with ILO during ILO's presentation to the RFP review committee.

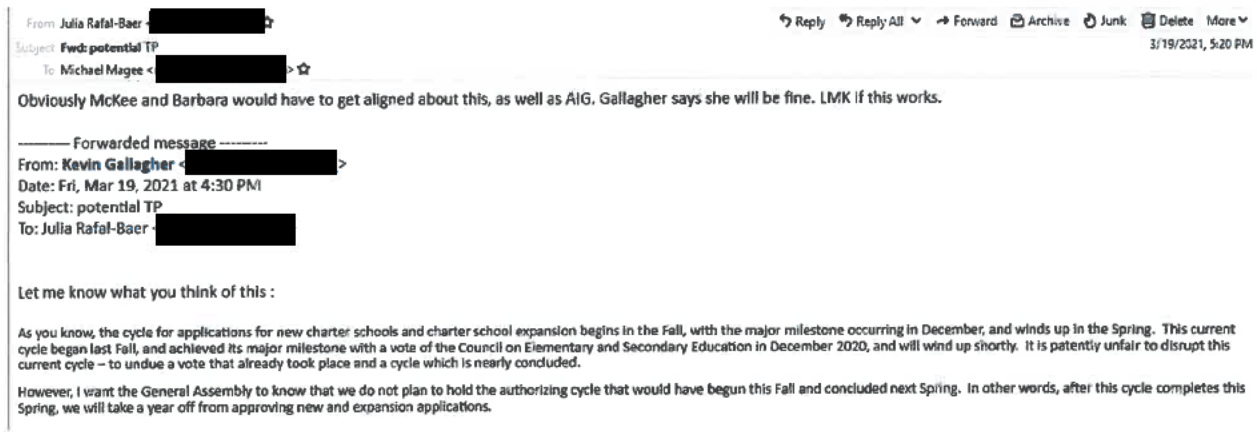
Director Thorsen's belief that the Governor's office wrote the RFP appears contradicted by the communications that Magee wrote the RFI which ultimately became the RFP. Email communications to Thorsen ([REDACTED]) regarding who wrote the RFP would be evidence of the fraud on the competitive bidding process.

### Evaluation of Bids

Your affiant seeks to search the above-referenced email accounts of review team members for evidence of fraud committed during the bid evaluation process. There is reason to believe that the RFP was drafted in such a way that Rafal-Baer's entity ILO would most

closely meet the RFP criteria. It is difficult to see how other vendors could fairly compete with Rafal-Baer's entity under these circumstances with Rafal-Baer's inside knowledge.

Your affiant requested and was granted a search warrant for all records associated with the Google email account, and Google + Photos accounts of [REDACTED], [REDACTED], from August 1, 2020, to December 2021. Your affiant incorporates by reference the affidavit in support of those search warrants dated December 3, 2021 (attached as Attachment A).<sup>1</sup> In January 2022, your affiant received the results of the search warrants and began a review of the private email correspondence of Magee and Rafal-Baer. Your affiant found that they remained in contact through email prior to the awarding of contracts. For example, in a March 19, 2021 email, Rafal-Baer forwarded Magee an email about charter schools from Kevin Gallagher, an education adviser in Governor Raimondo's administration:



The manner in which the procurement process played out supports my belief that fraud or manipulation occurred. McIntyre indicated in her interview that ILO and four other consultants submitted bids for this RFP. WestEd, one of the companies submitting a bid, is an education consulting company based out of San Francisco, California, and has been providing consulting services to the State of Rhode Island for several years.

According to WestEd's website, WestEd started in 1966 and is a nonpartisan, nonprofit research, development, and service agency that works with education and other communities

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<sup>1</sup> Your affiant also obtained a search warrant for the Microsoft account [REDACTED], and the results of that search warrant have not yet been returned by the Microsoft Corporation.

throughout the United States and abroad to promote excellence, achieve equity, and improve learning for children, youth, and adults.

McIntyre explained in her interview, as with all RFPs, a review committee was established to evaluate the bids. The Governor's office was involved in choosing the members of the review committee. Daniel Majcher ("Majcher"); [REDACTED] Department of Administration, Charles Lombardi, [REDACTED] Mayor of North Providence, Thomas McCarthy ("McCarthy"), [REDACTED] Department of Health, and Kristen Danusis, [REDACTED] Department of Education, were all chosen to be on the RFP review committee.

On April 26, 2021, Rafal-Baer presented ILO's proposal to the review committee. Your affiant found an email dated April 18, 2021, in which Magee advised Rafal-Baer on how to present to the review committee. Rafal-Baer later shared with Magee a version of ILO's presentation to the review committee on May 15, 2021:

**Subject:** This is the version of the deck we could send to Reed/Jessica  
**From:** Julia Rafal-Baer <[REDACTED]>  
**Date:** 5/15/2021, 12:01 PM  
**To:** Michael Magee <[REDACTED]>

Not sure it's worth it, but this is a paired back one from the interview that I could share to basically say, this is what Gov wants to get done and RFP does not need to be the vehicle, but we need to move.

— Attachments: —

RI RFP (1).pdf

853 KB

WestEd and ILO emerged as the two leading candidates for the RFP. As noted above, McCarthy was at least involved in one non-publicly known Zoom meeting with Governor McKee, Rafal-Baer and Magee prior to the RFP being issued.

Christine Lopes-Metcalf ([REDACTED]) had been an employee at RIDE, and then moved to the Governor's staff in March of 2021. On April 29, 2021, McCarthy introduced Christine Lopes-Metcalf to the review committee once it had been put

in place. He introduced her as the Governor's senior education advisor in the below email which was provided in an APRA response from the DOA:

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**From:** "McCarthy, Thomas (RIDOH)" <[REDACTED]>  
**Date:** Thursday, April 29, 2021 at 3:03 PM  
**To:** "Majcher, Daniel (DOA)" <[REDACTED]>, Mayors Office <[REDACTED]>, "Danusis, Kristen" <[REDACTED]>, "Lopes Metcalfe, Christine (GOV)" <[REDACTED]>  
**Subject:** Education RFP

Good afternoon team,

I wanted to introduce you to Christine Lopes-Metcalfe, the senior education advisor in the Governor's Office.

Christine,

This group is working to complete the evaluation for an RFP tied to delivering on the Governor's education and supporting municipalities in fully reopening schools next year, building upon the outcomes of the LEAP task force, and working to establish municipal education departments. I spoke with Tony Afonso and he asked that we work with you to develop a rough sizing of what we think the engagement would require to deliver on the Governor's intent. Kristen Danusis and RIDE have taken a first pass at the sizing but we want to make sure we're fully aligned with the Governor's expectations. Can you please work with Kristen to help flesh out what we would assess the minimum level of effort would be so that we can ask the vendors to bid accordingly?

Thank you,  
Tom

Tom McCarthy

The vendors' cost proposals became an issue once the review committee received them. In Majcher's testimony before the Senate, he explained that they evaluated the cost proposal from ILO and WestEd. He stated, "we found that we could not compare apples to apples, that the vendors did not understand exactly what was being -- the state was expecting to be proposed there. Specifically, what the vendors did not understand was that a municipal learning center would be established in every city and town, in 39 cities and towns." He further testified, "we had one vendor [ILO Group, LLC] proposing ten times what the other vendors were proposing." The disparity in the vendors' pricing proposals is likely explained by Rafal-Baer's insider knowledge. Moreover, a search of the email accounts of the review team members is necessary to determine



whether any influence was exerted on the review team to look more favorably on ILO's proposal in terms of scoring.

### MPA and Scope of Work

After getting best and final offers from the companies, on May 28, 2021, the review committee recommended shifting from a RFP to a MPA. Due to the disparity in the cost proposals, in June of 2021, State of Rhode Island Division of Purchases ultimately decided to change the award for this RFP to a MPA in which both WestEd and ILO would provide consulting services for reopening schools in the State of Rhode Island.

Majcher stated in his testimony, "we have two technically qualified eligible vendors that could provide these services. ...we'll put them on a Master Price Agreement, and then...the *governor's office* can have detailed discussions with each of the vendors, determine the scope of work, and negotiate the cost. I think as a result of this, they ended up with a 5 million dollar like cap." (emphasis added).

This is verified by an email from Majcher to Afonso on June 1, 2021. In the email, Majcher suggested that "the project manager (not sure if it is Christine Lopes Metcalf?) start working on the specific scope of work and any additional contract terms (i.e. deliverables, payment terms, etc.) for each vendor."

In early June of 2021, emails indicate that Magee's involvement in the procurement process remained. On June 4, 2021, Magee ([REDACTED]) emailed Silva ([REDACTED]) a draft of the scope of work for each vendor – ILO and West Ed. Notably, Magee was advising the Governor's office on the amount of work and expenditure that the State would provide to Rafal-Baer's ILO. On June 5, 2021, Afonso ([REDACTED]) emailed Magee a redlined version of the draft of the scope of work. Afonso requested an opportunity to speak with Magee on the phone about the scope of work.

On June 11, 2021, Lopes-Metcalf emailed Majcher and other DOA employees and copied Afonso through government email addresses. She requested information concerning the hourly rates of the two selected vendors. Majcher responded the same day with the maximum

hourly rates. Your affiant is aware the Office of the Governor allotted \$5,200,000 to ILO and \$926,000 to WestEd through purchase orders in late June 2021 under the MPA. Your affiant requests a search of the email accounts of the review team members, as well as Thorsen and Lopes-Metcalf, for any evidence of fraud at this stage in the procurement process.

Lopes-Metcalf's Additional Email Addresses

Magee was familiar with Lopes-Metcalf prior to the RFP. Below are excerpts of an email dated January 25, 2021, in which Magee advocated for Lopes-Metcalf to McKee (then Lt. Governor) to fill the position in Governor's office:

Subject: Follow up: Education  
From: Michael Magee <[REDACTED]>  
Date: 1/25/2021, 10:39 PM  
To: Dan McKee <[REDACTED]>, Joe Rodio <[REDACTED]>

Hi Dan and Joe,

Following up on conversations we've had about education. As I've mentioned, there are big opportunities ahead to execute on Dan's vision for empowering municipal government, especially in the early childhood education, civic engagement and workforce development spaces.

3. I'd like to set up a call with Dan and Christine Lopes. I continue to think she'd be very strong in Kevin's role and she wants the job. I understand Jeremy Chiappetta has some interest. I have three major concerns with that. 1) He's even more associated with the old charter school wars than Dan is. 2) Political savvy is not Jeremy's greatest strength. 3) He is a white man and I think diversity is critical in that role, in addition to being important to Dan's overall brand in the next election. 4) There is no succession plan at BVP and this choice needs to be made soon. I say all this despite the fact that Jeremy is a close friend and I'm a big fan.

Lopes-Metcalf used multiple email addresses to communicate with Magee and Rafal-Baer. In the below email invitation, she used [REDACTED] to communicate with Magee:

Subject: Invitation: Mike/Christine Connect @ Tue Feb 23, 2021 7pm - 8pm (EST)

[REDACTED]

From: [REDACTED]

Date: 2/22/2021, 7:21 PM

To: [REDACTED]

▶ [REDACTED] has invited you to Mike/Christine Connect

You have been invited to the following event.

### Mike/Christine Connect

When Tue Feb 23, 2021 7pm – 8pm Eastern Time - New York

[more details »](#)

Where Mike call Christine ([map](#))

Joining info Join with Google Meet

[meet.google.com/dvg-ruaw-tr](https://meet.google.com/dvg-ruaw-tr)

Calendar [REDACTED]

Who • [REDACTED] - organizer

• [REDACTED]

Going [REDACTED]? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account [REDACTED] because you are subscribed for invitations on calendar [REDACTED]

To stop receiving these emails, please log in to <https://calendar.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. [Learn More.](#)

In an email from March of 2021 where Magee ([REDACTED]) was included, Lopes-Metcalf used [REDACTED]

Subject: RE: Hearing next week  
From: "Lopesmetcalfe, Christine" <[REDACTED]>  
Date: 3/17/2021, 11:52 AM  
To: "Horan, Kevin (GOV)" <[REDACTED]>, "Ahern, Kim (GOV)" <[REDACTED]>, "Vota, Rico (GOV)" <[REDACTED]>, "Abhulime, Christopher (GOV)" <[REDACTED]>, "Sheaff, Matt (COMM)" <[REDACTED]>, "Jones, Corey (GOV)" <[REDACTED]>, "Crowell, Emily" <[REDACTED]>, "Palagi, Andrea R (GOV)" <[REDACTED]>

Kim – thanks for the email and reaching out.

Unfortunately I have a negotiations session tomorrow from 3-6, but I am open from 12:30 – 3:00 or 11-Noon if either of those blocks work.

If not, if I could find time with you after my meetings to get caught up that would be great.

Best  
Christine

In the following email from April of 2021, Rafal-Baer emailed Lopes-Metcalfe using Lopes-Metcalfe's private Gmail address:

Subject: Re: updated union contract research  
From: Julia Rafal-Baer <[REDACTED]>  
Date: 4/2/2021, 3:05 PM  
To: Michael Magee <[REDACTED]>, Christine Lopes Metcalfe <[REDACTED]>

This seemed important to flag:

Parent/teacher conference

- The [2004-2007 agreement](#) appears to be the first one to not say the parent-teacher conference is mandatory for 230 day teachers. Compare to [prior \(2001\) agreement](#).

Professional development approach

- The 2004-2007 agreement includes this sentence: "Teachers are required to be in attendance at all Professional Time sessions and shall be compensated at their daily/hourly rate."
- This sentence is not found in subsequent agreements (see: page 32 of [2011-14 agreement](#)) but the [2007-2010 agreement seems to carry over almost everything](#)
- It is worth noting that this sentence isn't in prior agreements either but the prior agreements seem to be silent on it altogether...maybe it was previously implied that teachers were required to participate.
- The [2017-20 agreement](#) says: "Beginning with the 2019-20 school year, the City shall provide an additional two (2) days of unpaid professional development opportunities. Participation in said professional development opportunities shall not be mandatory."


The above emails establish Lopes-Metcalf had a relationship with Rafal-Baer and Magee. The emails also show that Lopes-Metcalf was at least in communication with them during the time of the procurement process. This prior familiarity coupled with Lopes-Metcalf's role in the Governor's office of determining the scope of ILO's work and the cost of their services establishes probable cause that evidence of crimes may be found within her three (3) above-referenced email accounts.

Based on the above-stated facts and circumstances, your affiant requests a search warrant for all records associated with the Google email account, and Google + Photos account of [REDACTED]; and the Rhode Island Division of Information Technology (DOIT) accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]; and The Town of North Providence, Communications / Information Technology Division (NPCD) email account [REDACTED] from December 1, 2020, to December 1, 2021, to include but not limited to - all email content including read, unread, sent, received, draft and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records. Your affiant seeks documentary evidence to support an investigation into allegations of Access to a Computer for Fraudulent Purposes, Rhode Island General Law §11-52-2, as well as Restraint of trade or commerce in violation of Rhode Island General Law § 6-36-4.

Your affiant has not included each and every fact known to me concerning this investigation and has only set forth the facts and circumstances that your affiant believes are necessary to establish the foundation for the search warrant.

  
**Sergeant Michael Brock #54**  
**Rhode Island State Police**

In Providence County this 10<sup>th</sup> day of February 2022  
before me personally came Sergeant Michael Brock and made oath to the  
truth of the foregoing.



**Judge of the District Court  
Justice of the Supreme / Superior Court**

**State of Rhode Island**  
**Complaint to Search and Seize Property / or Person**

TO Melissa DuBoise Justice of the Supreme, Superior Court, or Judge of the District Court of the State of Rhode Island.

- a) Detective Sergeant Michael Brock, Member of the Division of State Police.
- b) \_\_\_\_\_ a person authorized by law to bring complaints for violation of the law which it is my responsibility to enforce/a person who has a right to possession of the property stolen, embezzled, or obtained by false pretense or pretenses:

ON OATH COMPLAINS THAT:

- (1) ~~Certain property has been stolen or embezzled, or obtained by false pretenses, or pretenses, with intent to cheat or defraud within this state or elsewhere.~~
- (2) ~~Certain property has been kept, suffered to be kept, concealed, deposited, or possessed in violation of law, or for the purpose of violating the law;~~
- (3) ~~Certain property is designed or intended for use, or is or has been used in violation of law, or as a means of committing a violation of law;~~
- (4) Certain property contains evidence of a crime;

and requests that a warrant to search for and seize said property/person be issued and if the same be subject to forfeiture, that the property be forfeited.

The person/property or articles to be searched for and/or seized is described as follows: **All records associated with the Google email account, and Google + Photos account of, [REDACTED] from December 1, 2020, to December 1, 2021, to include but not limited to - all email content including read, unread, sent, received, draft and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.**

The name of the owner or keeper, thereof (if known) is: **Custodian of Records, Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

The place or person to be searched is described as follows: **Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

Subscribed and sworn to before me:

  
\_\_\_\_\_  
Judge/Justice

2/10/22  
\_\_\_\_\_  
Date  
Sgt Michael Brock 54  
\_\_\_\_\_  
Complainant  
MICHAEL BROCK

## Search Warrant

State Ex rel	Member of the Rhode Island State Police: <b>Detective Sergeant Michael Brock</b>	County: <b>Providence</b>
vs. Respondent: <b>Google Legal Investigations Support 1600 Amphitheatre Parkway Mountain View, California 94043</b>		TO: An Officer authorized by law to execute the within warrant _____

Complaint and affidavit having been made to me under oath by **Detective Sergeant Michael Brock** and as I am satisfied that there is probable cause for the belief therein set forth that grounds for issuing a search warrant exist, you are hereby commanded diligently to search the place or person herein described for the property specified and to bring such property or articles, and to summon the owner, or keeper thereof, if any be named in the complaint, if to be found by you, to appear before the District Court in the district where such property shall have been seized, namely the Sixth Division of the District Court of Rhode Island. **Google Legal Investigations Support shall not disclose/notify the user of the issuance of this search warrant. Disclosure to the user could impede this investigation or obstruct justice.**

Google shall disclose responsive data, if any, by sending to Rhode Island State Police, Attention: Detective Sergeant Michael Brock, 311 Danielson Pike, Scituate, Rhode Island 02857, using the US Postal Service, LERS portal, or another courier service, notwithstanding 18 U.S.C. 2252A or similar statute or code.

Property or articles to be searched for and/or seized is described as follows: **All records associated with the Google email account, and Google + Photos account of, [REDACTED] from December 1, 2020, to December 1, 2021, to include but not limited to - all email content including read, unread, sent, received, draft and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records.**

Place or person to be searched: **Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

Name of owner, or keeper, thereof if known to complainant: **Custodian of Records, Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, California 94043.**

Said warrant shall be served in the daytime within seven (7) days from the issuance hereof, AND IF NOT SERVED WITHIN SAID TIME TO BE RETURNED FORTHWITH TO A JUDGE SITTING IN THE ABOVE NAMED COURT.

Property seized by you hereunder shall be safely kept by you under the direction of the Court so long as may be necessary for the purpose of being used as evidence in any case. As soon as may be thereafter, if the same be subject to forfeiture, such further proceedings shall be had thereon for forfeiture as is prescribed by law.

Hereof fail not and MAKE TRUE RETURN PROMPTLY OF THIS WARRANT TO A JUDGE THERE SITTING with your doings thereon, accompanied by a written inventory of any property taken to a judge sitting in the above named court.

Issued at 6<sup>th</sup> District Court in the county of Providence this 10th day of February, A.D. 2022.

  
\_\_\_\_\_  
Judge of the District Court



ACKNOWLEDGMENT OF RETURN

Warrant received on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, from Detective Sergeant Michael Brock at  
\_\_\_\_\_.

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Clerk of the Court

# AFFIDAVIT

I, Detective Sergeant Michael Brock, on oath, depose and say that I am a sworn member of the Rhode Island State Police and have been continuously employed in that capacity for the previous twenty-one years. I am currently assigned to the Financial Crimes Unit (“FCU”) of the Detective Bureau and am charged with the investigation of crimes committed in violation of the Rhode Island General Laws.

On September 15, 2021, I was assigned to investigate potential crimes involving the award of a State of Rhode Island Division of Purchasing (State) contract to ILO Group, LLC (“ILO”). This contract was converted into a Master Price Agreement (“MPA”) award, in the amount of \$5.2 million to be paid to ILO over a two-year period.

This affidavit pertains to an investigation into whether certain individuals committed the crimes of accessing a computer for a fraudulent purpose or restraining of trade or commerce. The alleged fraud relates to conduct which may have interfered with the competitive process under which the State purportedly awarded ILO the contract. Your affiant believes that evidence of these crimes may be contained in communications of multiple individuals involved in the process – namely 4 members of the review team that evaluated the bids and the project manager from the Governor’s office. Specifically, your affiant believes that the following email accounts contain communications about the genesis of and the process by which the ILO contract was awarded:

[REDACTED], [REDACTED],  
[REDACTED], [REDACTED],  
[REDACTED], [REDACTED],  
[REDACTED] and [REDACTED]

The awarding of this contract to ILO has come under public scrutiny in the media. Oversight committees of both houses of the Rhode Island General Assembly conducted investigations into the process. The investigations included document requests and hearing testimony. In a letter to the General Assembly dated September 14, 2021, Governor Daniel McKee (“Governor McKee”) responded to requests made to the Governor’s Office. On October 5 and 6, 2021, hearings were held, respectively in the Senate and the House of

Representatives. Many documents relating to an education services contract were posted on the General Assembly's website. Through documents and testimony received in the Senate and House investigations and open-source searches, your affiant has learned of the events preceding the award of the State contract to ILO.

On March 2, 2021, Governor McKee was sworn into office as Governor of the State of Rhode Island. Before this date, Governor McKee served as the Lieutenant Governor of the State of Rhode Island. Your affiant is aware that Dr. Michael C. Magee Jr. ("Magee"), DOB [REDACTED]/71, is Chief Executive Officer of Chiefs for Change, a nonprofit educational consulting group based out of Washington, DC. In Governor McKee's letter dated September 14, 2021, Governor McKee acknowledged that he and Magee have a relationship dating back to Governor McKee's time as mayor of Cumberland. Governor McKee stated that "Magee worked with me on education." Magee helped Governor McKee start a mayoral academy in Cumberland over 10 years ago. Governor McKee chose Magee to be on his transition team, as an advisor.

Dr. Julia Rafal-Baer ("Rafal-Baer") was an employee of Magee's at Chiefs for Change where she held the position of Chief Operating Officer. She held this position until June 28, 2021, according to news reports. According to filings with the RI Secretary of State, Rafal-Baer created Hope Street Consulting, LLC in January of 2017. The corporation, which is currently active according to the RI Secretary of State, is listed as being created to consult in the field of education. On March 4, 2021, ILO was incorporated in the State of Rhode Island. According to ILO's website, Rafal-Baer is the managing partner.

On March 5, 2021, Governor McKee, Governor's Chief of Staff Anthony Silva ("Silva"), Director of Administration James Thorsen ("Thorsen"), State Purchasing Officer Nancy McIntyre ("McIntyre"), and Magee had a "Zoom" meeting to discuss educational issues in the State of Rhode Island. Included in the invite list, but not present during the Zoom meeting, was Rafal-Baer. In his Senate testimony, Thorsen stated Magee introduced the idea of hiring ILO as a consulting firm to assist Governor McKee with pushing forward his initiative to have schools open full time in the Fall of 2021 and to address any learning issues that may have been exacerbated by "at home learning" during the Covid-19 crisis.

In an interview on October 29, 2021, McIntyre described to your affiant the competitive bid process that was used for the Governor’s education initiative. She explained on March 23, 2021, a Request for Proposal (“RFP”) was generated and publicly posted by the Division of Purchases for interested parties to bid upon. In his House testimony, Thorsen stated that he and “the Governor’s Office” wrote the RFP. Additionally, Thorsen testified that Antonio Afonso (“Afonso”), former Deputy Chief of Staff, currently Chief of Staff for Governor McKee, prepared the RFP on behalf of “the Governor’s Office.” Thorsen provided similar testimony before the Senate regarding the crafting of the RFP. In his September 14, 2021, letter Governor McKee indicated that his “Administration issued a Request for Proposals (RFP)” and that the Division of Purchases “conducted a competitive proposal process.”

Silva served as Governor McKee’s Chief of Staff during the transition from gubernatorial administrations. He continued to serve in the McKee administration until his resignation on August 30, 2021.

Your affiant located and reviewed the following email from Silva’s personal Gmail email address:

**Subject:** Suggestion on staffing policy  
**From:** Michael Magee <[REDACTED]>  
**Date:** 2/15/2021, 11:38 AM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Hi Dan and Tony,

Given the Tom McCarthy drama between RIDE and DOH, Julia Rafal-Baer and I thought you might want to get word out to all your agencies that they should not be poaching each other's senior staff right now, particularly as you work to identify your own senior team.

We put together this draft memo for you both to consider, which if you think it makes sense would go out from Tony to the agency chiefs.

Let me know if it would be helpful to discuss.

Best,

Mike

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**Attachments:** DRAFT - Internal Hiring Protocol Memo - for review.docx 15.1 KB

This email establishes Magee and Rafal-Baer were advising Governor McKee together as early as February 15, 2021. These communications occurred through personal email accounts and not government email addresses. It further suggests Magee and Rafal-Baer had some connection to Thomas McCarthy.

In an email chain on February 24, 2021, Magee introduced Rafal-Baer to Silva:

**Subject:** Re: [Intro] Tony Silva & Julia Rafal-Baer  
**From:** Julia Rafal-Baer <[REDACTED]>  
**Date:** 2/24/2021, 10:48 AM  
**To:** Michael Magee <[REDACTED]>  
**CC:** Anthony Silva <[REDACTED]>

Thank you, Mike!

Tony - it is a pleasure to meet you. Please let me know a good time to connect. I am available 12:30-1:30pm or this evening at 8pm or happy to look for other options.

My best,  
Julia

On Tue, Feb 23, 2021 at 8:54 PM Michael Magee <[REDACTED]> wrote:

Hi Tony,

Per our conversation, I'm introducing you to Julia Rafal-Baer. Julia's consulting firm, Hope Street, provides a wide variety of services to support government on research, planning and implementation of complex projects.

In particular, she would bring deep expertise and relationships to stand up COVID-testing in schools, research and develop the best approach to teacher eligibility for vaccination and support the current advisory group, and to support all aspects of the Governor's school reopening and learning acceleration plans. She can also support personnel recruitment if need be. Julia would play a lead role on all consulting projects you chose to engage Hope Street for. I cannot recommend her highly enough.

Julia, Tony is the Governor's Chiefs of Staff and when the Governor is sworn in will oversee all aspects of RI's pandemic response.

Hope the two of you are able to connect soon. I'm happy to join if that's helpful.

Best,

Mike

An email chain between February 28, 2021, and March 1, 2021, indicates that Magee and Rafal-Baer (of Hope Street Consulting at the time) were involved in the drafting of the cost proposal for the initiative.

On March 1, 2021, Magee emailed the Governor about the contract that Rafal-Baer was proposing. He explained that Rafal-Baer “would lead this project herself full-time with a team.” He conveyed two options for implementation:

**Subject:** Re: Consulting contract for reopening schools  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/1/2021, 10:13 PM  
**To:** Dan McKee <[REDACTED]>  
**CC:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Dan, Tony and Chris,

I worked with Julia and her team to get some clarity on a two-year consulting budget, much of which would be executed in the first 12 months, though important work on the Governor's education agenda would extend into year two. Julia would lead this project herself full-time with a team dedicated to the management of the overall project and three additional project teams. The total cost of the proposal is approximately \$12M: \$9M in year 1 and \$3M in year 2. I've attached an itemization by project and year.

For context, I was able to get some information on the Alvarez and Marsal contract and I have copied that below. The contract Julia and Hope Street Consulting are proposing provides significantly greater return on investment, it seems to me.

In terms of strategy for executing a contract, my understanding is there are two options:

1. An emergency contract.
2. A very fast RFP with a very fast turnaround -- e.g. 10 days. This could be quite specific - i.e. winning vendor must be able to do turnaround of 12 hours and must live in R.I. and must have experience with operationalizing education and health for at least 15 school districts and more than 6 states. (That's apparently how Alvarez contract started as well as a contract with Salesforce.) Hope Street group would qualify under parameters like that.

My only goal here is to ensure Dan leads the nation in school reopening and learning acceleration over the next two year and I think this contract would go a long way towards ensuring that.

Can we find 30-60 mins tomorrow to discuss?

Best,

Mike

It appears that the potential consulting contract was further discussed in a series of Zoom calls. On March 2, 2021, a Zoom conference occurred with all participants using non-government emails:

**Subject:** Please join Zoom meeting in progress  
**From:** Mike Magee <[REDACTED]>  
**Date:** 3/2/2021, 7:31 PM  
**To:** Dan McKee <[REDACTED]>, Julia Rafal-Baer <[REDACTED]>, Anthony Silva <[REDACTED]>

Join Zoom Meeting  
<https://chiefsforchange.zoom.us/j/530476963?pwd=MVhkUkloZW9BZHNjcDZQZlZYW1CQT09>

Meeting ID: 530 476 963  
Passcode: 457756  
One tap mobile  
+19292056099,,530476963# US (New York)  
+13017158592,,530476963# US (Washington DC)

Dial by your location  
+1 929 205 6099 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 312 626 6799 US (Chicago)  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)  
Meeting ID: 530 476 963  
Find your local number: <https://chiefsforchange.zoom.us/u/aNFuZDdlh>

There was a second Zoom meeting on March 3, 2021, with several individuals including Governor McKee (who was sworn-in the previous day), Magee, Rafal-Baer, and McCarthy who was ultimately a member of the review team for the RFP. Later that evening, Magee emailed McKee, Silva, and Farrell, his edits to a Request for Information. Page four of the document had language that was similar to the language and concepts in the RFP that was ultimately issued. It is your affiant's belief that this proposal ultimately became the RFP. Magee also stressed the "interest of quick turnaround" and offered to "help speed things along."

On the morning of March 4, 2021, Silva responded to Magee's email that he would inquire about an emergency contract. Based on your affiant's review of multiple emails from March 4, 2021, it appears that by the afternoon the discussion focused the option of an RFP and not an emergency contract. Magee kept Rafal-Baer and Cerena Figueroa (partner in the newly formed ILO) informed about the switch to a RFP to execute the contract. He also made sure that they had the RFI that he wrote and submitted to Department of Administration ("DOA").

**Subject:** Fwd: RFI for School Reopening  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/4/2021, 4:38 PM  
**To:** [REDACTED], Julia Rafal-Baer <[REDACTED]>

This is what went to DOA today. I also told Tony that if there's a way to make it exclusive to RI vendors (or to preference them) that would help. Jim Thorsen, the new head of DOA is supposed to take it from here and get it posted. I also spoke to McKee about it.

----- Forwarded message -----  
**From:** Michael Magee <[REDACTED]>  
**Date:** Wed, Mar 3, 2021 at 8:16 PM  
**Subject:** RFI for School Reopening  
**To:** Dan McKee <[REDACTED]>  
**Cc:** Anthony Silva <[REDACTED]>, Christopher Farrell <[REDACTED]>

Hi all,

I edited the RFI I received from DOA to reflect all the needs we discussed and a quick turnaround time (3/12).

Ideally this would go to DOA tomorrow in the interest of quick turnaround and beginning the urgent work.

I'm just guessing at this and am sure DOA can be helpful in getting it exactly right. Happy to talk to anyone there if that would help speed things along. Let me know if there's anything else you need me to do.

Best,

Mike

---

— Attachments: 134 KB  
rfi-RIschools.3.3.21.docx

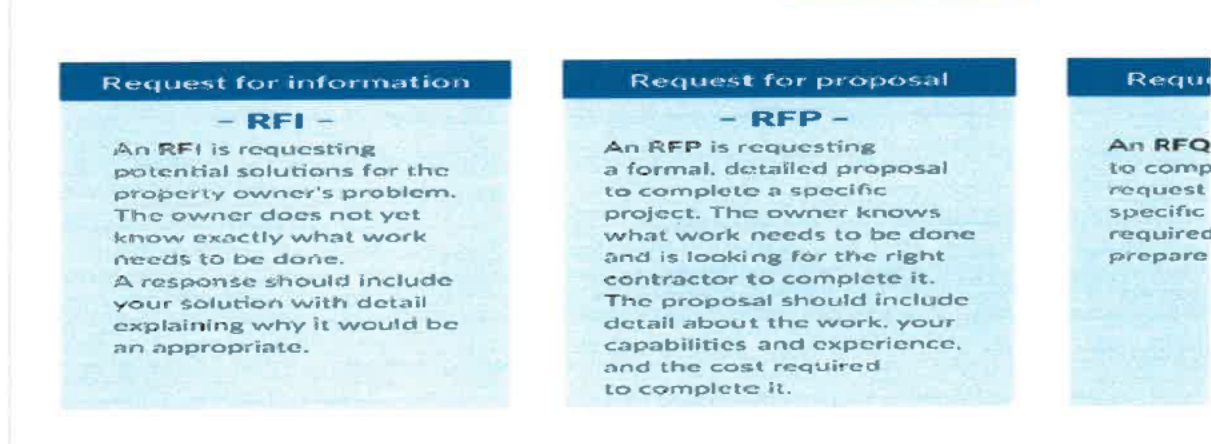
Magee's communication with Rafal-Baer and Figueroa continued on March 4, 2021. When they sought clarification on the mechanism to get the contract executed, Magee stated in the below email that he would check with Silva:



**Subject:** Re: RFI for School Reopening  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/4/2021, 4:53 PM  
**To:** Cerena Figueroa <[REDACTED]>  
**CC:** Julia Rafal-Baer <[REDACTED]>

I'll clarify with Tony.

On Thu, Mar 4, 2021 at 4:48 PM Cerena Figueroa <[REDACTED]>



Later that evening, Magee forwarded the RFI that he wrote to Governor McKee and Silva. The below email indicates that a RFP process through DOA would likely be commencing for the education contract:

**Subject:** Fwd: Consulting contract for reopening schools  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/4/2021, 5:39 PM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Hi Dan and Tony,

Putting the message below back at the top of your inbox. It includes information on the Alvarez and Marsal contract as well as a full scope of work that Julia put together. As you'll see it is very comprehensive and covers two years of all work related to school reopening and addressing learning loss, including everything from analysis of all federal dollars and how best to spend them, to the standing up of new OCYLs in municipalities. It's the whole package, involving 4 full senior project teams.

I've also included the draft RFI I filled out -- though after talking to Tony I'm not sure that's the right form for a quick turnaround.

Dan, Tony and I are going to meet with Jim Thorsen and Nancy McIntyre in the morning to figure out the best path forward.

Mike

Based on these email communications, the implication is clear that Magee advised Governor McKee that an education consulting contract should be executed quickly and that it should be awarded in one form or another for Rafal-Baer's consulting group. These

communications through personal email accounts with Governor McKee's team occurred prior to the contract being put out for competitive bid.

The communications indicate that fraud was likely perpetrated on the competitive bid process. These communications through personal email accounts with Governor McKee's team occurred prior to the contract being put out for competitive bid.

The publicly known Zoom meeting occurred the next morning on March 5, 2021, with McKee, Magee, Silva, Thorsen, and McIntyre. Rafal-Baer was invited to this meeting but did not attend. Following that meeting Magee sent an email to Thorsen and McIntyre. He ultimately forwarded that email to Governor McKee and Silva on March 8, 2021:

**Subject:** Fwd: RFP  
**From:** Michael Magee <[REDACTED]>  
**Date:** 3/8/2021, 9:56 AM  
**To:** Dan McKee <[REDACTED]>, Anthony Silva <[REDACTED]>

Dan and Tony,

This is what I sent to Jim and Nancy last week.

Mike

----- Forwarded message -----  
**From:** Michael Magee <[REDACTED]>  
**Date:** Fri, Mar 5, 2021 at 12:56 PM  
**Subject:** RFP  
**To:** Thorsen, James (DOR) <[REDACTED]>, McIntyre, Nancy (DOA) <[REDACTED]>  
**Cc:** <[REDACTED]>

Hi Jim and Nancy,

Great to meet you and thanks so much for your help!

Here is a brief scope of work for what I described in our meeting. Happy to provide any additional details you need:

We're look for qualified vendor to provide comprehensive school reopening support along with technical assistance in accelerating learning for Rhode Island students to RIDE and local education agencies (LEAs). I personally think "qualified" should be defined as a firm whose partners have worked on the health and education areas listed below in at least 15 large school districts and at least 6 states.

The specific goals are:

- Support the Office of the Governor, Department of Health, Department of Education, LEAs and other relevant agencies in developing a coherent approach to vaccinating teachers and other essential schools staff and overcoming any vaccine hesitancy among teachers and school staff through effective communications.
- Support Rhode Island LEAs to design and implement approaches to COVID testing for all teachers, staff and students, in coordination with relevant offices and agencies.
- Provide project management support of all aspects of school reopening including strategic advising to Rhode Island Department of Education, analysis of all COVID relief funding, program design and evaluation, policy development, stakeholder communications and engagement and implementation support.
- Support design and implementation of Rhode Island plan to address student learning loss,

including: strategic planning, the use of municipal education offices, equity audits, accountability services, learning loss program design and evaluation and implementation support.

We want one vendor with the capacity to oversee, manage and deliver on all this work.

My own analysis is that we're looking at about \$12-15M worth of work over two years across the buckets above. Happy to provide some detail about how that breaks down across workstreams if that's helpful. I expect a firm will have 4 project teams dedicated to executing on these deliverables.

7 day turnaround would be ideal.

I'm available anytime to answer questions.

Best,

Mike

██████████ (my cell)

When read in the context of Magee's prior communications to the Governor's office, his advocating for one vendor to DOA officials likely suggests Magee's continued intent to have Rafal-Baer receive the contract.

On March 23, 2021, the Governor's office initiated the procurement process through DOA by posting the RFP. On the same day Rafal-Baer emailed an out-of-state education consultant who was inquiring about the RFP:

**Subject:** Re: Solicitation Create Notification from State of Rhode Island: RFP21000563 K-12 School and Higher Education Reopening Plan...  
**From:** Julia Rafal-Baer <[REDACTED]>  
**Date:** 3/23/2021, 10:48 PM  
**To:** David Irwin <[REDACTED]>

Hi!

It's a fixed RFP but luckily I know the person it's fixed for 😊

Already talked with Avossa about us all partnering on this one.

Will circle back but think it should be smooth!

On Mar 23, 2021, at 10:18 PM, David Irwin <[REDACTED]> wrote:

When you have a moment, let know if you have any insight into this and/or opinions on whether we should respond. It was released today and due on 4/13. We have some good existing content we could use for the proposal but it would require some work and as you know, we are quite busy right now :). Let me know what you think.

David

<RFP21000563 Reopening schools RFP.pdf>

This email confirms your affiant's belief that fraud or manipulation of any competitive bidding occurred at the outset of the process. It calls into question the legitimacy of the process that followed. Your affiant also notes that David Irwin ("Irwin") and "Thru-ed" did not bid on the RFP. Irwin was listed as a subject matter expert with ILO during ILO's presentation to the RFP review committee.

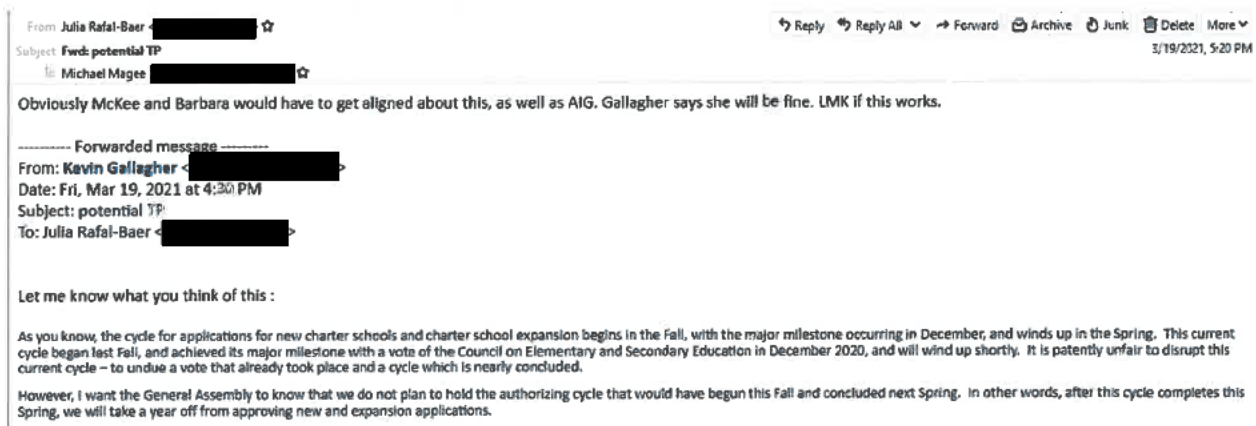
Director Thorsen's belief that the Governor's office wrote the RFP appears contradicted by the communications that Magee wrote the RFI which ultimately became the RFP. Email communications to Thorsen ([REDACTED]) regarding who wrote the RFP would be evidence of the fraud on the competitive bidding process.

### Evaluation of Bids

Your affiant seeks to search the above-referenced email accounts of review team members for evidence of fraud committed during the bid evaluation process. There is reason to believe that the RFP was drafted in such a way that Rafal-Baer's entity ILO would most

closely meet the RFP criteria. It is difficult to see how other vendors could fairly compete with Rafal-Baer's entity under these circumstances with Rafal-Baer's inside knowledge.

Your affiant requested and was granted a search warrant for all records associated with the Google email account, and Google + Photos accounts of [REDACTED], from August 1, 2020, to December 2021. Your affiant incorporates by reference the affidavit in support of those search warrants dated December 3, 2021 (attached as Attachment A).<sup>1</sup> In January 2022, your affiant received the results of the search warrants and began a review of the private email correspondence of Magee and Rafal-Baer. Your affiant found that they remained in contact through email prior to the awarding of contracts. For example, in a March 19, 2021 email, Rafal-Baer forwarded Magee an email about charter schools from Kevin Gallagher, an education adviser in Governor Raimondo's administration:



The manner in which the procurement process played out supports my belief that fraud or manipulation occurred. McIntyre indicated in her interview that ILO and four other consultants submitted bids for this RFP. WestEd, one of the companies submitting a bid, is an education consulting company based out of San Francisco, California, and has been providing consulting services to the State of Rhode Island for several years.

According to WestEd's website, WestEd started in 1966 and is a nonpartisan, nonprofit research, development, and service agency that works with education and other communities

<sup>1</sup> Your affiant also obtained a search warrant for the Microsoft account [REDACTED] and the results of that search warrant have not yet been returned by the Microsoft Corporation.

throughout the United States and abroad to promote excellence, achieve equity, and improve learning for children, youth, and adults.

McIntyre explained in her interview, as with all RFPs, a review committee was established to evaluate the bids. The Governor's office was involved in choosing the members of the review committee. Daniel Majcher ("Majcher"); [REDACTED] Department of Administration, Charles Lombardi, [REDACTED] Mayor of North Providence, Thomas McCarthy ("McCarthy"), [REDACTED] Department of Health, and Kristen Danusis, [REDACTED] Department of Education, were all chosen to be on the RFP review committee.

On April 26, 2021, Rafal-Baer presented ILO's proposal to the review committee. Your affiant found an email dated April 18, 2021, in which Magee advised Rafal-Baer on how to present to the review committee. Rafal-Baer later shared with Magee a version of ILO's presentation to the review committee on May 15, 2021:

**Subject:** This is the version of the deck we could send to Reed/Jessica  
**From:** Julia Rafal-Baer [REDACTED]  
**Date:** 5/15/2021, 12:01 PM  
**To:** Michael Magee <[REDACTED]>

Not sure it's worth it, but this is a paired back one from the interview that I could share to basically say, this is what Gov wants to get done and RFP does not need to be the vehicle, but we need to move.

— Attachments: —

RI RFP (1).pdf

853 KB

WestEd and ILO emerged as the two leading candidates for the RFP. As noted above, McCarthy was at least involved in one non-publicly known Zoom meeting with Governor McKee, Rafal-Baer and Magee prior to the RFP being issued.

Christine Lopes-Metcalf ([REDACTED]) had been an employee at RIDE, and then moved to the Governor's staff in March of 2021. On April 29, 2021, McCarthy introduced Christine Lopes-Metcalf to the review committee once it had been put

in place. He introduced her as the Governor's senior education advisor in the below email which was provided in an APRA response from the DOA:

---

From: "McCarthy, Thomas (RIDOH)" <[REDACTED]>  
Date: Thursday, April 29, 2021 at 3:03 PM  
To: "Majcher, Daniel (DOA)" <[REDACTED]>, Mayors Office  
<[REDACTED]>, "Danusis, Kristen" <[REDACTED]>,  
"Lopes Metcalfe, Christine (GOV)" <[REDACTED]>  
Subject: Education RFP

Good afternoon team,

I wanted to introduce you to Christine Lopes-Metcalf, the senior education advisor in the Governor's Office.

Christine,

This group is working to complete the evaluation for an RFP tied to delivering on the Governor's education and supporting municipalities in fully reopening schools next year, building upon the outcomes of the LEAP task force, and working to establish municipal education departments. I spoke with Tony Afonso and he asked that we work with you to develop a rough sizing of what we think the engagement would require to deliver on the Governor's intent. Kristen Danusis and RIDE have taken a first pass at the sizing but we want to make sure we're fully aligned with the Governor's expectations. Can you please work with Kristen to help flesh out what we would assess the minimum level of effort would be so that we can ask the vendors to bid accordingly?

Thank you,  
Tom

Tom McCarthy

The vendors' cost proposals became an issue once the review committee received them. In Majcher's testimony before the Senate, he explained that they evaluated the cost proposal from ILO and WestEd. He stated, "we found that we could not compare apples to apples, that the vendors did not understand exactly what was being -- the state was expecting to be proposed there. Specifically, what the vendors did not understand was that a municipal learning center would be established in every city and town, in 39 cities and towns." He further testified, "we had one vendor [ILO Group, LLC] proposing ten times what the other vendors were proposing." The disparity in the vendors' pricing proposals is likely explained by Rafal-Baer's insider knowledge. Moreover, a search of the email accounts of the review team members is necessary to determine



whether any influence was exerted on the review team to look more favorably on ILO's proposal in terms of scoring.

### MPA and Scope of Work

After getting best and final offers from the companies, on May 28, 2021, the review committee recommended shifting from a RFP to a MPA. Due to the disparity in the cost proposals, in June of 2021, State of Rhode Island Division of Purchases ultimately decided to change the award for this RFP to a MPA in which both WestEd and ILO would provide consulting services for reopening schools in the State of Rhode Island.

Majcher stated in his testimony, "we have two technically qualified eligible vendors that could provide these services. ...we'll put them on a Master Price Agreement, and then...the *governor's office* can have detailed discussions with each of the vendors, determine the scope of work, and negotiate the cost. I think as a result of this, they ended up with a 5 million dollar like cap." (emphasis added).

This is verified by an email from Majcher to Afonso on June 1, 2021. In the email, Majcher suggested that "the project manager (not sure if it is Christine Lopes Metcalf?) start working on the specific scope of work and any additional contract terms (i.e. deliverables, payment terms, etc.) for each vendor."

In early June of 2021, emails indicate that Magee's involvement in the procurement process remained. On June 4, 2021, Magee ([REDACTED]) emailed Silva ([REDACTED]) a draft of the scope of work for each vendor – ILO and West Ed. Notably, Magee was advising the Governor's office on the amount of work and expenditure that the State would provide to Rafal-Baer's ILO. On June 5, 2021, Afonso ([REDACTED]) emailed Magee a redlined version of the draft of the scope of work. Afonso requested an opportunity to speak with Magee on the phone about the scope of work.

On June 11, 2021, Lopes-Metcalf emailed Majcher and other DOA employees and copied Afonso through government email addresses. She requested information concerning the hourly rates of the two selected vendors. Majcher responded the same day with the maximum

hourly rates. Your affiant is aware the Office of the Governor allotted \$5,200,000 to ILO and \$926,000 to WestEd through purchase orders in late June 2021 under the MPA. Your affiant requests a search of the email accounts of the review team members, as well as Thorsen and Lopes-Metcalf, for any evidence of fraud at this stage in the procurement process.

#### Lopes-Metcalf's Additional Email Addresses

Magee was familiar with Lopes-Metcalf prior to the RFP. Below are excerpts of an email dated January 25, 2021, in which Magee advocated for Lopes-Metcalf to McKee (then Lt. Governor) to fill the position in Governor's office:

**Subject:** Follow up: Education  
**From:** Michael Magee <[REDACTED]>  
**Date:** 1/25/2021, 10:39 PM  
**To:** Dan McKee <[REDACTED]>, Joe Rodio <[REDACTED]>

Hi Dan and Joe,

Following up on conversations we've had about education. As I've mentioned, there are big opportunities ahead to execute on Dan's vision for empowering municipal government, especially in the early childhood education, civic engagement and workforce development spaces.

3. I'd like to set up a call with Dan and Christine Lopes. I continue to think she'd be very strong in Kevin's role and she wants the job. I understand Jeremy Chiappetta has some interest. I have three major concerns with that. 1) He's even more associated with the old charter school wars than Dan is. 2) Political savviness is not Jeremy's greatest strength. 3) He is a white man and I think diversity is critical in that role, in addition to being important to Dan's overall brand in the next election. 4) There is no succession plan at BVP and this choice needs to be made soon. I say all this despite the fact that Jeremy is a close friend and I'm a big fan.

Lopes-Metcalf used multiple email addresses to communicate with Magee and Rafal-Baer. In the below email invitation, she used [REDACTED] to communicate with Magee:

Subject: Invitation: Mike/Christine Connect @ Tue Feb 23, 2021 7pm - 8pm (EST)

[Redacted]

From: [Redacted]

Date: 2/22/2021, 7:21 PM

To: [Redacted]

▶ [Redacted] has invited you to Mike/Christine Connect

You have been invited to the following event.

**Mike/Christine Connect**

When Tue Feb 23, 2021 7pm – 8pm Eastern Time - New York

[more details »](#)

Where Mike call Christine ([map](#))

Joining info Join with Google Meet

[meet.google.com/dvg-ruaw-tr](https://meet.google.com/dvg-ruaw-tr)

Calendar [Redacted]

Who • [Redacted] - organizer

• [Redacted]

Going ([Redacted])? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account [Redacted] because you are subscribed for invitations on calendar

To stop receiving these emails, please log in to <https://calendar.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. [Learn More](#).

In an email from March of 2021 where Magee [Redacted] was included, Lopes-Metcalf used [Redacted]:

Subject: RE: Hearing next week  
From: "Lopesmetcalfe, Christine" <[REDACTED]>  
Date: 3/17/2021, 11:52 AM  
To: "'Horan, Kevin (GOV)'" <[REDACTED]>, "Ahern, Kim (GOV)" <[REDACTED]>, "Vota, Rico (GOV)" <[REDACTED]>, "Abhulime, Christopher (GOV)" <[REDACTED]>, "Sheaff, Matt (COMM)" <[REDACTED]>, "Jones, Corey (GOV)" <[REDACTED]>, "Crowell, Emily" <[REDACTED]>, "Palagi, Andrea R (GOV)" <[REDACTED]>

Kim – thanks for the email and reaching out.

Unfortunately I have a negotiations session tomorrow from 3-6, but I am open from 12:30 – 3:00 or 11-Noon if either of those blocks work.

If not, if I could find time with you after my meetings to get caught up that would be great.

Best  
Christine

In the following email from April of 2021, Rafal-Baer emailed Lopes-Metcalfe using Lopes-Metcalfe's private Gmail address:

Subject: Re: updated union contract research  
From: Julia Rafal-Baer <[REDACTED]>  
Date: 4/2/2021, 3:05 PM  
To: Michael Magee <[REDACTED]>, Christine Lopes Metcalfe <[REDACTED]>

This seemed important to flag:

#### Parent/teacher conference

- The [2004-2007 agreement](#) appears to be the first one to not say the parent-teacher conference is mandatory for 230 day teachers. Compare to [prior \(2001\) agreement](#).

#### Professional development approach

- The 2004-2007 agreement includes this sentence: "Teachers are required to be in attendance at all Professional Time sessions and shall be compensated at their daily/hourly rate."
- This sentence is not found in subsequent agreements (see: page 32 of [2011-14 agreement](#)) but the [2007-2010 agreement seems to carry over almost everything](#)
- It is worth noting that this sentence isn't in prior agreements either but the prior agreements seem to be silent on it altogether...maybe it was previously implied that teachers were required to participate.
- The [2017-20 agreement](#) says: "Beginning with the 2019-20 school year, the City shall provide an additional two (2) days of unpaid professional development opportunities. Participation in said professional development opportunities shall not be mandatory."

The above emails establish Lopes-Metcalf had a relationship with Rafal-Baer and Magee. The emails also show that Lopes-Metcalf was at least in communication with them during the time of the procurement process. This prior familiarity coupled with Lopes-Metcalf's role in the Governor's office of determining the scope of ILO's work and the cost of their services establishes probable cause that evidence of crimes may be found within her three (3) above-referenced email accounts.

Based on the above-stated facts and circumstances, your affiant requests a search warrant for all records associated with the Google email account, and Google + Photos account of [REDACTED]; and the Rhode Island Division of Information Technology (DOIT) accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]; and The Town of North Providence, Communications / Information Technology Division (NPCD) email account [REDACTED] from December 1, 2020, to December 1, 2021, to include but not limited to - all email content including read, unread, sent, received, draft and deleted emails, sent and received email attachments, instant message contacts, chats, images, Exif data, videos, files, profiles, subscriber information, Internet Protocol connection logs, Internet Protocol registration of email account, records related to services provided and detailed billing records. Your affiant seeks documentary evidence to support an investigation into allegations of Access to a Computer for Fraudulent Purposes, Rhode Island General Law §11-52-2, as well as Restraint of trade or commerce in violation of Rhode Island General Law § 6-36-4.

Your affiant has not included each and every fact known to me concerning this investigation and has only set forth the facts and circumstances that your affiant believes are necessary to establish the foundation for the search warrant.

  
**Sergeant Michael Brock #54**  
**Rhode Island State Police**

In Providence County this 10<sup>th</sup> day of February 2022

before me personally came Sergeant Michael Brock and made oath to the truth of the foregoing.

A handwritten signature in blue ink, appearing to read "Michael Brock", written over a horizontal line.

**Judge of the District Court  
Justice of the Supreme / Superior Court**

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO

PERSON INTERVIEWED: Christine Lopes Metcalfe 75  
First Middle Last DOB

ADDRESS: \_\_\_\_\_  
Street City Telephone #

PLACE INTERVIEWED: \_\_\_\_\_

WAS PERSON PREVIOUSLY INTERVIEWED? n FORMAL STATEMENT TO BE TAKEN n  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? \_\_\_\_\_  
(Y/N)

PLACE OF EMPLOYMENT: State of RI  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 3-18-22 TIME: 8:00 am

REPORT:

On Friday, March 18, 2022, at 8 AM, \_\_\_\_\_ I (Sergeant Michael Brock) responded to \_\_\_\_\_ to meet with Christine Lopes Metcalfe at her residence. Ms. Metcalfe was an employee of the RI Dept. Of Health then was an employee in the Governor's Office and had some involvement with the "Reopening Schools Contract". Upon answering the door, Ms. Metcalfe and her husband, Scott Lopes, asked that we return another time or meet at his attorney's office to discuss this matter. Mr. Lopes gave an address of a law office in Providence and advised we could meet there next week. At approximately 9:00 AM, \_\_\_\_\_ received a phone call from Mr. Lopes. He advised that we could come back at 10:00 AM to speak with Ms. Metcalfe.

\_\_\_\_\_ I responded back to \_\_\_\_\_ and spoke with Ms. Metcalfe and Mr. Lopes. \_\_\_\_\_

Ms. Metcalfe advised that she lives at \_\_\_\_\_ and has lived there since 2012, first renting the house, then purchasing it in 2014. She advised her date of birth is \_\_\_\_\_ 75 and her SSN is \_\_\_\_\_

Ms. Metcalfe advised she worked in the Governor's Office from March of 2021 to August of 2021 as Governor McKee's Senior Advisor on Education. Prior to that assignment she worked at RIDE as the CEO of the School Building Authority for 2 years. Prior to that assignment, she worked as the Chief of Staff to the Commissioner of RIDE for 2 years.

Ms. Metcalfe advised that she previously worked for Governor McKee when he was Mayor of Cumberland at the RI Mayoral Academy in Cumberland. Mike Magee was her supervisor. She then worked at RICAN, which is another educational type Not for Profit also run by Mike Magee.

Ms. Metcalfe advised that in February of 2021 she was contacted by Mike Magee to see if she would be interested in joining Governor McKee's staff. At this time, Lt. Governor McKee was transitioning to become Governor McKee as Governor Raimondo was preparing to leave the state to take a role as Commerce Secretary to President Biden. She advised that she met with Tony Silva, McKee's Chief of Staff. She then contacted Magee and told him she was not interested as she did not care for Tony Silva. She advised that about a week later she received a call from Lt. Governor McKee and he asked her to meet with him. She advised she met with him at his residence in Cumberland. She advised they had a long discussion about Covid and putting together a transition team. She advised that she did not accept a job offer at the time but there was discussion about possible roles for her. She advised that about 1-2 weeks later she learned via a press release that she would be joining the Governor's staff. She advised that she started with the Governor in March of 2021.

Ms. Metcalfe advised that she did not really have a job description at the time and that things in the office were very confusing. She attributed that to Covid and the transition from Lt. Governor to Governor. She advised that she had heard about the School Reopening RFP being out there but did not have any role in creating it. She advised that Tony Afonso contacted her and told her about RFP and that there was a Review Committee being put together. She advised that Afonso told her that the bids came in and they were very far apart. She said that Afonso told her that the Review Committee needed coaching on the scope of the RFP. Based on this, she set up a Zoom call with Kristin Danusis who was on the review committee.

Ms. Metcalfe advised that she and Ms. Danusis had the Zoom call and could not figure out exactly what was needed according to the RFP. They discussed clarifying the scope of the project. She advised that at the time, she had not read the RFP. She advised that she used her conversations with Tony Afonso to try to convey what the Governor's vision was for the RFP. She advised that she did not speak to Ms. Danusis about Municipal Learning Centers. She advised that they discussed the scope of the project but did not talk about costs.

Ms. Metcalfe advised that she did not help create the RFP. Her understanding was that Tony Afonso and Jim Thorsen wrote the RFP. She advised that she and Tony Afonso shared the education portion of the Governor's Office. She advised that she and Afonso discussed the proposals sent in by the vendors were way off based on hours needed to do work. She advised that she and Afonso decided to create a document to establish an estimated number of hours needed for the project. She advised that she sent this document to State Purchasing, possibly Nina Lennon, and was told that the new proposal was too far from the original RFP and it would have to go back out to bid.

Ms. Metcalfe advised that she communicated with Dan Majcher regarding the number of hours needed. She advised that he sent her a document with an hourly breakdown for tasks. She advised that she edited the document, reallocated hours from one task to another, but kept the total number of hours.

Ms. Metcalfe advised that Tony Afonso told her that 2 vendors were selected for the contract and that she was not involved in the selection process at all. She advised that she had previously worked with WestEd and knew Julia Rafal Baer from RICAN and RIDE. She advised that Julia moved from New York to RI several years ago expecting to get the job of Chief of Staff to Commissioner Wagner at RIDE. She advised that Baer did not get that job and ended up at Chiefs for Change with Mike Magee. She advised that she believes Mike Magee told her that Julia was leaving Chiefs to be a consultant full time. Ms. Metcalfe was familiar with Julia because she was always around RIDE and she knew that Julia was very friendly with Angelica Infante Green, the new Commissioner of RIDE.

Ms. Metcalfe advised that after learning that WestEd and ILO had been selected, she drafted a document to divide up the work between to two companies. She advised that she sent the document to Tony Afonso. She advised that she got it back from Afonso and the division of work was changed. She advised that Afonso decided the final division of work for the two companies.

Ms. Metcalfe advised that she was concerned that RIDE would not respond well to having consultants come in to assist. She advised that she shared these concerns with Afonso and Magee. She advised that she was tasked with contacting RIDE and letting them know about the consultants. She advised she spoke with Infante Green and Victor Capellian to let them know about the consultants.

Ms. Metcalfe advised that she then met with the companies via Zoom to make sure everyone was on the same page. She advised the companies to reply within 48 hours with cost estimates for their scope of work. She advised that she met with ILO via Zoom and Governor McKee was on the call. She advised she met with WestEd and Governor McKee was not on the call. She advised that she had a second Zoom call with the companies with their cost proposals. WestEd was about \$1 million, ILO was \$5-6 million. She advised that one portion of ILO's proposal was to have "Calls for Coaching" where they would provide extra support to the Governor's Office.

Ms. Metcalfe advised she left the Governor's Office in August 2021 because she was burned out.

She advised she was not concerned with the division of hours and believes that Majcher ultimately assigned hours to each company. She was not concerned about the division of work, she assumed she did not have all the information and that everyone was working in emergency mode.

Ms. Metcalfe was never aware of any budget allocated to this project.

She advised that there were 6 Municipal Learning Centers expected in Providence and 1 each for the other counties. She understood the plan for MLC's was for ILO to have a plan in place by the end of the contract to have the MLC's ready to open. She was only aware of conversations with the Town of Middletown.

Ms. Metcalfe advised the Governor was pushing consultants to run the MLC's but the main drive of all talk was opening schools 100% in the fall of 2021. She estimated the split was 60/40 regarding time spent on Reopening vs MLC's. She advised that it was her understanding that the consultants would take over the operation of the EdOC from the National Guard, as the National Guard was working on leaving EdOC.



Ms. Metcalfe advised she was not surprised that ILO won the contract/MPA. She advised that she felt it was a good thing and that everyone was well intentioned. She advised that she did not think anything of the switch from RFP to MPA as she had used both in her role at RIDE.  
End of interview.

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DETECTIVE'S SIGNATURE

---

SUPERVISOR'S SIGNATURE

# WITNESS STATEMENT #1

**DATE:** (Not Stated)

**TIME:** (Not Stated)

**INTERVIEW OF:** Christine Lopes Metcalf

**INTERVIEW BY:** Detective Sergeant Michael Brock  
Rhode Island State Police Financial Crimes Unit

**PRESENT:** [REDACTED]

**LOCATION:** (Not Stated)

**SUBJECT:** 21-2-IV

(First Attempt)

(Knocking)

[REDACTED]

1. **Q.** That's all right. Sorry about that.

DETECTIVE SERGEANT BROCK:

2. **Q.** Yeah. Sorry.

[REDACTED]

3. **Q.** Oh, you're fine.

DETECTIVE SERGEANT BROCK:

4. **Q.** Good morning.

**A.** Good morning.

5. **Q.** You must – You're Christine?

A. Yes.

6. Q. Yes. I'm Mike Brock with the State Police. [REDACTED] --

A. Okay.

7. Q. [REDACTED]

A. Hello.

8. Q. Good morning.

A. Nice to met you.

**DETECTIVE SERGEANT BROCK:**

9. Q. I'm --

A. Good morning. I'm so sorry.

**DETECTIVE SERGEANT BROCK:**

10. Q. -- guessing -- Yup. That's quite all right. Do you have a few minutes to talk to us?

A. I think so, yes. Um ...

11. Q. Yeah.

A. Ugh.

12. Q. Yup.

**UNIDENTIFIED MALE:**

A. Yeah, we just woke up.

**MS. LOPES:**

A. Ugh.

13. Q. Oh, --

14. Q. Oh, I'm sorry.

DETECTIVE SERGEANT BROCK:

15. Q. Heh heh.

UNIDENTIFIED MALE:

A. That's ...

DETECTIVE SERGEANT BROCK:

16. Q. Good morning. We just wanted to talk to Christine about the -- the whole ILO contract thing.

UNIDENTIFIED MALE:

A. Yeah.

MS. LOPES:

A. Someone from the State Police and somebody -- I'm sorry, d...?

17. Q. [REDACTED]

A. Okay.

UNIDENTIFIED MALE:

A. You guys want to make an appointment something, or?

MS. LOPES:

A. (indiscernible)

DETECTIVE SERGEANT BROCK:

18. Q. Uh – Um, if you –

UNIDENTIFIED MALE:

A. Yeah.

19. Q. If you want to do that, that's fine. You know, we're – we're here; you're here, and ...

A. (indiscernible)

20. Q. -- you might as well ...

A. Let's – Let's do it another time. We j--, We just got up.

21. Q. Yup.

MS. LOPES:

A. (giggles) I'm sorry.

22. Q. All right. No, that's fine if you don't want to talk to us. That's all right. When – when would be a --

A. (indiscernible)

23. Q. When would be a better time?

UNIDENTIFIED MALE:

A. Tomorrow?

24. Q. No, we're probably not going to do it on a –

25. Q. Yeah.

DETECTIVE SERGEANT BROCK:

26. Q. -- on a weekend.

[REDACTED]

A. ... tomorrow's Saturday.

[REDACTED]

27. Q. So I understand you just woke up. Do you have plans this morning? Otherwise, we can get – have a – could we meet maybe in an – in an hour, just ...? I – I mean, it's different if you have a – something you're going to right now.

A. **I do have to work this afternoon. So I have--**

28. Q. Yeah.

A. **-- a job; so I am working this afternoon.**

29. Q. Okay.

DETECTIVE SERGEANT BROCK:

30. Q. Yup.

[REDACTED]

31. Q. But this way you can, you know, have coffee; do what your normal, you know, - But maybe even --

A. **(indiscernible)**

32. Q. Like would an hour or so work? You know. Because I know you said tomorrow, but uh, tomorrow unfortunately doesn't work. But even if we give you a little bit of time would it work in a little bit, like in an hour or so? Maybe two?

A. **I don't know.**

UNIDENTIFIED MALE:

**A. How about next week.**

**MS. LOPES:**

**A. Monday? I don't – Monday, I'm – I'm off all day Monday.**

**DETECTIVE SERGEANT BROCK:**

**33. Q. Yup.**

**34. Q. Okay.**

**DETECTIVE SERGEANT BROCK:**

**35. Q. That would work. All right. Where do you want to do it?**

**UNIDENTIFIED MALE:**

**A. Um, ... Maybe at my office – in Providence.**

**36. Q. Okay. All right. Where's that?**

**A. (indiscernible)**

**MS. LOPES:**

**A. Sorry. But this was just a little bit of a surprise in the morning.**

**37. Q. S--, Sure. Sure.**

**DETECTIVE SERGEANT BROCK:**

**38. Q. And we know it's a surprise, but it's not ... you know, you're not in any trouble or anything, it's – it's --**

**A. I – I think that's what it is, I'm just so – This is very new to me, so --**

39. Q. Yeah.

A. -- this is (indiscernible).

40. Q. Yeah. And we're just looking for background type stuff, you know. So it's not a h--, huge -- I mean obviously it's kind of a big deal, but it's not an -- a uh -- You're -- you're not a suspect or anything, you know.

[REDACTED]

41. Q. We think -- We think -- Right now we're trying to gather information. We think you're going to be very helpful in the process, so we're coming to see if we could sit down and talk with you --

A. Okay.

42. Q. -- okay. So.

DETECTIVE SERGEANT BROCK:

43. Q. What's the address?

A. Do you got a bill? (indiscernible)

UNIDENTIFIED MALE:

A. [REDACTED].

44. Q. Okay. I -- I'm going to leave you my business card.

[REDACTED]

45. Q. I'm going to leave mine (indiscernible).

A. I'm sorry about the dog this morning.

46. Q. Oh, I -- I --



DETECTIVE SERGEANT BROCK:

47. Q. (laughs) That's – That's ...

[REDACTED]

48. Q. I understand.

DETECTIVE SERGEANT BROCK:

49. Q. They were --

[REDACTED]

50. Q. They --

DETECTIVE SERGEANT BROCK:

52. Q. -- no trouble at all.

[REDACTED]

51. Q. They want to protect us, right, that's what --

A. Yeah.

52. Q. -- they feel their job is.

A. (laughs) Okay. Yeah.

53. Q. Always. He's a big -- Is it a boy?

A. (indiscernible)

UNIDENTIFIED MALE:

A. How -- how are we going to arrange the day?

DETECTIVE SERGEANT BROCK:

54. Q. I'm sorry?

UNIDENTIFIED MALE:

**A. Which day do you want to do this?**

[REDACTED]

55. Q. You said Monday?

DETECTIVE SERGEANT BROCK:

56. Q. You said Monday, right?

**A. Oh, Monday. Okay.**

[REDACTED]

57. Q. Yeah.

DETECTIVE SERGEANT BROCK:

58. Q. Okay.

[REDACTED]

59. Q. Like what time Monday works? Because you're off all day Monday, right?

**A. I'm off on Monday, yeah.**

60. Q. So it seems like that's a good day.

**A. I think uh – (indiscernible)**

DETECTIVE SERGEANT BROCK:

61. Q. [REDACTED] Work for you?)

[REDACTED] Sure.

62. Q. Works for me. Yup.

**A. Monday.**

[REDACTED]

63. Q. Okay.

DETECTIVE SERGEANT BROCK:

64. Q. All right.

[REDACTED]

65. Q. (indiscernible)

A. Okay.

66. Q. Thank you guys very much.

DETECTIVE SERGEANT BROCK:

67. Q. And then if – if um, ... if you have emails or anything like that that can refresh your memory over the weekend or if you um, -- that would be good. So just go through 'em and just start thinking about the whole uh – the whole thing so – so we don't have to refresh – so you don't have to refresh your memory at the time, you know.

A. Okay.

68. Q. Okay? All right. Very good. Well thank you --

[REDACTED]

69. Q. Thank you.

DETECTIVE SERGEANT BROCK:

70. Q. -- very much.

[REDACTED]

71. Q. Enjoy the day.

DETECTIVE SERGEANT BROCK:

72. Q. Goodbye.

A. Have a great day.

(End of recorded interview)

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STATEMENT TAKEN BY:

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WITNESSED BY:

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## Interview with Christine Lopes Metcalfe

Recording Name:  
[3. Christine Lopes Metcalfe]

Transcript Prepared By:



**DITTO**

720-287-3710  
3801 E. Florida Ave.  
Suite 500  
Denver, CO 80210

DUNS Number: 037801851  
CAGE Code: 6C7D5  
Tax ID #: 27-2983097

1 Brock: Yeah, yeah, that is -- that's a good way to go right  
2 there.

3 [REDACTED] It's beautiful, like, especially today, I mean --

4 S. Metcalfe: I know.

5 Metcalfe: It's beautiful.

6 [REDACTED] -- you know, spring feels better right.

7 S. Metcalfe: I know.

8 [REDACTED] Well, thank you for giving us a call back.

9 S. Metcalfe: Right, 'cause --

10 [REDACTED] Um --

11 (Crosstalk)

12 [REDACTED] Sure, sure, I understand you're just getting off. Um,  
13 me and Mike are here to talk to you to try to get a  
14 little bit more information. I think we talked --  
15 spoke on the porch about it, you know, in regards to  
16 the ILO contract.

17 Metcalfe: Yeah.

18 [REDACTED] Um, obviously there's been some allegations that I'm  
19 sure you're aware of in --

20 Metcalfe: Yep.

21 [REDACTED] -- the -- in the news and whatnot, in regards to, um,  
22 that contract being awarded --

23 Metcalfe: Yep.

24 [REDACTED] -- and just the, I guess the level of integrity and  
25 how that came about.



1 Metcalfe: Yeah.

2 ██████ Um, we know historically, as far as your position,  
3 that you had some involvement maybe in that RFP  
4 process --

5 Metcalfe: Um-hmm.

6 ██████ -- and how that was awarded. Um, the one thing we  
7 mentioned on the porch is, you're not the target of  
8 our investigation, we're not here to get you in  
9 trouble, okay? (Inaudible 00:01:09), ██████

10

11

12

13

14

15

16 Metcalfe: Yeah.

17 ██████ So, I just wanna be honest with you upfront too, so.

18 Metcalfe: Okay.

19 ██████ Um, before we get too far in the process, do you mind  
20 if we just verify your information as far as, um -- so  
21 this is ██████

22 Metcalfe: Yeah, ██████

23 ██████ Okay. How long have you lived here for?

24 S. Metcalfe: Since September 24th.

25 ██████ Okay.



1 S. Metcalfe: So, we rented the place --

2 Metcalfe: Rented it for 2 years.

3 S. Metcalfe: -- and then in 2014, June, we bought it.

4 ██████████ Okay, okay. Um, and what's your date of birth.

5 Metcalfe: ██████████.75. ██████████75.

6 ██████████ Okay. And could you just give us your social security  
7 number, please?

8 Metcalfe: Sure, uh, ██████████.

9 ██████████ And Christine, is there a good contact telephone  
10 number for yourself

11 Metcalfe: Sure, uh, ██████████.

12 ██████████ And (inaudible 00:02:15) you were working this  
13 afternoon. When will you be working this afternoon?

14 Metcalfe: At 3:00.

15 ██████████ 3:00, okay. And where -- where do you work?

16 Metcalfe: Um, I work at Trader Joe's.

17 ██████████ Okay, I love Trader Joe's.

18 S. Metcalfe: Yeah, she's a crazy Trader Joe's person.

19 ██████████ Oh, my goodness, I love Trader Joe's, where's the  
20 closest Trader Joe's here?

21 Metcalfe: In Warwick.

22 ██████████ In Warwick, okay.

23 Metcalfe: So, um, it's, uh -- have, uh --

24 ██████████ It's so busy over there, everything's on that street  
25 thought, right, that's the same street that, um, the





1 grocery store's at that I love, um -- I can't think of  
2 it.

3 Metcalfe: Market Basket?

4 Brock: Aldi's.

5 [REDACTED] Market Basket, yeah. Um, but they don't have Market  
6 Basket on (inaudible 00:02:44). Yeah, everything's on  
7 that street, anything you can imagine. So -- and how  
8 long have you been working there?

9 Metcalfe: Um, since November. I actually, have, um, an  
10 interview for their corporate office in Boston. So,  
11 they have two corporate offices, one's in California,  
12 one's in Boston.

13 [REDACTED] Okay.

14 Metcalfe: Um, and so, naturally, I'll be interviewing there.

15 [REDACTED] Okay, cool. What are you -- what's your position now?

16 Metcalfe: Um, just a crew member.

17 [REDACTED] Okay.

18 Metcalfe: I'm just working on the floor.

19 [REDACTED] Yeah, do you get any ben- -- like --

20 Metcalfe: Yes.

21 [REDACTED] -- discounts?

22 Metcalfe: Yeah.

23 (Crosstalk)

24 S. Metcalfe: The prices of food have gone up --

25 [REDACTED] They have.



1 S. Metcalfe: -- except in this house, 'cause she gets 20  
2 percent off.

3 [REDACTED] Oh, that's -- I love Trader Joe's. I really do, they  
4 have some good stuff, so.

5 S. Metcalfe: She made me -- she is into their podcast and their  
6 whole culture.

7 [REDACTED] I didn't know that a podcast.

8 S. Metcalfe: They have a podcast, and then she thought, well,  
9 I'll go have a fun job there, and then 3 months later  
10 she's interviewing for corporate, so.

11 Metcalfe: Yeah, I was convinced that the experience of the  
12 customer, they've been the same experience as an  
13 employee, so it's been good.

14 [REDACTED] That's great 'cause that doesn't happen everywhere,  
15 right?

16 Metcalfe: Yeah.

17 [REDACTED] So.

18 Metcalfe: And it's a little weird, so.

19 [REDACTED] Okay. Quick background, I guess, um, before we get in  
20 -- so, you were working in the governor's office --

21 Metcalfe: Yeah.

22 [REDACTED] -- right, and -- and when did that start and when did  
23 that end?

24 Metcalfe: Um, the end of March was my la- -- I think my first  
25 week, and then the last week of August.



1 [REDACTED] Okay.

2 Metcalfe: I can't remember the date, specifically, but.

3 [REDACTED] And what was your position, like your job title there?

4 Metcalfe: I was the senior advisor on education.

5 [REDACTED] Okay. And prior to working at the governor's office,  
6 where did you work prior to that?

7 Metcalfe: I worked at the Rhode Island Department of Education.

8 I was the Chief Executive Officer of the School  
9 Building Authority at the Department of Education.

10 [REDACTED] Okay. And how long were you there?

11 Metcalfe: 2 years, in that role.

12 [REDACTED] 2 years.

13 Metcalfe: And then 2 years prior to that, I was also at the  
14 Department of Education, I was the chief of staff of  
15 the commissioner.

16 [REDACTED] Okay, okay, okay. And how long did you do that for?

17 Metcalfe: 2 years.

18 [REDACTED] 2 years, okay. But that was still with RIDE?

19 Metcalfe: RIDE.

20 [REDACTED] So, you were with RIDE for a total of 4 years?

21 Metcalfe: Yep, 4-1/2.

22 [REDACTED] 4-1/2, okay. How did you make, um, the transition  
23 from working at RIDE to the governor's office?

24 Metcalfe: Um, I -- Mike Magee reached out to me and said that  
25 the governor was looking to put together a team --



1 [REDACTED] Okay.

2 Metcalfe: -- um, and that's how that happened.

3 [REDACTED] Okay. Um, how do you know Mike Magee?

4 Metcalfe: Um, I worked for Mike when -- up at Rhode Island  
5 Mayoral Academies, um, back in 2009. Um, I worked for  
6 hi- -- him for 2 years, I think I was there, and then  
7 I shifted over to be the executive director of RYCAM  
8 (ph), which is the Education Advocacy Organization,  
9 and then from RYCAM I went to RIDE.

10 [REDACTED] Okay. So, Mike Magee reaches out to you, what -- do  
11 you remember the timeframe of how he reaches out to  
12 you?

13 Metcalfe: I think it was in February, sometime in February.

14 [REDACTED] February 2020.

15 Metcalfe: Yes.

16 [REDACTED] Right?

17 Metcalfe: Uh, '21?

18 [REDACTED] 2021?

19 Metcalfe: 2021, yeah.

20 [REDACTED] Um, he reaches out, he comes to you in person on the  
21 phone?

22 Metcalfe: He called.

23 [REDACTED] He called you.

24 Metcalfe: Yeah.

25 [REDACTED] Um, are you interested in -- what -- how does that go?



1 Metcalfe: Um, I was interested in the conversation to figure out  
2 what was going to happen. Um, and so, we talked about  
3 it on the phone and he said that the governor was  
4 trying to just, you know, figure out education, he  
5 thought I would be a good fit to help, since I had  
6 been working in education and clearly, you know,  
7 worked with the governor in the past. Um, we had that  
8 conversation, nothing came of it, and then I got, um,  
9 an email from the chief of staff (inaudible 00:06:06)  
10 or not from him but from his scheduler, I think to  
11 schedule an interview to go meet with him, um, and  
12 someone else from the lieutenant governor's office.

13 [REDACTED] Okay, so you had the interview, um, later --

14 Metcalfe: Yes.

15 [REDACTED] -- with -- with Tony Silva --

16 Metcalfe: Yeah.

17 [REDACTED] -- and someone else.

18 Metcalfe: Uh, Rosa.

19 [REDACTED] Rosa.

20 Metcalfe: De Castillo.

21 [REDACTED] Okay. So, you have the interview with them, um, what  
22 happens after that interview?

23 Metcalfe: Um, I actually decided that I didn't think it was the  
24 right fit.

25 [REDACTED] Okay.



1 Metcalfe: Um, it just didn't, um -- it just didn't feel like it  
2 was the right time or -- I just didn't click with Tony  
3 Silva --

4 [REDACTED] Okay.

5 Metcalfe: -- to be honest, like, I just didn't feel like -- and  
6 the interview was very quick, it was like 15 minutes,  
7 um, and so I reached back out to Mike and told him, I  
8 said, I just don't think this is the right fit, um,  
9 and that, you know, I'm happy to still be helpful with  
10 the team, because I knew they were gonna go through a  
11 big transition, um, but that it wasn't a good fit.

12 [REDACTED] So, you don't -- so, eventually you take that  
13 position.

14 Metcalfe: Right, because then I got, um, a call from the  
15 governor.

16 [REDACTED] You got a call from the governor.

17 Metcalfe: To come and meet with him.

18 [REDACTED] Okay, and do you know the governor before this?

19 Metcalfe: Yes.

20 [REDACTED] Okay.

21 Metcalfe: Um, from the Rhode Island Mayoral Academies, 'cause he  
22 was the board chair.

23 [REDACTED] When we're working with Mike Magee on that.

24 Metcalfe: Yes.

25 [REDACTED] Okay. So, you get a call from the governor, um,



1           himself, and how does that go?

2 Metcalfe: Um --

3           How far -- so this is -- is this shortly after you  
4           tell, um, Mike --

5 Metcalfe: Um, probably --

6           -- not for me or?

7 Metcalfe: Maybe about 2 weeks, 3 weeks' time, I can't remember.

8           It wasn't immediate, it wasn't like (inaudible  
9           00:07:27), there was a little bit of gap there.

10 Brock:    Was the governor, the governor, or was he the  
11           lieutenant governor at the time?

12 Metcalfe: Lieutenant governor, sorry. Um, it -- it was just to  
13           come to -- to go have a meeting at his house, and so I  
14           went to go meet him in person. And so, that's when we  
15           had a conversation.

16           Okay. Um, where does he live?

17 Metcalfe:           .

18           In           .

19 Metcalfe: Yeah.

20           Okay, so you go to his house, he sets a -- a date up  
21           for you to come over to his house.

22 Metcalfe: Yep.

23           Um, so you go to his house in           , what happens  
24           there?

25 Metcalfe: Um, we had a long conversation, he talked most -- at



1           that time it was about COVID --

2           ██████████ Okay.

3 Metcalfe: -- about everything that he had been, um,  
4           experiencing, um, and going through with the  
5           conversations and, um, that it was clear at that point  
6           -- that's why I can't remember the time, like, that  
7           he's -- I think either, um, Secretary Raimondo, they  
8           must have announced that it was clear that he was  
9           gonna become governor --

10          ██████████ Okay.

11 Metcalfe: Um, that he was trying to put together a team, and he  
12          was interested to know if I wanted to come work with  
13          him, um, the way they were gonna structure the office>  
14          I said I was definitely interested, I'd been working  
15          in school construction, so I hadn't been doing other  
16          stuff in education, but, um, I did ask him, during  
17          that meeting, I wanted to know -- because of that  
18          earlier conversation, um, who was going to be running  
19          the day to day in the office, um, and I was honest  
20          with him that I didn't think the conversation with  
21          Tony had gone well. Um, and so he was fine with that,  
22          he said, you know, he wants good people. Um, and so,  
23          I said that I would be interested in continuing to  
24          have the conversation and that he would, I thought  
25          from there, somebody would reach out to me to follow





1 up, um, and then it was just it -- it was announced.

2 [REDACTED] It was announced.

3 Metcalfe: Yes.

4 [REDACTED] Okay, how soon after was it announced? So, you left  
5 there basically saying, this is better than, you know,  
6 you kinda cleared up, like, you're not having the  
7 daily interaction with Tony or anything, right?

8 Metcalfe: Yeah.

9 [REDACTED] Um, how soon after that was it announced?

10 Metcalfe: Um, probably like a week and a half. I mean, it was a  
11 very positive conversation with the governor, and so I  
12 thought it was like we were gonna try to figure out  
13 how to make it work.

14 [REDACTED] Okay.

15 Metcalfe: Um, but he also knew -- 'cause in the conversation it  
16 was about when could I start, and how quickly could I  
17 do it, and I explained we had a lot going on in school  
18 construction, um, so I would definitely need time. It  
19 was at a time when we get in our applications, um, and  
20 so I'd need transition because I couldn't just --

21 [REDACTED] Sure, yeah.

22 Metcalfe: -- leave --

23 [REDACTED] Sure.

24 Metcalfe: -- and so there would need to be a conversation, um,  
25 if we could all fit -- get it together.



1 [REDACTED] Yeah, so it seemed positive in the house but there was  
2 no, like, confirmation of anything, like, you learned  
3 the news when it was announced publicly, is that -- is  
4 that fair?

5 Metcalfe: Yes.

6 [REDACTED] Is that kinda how it was?

7 Metcalfe: Um, I think we all were waiting for, this is gonna  
8 happen, but then, we still needed to work out the  
9 details 'cause it wasn't clear how it was gonna  
10 happen. I wanted to make sure to tell the  
11 commissioner, I wanted to be able to tell my team and  
12 my staff, um, and do -- kinda just laying -- laying it  
13 out, um, and it just happened very quickly.

14 [REDACTED] Okay.

15 Brock: That's interesting, right?

16 Metcalfe: (Inaudible 00:10:11)

17 S. Metcalfe: That's what happens when you're a lieutenant  
18 governor and the governor leaves and you get thrown  
19 into a role where (inaudible 00:10:16)

20 Brock: Yeah.

21 [REDACTED] Sure.

22 Brock: Yeah.

23 [REDACTED] So, where are your, um -- so when you -- you first  
24 start, you said end of March?

25 Metcalfe: Yes.



1 [REDACTED] Um, like, are you able to put in your 2 weeks' notice  
2 or how does that happen with how things played out?

3 Metcalfe: I was --

4 [REDACTED] You were, okay.

5 Metcalfe: -- because I had talked to the commissioner and I told  
6 her that they had reached out, and we were talking --

7 [REDACTED] Okay.

8 Metcalfe: -- about doing this, so she was supportive. She was  
9 okay with it. We tried to figure out some kind of  
10 transition --

11 [REDACTED] Sure.

12 Metcalfe: -- um, and it was -- I'll be honest, it was very  
13 confusing, because um, the governor had also reached  
14 out because we were in the Providence Teacher Contract  
15 negotiations, and so, because the governor's office,  
16 prior to us -- I don't know how to, like (inaudible  
17 00:10:50) the -- the Raimondo Administration versus  
18 the current one, they had been involved, and so they  
19 were trying to figure out, because it had been  
20 announced and people knew that I was going there,  
21 people wanted me to be engaged. Um, and so it was  
22 one of these things where I was trying to figure out  
23 how do I help, but I hadn't moved over yet. Um, and  
24 so, in those ti- -- in that time, like, I was  
25 attending the Providence School Committee, uh -- the



1 Providence Contract Negotiation meetings, that was  
2 still in my other role --

3 [REDACTED] Okay.

4 Metcalfe: -- and was trying to just like -- they had, uh, I  
5 believe, worked out of the transition, I worked with  
6 the commissioner's office to figure out something  
7 where I could still -- I had to do school construction  
8 work and get that ready, get the team ready, try to  
9 transfer the information, get them ready to go. Um,  
10 and then, I wasn't at the governor's office, but I was  
11 -- definitely the only thing was really the  
12 Providence, uh, Teachers Contract.

13 [REDACTED] Okay.

14 Metcalfe: I tried -- tried to get caught up on.

15 [REDACTED] Sure. So, when you start your position now, your new  
16 role --

17 Metcalfe: Yep.

18 [REDACTED] -- role in the governor's office in March, um, what's  
19 -- what are you doing, what's other projects you're  
20 taking on, like, what's your -- your primary, I guess?

21 Metcalfe: Um, it was very confusing, um, the entire experience.  
22 Um, and so I came in and I had started after everybody  
23 else, since I was trying to, one, catch up, kind of on  
24 where everything was, how it was gonna be structured.  
25 There was no clear, um, job description or focus. The



1 way that I described it to people, when they asked,  
2 was that I was really trying to focus in on pre-  
3 kindergarten, pre-K through higher education, so the  
4 entire kind of spectrum --

5 [REDACTED] Okay.

6 Metcalfe: -- um, including the governor's initiatives and  
7 everything else that was going on. Um, and it was a  
8 very busy time in, um, both we were still in COVID,  
9 and so things still hadn't -- at that time we were  
10 just getting the vaccines for people. Like, I wasn't  
11 vaccinated, I wasn't eligible. Um, we were getting  
12 the federal money was coming in for Esser (ph). Um, I  
13 think at that time the second round was coming in,  
14 people wanted to know where the money was gonna go,  
15 and so it was -- so, I just kinda came in and tried to  
16 figure out --

17 [REDACTED] Sure.

18 Metcalfe: -- what to do.

19 [REDACTED] At what point, um, do you learn and or get involved  
20 regarding the RFP for the education?

21 Metcalfe: Yep. When I started, I knew, um, that there was an  
22 RFP out. I wasn't involved in it, like it had already  
23 been issued, that it was out. They were a number of  
24 weeks that I really wasn't, at all -- it wasn't even  
25 in my --



1 [REDACTED] Well, how were you aware of it, I guess.

2 Metcalfe: Um, Tony, um -- Tony Afonso, um, had talked to me  
3 about there was going to be a search committee put --  
4 not a search committee, but the committee --

5 [REDACTED] Okay, yeah, okay.

6 Metcalfe: -- a review panel put together to review it. Um, and  
7 so, he mentioned that to me that he was going to be  
8 reaching out to RIDE, um, about identifying somebody  
9 to be part of that committee. So, I mean --

10 [REDACTED] Okay.

11 Metcalfe: But they all started to put that together.

12 [REDACTED] Understood.

13 Metcalfe: Um, then it wasn't until -- I don't remember when, um,  
14 so I knew that it was out, um, but I wasn't involved  
15 in the office with it.

16 [REDACTED] When -- at what time do you become involved?

17 Metcalfe: Um, Tony, I -- Tony and I would meet regularly, and  
18 so, Tony --

19 [REDACTED] Tony Afonso?

20 Metcalfe: Tony Afonso, yes, I'm sorry, I'll clarify. Um, yes,  
21 Tony Afonso. Um, we would meet, and he had mentioned  
22 to me that there had -- bids had come in for the  
23 contract. They were a part in some way, like they  
24 were very far apart, like the people, they had  
25 narrowed it down. Um, they were very far apart, that



1 the search commit -- not the committee, the review  
2 panel --

3 [REDACTED] Um-hmm.

4 Metcalfe: -- um, committee, um, needed clarification on scope,  
5 on like, how long and how much work was gonna be  
6 entailed, so he asked me if I would speak to a member  
7 of the review committee, to talk about the technical  
8 part of the scope.

9 [REDACTED] Okay.

10 Metcalfe: Um, and that's the first time that I got engaged.

11 [REDACTED] Okay. Um, who was the member of the review committee  
12 that they wanted you to reach out to?

13 Metcalfe: Kristen.

14 [REDACTED] Kristen? Okay.

15 Metcalfe: I can't remember Kristen's last name, it's --

16 [REDACTED] Okay.

17 Metcalfe: I'm sorry.

18 [REDACTED] And what was -- so, she was on the review committee.  
19 Where -- where's Kristen, who does she work for, what  
20 --

21 Metcalfe: She works for RIDE.

22 [REDACTED] She works for RIDE.

23 Metcalfe: Yep.

24 [REDACTED] Okay.

25 Metcalfe: Um, she, um, was the head of, uh -- oh, my gosh, it's



1           been a while for these other names. We created under  
2           COVID, an office, um, EDOP -- Education Operations  
3           Center, EDOC --

4           ██████████ EDOC, okay.

5   Metcalfe: -- um, the Education Operations Center, Kristen's the  
6           Director of the Education Operations Center. Um, and  
7           she was a member of RIDE, had taken a year -- it's  
8           kind of a leave, but she was still employed with RIDE,  
9           to go run the EDOC.

10          ██████████ Okay.

11   Metcalfe: And the EDOC was responsible for all the coordination,  
12           um, with the district around COVID. And because of  
13           the COVID piece, um, I think with the RFP they wanted  
14           someone with that kind of experience on the review  
15           group.

16          ██████████ So, Tony comes to you, says we're getting these  
17           proposals in, there -- there's a big difference, um,  
18           we need you to talk with someone, ba -- at RIDE, who  
19           is Kristen --

20   Metcalfe: Yeah.

21          ██████████ -- to find out what we're looking for there.

22   Metcalfe: Yeah.

23          ██████████ Is that fair?

24   Metcalfe: Yeah.

25          ██████████ Um, so how did that conversation go with Kristen?





1 Metcalfe: Um, it was a Zoom meeting --

2 [REDACTED] Okay.

3 Metcalfe: -- um, and it was fine, um, we kicked it right off  
4 with trying to talk about the scope, talking about,  
5 you know, what is it, um, that we were looking to get,  
6 um, as far as services from a consultant. Um, at the  
7 time, it was confusing because COVID was changing, um,  
8 and the conversation I had had with Kristen, because  
9 simultaneously, separate from, um, that, was we were  
10 trying to figure out what was gonna happen to the  
11 EDOC, um, (inaudible 00:16:19) EDOC because that was  
12 going -- the plan had always been at RIDE for EDOC to  
13 kinda sunset, and was gonna be transitioning in the  
14 summertime. And we thought, um, mistakenly, that  
15 COVID was gonna kinda come down and everything would  
16 be kind of okay, we weren't sure, like, what the ebbs  
17 and flows were gonna be.

18 [REDACTED] Sure.

19 Metcalfe: And so, the conversation about EDOC was happening with  
20 Kristen, about what were we going to do, and what  
21 testing would we need, what kind of things were gonna  
22 happen for schools come the fall. So, the  
23 conversation on Zoom was, we couldn't figure out, like  
24 exactly, what the scope, it wasn't -- um, I had been  
25 used to school construction where we could easily come



1 in and say, we're building this building, this is the  
2 timeframe, this is the scope, this is what we need  
3 within parameters, this was kind of morphing a little  
4 bit.

5 [REDACTED] Um-hmm.

6 Metcalfe: Um, and so the conversation in Zoom, I couldn't answer  
7 the question, like, I couldn't answer, this is  
8 exactly, like, how much time we think, for these  
9 pieces. So, we had a conversation about, in the past,  
10 um, our fees that I had been involved in, whenever  
11 vendors came back, and they were a part, we would go  
12 back to the vendors and say, listen, we need to get  
13 clarification here, that's how we get clarification.  
14 And so, we talked about, um -- tried to clarify within  
15 those, whether or not we're looking for, um -- what's  
16 it called, um, technical assistance or actually people  
17 doing the work. Um, because, at the time, we had  
18 consultants doing a variety of things that at -- at  
19 RIDE. Where you had people who just gave you advice  
20 on how to do things, and then people who would  
21 actually be hands on. We wanted, I knew, you know,  
22 both.

23 [REDACTED] Yeah, yeah.

24 Metcalfe: Um, and so we came up with a list of things, um, and  
25 that's what we, kind of thought, would be the best way



1 to move forward, because I couldn't answer --

2 [REDACTED] Okay.

3 Metcalfe: -- like, exactly, like --

4 [REDACTED] Well, and I know one thing you said early on is that  
5 you guys almost thought, like, COVID was maybe gonna  
6 trend downwards, right? I guess it's March, going  
7 into the summer, vaccines are rolling out, things are  
8 happening, good things are happening, right?

9 Metcalfe: Right.

10 [REDACTED] Um, so, at that time, um, I guess you had to review  
11 that RFP, did you think the RF --

12 Metcalfe: No, I didn't --

13 [REDACTED] You didn't have time to review it?

14 Metcalfe: No, I hadn't been given any of the documents or any of  
15 the vending information --

16 [REDACTED] Okay.

17 Metcalfe: -- or any of that. Like, I didn't have --

18 [REDACTED] Okay.

19 Metcalfe: -- any of that (inaudible 00:18:29)

20 [REDACTED] None of that, Okay. Um, had you seen the RFP today?

21 Metcalfe: I did (inaudible 00:18:34) I did see the -- I saw the  
22 scopes --

23 [REDACTED] Okay.

24 Metcalfe: -- um, but I haven't seen -- read the responses or  
25 anything like that.



1 ██████████ Okay, um, but the actual -- not the responses from the  
2 other contract, but the actual like, proposal from the  
3 governor's office --

4 Metcalfe: Yep.

5 ██████████ -- the RFP --

6 Metcalfe: Yep.

7 ██████████ -- as far as seeking people to bid on it, did you, did  
8 you ever see that?

9 Metcalfe: I did, um, right as I was leaving, like, right --

10 ██████████ Okay, okay.

11 Metcalfe: -- in -- when we were doing things.

12 ██████████ So, you weren't the -- you weren't part of creating  
13 that process --

14 Metcalfe: No.

15 ██████████ -- or anything of that process or anything like that.

16 Metcalfe: No.

17 ██████████ Do you know who created that RFP, like, the actual  
18 proposals for people to bid in on?

19 Metcalfe: Yeah, my understanding is that it was Tony Afonso and  
20 Jim Thorsen.

21 ██████████ Tony Alfonso and Jim Thorsen.

22 Metcalfe: Yeah.

23 ██████████ Okay. Um, what's Tony Alfonso's position again?

24 Metcalfe: Um, he's currently the chief of staff.

25 ██████████ Chief of staff, and Jim Thorsen?



1 Metcalfe: Is Director of the Department of Administration.

2 ██████████ Okay. With the governor's office?

3 Metcalfe: Um, (inaudible 00:19:23)

4 ██████████ Um, so you see that way --

5 S. Metcalfe: (Inaudible 00:19:29) was, at the time --

6 Metcalfe: He was the deputy chief at that time. He was not the  
7 chief of staff, yeah. So, Tony and I -- the other part  
8 that -- is -- is that the way that the office was  
9 structured, is that Tony and I shared education, and  
10 so that all of the areas of education were divided up  
11 amongst the, um, senior leaders or deputy chiefs of  
12 staff, um, and so he and I shared education.

13 S. Metcalfe: Tony Sil- -- Tony Silva?

14 Metcalfe: Afonso.

15 S. Metcalfe: But Tony -- but no, Tony Silva was the chief at  
16 the timeframe --

17 Metcalfe: Yes.

18 Brock: -- you're talking about.

19 Metcalfe: Yes, Tony Silva was the chief of staff, Tony Afonso  
20 was deputy, there were some deputies, and senior  
21 advisors.

22 ██████████ So, you're having this call with Kristen, she's kinda  
23 seeking your information, as far as what you feel as  
24 far as, number wise, 'cause they're off, right --

25 Metcalfe: Yep.



1 [REDACTED] -- the proposals are off. You're not sure how to  
2 answer it, right, 'cause it's like, it's still the  
3 unknown. So, how, um -- you leave it with Kristen as  
4 I don't know or how -- how do we ultimately get back  
5 to the review panel with -- is it -- 'cause I know we  
6 have companies that are coming in, right, with, um,  
7 proposals, and they're off, as far as, I guess, hours  
8 or whatnot.

9 Metcalfe: Yep.

10 [REDACTED] Um, she reaches out to you and it's still, like, not  
11 sure, so --

12 Metcalfe: No, the way that we -- it was -- we ended it with we  
13 were gonna draft -- and I can't remember if I drafted  
14 or she drafted, based on our conversation, kind of  
15 where -- where we would be focusing in on, like much  
16 more of, like, okay, within this work, we're going to  
17 need technical assistance on this, we're going to need  
18 more, like, -- because if EDOC is no longer there,  
19 we're still gonna need support. I mean, I think we  
20 knew that going into the school year, we were still  
21 gonna need support, there was no question of that, but  
22 it was like, how, what, um, and so, that was how we  
23 left it, that they were gonna -- the review group was  
24 gonna go back out to the vendors and say, here is what  
25 we think we're gonna be needing, can you provide more



1 detail from that.

2 ██████████ Would be different things that actually listed on the  
3 RFP then, 'cause RIDE -- RIDE and EDOC, I mean, they  
4 do significant work, I would imagine --

5 Metcalfe: Right.

6 ██████████ -- for the State of Rhode Island, right --

7 Metcalfe: Yeah.

8 ██████████ -- and -- and, I think, and I could be wrong, but I do  
9 know the State of Rhode Island was one of the first  
10 ones getting schools reopening.

11 ██████████ Yeah. Um, so, it seems like things are going pretty  
12 well as far as with school reopening and stuff --

13 Metcalfe: Um-hmm.

14 ██████████ -- and you're like -- but it still seems like you  
15 think they're gonna need a little assistance, a little  
16 support.

17 Metcalfe: Yeah.

18 ██████████ Um, but I know at this time it seems like, you haven't  
19 reviewed the RFP.

20 Metcalfe: Right?

21 ██████████ So, when you're saying these are the things that we're  
22 gonna need help in, are you saying they -- they're  
23 different bullet points than what's in the RFP or?

24 Metcalfe: Yes, because I was focusing much more on the work that  
25 we were doing --



1 [REDACTED] Sure.

2 Metcalfe: -- and so that's the feedback that we had gotten was  
3 that that it was beyond whatever was in the RFP, that  
4 it wasn't going to be just, um, what they originally  
5 had gone out for.

6 [REDACTED] So, was there any discussion to change the RFP or like  
7 that -- that's not stuff we actually need, RIDE and  
8 EDOC are doing that, we actually just need support  
9 doing this, like --

10 Metcalfe: My memory of it from everything was that they would be  
11 -- from the news article too, reminding my -- going  
12 back, there was an e-mail saying -- from purchasing,  
13 saying -- because I had emailed purchasing, I think,  
14 about like, after this meeting, this is what we  
15 recommended (inaudible 00:22:41) that it was too far  
16 off scope, but then something would have to be  
17 reissued, um, and then I didn't hear anything else  
18 after that. So, then --

19 Brock: That -- that was emailed back from purchasing --

20 Metcalfe: Yep.

21 Brock: -- that said that you're -- you're getting too far off  
22 scope.

23 Metcalfe: Yeah, that whatever was drafted about these new areas  
24 --

25 Brock: Okay.





1 Metcalfe: it would be off.

2 ██████████ And do you know who from purchasing that would've  
3 been?

4 Metcalfe: I don't remember.

5 ██████████ You don't remember.

6 Metcalfe: No.

7 ██████████ Okay.

8 Metcalfe: Sorry.

9 Brock: Uh, if I said a few names would it jar your memory?

10 Metcalfe: Maybe.

11 Brock: Was it Nancy McIntyre?

12 Metcalfe: No, I don't think so.

13 Brock: Nina Lennon?

14 Metcalfe: Maybe Nina.

15 Brock: Okay.

16 Metcalfe: I think it was -- the other people that I was in  
17 contact with were Dan Majcher. I don't think it was  
18 Dan, I think it might've been Nina.

19 ██████████ Okay. Um, so, you're basically giving the ideas as  
20 far as what you think they're gonna need, but those  
21 are off from --

22 Metcalfe: Whatever was -- yeah, the scope.

23 ██████████ Okay. Um, so, there's really no resolve to.

24 Metcalfe: Right.

25 ██████████ Right. Um, do you have any further involvement in --



1 or is that your only involvement with Kristen  
2 regarding that topic?

3 Metcalfe: The only other involvement with Kristen, um, I think  
4 the next -- I'm trying to think. No, there was -- it  
5 was in that communication, there was, um, concern that  
6 I was going to be talking to a vendor, but there was  
7 something going back and forth about, you know, that I  
8 was gonna reach out to the vendor, and I was very  
9 clear that I was not reaching out to the vendors,  
10 'cause I didn't have the information at the time, it  
11 was about the technical support. Um, and so I  
12 clarified there, I also talked to Tony Afonso saying I  
13 think there's confusion about this, like Kristen is  
14 confused about what I was doing, 'cause I was asked  
15 just to be the technical part of it, but I wasn't, um  
16 -- 'cause even the conversation with Kristen, we never  
17 talked about vendors. We didn't talk about any of --  
18 [REDACTED] Did you guys talk about hours needed that the vendors  
19 -- like were -- were you ever, um -- your conversation  
20 with Kristen, did Kristen ever come to you and say,  
21 um, you know, we have vendors coming in but they're --  
22 they're far spread apart, you know, as far as hours  
23 being off. Is that a discussion that you had with  
24 her?

25 Metcalfe: It wasn't discussion it was cost, it was that the cost



1 --

2 [REDACTED] It was cost total.

3 Metcalfe: -- total --

4 [REDACTED] Okay.

5 Metcalfe: -- um, was -- they were far apart, like -- and that  
6 didn't seem -- that seems common to me, not common,  
7 but sometimes that happens 'cause I experienced it at  
8 RIDE too, where people come back, it's too far off,  
9 because they're thinking that what you want is two  
10 different things. Um, the conversation with Kristen,  
11 she was on the consulting side, because of the EDOC  
12 conversation, was concerned that they were doing work,  
13 and that, just like with RIDE, they were bringing in  
14 consultants and wanted to make sure the work that was  
15 done wasn't going (inaudible 00:25:21) I wanted to  
16 always use the work of the EDOC to inform whatever is  
17 gonna happen and I would do my best to make sure that  
18 happened. Um, but it -- we didn't talk about hours,  
19 we didn't talk about, um, that, but she was definitely  
20 concerned about, like, the work of the EDOC.

21 [REDACTED] Okay.

22 Metcalfe: Um, being kinda --

23 [REDACTED] Okay.

24 Metcalfe: -- gone.

25 [REDACTED] Who else -- anyone else reaches out to you about the



1 RFP.

2 Metcalfe: Um, there was a communication with Dan Majcher. Um,  
3 so after that, um, I didn't hear back after that  
4 conversation with Kristen, then I think the next one,  
5 the chain, Dan had reached about hours, and so I  
6 assumed that they had gone back --

7 [REDACTED] And he's on the panel as well --

8 Metcalfe: Yes.

9 [REDACTED] -- the review board, right?

10 Metcalfe: Yep.

11 [REDACTED] Okay.

12 Metcalfe: That he -- I assumed they had gone back and had a  
13 conversation that they weren't gonna go back out to  
14 the vendors, that they were gonna stay within the  
15 scope, I don't know --

16 [REDACTED] Okay, no -- okay.

17 Metcalfe: Umm, I had no conversation with anybody between those.  
18 Dan reached out to me, um --

19 [REDACTED] A call, in person, email?

20 Metcalfe: An email.

21 [REDACTED] Email.

22 Metcalfe: Yeah.

23 [REDACTED] An email, okay.

24 Metcalfe: I don't think I ever -- this sounds really bad, I  
25 think I only -- like I saw what Dan looked like, like,



1 at the end. I don't know if I was ever on a Zoom with  
2 him, like, it's -- and it's weird to me, um, because I  
3 didn't really (inaudible 00:26:40) with him, but, um -  
4 -

5 [REDACTED] Sure.

6 Metcalfe: Uh, also by email, um, that they were looking for the  
7 number of hours, for the RFP, so I assumed they had a  
8 conversation and said they weren't gonna go back out,  
9 with like, trying to figure out more stuff, that they  
10 were just gonna focus in on the RFP. These were the  
11 number, you know, the number of hours were, that they  
12 got this, and it would be the number of hours, could I  
13 break it up by those scopes that were in the original  
14 RFP. Um, and I couldn't, I -- I just -- I couldn't  
15 figure it out. And then, he came back again  
16 afterwards, with like an Excel document, I remember  
17 there being an Excel document with the scopes and  
18 hours associated with it, um, and asked for me to look  
19 at it. And I looked at it, and I don't know how the  
20 hours were calculated to the scope, um, and so the  
21 only thing that I did was look at it and re  
22 apportioned it, because I knew that, um, the Municipal  
23 Learning Centers will be priority to the governor,  
24 'cause that's something he talked about regularly, um,  
25 and I wasn't sure at the time, whether or not how much



1 testing we were gonna be doing, 'cause I know testing  
2 was part of it, and I can't remember the other pieces  
3 right now, um, so I tried to reapportion it to be much  
4 more knowing where the governor's priorities were.

5 [REDACTED] Okay. Did you keep the same number of hours he gave  
6 you --

7 Metcalfe: Yes.

8 [REDACTED] -- or did you change the number of hours?

9 Metcalfe: No, I kept the same number, 'cause I didn't know where  
10 that came from.

11 [REDACTED] So, for instance, I'm just gonna use an even figure.  
12 Say there were 500 hours --

13 Metcalfe: Yep.

14 [REDACTED] -- uh, total. You just changed hours from different  
15 priorities that you're aware of that was high on the  
16 governor's list, but you kept it still would be 500  
17 hours.

18 Metcalfe: My memory, yes, that I tried to keep it the same  
19 'cause I didn't know how the numbers were calculated,  
20 so I just wanted to make sure it at least, at the end,  
21 it added up to the same, but that it was just in  
22 different kind of buckets.

23 [REDACTED] Okay.

24 Metcalfe: Yeah.

25 [REDACTED] Okay. Uh, and those hours would have been provided by



1           Majcher.

2 Metcalfe: Yeah.

3           ██████████ He created that spreadsheet?

4 Metcalfe: I don't know.

5           ██████████ Okay.

6 Metcalfe: It was sent from him --

7           ██████████ He provided the spreadsheet.

8 Metcalfe: He brought it to me, yeah.

9           ██████████ You didn't create the spreadsheet.

10 Metcalfe: No.

11           ██████████ You didn't come up with the number of hours in the  
12                       spreadsheet.

13 Metcalfe: No.

14           ██████████ Okay. Um, what other involvement do you have in the  
15                       RFP? Anyone --

16 Metcalfe: Uh --

17           ██████████ -- else reach out to you, any other involvement that  
18                       you have.

19 Metcalfe: I don't have any other involvement, um, up until  
20                       selection.

21           ██████████ Selection.

22 Metcalfe: Um, and then when, um, the selection happened of the  
23                       two vendors, after that point, I was asked to then do  
24                       the process to get it -- to, I think, getting them  
25                       working. And so, the second half, um, is where I was



1 more involved.

2 [REDACTED] So, before we get into that, um, the RFP, at first, it  
3 seems like it was gonna be awarded to one company --

4 Metcalfe: Um-hmm.

5 [REDACTED] -- do you know how it goes from RFP to a, I guess --  
6 is it an NPA?

7 Brock: NPA, yeah.

8 Metcalfe: I don't. Um, I was told by Tony Afonso that the two  
9 had been selected and that we were gonna be dividing  
10 the work up amongst the two vendors, and that was it.

11 [REDACTED] Okay.

12 Metcalfe: I have no idea how -- what transpired between all of --  
13 -- the last time, um, I responded to Dan, to that.

14 [REDACTED] Okay. Um, so once -- so, then you're -- you're told  
15 that there's WestEd --

16 Metcalfe: Yep.

17 [REDACTED] -- and ILO that are awarded the contracts.

18 Metcalfe: Yeah.

19 [REDACTED] Um, are you familiar with WestEd at all?

20 Metcalfe: I am, yep --

21 [REDACTED] Okay.

22 Metcalfe: -- I worked with them a little bit in the Department  
23 of Education.

24 [REDACTED] Okay, and how -- how has your experience been with  
25 them?





1 Metcalfe: Oh, okay. They were just a national kind of vendor.

2 ██████████ Kind of vendor, okay.

3 Metcalfe: Yep.

4 ██████████ Um, are you familiar with ILO at all?

5 Metcalfe: I know Julia, um --

6 ██████████ Okay.

7 Metcalfe: -- or I knew Julia. I didn't know ILO, um, as an  
8 organization or group, um --

9 ██████████ Okay.

10 Metcalfe: -- until this process.

11 ██████████ Gotcha, and how do you know Julia? That's Julia Rafal  
12 Baer?

13 Metcalfe: Yes.

14 ██████████ Okay.

15 Metcalfe: Um, I knew of Julia when I, um, was moving over from  
16 RYCAN into the commissioner's office. Um, she, um --  
17 the, um, commissioner at the time, had come from New  
18 York, where Julie had worked, um, I think there was a  
19 misunderstanding about that, um (inaudible 00:30:41)  
20 and so they didn't have, um, a very -- it was a very  
21 uncomfortable conversation, or at least uncomfortable  
22 situation going on with the previous commissioner, um,  
23 and Julia, and so, I knew of Julia, that she was here  
24 in Rhode Island, as she'd moved from New York, I think  
25 with the understanding she was gonna be getting a job



1                   and didn't get the job.

2     ██████████ A job were?

3     Metcalfe: At the Department of Education.

4     ██████████ Okay, and when was this?

5     S. Metcalfe: She got the job you got.

6     Metcalfe: Yes, chief of staff.

7     ██████████ Okay.

8     Metcalfe: Um, and so, that's how I know of Julia in the space in

9                   education that she had come.

10    ██████████ Where had you heard this information from?

11    Metcalfe: Um, commissioner.

12    ██████████ From the commissioner?

13    Metcalfe: Yeah.

14    ██████████ Um, do you know the timeframe of it?

15    Metcalfe: 2015, I guess is when I went over to work.

16    ██████████ Okay.

17    Metcalfe: Yeah. And it was never -- it was just like, I just

18                   (inaudible 00:31:33)

19    Brock: Was she chief of staff?

20    Metcalfe: I don't know.

21    Brock: And commissioner in '16 wasn't, uh, An- -- Angelica --

22    Metcalfe: No.

23    Brock: -- it was --

24    Metcalfe: Ken Wagner.

25    Brock: Wagner. And she thought -- and so Wagner hired you?



1 Metcalfe: Yes.

2 Brock: And she thought --

3 Metcalfe: Well, she was the chief of staff before me, um, and  
4 then that chief of staff was going to go to graduate  
5 school (inaudible 00:32:05) so it wasn't the immediate  
6 part, but there was definitely some, um,  
7 uncomfortability there.

8 Brock: Um-hmm.

9 ██████████ Okay. So, you know of her --

10 Metcalfe: Right.

11 ██████████ -- but you didn't have a personal relationship with  
12 her.

13 Metcalfe: No.

14 ██████████ Knew of her. Um, in regards to the RFP, are you aware  
15 of her being involved at all in the RFP process or not  
16 until you're aware that she's associated with ILO?

17 Metcalfe: I was aware that she was, like, you know, a (inaudible  
18 00:32:31) um, but wasn't aware of ILO as an  
19 organization.

20 ██████████ And how were you aware that she was (inaudible  
21 00:32:37)

22 Metcalfe: Um, through Mike -- Mike Magee.

23 ██████████ Through Mike.

24 Metcalfe: Um-hmm.

25 ██████████ Okay. What -- what did Mike say?



1 Metcalfe: Mike had mentioned that the governor was going to be  
2 speaking consulting when he was going in and that  
3 Julie was leaving chief, um, to do consulting full  
4 time.

5 [REDACTED] Okay.

6 Metcalfe: Um, and that -- so it seemed that that was going to be  
7 that she would be the one, um, that'd be applying.

8 [REDACTED] Okay. And when -- this conversation was before you  
9 did the interview with Tony Afons- -- or Tony Silva,  
10 would that have been then --

11 Metcalfe: Yes.

12 [REDACTED] -- when he called you --

13 Metcalfe: Yeah.

14 [REDACTED] -- uh, to see.

15 Metcalfe: Yep.

16 [REDACTED] Um, so he tells you at that point that Julia is  
17 leaving --

18 Metcalfe: Yeah.

19 [REDACTED] -- the DC and is gonna go into primary consulting.

20 Metcalfe: Yeah.

21 [REDACTED] Um, what else -- what else does he say in that  
22 conversation, like -- I guess you just said, you --  
23 you thought she was gonna be applying for it --

24 Metcalfe: Yeah.

25 [REDACTED] -- um --



1 Metcalfe: He doesn't say a lot.

2 ██████████ He doesn't say a lot.

3 Metcalfe: No, just that, but they would be consultants that they  
4 was gonna be a team, people to help, because I think  
5 they knew -- they knew how much was gonna be coming  
6 our way, as far as like, the amount of work and  
7 everything like that, and that they needed as much  
8 support, but it was all at that high level. There  
9 wasn't any detail or anything.

10 Brock: And coming from the governor's office or the RIDE  
11 side, that those --

12 Metcalfe: Governor's office.

13 Brock: Was -- was there talk from the RIDE side that -- they  
14 you're gonna need this kinda help?

15 Metcalfe: Um, they always talk at RIDE about needing help. We  
16 were constantly, um, getting consulting help or  
17 supports, um, and we'd have it during the COVID time,  
18 um, but I wasn't in because I was on the school  
19 construction side, so I hadn't been on the other side.

20 ██████████ Okay. Um, I know you said Julie -- Mike told you that  
21 Julie would be applying for it, were you surprised  
22 that she was awarded, like, her comp- -- the company  
23 she was involved in was awarded it at the end of the  
24 day?

25 Metcalfe: I wasn't surprised, I felt like they'd always had --



1           you know, she's always had a reputation of quality, of  
2           like, that they're knowledgeable. Um, that throughout  
3           the years, even whenever it would come up, that if  
4           they'd gone through the process, and been reviewed,  
5           but I didn't think they wouldn't be that. That they -  
6           - I assumed it would be a quality product at the end,  
7           um, so I wasn't surprised. Um --

8 Brock:     Were you aware of, um, any of the work that Julia was  
9           doing prior to you switching over to the governor's  
10          office, or what -- what she was up to?

11 Metcalfe: No, I know that, um, she was at Chiefs. Um, she had  
12          been supporting RIDE -- they'd been working with RIDE,  
13          because the commissioner and held the, um -- is a  
14          member of Chiefs --

15 Brock:     Um-hmm.

16 Metcalfe: -- and doing that stuff, um, so I know that she had  
17          been supporting, I just don't -- I didn't know how,  
18          like, she was definitely around --

19 [REDACTED] Okay.

20 Metcalfe: -- but I don't know how.

21 [REDACTED] Okay. But you're understanding is through Mike, is  
22          that she was doing the work down in DC, she was  
23          leaving that, um, that (inaudible 00:35:22) she was  
24          doing consulting now. Up in Rhode Island or  
25          nationwide?



1 Metcalfe: I think nationwide.

2 ██████████ Nationwide, okay.

3 Metcalfe: Yep.

4 ██████████ Okay. Um, so, let's get -- we'll get back to here,  
5 but so then, you were talking to the RFP, which you're  
6 involved (inaudible 00:35:35) with Majcher, um, you  
7 didn't have any more involvement until after there was  
8 the warning of the two businesses.

9 Metcalfe: Right.

10 ██████████ The two contractors, right.

11 Metcalfe: Right.

12 ██████████ So, it was ILO, and it was WestEd.

13 Metcalfe: Correct.

14 ██████████ What's your involvement now?

15 Metcalfe: Um, at that point, I was then asked to try to -- that  
16 we had to then draft more specific works of scope, to  
17 like, kinda go in, um, and help them with what they  
18 were actually gonna be doing, and then to finalize  
19 things. Um, I had asked for a meeting with purchasing  
20 to make sure everything, um, was done, and everything  
21 was right, and then go over the process 'cause I had  
22 never done that before.

23 ██████████ Okay.

24 Metcalfe: Even though -- at RIDE, we had purchasing agents,

25 like, they're the ones who walk us through, um, and so



1 we had a call with purchasing about what it was that I  
2 was supposed to do, was supposed to go to them, draft  
3 something for them to respond to, then have the  
4 vendors respond to, like, kinda like, work streams or  
5 like -- I don't -- work plans, type of thing.

6 [REDACTED] Okay.

7 Metcalfe: Um, and then provide the budget, and then, um, have  
8 them sign it and send it over for consent.

9 [REDACTED] So, you're tasked with creating, um -- there is a  
10 focus for them, I guess --

11 Metcalfe: Yep.

12 [REDACTED] -- what they're supposed -- so, how do you come -- how  
13 do you draft that product?

14 Metcalfe: Um, the first one was around the -- the only one that  
15 I had a level of confidence in, um, was Municipal  
16 Learning Centers, um, because that's the one I had  
17 known the most about with the governor's office, and  
18 so I drafted something based on what I thought, um, we  
19 would be needing as far as trying to lay out how many  
20 communities would need Municipal Learning Center, was  
21 the kind of work over the next year, what were some of  
22 the deliverables, and so I drafted that. The health  
23 stuff, I had not been as engaged within, some of our -  
24 - we divided up in the office, and so I hadn't been on  
25 the day-to-day calls, um, and so we had someone else





1 in the office working on trying to draft something on  
2 that. Um, and then they -- I don't think they ever  
3 drafted anything. I provided the Municipal Learning  
4 Center stuff, um, and I didn't hear anything back, and  
5 then I received, um, the scopes from Tony Afonso.

6 [REDACTED] Who is the other person that was gonna draft something  
7 on, um --

8 Metcalfe: Brenna McCabe.

9 [REDACTED] Brenda?

10 Metcalfe: Brenna.

11 [REDACTED] Brenna?

12 Metcalfe: Yeah.

13 [REDACTED] McCabe?

14 Metcalfe: Yeah.

15 [REDACTED] And -- and what's their position?

16 Metcalfe: She's a senior advisor.

17 [REDACTED] Senior advisor --

18 Metcalfe: Yeah, I'm sorry.

19 [REDACTED] -- of the governor's office.

20 Metcalfe: Yep.

21 [REDACTED] Um, so you asked her to take care of, um, what area  
22 was that?

23 Metcalfe: The health side.

24 [REDACTED] The health side.

25 Metcalfe: Of the COVID side.



1 [REDACTED] Okay.

2 Metcalfe: Yep.

3 [REDACTED] Um, never got a response from her. Tony Al- --

4 Metcalfe: We were going back and forth --

5 [REDACTED] Forth, okay.

6 Metcalfe: Yep.

7 [REDACTED] But she never comes up with a final product for you --

8 Metcalfe: I don't remember, I don't think she did. (inaudible

9 00:38:15). Trying to figure out what was happening

10 'cause I think at the same time conversations were

11 happening with EDOC about what exactly EDOC was doing.

12 EDOC was also doing strategic planning stuff.

13 [REDACTED] Okay. So, you get the -- you get the e-mail from Tony  
14 Alfonso?

15 Metcalfe: Yes.

16 [REDACTED] Um, and what does that e-mail say?

17 Metcalfe: Um, it's just the dividing of the work between WestEd  
18 and ILO.

19 [REDACTED] And where did that come from, do you --

20 Metcalfe: I don't know.

21 [REDACTED] Do you know? Did he put it together or?

22 Metcalfe: I think but I don't know.

23 [REDACTED] And does that include your moves to -- when it's --

24 Metcalfe: Yes.

25 [REDACTED] -- the full learning?



1 Metcalfe: Um, it's broader than what I put together, um, but it  
2 did, yes.

3 ██████████ But it did, okay, but you're not sure who that comes  
4 from.

5 Metcalfe: No.

6 ██████████ Okay. Um, so you receive that. It is saying, this is  
7 gonna be work for ILO, this is gonna be work for  
8 WestEd --

9 Metcalfe: Yeah.

10 ██████████ -- it's already broken up.

11 Metcalfe: Yeah.

12 ██████████ You receive that and then what do you do with that?

13 Metcalfe: Um, I have a conversation with Tony saying that I was  
14 concerned that I knew that RIDE, um, a lot of the  
15 work, would be challenging with them. Um, and I was  
16 concerned about the scope, um, and that was the  
17 conversation.

18 ██████████ And what was Tony's response to that?

19 Metcalfe: Um, that we should talk to Mike.

20 ██████████ Okay. Do we have a conversation with Mike?

21 Metcalfe: We do.

22 ██████████ Okay, and how does that conversation go?

23 Metcalfe: Um, that we needed to -- the governor's office needed  
24 to make sure there were supports in place, that RIDE  
25 needed help, that it was clear that RIDE, during this



1 next process, was going to need support on getting all  
2 this stuff done and making sure there's a plan for a  
3 variety of things, um --

4 [REDACTED] This is Mike says?

5 Metcalfe: Yes.

6 [REDACTED] Even though we have concerns that these aren't the  
7 areas, right?

8 Metcalfe: It wasn't so much with the areas, it was just, um -- I  
9 just knew from working at RIDE, that whenever you're  
10 doing consulting, it's such a back and forth that you  
11 need the capacity, you need the help, but there's also  
12 -- it's gonna be, not resistance, but just, you know,  
13 like why more people, but it sounds counter to, we  
14 need the back, we need the help. Um, So I just felt  
15 like there was gonna be some concerns.

16 [REDACTED] Okay.

17 Brock: On the municipal learning side or on -- overall?

18 Metcalfe: No, the whole thing. I didn't -- not so much the  
19 Municipal Learning Centers, just because that wasn't  
20 something that was really on the radar before -- yeah.

21 [REDACTED] Okay. So, you -- it -- it's you, Tony Alfonso and  
22 Mike --

23 Metcalfe: Yep.

24 [REDACTED] -- that are having this, is this in person, on  
25 telephone call, email --



1 Metcalfe: Telephone call.

2 ██████████ Telephone call.

3 Metcalfe: Telephone call.

4 ██████████ Um, so you guys express concerns to Mike, and Mike say  
5 -- Mike says, no, we -- we need it?

6 Metcalfe: No, he said that he thought that this is what, you  
7 know -- this would be helpful if this was the kind of  
8 work that needed to happen --

9 ██████████ Okay.

10 Metcalfe: -- um, and it wasn't -- it wasn't a confrontational  
11 call, it was more of just, uh, like trying to  
12 understand like, uh, get more.

13 ██████████ Did you ask him where this came from or who came up  
14 with this or anything like that?

15 Metcalfe: No.

16 ██████████ Um, did you feel pressured by him at all to --

17 Metcalfe: No.

18 ██████████ No. 'Cause you did have concerns that you were  
19 expressing concerns to -- to Tony about it, , um, but  
20 no?

21 Metcalfe: No. I think -- it wasn't pressure, it was just, um,  
22 that we just had a lot of work to do and we needed to  
23 get --

24 ██████████ The governor's office.

25 Metcalfe: Yes.



1 [REDACTED] Not so -- even though, like, we still felt like that  
2 RIDE was gonna not -- not -- they'd be okay with it,  
3 right, 'cause that's what you were concerned for,  
4 that. Right? It was, right?

5 Metcalfe: Yeah.

6 [REDACTED] Um, okay, so you have this call with Tony and -- and  
7 Mike, what are the next steps, like, what hap- -- what  
8 happens next?

9 Metcalfe: Um, we then have a conversation with, um,  
10 commissioner's office of scope, um, then, from there,  
11 um, based on the feedback that we got from them, Tony  
12 asked me to --

13 [REDACTED] And who has that call with the commissioner's office  
14 or?

15 Metcalfe: Tony and I -- Tony Afonso and I.

16 [REDACTED] You and Tony, okay. So, Mike's not involved in that -  
17 -

18 Metcalfe: Nope.

19 [REDACTED] -- just you and Tony.

20 Brock: And who's -- who's at the commissioner's office?

21 Metcalfe: Um, it's the Commissioner, um, Victor Capion, and --  
22 and Emily Ward, I think, was the chief of staff at the  
23 time. I think she was on the call.

24 [REDACTED] Okay. So, you have a call with them, basically giving  
25 your blessing of the scope or what's -- is that what



1 it is or?

2 Metcalfe: Yeah, it was more just like (inaudible 00:42:50) and  
3 we wanted to make sure that we could coordinate work,  
4 that everything -- it was just kinda that thing, I  
5 wanted to make sure that everything was just  
6 coordinated with them, um, and they were aware of it,  
7 and that was the feedback.

8 [REDACTED] Okay. Um, what happens after that?

9 Metcalfe: Um, based on that, then Tony asked me just to tweak  
10 the drafts, um (inaudible 00:43:15) taking into  
11 account things that were happening at RIDE at the  
12 time, things that were going on, and so I tried to,  
13 um, draft it so that it was more reflective of like,  
14 any work that had been done, that is always in  
15 coordination with RIDE, that it was not new work  
16 happening or anything or that, that it was a working  
17 coordination.

18 [REDACTED] So, you tried to make it a little bit more friendly  
19 with --

20 Metcalfe: Yes --

21 [REDACTED] Okay.

22 Metcalfe: -- it wasn't like, new people coming in to do new work  
23 that it was coordination effort.

24 [REDACTED] Coordination.

25 Metcalfe: Yeah.



1 [REDACTED] Okay. Um, is that the only language that's changed in  
2 -- in that?

3 Metcalfe: Um, that's my memory of it.

4 [REDACTED] Okay.

5 Metcalfe: Yes.

6 [REDACTED] You email that back to Tony?

7 Metcalfe: Yes.

8 [REDACTED] And then what happens?

9 Metcalfe: I don't think he had any edits to it, I don't think he  
10 had any changes to it, and that's what becomes the  
11 draft, kinda, work plan.

12 [REDACTED] Okay.

13 Metcalfe: Um, for both contracts.

14 [REDACTED] And in those contracts, are you aware of what -- the  
15 amount of work that's going to one contract, and the  
16 amount of work that goes to the other contract, are  
17 you aware of that, or are you just aware of their  
18 scopes?

19 Metcalfe: Just the scopes, um, and so it wasn't about amount, it  
20 was just about scopes.

21 [REDACTED] Okay. Um, do you learn any more about this process?

22 Metcalfe: Oh, yeah. So, then from there we then, um, set it --  
23 we sent it to -- we set up meetings with both of the  
24 consultants, the two teams, the ILO and the WestEd.  
25 We review them to make sure that this sounds right.





1 They were still interested in doing it but this was  
2 the work they were gonna be doing. They then respond  
3 that it was, they did -- they ben- -- they then  
4 provided back, um, an estimate of budget, to do the  
5 work.

6 [REDACTED] So, you're involved in these conversations with them  
7 to see if they're okay with the scope --

8 Metcalfe: Yep.

9 [REDACTED] -- are these in person, are they Zoom calls?

10 Metcalfe: Zoom calls, um, and emails.

11 [REDACTED] And who's present during these conversations when we  
12 have these new lines of scope now for the NPA?

13 Metcalfe: (Inaudible 00:45:11). The governor was involved, some  
14 of them I think he could not attend, because of a  
15 conflict, Tony Afonso and myself, so --

16 [REDACTED] The governors had done one of 'em --

17 Metcalfe: Yep.

18 [REDACTED] -- Tony Alfonso, yourself, that's it.

19 Metcalfe: Yeah.

20 [REDACTED] You don't have anyone on the panel or anything like  
21 that.

22 Metcalfe: No, no, no, no, no.

23 [REDACTED] Um --

24 Brock: And this is after everything's been -- so after --

25 Metcalfe: After selection, that's my understanding, yeah.



1 Brock: And then, was with WestEd and ILO together, or was it  
2 separate?

3 Metcalfe: No, it was separate.

4 [REDACTED] Okay. Do you remember what call the governor was on?

5 Metcalfe: The ILO one, and I think it was multiple, I can't know  
6 -- I think, yeah, ILO one.

7 [REDACTED] You think -- are they Zoom, do you think?

8 Metcalfe: Zoom, yeah.

9 [REDACTED] Zoom. Um, and you go over what their scopes  
10 (inaudible 00:45:57)

11 Metcalfe: Yeah.

12 [REDACTED] Do you tell 'em both, hey, this has been separated  
13 into two different contracts, it's a NPA versus RFP,  
14 do we get into that at all, or?

15 Metcalfe: I don't think so --

16 [REDACTED] No.

17 Metcalfe: -- uh, I think Tony probably did the intro into them  
18 because we wanted to be clear about it. I don't think  
19 so, I think my memory was when purchasing -- that  
20 purchasing was going to reach out to them to say this  
21 is the process of what had happened, and then they had  
22 been selected, and then that's when the next phase  
23 would happen.

24 [REDACTED] Okay. So, we have these Zoom calls, we tell them what  
25 their scope is now --



1 Metcalfe: Um-hmm.

2 ████████ -- right, so, they're clear what -- what it is. Do we  
3 talk about how many hours or the amount that they're  
4 awarding those contracts Or just the scope?

5 Metcalfe: We talk about the scope and then they are going back  
6 to us with how much they think it would cost to do the  
7 -- those -- the work within.

8 ████████ Okay, so you're just providing them the scope.

9 Metcalfe: Yes.

10 ████████ How long -- how much time do you give them to get back  
11 to you on this?

12 Metcalfe: Very short amount of time.

13 ████████ Very short, like?

14 Metcalfe: Like, honestly, the memory of it, um, it was, um, like  
15 24 to 48 hours, it was very tense, yeah --

16 ████████ Okay.

17 Metcalfe: -- 'cause it was wanting to, um, at that point, there  
18 was pressure to get it done --

19 ████████ Yeah.

20 Metcalfe: -- because we need to get work done.

21 ████████ Okay. So, they got to come back, best and final -- or  
22 projected whatever, in a day or two --

23 Metcalfe: Yeah.

24 ████████ 24 to 48 hours. This next call is it another Zoom  
25 call or?



1 Metcalfe: Um, it's another Zoom call --

2 ██████████ Okay.

3 Metcalfe: -- I think we did it all by Zoom. Um --

4 ██████████ Same people would be in attendance?

5 Metcalfe: Yep.

6 ██████████ Governor as well --

7 Metcalfe: Not the second --

8 ██████████ -- or just you and Tony?

9 Metcalfe: No, just me and Tony.

10 ██████████ You -- you and Tony. So, what does, um -- what do the  
11 two different, uh, companies come back with?

12 Metcalfe: Um, they both came back with the estimates of how much  
13 they were going to be, um, and then we reviewed -- so,  
14 after we send out the scope, they then respond with  
15 the budgets, and we looked. The second meeting, our  
16 conversation was to solidify what -- to get some  
17 clarification on some of the spending on both sides  
18 because, um, the one with the WestEd one was, um,  
19 there were some asterisks, so there were some things  
20 that it wasn't clear whether or not they do different  
21 charges afterwards, what do those things mean. Um,  
22 with ILO, we wanted to get more clarification about  
23 what exactly some pieces were, um, and they had  
24 explained that they were also gonna be offering, um,  
25 some supports, like, to the governor's office, um, and



1 we didn't think we needed those. Um, and so then,  
2 we'd ask them could they -- they reduce the amount,  
3 and so that's -- that was that conversation.

4 [REDACTED] Okay. So, what is -- do you remember (inaudible  
5 00:48:25)

6 Metcalfe: No, they were different. Um, WestEd, I think my  
7 memory and it just (inaudible 00:48:32), was like 1  
8 million, and I think ILO's was like, 5 or 6 million --

9 [REDACTED] Okay.

10 Metcalfe: I can't remember.

11 [REDACTED] Okay. So that's their initial proposals.

12 Metcalfe: Yeah.

13 [REDACTED] You guys have some questions, basically --

14 Metcalfe: Yeah.

15 [REDACTED] -- with WestEd, you're like what are these asterisks  
16 mean, are you gonna be over it, if so, by how much --

17 Metcalfe: Right.

18 [REDACTED] -- what does all this entail. With, um, ILO, you're  
19 more like -- they're offering support for the  
20 governor's office and for all these other things,  
21 which you're like, we don't necessarily think we need,  
22 can you lower yours.

23 Metcalfe: Yep.

24 [REDACTED] Is that kind of a summary of what it is?

25 Metcalfe: Yeah, yeah. And the same thing, like, what were some



1 of the baked in things, just couldn't get clarity with  
2 some -- some more.

3 [REDACTED] Okay. Um, there's another call after this?

4 Metcalfe: No. No, I think that was the last one.

5 [REDACTED] Well, they give you your numbers first, right?

6 Metcalfe: Yeah.

7 [REDACTED] And so, right then, you on the spot talk to them about  
8 their numbers, or no?

9 Metcalfe: Oh, no, they sent it by email.

10 [REDACTED] They sent -- emailed their numbers --

11 Metcalfe: Yes.

12 [REDACTED] Okay, so this next call is that. Um, so they make the  
13 determination on that, on the spot, like, yes, we can  
14 lower ours or no that's -- the asterisks don't mean  
15 anything or how -- how would you get clarification on  
16 those questions?

17 Metcalfe: It wasn't on the spot because it was getting, kind of  
18 sequence of sending the scope, getting back the  
19 budget, going back to them to make sure the scope and  
20 the budget align, then, I think it was by email  
21 afterwards, and they was just -- they didn't do it on  
22 the spot, it wasn't okay -- they answered all of our  
23 questions --

24 [REDACTED] Okay.

25 Metcalfe: -- and then my memories was then it was we had a



1 conversation, that it all seemed right, like, okay, we  
2 got the clarification we needed, and it was just send  
3 an email to begin the work, and then I had to contact  
4 purchasing to get them to si- -- to have the two  
5 contractors sign everything.

6 [REDACTED] Okay. Um, did WestEd answer your questions in regards  
7 to the asterisks, like what --

8 Metcalfe: Yep.

9 [REDACTED] -- what was their final number, was it -- do you  
10 remember?

11 Metcalfe: I don't remember. It wasn't -- they didn't, um -- it  
12 was, um -- I can't remember, it -- it was something --  
13 I can't remember if it was -- I want -- it's not  
14 mileage 'cause we don't use mileage anymore but it was  
15 about whether or not, at some point, we were gonna be  
16 asking them to do stuff, 'cause they were using  
17 subcontractors, they were using not just their team,  
18 but they were going to be going with other people.

19 [REDACTED] Okay.

20 Metcalfe: And so it was -- there was some language on it and I -  
21 - I can't remember the language of, um, like if we  
22 were gonna ask them to do something, they might need  
23 to add more to it --

24 [REDACTED] Like a per diem --

25 Metcalfe: Yes.



1 [REDACTED] -- or something like that?

2 Metcalfe: And it was per diem, but it was also, like, if -- I  
3 don't know if it was them going out to somebody else  
4 to ask them to do work on our behalf that -- then at  
5 some point. It was very -- not traditional language,  
6 but it was kinda like you -- like, all right, if we  
7 have this --

8 [REDACTED] There might be some extra costs.

9 Metcalfe: There might be some extra costs and so we wanted to  
10 understand what was that, like, are you talking about,  
11 like, if we ask you to come to the state, if we're  
12 asking for in person meetings, if we're asking for  
13 this and that. And so they clarified everything, they  
14 didn't come up -- back with a number --

15 [REDACTED] Yeah.

16 Metcalfe: -- just to clarify. But our understanding was, right,  
17 like if we ask for more --

18 [REDACTED] Okay.

19 Metcalfe: -- there might be additional charges that we have to  
20 talk to them about.

21 [REDACTED] And what about ILO, so what -- what other support were  
22 they offering to provide the governor's office?

23 Metcalfe: It was really just about kind of navigating through  
24 all of the stuff, particularly with COVID and with  
25 just like us getting, um, up and running, um, and say





1           like, if we wanted to have calls with them on coaching  
2           on things like that. Um, that was my memory of it,  
3           and --

4           ██████████ What do you -- can you elaborate on, like, that, the  
5           calls with them on coaching?

6 Metcalfe: Um, just like tra- -- just being in a governor's  
7           office, I think, 'cause I think we were new, um --

8           ██████████ Okay.

9 Metcalfe: -- and just providing extra supports, any extra  
10          supports that we would need that (inaudible 00:52:09)  
11          of it.

12          ██████████ So, when you guys tell them no, we don't need that,  
13          um, do they change their figure?

14 Metcalfe: Yes. My memory was that we had asked them to come  
15          back -- um, during the call there was an identified --  
16          and I can't remember, um, what it was, but it was  
17          like, no, we don't think that's necessary, um, and  
18          we'd asked them to revise it, So, the final number  
19          was a revised number, it wasn't the original one.

20          ██████████ Okay. And it decreased?

21 Metcalfe: Decreased, yes.

22          ██████████ Decreased, okay. Um, do you remember what the numbers  
23          were that were awarded?

24 Metcalfe: I do not.

25          ██████████ You do not, okay.



1 Metcalfe: Um, I know that the five (inaudible 00:52:41) in my  
2 head but I don't remember the exact numbers.

3 [REDACTED] Okay. So, you have these calls with them, um, you get  
4 the numbers after you question with the asterisks and  
5 additional support to the governor's office. Did you  
6 say now it goes to purchasing or where did it go now?

7 Metcalfe: Um, at that point, yes, then I asked purchasing what  
8 happens now, that they're saying that we have an  
9 agreement. They said for, um, both WestEd and ILO to  
10 sign that, um -- the -- the scope work, and so I put a  
11 signature, date line on that one page, 'cause they're  
12 just one pagers --

13 [REDACTED] Sure.

14 Metcalfe: -- one or two pages, I can't remember if on the back -  
15 - front and back, um, they were just to sign those and  
16 to -- for me to send over to purchasing.

17 [REDACTED] And how was that in purchasing, do you know who you  
18 had those conversations at purchasing?

19 Metcalfe: Um, it was a woman, um, I wanna say -- and again, I'm  
20 sorry, I can't remember last names, Elena (ph), I  
21 think it was. (inaudible 00:53:37) um, it wasn't Dan,  
22 it wasn't Nina, it was somebody else.

23 [REDACTED] And it wasn't Nancy or anybody --

24 Metcalfe: No, no.

25 [REDACTED] Okay.



1 Metcalfe: I don't remember ever talking to Nancy.

2 ██████████ So, it sounds like at some point, you're provided a  
3 email from Tony Alfonso with the scope for each of the  
4 two different companies, ILO and WestEd. Then you're  
5 (inaudible 00:54:01). So, they really determined how  
6 much they were getting awarded, number wise, a little  
7 bit, right?

8 Metcalfe: Yeah, it was -- they were responding to the scope.

9 Brock: How -- how did that scope, um, get split up, I know  
10 you said, Tony -- you presented something --

11 Metcalfe: Um-hmm.

12 Brock: -- to Tony, Tony came back, were there in the same  
13 ballpark, what you sent to Tony, and what Tony sent  
14 back?

15 Metcalfe: Mine was only -- the scope for the Municipal Learning  
16 Center.

17 Brock: Um-hmm.

18 Metcalfe: That was the only part that I was really, um,  
19 knowledgeable about and could really think -- I don't  
20 know.

21 Brock: And did you say you should have WestEd do the  
22 Municipal Learning Centers or ILO or -- was that part  
23 of the scope you were assigning -- essentially  
24 assigning some work to these -- to this group and some  
25 work to this group?



1 Metcalfe: No, I wasn't sure how it happened. I didn't know if  
2 that was part of the review when the review stuff was  
3 happening, if it was decided based on whatever they  
4 had presented. Um, I didn't know.

5 Brock: So, you send -- to Tony, you send, this is what we  
6 need done --

7 Metcalfe: For the Municipal Learning Center.

8 Brock: Just for Municipal Learning Center.

9 Metcalfe: Yeah.

10 [REDACTED] And while you were working on that, you provide him  
11 that product, and then he comes back and tells you  
12 what's gonna be what for each company --

13 Metcalfe: Um-hmm.

14 [REDACTED] -- including one of those Municipal Learning --

15 Metcalfe: Yes.

16 [REDACTED] -- Centers, but there's a whole bunch of others.

17 Metcalfe: Right?

18 [REDACTED] You don't decide who (inaudible 00:55:33) Did anyone  
19 ever reach out to you to say, hey, we have a  
20 discrepancy in amount of hours that these companies  
21 are thinking they're going to get the work done on the  
22 RFP, um, there's a large discrepancy, we need to know,  
23 um, how many hours, so was there any -- did you ever  
24 provide a number of hours that --

25 Metcalfe: No, that was the --



1 [REDACTED] That was just the Excel --

2 Metcalfe: -- conversation with Dan --

3 [REDACTED] -- spreadsheet where you realigned it --

4 Metcalfe: Right.

5 [REDACTED] -- but you --

6 Metcalfe: Right, but I didn't provide hours, 'cause I -

7 [REDACTED] You had gotten that information from Dan.

8 Metcalfe: Right, 'cause I couldn't -- I couldn't calculate, like

9 I didn't know how to calculate, because I don't know -

10 - I have not done consulting in the way of like, how

11 many -- like, couldn't figure out (inaudible 00:56:21)

12 40 hours a week, like, I didn't know how to calculate

13 -- I'm not in the consulting world, and so I don't

14 know how to calculate hours to do this.

15 [REDACTED] Is it fair to say that maybe it'd be RIDE that would

16 say how much more hours we need for support too,

17 right, 'cause they're in the private area -- I mean,

18 this is about education and -- and school versus the

19 governor's office, would you think -- would it make

20 sense for RIDE to have a little input on that too, or

21 -- or no?

22 Metcalfe: Um, it could, but it was -- really was a service of

23 the governor's office, so I think the governor's

24 office was coordinating all of these things --

25 [REDACTED] Okay.



1 Metcalfe: And so, I don't -- I didn't think of it.

2 ██████████ Okay. But you're not aware of where those number of  
3 hours come in with.

4 Metcalfe: No.

5 ██████████ Okay.

6 Metcalfe: No.

7 ██████████ And you're not -- you have no. idea how it comes out  
8 to which -- uh, the scope, how the scope is determined  
9 for each of those two companies.

10 Metcalfe: No.

11 ██████████ Um, have you heard any rumors about it or anything?

12 Metcalfe: No.

13 ██████████ Any --

14 Metcalfe: No.

15 ██████████ You, um -- so, you -- you end up leaving the  
16 governor's office in August?

17 Metcalfe: Yeah, end of August.

18 ██████████ What -- what brings you to that point?

19 Metcalfe: Um, I was burned out. Um, I was really tired. Um, I  
20 had been tired, um, when I was at RIDE, just the last  
21 2 years prior to that, during COVID, um, so I was head  
22 of the school construction and with the building  
23 authority, but I was also a primary liaison for  
24 health, um, with RIDE during COVID, um, when we were  
25 trying to get school reopened and all that stuff, and



1           so I was just -- I was tired. And so, I knew, um, my  
2           time was kind of limited, and then when I got to the  
3           governor's office, um, I was exhausted.

4 S. Metcalfe: I can attest to that.

5 Metcalfe: Um --

6 S. Metcalfe: She -- she's a person who works -- brings her work  
7           home with her and she works very very long hours, and  
8           she just can't -- I tried to tell her try to turn it  
9           off, but she --

10 [REDACTED] Yeah.

11 S. Metcalfe: You know, she a -- that kind of a -- a person, so,  
12           when she went over to the governor's office, it was,  
13           you know, even more ramped up, and so, that's why she  
14           was only there for 6 months and she gives up the  
15           program at -- the Executive Training Program at  
16           Harvard that she had gotten into that (inaudible  
17           00:58:32) --

18 Metcalfe: Yeah.

19 S. Metcalfe: -- and, uh, but they canceled it because of COVID,  
20           but it was possible they were gonna to an in person --

21 Metcalfe: In September.

22 S. Metcalfe: -- one, so she thought, this is the time, so we  
23           thought, you need a break.

24 [REDACTED] Okay. Now, in regards to the RFP process (inaudible  
25           00:58:48) um, it seems like there's a couple times



1 when you have some input regarding -- or you're just  
2 like, you know, they ask you for the number of hours,  
3 I don't know how many other hours, but, uh, Majcher  
4 provides me with spreadsheet with the number of hours.  
5 Um, here -- they ask you to work on the scope for --  
6 the one in the contract for the two different, um,  
7 companies. You're working on it and -- and you  
8 provide other municipalities, and all of a sudden, Tony  
9 Alfonso sends you email and he's like, this is the  
10 scope. Um, did you ever question, like, where this is  
11 coming from, um, like, did you ever have those  
12 questions as far as who's generating these, like,  
13 these numbers of hours, um, right, because he's just  
14 on the review board, and he -- he now has this  
15 spreadsheet with -- with the number of hours.

16 Metcalfe: No, because, um, I think the feeling in -- in the  
17 office, there was a lot happening, and we didn't have  
18 all the information, not all of us had -- we weren't  
19 in all of the conversations or in all of the things,  
20 and so this wasn't out of the norm, if that makes  
21 sense. It wasn't -- didn't stand out differently from  
22 other areas of work where things just, um -- we kind  
23 of, um -- not we, I. I feel like there's constantly,  
24 like, like, trying to like, put out fires in different  
25 spaces and different things, and I just felt like,





1           wow, it was just kind of the way that it was  
2           operating.

3           ██████████ So, the number of hours, that was something that was  
4           provided by Majcher, I know we've talked about that  
5           multiple times. Um, were you guys allowed to give a  
6           budget? So, when you're having those calls with the  
7           vendors, right, and they're -- they're getting --  
8           coming back to you and saying yes, this is my scope,  
9           um, and they've already given you their budget, but  
10          you have some questions now, like, how do you know how  
11          much you can aware, like, with -- do you know how much  
12          you could award?

13 Metcalfe: No, we were clueless.

14           ██████████ Umm you didn't know how much you could.

15 Metcalfe: No.

16           ██████████ 'Cause the numbers are off, right, like we said, it  
17          was 5 million for ILO, it was 1 million for WestEd, I  
18          mean, those are significantly different. Um, you  
19          don't know -- like, you weren't, day-today, the -- the  
20          governor has -- we have 6 million dollars that we can  
21          award.

22 Metcalfe: No.

23           ██████████ Um, there was no discussion of let's make it even like  
24          --

25 Metcalfe: No. It was, um, numbers floated about all of the



1 stuff, and we didn't know where numbers were coming  
2 from, because there was also -- there was never, um,  
3 clarity about how much would it actually -- because  
4 this was just for the consulting work piece of it,  
5 because there also needed to be, um, figures for what  
6 actually -- and getting Municipal Learning Centers is  
7 the one first in my mind. Like, (inaudible -  
8 01:01:43). We knew who was actually gonna be needed  
9 around, um, COVID in the schools, but we knew there  
10 was additional money for those other, um -- there was  
11 already a budget of like, this is the budget, work  
12 within the budget.

13 Brock: And that -- the budget that he came up with, uh -- uh,  
14 that the companies came in with, was your  
15 understanding, uh, it was just the consulting side,  
16 not the, like, boots on the ground and getting the --  
17 getting the Municipal Learning Centers up and  
18 operational, it was just --

19 Metcalfe: Well, but it was that it was the boots on the ground,  
20 or at least, on both sides, like, it was the people  
21 power behind it, um, that was gonna get it done.

22 Brock: Um-hmm.

23 Metcalfe: Um, and so, whether or not it he was going out and  
24 meeting with people -- so, I knew that it was that  
25 piece of it, but it wasn't necessarily the grants to



1           actually get Municipal Learning Centers, because that,  
2           you know, to run a program, to do stuff like that, it  
3           wasn't going to be, um, at the time, if we needed to,  
4           and I don't know, extend the testing and contact  
5           tracing, like I didn't know (inaudible 01:02:47) all  
6           of these people together.

7           ██████████ So, how did Municipal Learning Centers (inaudible  
8           01:02:57) was there a number figure, what was on the  
9           scope there, for the Municipal Learning Centers?

10          Metcalfe: The one that I drafted or the one --

11          ██████████ The one that ended up going --

12          Metcalfe: There was a specific one in the end, um, the last one.  
13                My thought was that there would be -- the governor had  
14                talked about six in Providence, um, was a number that  
15                they kept using, and then, um, I think -- I think I  
16                had set a goal of at least communicating with every  
17                single municipality, like during (inaudible 01:03:29)  
18                but that in the end, maybe one per county, that  
19                they're having plans because it was also -- I mean, I  
20                know how long it takes to kind of get things up and  
21                running, and so, it was the idea of wanting to make  
22                sure that all -- everybody they communicated with,  
23                they -- um, the Providence ones had to be up, but  
24                there had to be a plan by the end of this, that they  
25                were actually gonna launch -- the programs were gonna



1 be in place because those to me -- those would also  
2 need (inaudible 01:03:57)

3 [REDACTED] So, those were included in the scope, right?

4 Metcalfe: Yeah.

5 [REDACTED] And who was that assigned to, which company? Do you  
6 know --

7 Metcalfe: Um, that was ILO.

8 [REDACTED] ILO.

9 Metcalfe: Right.

10 [REDACTED] And how many were supposed to be up and running, do  
11 you know?

12 Metcalfe: Um, again, it wasn't the final work plan scope, the  
13 one that I had done had some numbers --

14 [REDACTED] Okay.

15 Metcalfe: -- not the --

16 [REDACTED] Okay, not the other one --

17 Metcalfe: No.

18 [REDACTED] -- the other one was vague.

19 Metcalfe: It was vaguer.

20 [REDACTED] Okay. What was your feeling regarding that?

21 Metcalfe: Um, it was just --

22 [REDACTED] So, the --

23 Metcalfe: -- the way things were working.

24 [REDACTED] -- work product you provided to Tony Alfonso for the  
25 Municipal -- that (inaudible 01:04:31)



1 Metcalfe: Yeah, it was just broader.  
2 ██████████ It was broader? Okay.  
3 Metcalfe: Um, it was just broader, it wasn't as --  
4 ██████████ There's no (inaudible 01:04:37)  
5 Metcalfe: Nope.  
6 ██████████ No.  
7 Metcalfe: Um, and I didn't know if it was a conversation, if  
8 they wanted more flexibility, if they didn't like what  
9 I had given, I don't know.  
10 ██████████ Okay.  
11 Metcalfe: Yeah.  
12 ██████████ Are you aware, 'cause I know that's something that you  
13 have, uh, a previous experience in, right, you -- you  
14 --  
15 Metcalfe: Um-hmm.  
16 ██████████ -- and you did work (inaudible 01:04:56), are you  
17 aware if that's actually, um -- any of that took  
18 place?  
19 Metcalfe: Um, I think --  
20 ██████████ (Inaudible 01:05:03)  
21 Metcalfe: Um, when I was leaving, I know it was Midtown was in  
22 an active conversation, um, about doing it, I don't  
23 know --  
24 ██████████ Okay.  
25 Metcalfe: -- I hadn't been involved at all, so I don't know if



1 any of them have, um, I don't know.

2 [REDACTED] Don't know.

3 Metcalfe: I had conversations, I mean, when I was there --

4 [REDACTED] Sure.

5 Metcalfe: -- um, there were active conversations happening, um,  
6 I was doing research --

7 [REDACTED] Are you aware of anything ILO did --

8 Metcalfe: Yeah.

9 [REDACTED] -- with -- with that afterwards?

10 Metcalfe: Yeah, no, I -- not after I felt but (inaudible  
11 01:05:28)

12 [REDACTED] Okay, and what's -- what's that?

13 Metcalfe: Um, they were meeting regularly with, um -- both in  
14 Cumberland to try to make sure (inaudible 01:05:34)  
15 background. They were, um, meeting, I think, with  
16 different organizations and groups. Um, so, they were  
17 being active as far as putting something together.

18 [REDACTED] Okay.

19 Metcalfe: I don't think -- I don't --

20 [REDACTED] You don't know if any ones were -- any were -- any  
21 other -- new ones were created or not.

22 Metcalfe: Right, I don't know.

23 [REDACTED] Okay. Um, are you still in contact with Mike McKee?

24 Metcalfe: No, I haven't talked to him.

25 [REDACTED] When's the last time you talked to Mike?



1 Metcalfe: Um, right before I left the office in August.  
2 ██████████ Oh, okay, and just haven't been in contact since.  
3 Metcalfe: Yeah, no.  
4 ██████████ Left on good terms as well.  
5 Metcalfe: Um-hmm, yeah, no --  
6 ██████████ Okay.  
7 Metcalfe: -- um, I told him when I was leaving that I'm burned  
8 out, I think he was -- you know, at this point, I  
9 think he wanted, you know, me to be able to hang in  
10 there longer --  
11 ██████████ Sure.  
12 Metcalfe: -- um, (inaudible 01:06:19)  
13 ██████████ What's his relationship with -- with Julia?  
14 Metcalfe: Um, I think it's a good relationship, I don't know.  
15 Um, I've never been with them together --  
16 ██████████ Okay.  
17 Metcalfe: -- so I don't know, um, I've never observed it. Um,  
18 they've worked together for a number of years now. Um  
19 --  
20 ██████████ Okay.  
21 Metcalfe: I mean, he tal- -- he talked highly of her.  
22 ██████████ Okay. And you told me in the beginning that she was  
23 transitioning from working in D.C. to do full time  
24 consulting --  
25 Metcalfe: I don't think she's in D.C.



1 [REDACTED] No, she didn't go back, she's up here?

2 Metcalfe: I think -- yeah, I think in Rhode Island.

3 [REDACTED] Okay.

4 Metcalfe: Yeah.

5 [REDACTED] At anytime -- do you have anything?

6 Brock: Yeah, I got a few things I jot down the side here.

7 Um, at the beginning you talked about the -- you

8 weren't really sure what the scope of the whole

9 project was, and, uh, you met with Kristen --

10 Metcalfe: Um-hmm.

11 Brock: -- right, to try to hash it out. How did you -- if

12 you hadn't read the RFP, how did you know what -- what

13 the scope was supposed to be?

14 Metcalfe: Because the conversations had always been about

15 wanting to bring in consultants to be about helping

16 getting the schools reopened, about Municipal Learning

17 Centers, like that had always -- we'd talk about it,

18 like, if that --

19 Brock: By we you mean you and the governor or you and Tony?

20 Metcalfe: No, I never (inaudible 01:07:47) with the governor.

21 Brock: Um-hmm.

22 Metcalfe: Um, it was -- I had like -- whenever there were

23 meetings, anytime, like, the governor always talked

24 about wanting to bring in consultants --

25 Brock: Um-hmm.





1 Metcalfe: -- so it wasn't a meeting about the consultants, but  
2 it would be a meeting with anybody, um, about  
3 anything, um, and it there was always a conversation  
4 about wanting to focus in on Municipal Learning  
5 Centers, that's why I felt the most knowledgeable  
6 about that, about reopening schools, um, about --

7 Brock: But the schools were reopened though, right, this is  
8 March of --  
9 [REDACTED] 2021.

10 Metcalfe: March 2021, right.

11 Brock: 2021, so schools are open --

12 Metcalfe: Right.

13 Brock: -- a few aren't, but schools are open and things are  
14 going fine, really, so what -- the main focus was on  
15 these Municipal Learning Centers, what was one --

16 Metcalfe: It was, uh --

17 Brock: -- reopening or --

18 Metcalfe: They were the major players that the governor  
19 (inaudible 01:08:41) talk about that regularly, but  
20 there is always this backdrop and this under piece of  
21 it, I know, the reopening word, um, and it's funny  
22 that you say that because that's what everybody would  
23 talk about. We had reopened schools come the fall of  
24 the pandemic, but they had been distance learning, and  
25 I think the goal was to have 100 percent open, that it



1 would not be distance learning come fall or --

2 Brock: Okay.

3 Metcalfe: -- of this last year.

4 Brock: Yeah.

5 Metcalfe: So, when we say reopening, it was 100 percent  
6 reopening --

7 Brock: Yeah.

8 Metcalfe: -- not a combination or a hybrid.

9 Brock: Yeah.

10 Metcalfe: Um, and it was, at the time, unclear how we were gonna  
11 do that because reopening (inaudible 01:09:15)  
12 reopening of -- the pandemic was March of 2020 --

13 Brock: Um-hmm.

14 [REDACTED] Um-hmm.

15 Metcalfe: -- so, fall of 2020 into the '21 school year, we were  
16 reopened, but we were hybrid --

17 Brock: Right.

18 Metcalfe: -- and so -- and it was students going in on a Monday,  
19 some students coming in on a Tuesday, doing distance  
20 learning, spaced out, in a way, that (inaudible  
21 01:09:38).

22 Brock: Um-hmm.

23 Metcalfe: The goal for the next school year was to have 100  
24 percent in person, no more spacing, that kinda thing,  
25 and so, there was, um, a lot of work still needed on



1 that space. That -- the reopening was sometime after.

2 Brock: Uh, and what was your -- what was your impression of  
3 the -- the balance between those two, uh, main points,  
4 was it -- was it a 50-50 focus, was it 75-25? So,  
5 between reopening schools 100 percent verse the  
6 learning centers.

7 Metcalfe: I mean, priority wise, I wanna say like, 60-40. Um --

8 Brock: Toward what?

9 Metcalfe: Probably 60-40 with the learning centers, as far as  
10 the frequency of, like -- how do I say this, like, the  
11 frequency -- like how much we had talked about, was  
12 definitely high. But understanding how much work it  
13 was going to take, it was gonna take a lot of work to  
14 actually get to 100 percent, and so, even though it  
15 wasn't -- it -- it was -- it was a given, that we were  
16 gonna have to open 100 percent, but I think because  
17 the Municipal Learning Centers were new, it was talked  
18 about more, it was a lot of work. Um, it -- it was --  
19 it takes, like, a lot to open -- reopen schools in a  
20 health pandemic, but we also have the Department of  
21 Health and everything like that so.

22 Brock: Where -- and where do you think the dollar amounts  
23 fell for those two topics?

24 Metcalfe: Um --

25 Brock: I mean, they -- did uh, a total of 6 or 7 million for



1           this whole project seem reasonable --

2 Metcalfe: Um --

3 Brock:     -- and -- and a million to 5 million split, did that  
4           seem reasonable?

5 Metcalfe: It didn't seem off because of the scope around  
6           Municipal Learning Center and K to 12 versus higher  
7           education, like --

8 Brock:     Um-hmm.

9 Metcalfe: -- it is just they did seem like we have more K to 12  
10           institutions than we do higher ed institutions, and so  
11           -- and Municipal Learning Centers was new, and so that  
12           was gonna take some lifting. Um, and just being part  
13           of the COVID response, even during the COVID, higher  
14           ed was a different kinda sphere, just 'cause there's  
15           just more, more, and I know how much hands on K to 12  
16           --

17 Brock:     Um-hmm.

18 Metcalfe: -- um, required, um, so it didn't -- as far as the  
19           responses we got from them, it didn't seem off,  
20           because the alignment of the scope fit.

21 Brock:     Uh, when you talked to Kristen, did you talk about  
22           the-- the learning centers? And is it, Kristen  
23           Danusis?

24 Metcalfe: Yes, Danusis. Um, I don't think so. I don't think we  
25           ever did.



1 [REDACTED] Was Ana Riley on --

2 Metcalfe: On the Zoom.

3 [REDACTED] -- those calls too with you? With -- with Kristen?

4 Metcalfe: Yep, just on that one Zoom, yeah.

5 [REDACTED] Okay. And, um -- and that's when you guys were -- who  
6 set you guys up --

7 Metcalfe: Um --

8 [REDACTED] -- to talk?

9 Metcalfe: I think Kristen reached out. That was, um, (inaudible  
10 01:13:07)

11 [REDACTED] And what was that (inaudible 01:13:16)

12 Metcalfe: That there had been, that they put out the RFP, that  
13 the two responses were far apart --

14 [REDACTED] Far apart.

15 Metcalfe: -- and what was exactly (inaudible 01:13:25) the  
16 governor's office was looking for.

17 [REDACTED] What -- were you -- were you supposed to determine the  
18 number of hours together, the three of you guys, or  
19 no, was that not your takeaway?

20 Metcalfe: I didn't think that that was the takeaway, um, that we  
21 were supposed to decide a number of hours. My memory  
22 of the conversation was very much about scope and  
23 about of remembering, like, whether or not there was  
24 gonna be more technical assistance support like was it  
25 the type of thing where we would get on a call with



1 the consultant that would then say, all right, here's  
2 the work that needs to happen, Kristin go do the work,  
3 or was it something where we would be on calls with  
4 consultants like, all right, here's the scope, we have  
5 the person power to go do it, type of thing, and we  
6 were -- (inaudible 01:14:07) trying to figure out,  
7 because, um, again, EDOC was staffed primarily with  
8 RIDE staff, and it also had National Guard people.  
9 Um, and at that time, that was gonna be gone, and so  
10 we were trying to figure out what exactly -- what kind  
11 of supports. We knew we needed people, to do work.

12 [REDACTED] So, you don't remember coming back after that meeting,  
13 like, we had discussions and it's 35,00- hours that we  
14 need.

15 Metcalfe: No, because we couldn't -- we didn't come to  
16 conclusion. Um, our conclusion was -- because we  
17 couldn't, in the conversation, like, all right, this  
18 is an easy one, go back and --

19 [REDACTED] Okay.

20 Metcalfe: -- based on that, go figure it out. It was, we don't  
21 know --

22 [REDACTED] okay.

23 Metcalfe: -- so go back out to the vendors, ask them for more  
24 information, 'cause that's what I had done in the past  
25 --



1 [REDACTED] Sure.

2 Metcalfe: -- with our piece.

3 [REDACTED] Okay.

4 Metcalfe: Um, we'd gone back out and then nothing happened.

5 [REDACTED] Okay.

6 Brock: National Guard was supposed to scale down at the EDOC

7 --

8 Metcalfe: Yeah.

9 Brock: -- so, I mean, ILO or WestEd was supposed to slip into  
10 their positions?

11 Metcalfe: I think they -- not even the positions, but definitely  
12 fill that gap --

13 Brock: Yeah.

14 Metcalfe: -- or figure out whatever that next -- what EDOC would  
15 become or what the next iteration would be.

16 Brock: Yeah, but wouldn't there be a transition from those --  
17 from those two?

18 Metcalfe: I'd hoped --

19 Brock: Yeah.

20 Metcalfe: -- um, whoever was selected, that that's what would  
21 happen.

22 Brock: So, did that happen or no?

23 Metcalfe: Um, there were -- after they started working, there  
24 were daily calls. I wasn't on those, about doing a  
25 work plan with the Department of Health because EDOC



1 was -- it's the Education Operations Center, it was  
2 supposed to be the hub between RIDE and the Department  
3 of Health and the National Guard, like, that's where  
4 everything came together, because we were living in  
5 this new world where, you know, RIDE, we're not work  
6 health people, but we needed to help people there.  
7 Um, they -- and that's when the National Guard came in  
8 and actually staffed it, 'cause there was some nurses,  
9 and doing that. That was supposed to kind of wind  
10 down and transition out, they were gonna all be going  
11 back to their work. Um, and in the summer, there were  
12 daily calls, and I can't remember what the name of the  
13 calls were, between RIDE, the health department, the  
14 governor's office, the COVID response team, um, and  
15 ILO did help with that, like --and so that was, I  
16 think, the idea was that the consultants would come in  
17 and say, this is how we coordinate, this is how we  
18 develop a plan, this is what will happen next.

19 Brock: And was there -- the LEAP Task Force --

20 Metcalfe: Yes.

21 Brock: -- did you see that this contract or this RFP, did it  
22 kinda formalize LEAP Task Force or -- or kinda did it  
23 -- did it work together, was it redundant, was it --

24 Metcalfe: Um, no. So, Leap Task Force was started by RIDE, and  
25 so RIDE had worked on it and I had facilitated one of





1 the workgroups, um, before I left or I transitioned,  
2 um, I don't know when LEAP started RIDE, but it was  
3 started at RIDE (inaudible 01:17:07) -- I can't  
4 remember when LEAP started, um, (inaudible 01:17:10),  
5 um, and that was really about (inaudible 01:17:14)  
6 plan about how to get us to this next kinda phase of  
7 the pandemic, and again, the 100 percent reopening or  
8 E -- and not just that, it was we knew a lot was  
9 happening --

10 Brock: Um-hmm.

11 Metcalfe: -- we knew that a lot of work had to be done. So,  
12 where should the focus kinda be.

13 Brock: Um-hmm.

14 Metcalfe: Um, and so that's why -- I think that that was one of  
15 the things that I was trying to link together, not so  
16 much one of the other, but that the LEAP Task doesn't  
17 happen, but we didn't want to replicate work, we  
18 wanted to take and support work that had happened --

19 Brock: Um-hmm.

20 Metcalfe: -- um, and take it to the next thing. Does that make  
21 sense?

22 Brock: Yeah, uh, sort of, 'cause you -- you mentioned that  
23 LEAP, um, was trying to figure out how to get to 100  
24 percent reopen and --

25 Metcalfe: Oh no, sorry. It -- the LEAP Task Force, it was the



1 leaning educa- -- it was about postpande- -- like, the  
2 LEAP Task Force, I don't think they -- there was no  
3 conversation -- I wanna -- I don't think there was  
4 ever a conversation about health stuff, 'cause, um,  
5 like, I don't remember (inaudible 01:18:18) or the  
6 health specific about COVID. It was about the  
7 learning loss, and it was about wanting to figure out  
8 what should the department do, and what can education  
9 do, 'cause it included people beyond, um, just RIDE,  
10 about learning loss. And so, it was very focused in  
11 on men- -- there was the mental health piece, like  
12 kids and teachers and educators needing mental health  
13 supports, um, there was stuff about partnering with,  
14 you know, nonprofit organizations and after school  
15 time, it was more about the educational stuff, so it  
16 was not a workgroup about the details of how to open  
17 schools 100 percent, or just the operational side of  
18 that versus the academic educational --

19 Brock: Um-hmm.

20 Metcalfe: -- stuff.

21 Brock: And Julia was on the LEAP Task Force, right?

22 Metcalfe: Yes.

23 Brock: And do you know what her role was with that or if she

24 --

25 Metcalfe: I think she was just a task member.



1 Brock: Yeah.

2 Metcalfe: Um, I wasn't part of the early days of LEAP --

3 Brock: Um-hmm.

4 Metcalfe: -- um, I was asked in the last month there, to  
5 facilitate. They had, um -- I don't know how many  
6 meetings they had. They had meetings by Zoom. They  
7 then would have breakouts, where people on the Zoom  
8 would then break out into smaller workgroups, um, and  
9 they had asked me to facilitate two or three meetings,  
10 I think, of -- not the meetings, but actually when  
11 people broke out. So, what they would do, they would  
12 rotate people through Zoom, on a different topic. Um,  
13 and so we would talk about different things, and I  
14 facilitated to make sure everybody (inaudible  
15 01:19:47)

16 Brock: Did anything, uh, concrete come out of the meet --

17 Metcalfe: There was a report. There was a LEAP Task Force  
18 report, um, and then the report was used, um, to also  
19 inform what was applied to for ESSER, so, um, part of  
20 all of the ESSER Federal Relief Funds, everybody has  
21 to -- had to go out and do a public conversation about  
22 how money is gonna be spent. The municipalities had  
23 to do that, the students group had to do that, RIDE  
24 had to do that. This was RIDE's tool to do that.

25 Brock: Um-hmm.



1 Metcalfe: Um, was we're gonna have these meetings with  
2 nonprofits, and the public, and they created the task  
3 force, and this was -- then that report was then used,  
4 um, to explain, this is how we plan to use federal  
5 dollars --

6 Brock: Yeah, the funds.

7 Metcalfe: -- to support these areas.

8 Brock: Who -- who wrote that report?

9 Metcalfe: Um, I'm not sure who drafted it, it was out of the  
10 commissioner's Office. Um, and then I guess --

11 Brock: So, someone from her staff drafted it, but essentially  
12 it was her -- came out of her office.

13 Metcalfe: Yeah, it came out of her office. I don't know which  
14 team, 'cause there were three -- I mean, there was a  
15 lot in the commissioner's office that worked on it. I  
16 don't know who drafted it.

17 Brock: You don't -- you didn't see any redundancy between  
18 LEAP and this new -- the RFP?

19 Metcalfe: I didn't see redundancy. No, because I thought it was  
20 more of, um -- I tried to make sure they were aligned,  
21 that there wasn't redundancy, it was more like the  
22 LEAP report was -- this is everything that was  
23 recommended from the group that got together and this  
24 is, kinda of what you have.

25 Brock: Uh, when -- you said ILO had, uh, like, the coaching -



1           - the -- some coaching things built into their, uh,  
2           their time. Uh, you said it would prevent extra  
3           support from the governor's office. Did you see that  
4           as them trying to -- as ILO trying to go beyond the  
5           scope and try to get into the governor's office for  
6           whatever reason, for influence, for -- for, uh -- for  
7           any reason?

8 Metcalfe: No, um, I genuinely thought it was, um -- a lot of us  
9           were deer caught in headlights, a little bit --

10 Brock:     Um-hmm.

11 Metcalfe: -- with so much coming at us and so much trying to  
12           organize and trying to do it with pandemic happening -  
13           -

14 Brock:     Um-hmm.

15 Metcalfe: -- that I genuinely thought it was about, like, hey,  
16           if you're trying to navigate and figure things going -  
17           - how to do things --

18 Brock:     Um-hmm.

19 Metcalfe: -- or like, how things are going, they wanted to be  
20           able to provide that support. Um, and we were trying  
21           to figure out how to even divide up the work. Like I  
22           said, like, reopening schools was 100 percent -- was a  
23           major undertaking. I was never involved in that, I  
24           was on other things that we were all trying to figure  
25           it out, so I didn't think that.



1 [REDACTED] I just wanna confirm a couple things --

2 Metcalfe: Okay.

3 [REDACTED] -- and then I -- I'm (inaudible 01:22:51). So, the  
4 review panel, right, you're talking about the panel or  
5 the board, how many people are on that? Do you know?

6 Metcalfe: I don't know how many in total, I think -- it was  
7 Kristen, Mayor Lombardi, and Dan.

8 [REDACTED] Okay.

9 Metcalfe: And Tom McCarthy.

10 [REDACTED] And Tom McCarthy, okay.

11 Metcalfe: I think there were four but I'm not positive.

12 [REDACTED] Okay. As far as you -- you know, it sounds like, and  
13 I could be wrong, so correct if I'm wrong. They were  
14 on the board, went through the proposals, and they got  
15 it narrowed down to two companies.

16 Metcalfe: Um-hmm.

17 [REDACTED] Right?

18 Metcalfe: Yeah.

19 [REDACTED] Um, at some point it seems like, then it's kinda  
20 handed out -- handed off to you and Alfonso, 'cause it  
21 seems like it was you and Alfonso and the governor  
22 that met with ILO, and that is was you and Alfonso  
23 that met with WestEd and presenting them with what  
24 their scope would be.

25 Metcalfe: Um-hmm.



1 [REDACTED] Is that -- was the board involved in that at all, the  
2 panel?

3 Metcalfe: No, because my understanding was that they had done  
4 the selection, like that they had selected it and that  
5 it -- two had been selected from them that.

6 [REDACTED] Okay.

7 Metcalfe: That was what I thought, um, and that now they had  
8 been selected, and so now we would be working on  
9 actually getting them up and running and actually  
10 doing the work. So, we weren't in communication --

11 [REDACTED] (Inaudible 01:24:03)

12 Metcalfe: No.

13 [REDACTED] Did -- are you aware if they came up with the scope  
14 for the two companies? Do you know if that's --

15 Metcalfe: I don't know.

16 [REDACTED] -- or not? You don't know.

17 Metcalfe: I don't know.

18 [REDACTED] You just know that Alfonso gave you the scope.

19 Metcalfe: Um-hmm.

20 [REDACTED] He asked you to work on it, and then he -- he came up  
21 with one too --

22 Metcalfe: Yeah.

23 [REDACTED] -- and it's -- it was separated, you're not sure how  
24 that came about.

25 Metcalfe: Correct.



1 ██████████ Okay. Um, you're not sure how the money came about  
2 either?

3 Metcalfe: How do you mean?

4 ██████████ Um, as far as how much could be spent on those --  
5 either sides.

6 Metcalfe: Right, no.

7 ██████████ Okay. Um, so that's (inaudible 01:24:35)

8 Metcalfe: No (inaudible 01:24:38) as far as -- I think -- I  
9 think that they were just charged with selecting them,  
10 um, but that they didn't --

11 ██████████ Okay.

12 Metcalfe: -- have anything else.

13 ██████████ And it would've been just you and Alfonso that were  
14 involved in that other process, going out to the  
15 governor's office?

16 Metcalfe: Um, I mean, Tony Silva was aware of it. Tony Silva was  
17 --

18 ██████████ But he wasn't on the calls with this panel --

19 Metcalfe: Nope.

20 ██████████ -- or any of that.

21 Metcalfe: No, um, I'm trying to think of who else. Not with the  
22 panelists.

23 ██████████ But Tony would have been doing -- doing work behind  
24 the scene though, Tony Silva?

25 Metcalfe: Maybe.





1 [REDACTED] Maybe, okay.

2 Metcalfe: Yeah, I don't know.

3 [REDACTED] Okay.

4 Metcalfe: Um, but we didn't have it, 'cause the way that it  
5 kinda worked -- the conversation, like, with  
6 purchasing, um, 'cause if this -- like, I feel like  
7 there was this, like, not a break, but that there was  
8 like, all right, we're now into the second phase of  
9 this and that's why I had asked for purchasing to walk  
10 me through it, because I didn't know --

11 [REDACTED] Okay.

12 Metcalfe: -- what needed to happen next. And so there wasn't  
13 any conversations with the panel -- uh, the review  
14 panel, because I thought they had done -- they had  
15 done the selection, they were done now. Now it was  
16 about getting them up and running and working, um --

17 [REDACTED] Okay.

18 Brock: The emails with Dan were after the selection --

19 Metcalfe: Yes.

20 Brock: -- that you sent --

21 Metcalfe: Yeah.

22 Brock: So, Dan was --

23 Metcalfe: Oh, no, no, no, Dan Majcher.

24 Brock: Yeah.

25 Metcalfe: No, it was prior to the selection 'cause the on- --



1 the emails with Dan, um, were prior to that. Um,  
2 there was an email afterwards, I think I asked him for  
3 some information to make sure, when we were in that  
4 second phase. I think that's when I asked him, so  
5 what had actually been bid, like, what were the rates,  
6 um, because we didn't have that information time, so  
7 they could be matched to whatever we had been given by  
8 WestEd and ILO --

9 Brock: Um-hmm.

10 Metcalfe: -- um, but the emails on that Excel spreadsheet were  
11 prior to that, um, 'cause I didn't know who had been  
12 selected then.

13 [REDACTED] You don't have any access to any of these emails  
14 anymore --

15 Metcalfe: No.

16 [REDACTED] -- and you never printed 'em or anything like that,  
17 don't have any notes in regards to any of it.

18 Metcalfe: I don't think so, no.

19 [REDACTED] Um, the Municipal Learning Centers, obviously that's  
20 something that probably takes a lot of time, it's not  
21 something that's instant. Um, I don't know if you're  
22 aware or not, but are you aware that ILO ended their  
23 contract with the governor's office?

24 Metcalfe: Yeah, I saw that --

25 [REDACTED] Were you surprised by that?



1 Metcalfe: Not really.

2 ████████ I mean, they were assigned the Municipal Learning  
3 Centers --

4 Metcalfe: Right.

5 ████████ -- which, I mean, you have experience with that, would  
6 that take 6 months or would that be years in the work,  
7 um --

8 Metcalfe: Um, it was -- they take years in the work, but it  
9 wasn't something --

10 ████████ Why weren't you surprised by it, you said you weren't  
11 surprised, why aren't you surprised?

12 Metcalfe: I wasn't surprised because I felt like it had been  
13 just so much in thinking about this, especially about  
14 this, I didn't know they actually do the Municipal  
15 Learning Centers next, because I think people would  
16 have a lot until this is resolved, or wrapped up, or  
17 whatever it is, people are gonna have questions about  
18 what was going on, and so if they had paused it,  
19 maybe, I don't know, um, or if they just said, we just  
20 -- we know it's gonna take years, here's a plan, have  
21 someone else do it because, um, of all of this.

22 Brock: By all of this, do you mean all the media coverage and  
23 the kind of --

24 Metcalfe: Yeah.

25 Brock: -- various -- yeah. So, you -- you're not surprised -



1 - you're not surprised, then, like, the -- 'cause  
2 personally you're processing, put yourself in that  
3 position, if there's all this headache, I wouldn't  
4 wanna finish it either, is that what you're saying or  
5 that --

6 Metcalfe: I'm pretty sure, like, I would do whatever I was  
7 supposed to do get it done and hand it off --

8 Brock: Yeah.

9 Metcalfe: (Inaudible 01:28:04) um, I think they'd want this  
10 resolved. Like if this, you know, comes out and it's  
11 like, hey, this is the process, um, if it was sooner,  
12 but I think there's -- people have questions, like you  
13 have questions.

14 [REDACTED] Sure. But at the same time, these Municipal Learning  
15 Centers are such a priority. I mean, it seems like  
16 this is what was being spoken about, and it was this  
17 process that went through the selections. So, you  
18 finally have this contract with a company that then  
19 set it out, I guess, to do this, um, and within a  
20 short period of time, you know, that contract ended.  
21 Um, and I know there's questions around it, but if  
22 there's -- but if it -- if it was valid and there  
23 wasn't anything that, you know, smelled about it, why  
24 wouldn't you continue? Like, do you feel that this  
25 process -- like, looking back now, do you feel that



1 the bidding process and how things were awarded, do  
2 you think it was, um -- do you have any questions or  
3 concerns about it?

4 Metcalfe: I don't. I thought, and I do think it was. I think  
5 it was, um, clearly -- (inaudible 01:29:12), um, but I  
6 feel comfortable, that I felt like everybody followed  
7 the process, everybody did, with the right intentions  
8 of trying to get the work done. Um, but with  
9 Municipal Learning Centers, I think -- I think it's  
10 still happening, I would think they're still  
11 happening, and whether or not the governor's office is  
12 having to absorb that, um, but I also know, um --

13 [REDACTED] I think what also is so strange is Michael Magee told  
14 you about the position at the governor's office, he  
15 also spoke about Julia and that she was going into the  
16 consulting and you kinda had an inkling she was gonna  
17 be putting for whatever was gonna be presented by the  
18 governor's office --

19 Metcalfe: Yeah.

20 [REDACTED] -- and you weren't sure she was gonna get it, and you  
21 thought maybe she heard it, but still it seemed like,  
22 I mean --

23 S. Metcalfe: Were -- were you sure she was gonna get it?

24 Metcalfe: I wasn't sure she was gonna get it, but I -- I knew  
25 that she -- I didn't have any reason to think that she



1           wouldn't be a contender --

2           ██████████ Okay.

3 Metcalfe: -- because it was quality in everything that she'd  
4           ever -- like I knew that she'd ever done --

5           ██████████ Okay.

6 Metcalfe: -- like, I -- like that this wasn't something that it  
7           wasn't, um -- if it was somebody who had never worked  
8           in education or didn't have, like, worked in national  
9           spaces, was knowledgeable, knows this work, then yes,  
10          okay, that's a little different. This was someone who  
11          -- if you can put together a strong proposal, which I  
12          had no reason to think she couldn't put together a  
13          strong proposal, and as long as you go through the  
14          process, the public bidding process, that she was  
15          definitely a contender. Um, so that wasn't a surprise  
16          to me, and that's what that had been transpiring, and  
17          now I think there's, um, been so many questions about  
18          timing and about all of these things, that I think it  
19          just leaves open, like, um, unfortunately, questions,  
20          and I just don't, um -- and so with the Municipal  
21          Learning Centers, like I think they're still  
22          happening, I don't know, um, but I don't know that  
23          they would've done whatever work it was to at least  
24          get them to the plan, because the (inaudible  
25          01:31:07), I think it's gonna be herculean, it was



1           gonna be a big lift versus making sure there's a plan,  
2           everybody that consulted, to come this -- well, I  
3           don't even know where we are --

4 S. Metcalfe: I mean, you'd have to ask them why they quit.

5 Metcalfe: Right, like --

6 S. Metcalfe: I'm sure -- I know -- you know, I'm sorry --

7 Metcalfe: And I didn't think --

8 ██████████ Let me ask you this though, so you've been on --  
9           you're familiar with RFPs right?

10 Metcalfe: Uh, yeah.

11 ██████████ And how they work --

12 Metcalfe: Yeah.

13 ██████████ -- and it seems like you've gone through that multiple  
14           times, is it common for them to end up being NPA's.

15 Metcalfe: I don't know, um --

16 ██████████ Just in your experience, like in the ones that you've  
17           been a part of.

18 Metcalfe: I worked -- I thought the NPAs office was different.

19           Um, my knowledge of it was that you have NPAs which  
20           are standing contracts that anybody can select from,  
21           that you go through a process with purchasing to do  
22           that, but there's criteria to do that. Um, you set  
23           certain parameters, but that was my understanding of  
24           what an NPA was. 'Cause if I -- we needed

25           communication support once, um, I need -- I went to an



1 NPA, I didn't go out to RFP, it was just like you go  
2 to the vendors that are selected, because they've got  
3 the process. So, I thought that that's what this  
4 process would be, um, in the purchasing, so I've never  
5 -- so, I don't know how that happens or how often it  
6 happens. Um, I just know from, um, the user end of  
7 like, whenever we needed consultants, it was going to  
8 our purchasing agent, because you had a purchasing  
9 agent at agencies, that says, here are your options.  
10 If it's under a certain dollar amount, you go out and  
11 get three bids, if it's this, you do that, if you need  
12 to do a large group of work, (inaudible 01:32:48), see  
13 what we provide.

14 [REDACTED] Last question I have for you then I'm -- I'm done, but  
15 in regards to the board, um, the review panelists --

16 Metcalfe: Um-hmm.

17 [REDACTED] -- do you know, could they just not agree on one  
18 vendor or do you know who -- who or what companies  
19 were for the other --

20 Metcalfe: No.

21 [REDACTED] -- did you hear any of that --

22 Metcalfe: No.

23 [REDACTED] -- none of that got to you?

24 Metcalfe: Nope.

25 [REDACTED] Nothing.





1 Metcalfe: No one ever said anything to me about, um -- I don't  
2 know if there was divide, I don't know if there was a  
3 tie, I don't know if there was -- I have no idea, no  
4 one's ever said anything to me. Um, I never asked.

5 [REDACTED] So, you weren't in your job by then?

6 Metcalfe: No, no, I left there 'cause of drama. Um, but no, um,  
7 I just know the conversations, particularly around  
8 like, with Kristen and EDOC part of it --

9 [REDACTED] Um-hmm.

10 Metcalfe: -- um, I just wanted to make sure that that, uh, piece  
11 of it, but no.

12 Brock: Uh, you mentioned -- obviously, we're here, that the  
13 media has been all over from this, um, the questions  
14 about the -- the contract and the bid and the bidding  
15 process, do you have questions about it? Do you have  
16 concerns about it now that you can look back and now  
17 that you're out of it and you can take a breath, do  
18 you see any issues that we should kinda key in on?

19 Metcalfe: I don't think I see any issues, I think it's, um --  
20 it's hard to go back in time, because, at the time,  
21 the process, like I felt like everything that  
22 purchasing was always my check and balance, since I  
23 don't have any reason to think that that isn't the  
24 case in it. Um, I tried to go through my own mind of  
25 making sure there was separations and making sure



1 their relationships were understood. Um, I'm trying  
2 to think if there's --

3 Brock: In the line of relationships, what -- what do you --  
4 what do you think of, ethically, Julia being Mike's  
5 number two, she works for him, Mike is coming up --  
6 Mike is the governor's right hand education person,  
7 so, he knows exactly what, um, the governor wants, as  
8 far as his contract goes, and then Julia's company is  
9 the one getting the, uh -- that appears to come up  
10 with the proper bid. Right, she's coming up with the  
11 -- she knows exactly what the scope of work is, but  
12 all these other companies don't have a clue, do you --  
13 do you see a problem with that relationship at all?

14 Metcalfe: I -- I -- I see the public perception of that  
15 relationship --

16 Brock: Um-hmm.

17 Metcalfe: -- um, and I'd went through, but I -- at no point, and  
18 I still don't, at any point, because any -- if they  
19 were Mike's firm, clearly, I would think that there  
20 was a problem, an issue.

21 Brock: Um-hmm.

22 Metcalfe: Um, the scopes and the breadth of everything, she and  
23 others have worked in it so much that I don't think  
24 that (inaudible 01:36:00) like, that she would know if  
25 this is -- she'd been working with RIDE and had been



1 in that space, that she would be knowledgeable, I felt  
2 like this is kinda what it takes. And I think,  
3 knowing just the environment, I mean that is -- she  
4 does have that benefit of knowing the environment in  
5 Rhode Island and knowing that this is a new governor's  
6 office who needs help and support. Um, but I didn't --  
7 -- I don't think it was any -- like, Mike has supported  
8 the governor for many years, and worked with him, that  
9 in genuine wanted to help support and make sure that  
10 the administration was successful. So, I didn't, and  
11 I still don't think, um, there was, um, misdoing -- I  
12 don't wanna say the wrong word, but like, intentional,  
13 otherwise, um, and I never got any indication of that.  
14 Like if I had, I think I would have flagged something  
15 if I thought that was happening, I would have, and I  
16 didn't get that. I definitely, um --

17 [REDACTED] Who would be the people who know the most about the  
18 RFP process and -- and -- as far as that you -- you  
19 would think, given your position.

20 Metcalfe: Um, I think Tony Afonso, uh, he was the point person.  
21 I think he would know the most, as far as like, the  
22 primary person. Um, I think purchasing -- I mean the  
23 people that work in purchasing, um, would know it as  
24 well, um, and I don't know if you mean -- I mean, the  
25 review panel, clearly, they were the ones, um, doing



1           that. Um, I think that's -- like those are like the  
2           scopes that would know, um, the different phases and  
3           the different kind of things that happened. I mean,  
4           it was over a short period of time too, it was like a  
5           hard --

6 Brock:     It was quick.

7 Metcalfe:  It was quick --

8 Brock:     Yeah, it was very quick.

9 Metcalfe:  -- 'cause I was like, this takes a lot -- it's like,  
10           not even, like --

11 Brock:    Yeah, a lot happened in that short period of time,  
12           that's for sure.

13 ██████████ Yeah. Were you a part of the hearings at all in  
14           regards to the RFP process?

15 Metcalfe:  No, I left. I'd already resigned.

16 ██████████ And they never called you back in --

17 Metcalfe:  No.

18 ██████████ -- for that at all?

19 Metcalfe:  Nope.

20 ██████████ Did you hear anything about that?

21 Metcalfe:  I did. You know, I heard just about the, um -- that  
22           they had an oversight hearing, that they were having,  
23           um -- um, but I was actually traveling that week.

24 ██████████ Okay.

25 Metcalfe:  So --



1 ██████████ But you didn't hear anything about them, like what was  
2 discussed or anything like that?

3 Metcalfe: Just the -- what was reported in the media, um --

4 ██████████ Okay.

5 Metcalfe: -- reports.

6 ██████████ Just articles?

7 Metcalfe: Yeah. And that this was happening, um, that the -- it  
8 had been referred over to the attorney general's  
9 office.

10 Brock: What do you think about that?

11 S. Metcalfe: Freaked out.

12 Brock: Yeah.

13 Metcalfe: As you can tell. Um, it freaked me out --

14 Brock: Yeah.

15 Metcalfe: -- it did and it still does, I mean -- I mean, just I  
16 think if you know my -- my background, like I'm used -  
17 - this is not something that I'm very comfortable  
18 with, this is not something at all --

19 S. Metcalfe: She was the -- also the executive director of  
20 common cause (inaudible 01:38:46) ethics with  
21 government, person, and has a -- Christine's crazy  
22 about her reputation being --

23 Metcalfe: So, this is --

24 S. Metcalfe: -- clean, good government person, so --

25 Brock: Yeah.



1 S. Metcalfe: -- so, it's --

2 Brock: Oh, I didn't know that.

3 S. Metcalfe: It's upsetting to her.

4 [REDACTED] Oh, okay. One of the reasons we're here to talk to  
5 you though --

6 Brock: Yeah.

7 [REDACTED] -- you know, too, right?

8 Metcalfe: Right.

9 [REDACTED] So, I mean, 'cause how do we get information, by  
10 talking to people, right?

11 S. Metcalfe: Yeah, fair enough, you guys just got your job to  
12 do.

13 [REDACTED] So --

14 Metcalfe: I mean, that's why I wanted to like -- that's -- no,  
15 it definitely -- because I don't know what I don't  
16 know and, um, it's a little freaky.

17 Brock: Coming from your common cause angle --

18 Metcalfe: Yeah.

19 Brock: -- uh, suppose there was something nefarious between  
20 Mike and Julia, suppose Julia, she got everything  
21 right because Mike was telling her everything. Um, do  
22 you see that as a problem?

23 Metcalfe: I do see it as a problem. Um, I went through,  
24 mentally, uh, myself, just not being in that space for  
25 a while, but wanting to make sure that there was no



1 financial interest from Mike, that Julia was not a  
2 relative, that Julia was not working -- like, I  
3 mentally kinda went through a quick checklist in my  
4 head, like would be there be anything, ethically, that  
5 would prohibit her from actually applying, and that's  
6 why I said, like early on, it was like, is there  
7 anything that (inaudible 01:40:05) or whatever. Um, I  
8 would hope that's not the case, I would hope that is  
9 not the case.

10 Brock: Uh, of course we all, you know, hope that -- but we  
11 have to --

12 S. Metcalfe: Now there's some people in the general assembly  
13 that don't hope that.

14 Metcalfe: But I know that I never did, um, and I'd never come to  
15 a point feeling as though I needed to say something to  
16 Mike or say something to someone, to say, hey, um,  
17 what's going on --

18 Brock: Um-hmm.

19 Metcalfe: -- like this doesn't -- whatever, that I felt and  
20 still feel purchasing is checks and balances to the  
21 governor's office. And if there's things that need to  
22 be strengthened there, they should be strengthened,  
23 but they should be a checks and balance, and I always  
24 leaned on that, as far as my conscience was concerned,  
25 um, and any meetings that happened afterwards, um,







1 S. Metcalfe: Ask away.

2 Metcalfe: Just, um, 'cause as -- is -- well, some of the -- is  
3 there a timeline of how long it is -- your -- this,  
4 um, until we do get news of like, I don't know.

5 Brock: Uh, we wish.

6 Metcalfe: Okay, all right.

7 Brock: Yeah.

8 S. Metcalfe: I -- I tend to say that if there wasn't anything,  
9 it might go longer 'cause you guys have to look under  
10 every rock and it actually takes longer to find  
11 nothing --

12 Brock: Right.

13 S. Metcalfe: -- than it does to find something.

14 Brock: Yeah.

15 S. Metcalfe: So, I -- I see, you know, this investigation go on  
16 for a long time, so you gotta try to forget about it,  
17 let everybody do their work.

18 [REDACTED] Um-hmm.

19 Brock: Yeah, they -- they -- they do go on and -- and, uh,  
20 it's just the simple process of getting a search  
21 warrant or something. It might take you a week to  
22 make a search warrant, find the judge, get it signed,  
23 send it out, maybe get the results 2-3 weeks later,  
24 so, these cases just take forever. So, I don't know  
25 if that's what you wanna hear but --



1 Metcalfe: No.

2 Brock: You know, you're -- like you said at the beginning,  
3 you're -- you -- you're not a suspect, you're --  
4 you're not -- you know, you're a good source of  
5 information for us to have a probe, you know, and, um  
6 --

7 S. Metcalfe: (Inaudible 01:43:17)

8 Metcalfe: I do -- I do wanna cooperate and provide anything that  
9 I do know --

10 Brock: Um-hmm.

11 S. Metcalfe: Can -- obviously, as you go through the  
12 investigation, you mi have other questions and stuff.

13 [REDACTED] Yeah, it's okay if we reach out, and if anything else  
14 --

15 Metcalfe: Yeah.

16 [REDACTED] -- comes up that you think might be helpful, you, um -  
17 - you have our contact information, and if we could  
18 reach out to you if we have something, that'd be great  
19 too.

20 Metcalfe: Yeah.

21 [REDACTED] But, um, yeah. We -- we appreciate your time.

22 Metcalfe: (Inaudible 01:43:41)

23 S. Metcalfe: I stayed up late last night and I (inaudible  
24 01:43:47) sleep in this room.

25 [REDACTED] Appreciate that.



1 Brock: All right, well thank you very much for your time, I  
2 appreciate it, we really do, all right.

3 Metcalfe: Thank you. And I appreciate your patience with me.

4 Brock: Oh, no problem. All right, thank you, sir.

5 S. Metcalfe: Thank you, yeah, take it easy.

6 ██████████ Enjoy the weather 'cause it's beautiful today.

7 S. Metcalfe: Yeah, absolutely.

8 Brock: How's your 11:00 looking? Is it gone?

9 ██████████ No, I had, uh -- they had called and she was having  
10 (inaudible 01:44:21)

11 Brock: All right, should we, uh, go rally?

12 ██████████ (Inaudible 01:44:31)

13 Brock: Yeah.



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TRANSCRIBER'S CERTIFICATE

I, Kelly Sahl, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, Pages 1 through 110, was reduced to typewritten form from a digital recording of the proceedings held March 18, 2022, 10:00 a.m., 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 5th day of August 2024.



Kelly Sahl

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RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
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NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Kristen Danusis [REDACTED] 78  
First Middle Last DOB

ADDRESS: [REDACTED]  
Street City Telephone #

PLACE INTERVIEWED: RI Department of Education, 255 Westminster St. Providence, RI

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N)

PLACE OF EMPLOYMENT: RI Department of Education  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: March 23, 2022 TIME: 10:30a

REPORT:

On March 23, 2022, at approximately 10:30 AM, [REDACTED] I (Sergeant Brock) responded to the RI Department of Education (RIDE) building located at 255 Westminster Street, Providence, RI to speak with Ms. Kristen Danusis. [REDACTED] Also present for the interview was RIDE Chief Legal Counsel Anthony Cantone.

Danusis advised she is currently the Director of Office of School and District Improvement. Prior to this role, she was assigned to the Education Operations Center (EdOC) until 2021.

Danusis advised she was asked to be on the RFP review panel for the School Reopening Contract. She did not recall who specifically asked her, possibly Emily Cowell or Anna Riley, however, she was "voluntold" to do it, around February or April of 2021. She was told the RFP was to find an outside company to take on the role that the EdOC was currently fulfilling.

Danusis advised that she and the other review board members met with Dan Majcher at the Governor's office to discuss the RFP and the selection process. She advised that she completed a Conflict of Interest (COI) soon after this meeting.

Danusis believed that the panel was three people, herself, Thomas McCarthy and Mayor Lombardi. She believed Majcher to be the facilitator, not a panelist.

Danusis advised that the panelists were to receive the RFP submissions via email then review and score them independently of the group. They were then to meet via Zoom and average the respective scores.

Danusis advised that five submissions came in, but that three of them, ILO, West Ed and MGT contained the proper material and those three would be scored. The other two were incomplete and would not be scored. She advised that the panelists scored the three submissions. All received high scores despite the scope of each submission being widely different from each other.

Danusis advised that the panelists later had one-on-one interviews with the three finalists. She did not recall who came up with the idea of conducting interviews with the finalists.

Danusis advised that the one-on-one interviews did not provide much clarity to narrow the scope of the project. She advised that after the interview, the finalists were scored again, and the scores became closer than before. She advised that ILO and West Ed emerged as the leading two as they had similar high scores, however, their scope was still very different from each other.

Danusis advised that the review board reviewed the cost proposals from ILO, West Ed and MGT. She advised that ILO's proposal was several million dollars above West Ed and MGT. She advised that the scope of work proposed by each was vastly different and the board could not make an informed decision.

Danusis advised she did not recall casting a vote as to who would win the contract. She advised that she and McCarthy could not determine a winner, but Lombardi was pushing for ILO.

Danusis advised that she had previously heard of West Ed because West Ed had worked with the State previously. She advised that she had not heard of ILO and had not met Julia Rafal Baer. She advised that she met Magee during Covid during a Covid testing proposal.

Danusis advised that she handled the references for West Ed, all were positive. She was not aware of who handled the references for ILO. She advised that the panel discussed that ILO is a new company but that the principals in ILO had plenty of experience.

Danusis advised that she and McCarthy had doubts about ILO. She advised that Lombardi seemed for ILO and Majcher seemed neutral. She advised Lombardi to focus on the Municipal Learning Centers (MLC). She advised that there was discussion about a final vote, but the final vote never happened. She advised that if there was a vote, she would have voted for West Ed. She advised that no one ever approached her to push the contract in one direction or another and believed that the selection process she participated in was fair.

Danusis advised that she spoke with Christine Lopes Metcalf during the selection process. They discussed the RFP being poorly written.

Danusis advised that she was unaware if Rafal Baer was included on emails she received regarding pooled testing. Danusis recalled a company called "Glinko" regarding pooled testing but nothing further.

Danusis advised that there were conversations about updating the scope of work for this RFP, but Majcher pushed the current format forward. Danusis advised that there was no dollar amount budgeted with this RFP and that it is common to not have a budget. Danusis asked about the budget for this RFP but was told it was not finalized.

Danusis advised that McCarthy was her boss when he was at RIDE and EdOC. She advised that they have not discussed the RFP since they were panelists. Danusis advised that she is not aware of any work being done on MLCs in RI.

End of interview.

See the recording for full details.

---

DETECTIVE'S SIGNATURE

---

SUPERVISOR'S SIGNATURE

## Interview with Kristen Danusis

Recording Name:  
[2. Kristen Danusis 3-23-22]

Transcript Prepared By:



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1 [REDACTED] And Kristen, what's your home address?

2 Danusis: [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 Danusis: Yeah. Two words.

5 [REDACTED] And where is that located?

6 Danusis: [REDACTED]

7 [REDACTED] [REDACTED]. And a good telephone number for you?

8 Danusis: [REDACTED].

9 [REDACTED] And what's your current position with the RIDE?

10 Danusis: I'm the Director of School and District Improvement.

11 [REDACTED] Okay, and how long have you held that position for?

12 Danusis: Uh, since the summer.

13 [REDACTED] Since the summer of this year?

14 Danusis: Yes.

15 [REDACTED] What was your prior position to that?

16 Danusis: I was the Director of the Education Operations Center.

17 [REDACTED] Okay, with RIDE?

18 Danusis: Yes.

19 [REDACTED] And how long did you hold that position for?

20 Danusis: About a year.

21 [REDACTED] About a year. And let's go one more --

22 Danusis: Yeah.

23 [REDACTED] -- your previous title before that.

24 Danusis: I was the leadership specialist.

25 [REDACTED] And is that still with RIDE?





1 Danusis: Yes.

2 [REDACTED] And how long did you hold that position with?

3 Danusis: A little less than a year.

4 [REDACTED] A little less than a year, okay. Um, what are your  
5 current job responsibilities with RIDE?

6 Danusis: Uh, so, right now I oversee all of the school  
7 improvement efforts, so that's the identification and  
8 support of the 22 lowest performing schools in the  
9 state.

10 [REDACTED] Okay.

11 Danusis: And then on the district support level, I, um, oversee  
12 a district support program to support our 10 districts  
13 that have been hit hardest by the pandemic, and the  
14 supports that they receive, uh, along with that. And  
15 recently, I have taken on the statewide strategic  
16 planning supports and efforts as well.

17 [REDACTED] Okay, okay. Now, um, you started that role this  
18 summer, right, of 2021?

19 Danusis: Um-hmm.

20 [REDACTED] What were you doing prior to 2021, what was your job  
21 responsibilities then, with RIDE?

22 Danusis: So, as the Director of the Education Operations  
23 Center, um, it was basically overseeing all of the  
24 COVID support efforts that we were doing with schools  
25 --



1 [REDACTED] Okay.

2 Danusis: -- and working as a conduit between RIDE and RIDEO and  
3 the governor's office, as far as the different types  
4 of decisions and supports, um, that were happening  
5 specific around COVID --

6 [REDACTED] Okay.

7 Danusis: -- and COVID supports.

8 [REDACTED] Okay. At some point, um, how do you learn about the  
9 RFP --

10 Danusis: Um-hmm.

11 [REDACTED] -- that the governor's office has, related to the K12  
12 higher, um, education and reopening plans?

13 Danusis: So, I'm not -- I don't know if it was -- I'm not sure  
14 exactly who asked me to serve on the RFP, but I think  
15 essentially that the -- the background of it was that  
16 a lot of the work that our team had been doing, the  
17 RFP was designed to take that work and move it forward  
18 after the Education Operation Center was no longer,  
19 and there was a need for a representative on RIDE --  
20 or from RIDE to serve on that review committee, and so  
21 I was asked.

22 [REDACTED] And you don't recall who that was who asked for you to  
23 be on that review committee?

24 Danusis: I -- honestly, I don't.

25 [REDACTED] You don't. Okay, do you know the time frame of when



1 this happened?

2 Danusis: Um, I really don't. It was before -- the only reason  
3 I know, it was before school vacation, because I was  
4 concerned about getting to the -- the R -- the process  
5 done before we were leaving for vacation, but I don't  
6 know if it was February or April.

7 [REDACTED] Okay, so either February or April break, um --

8 Danusis: But it was probably, I don't know, a couple weeks  
9 before that or someti- -- a couple -- sometime before  
10 that that I was actually asked to -- to do that.

11 [REDACTED] Okay. Do you remember if it was like a asking in an  
12 email or ask in person or a telephone call? You don't  
13 have a memory --

14 Danusis: I don't.

15 [REDACTED] -- of that. Would it have been someone from the  
16 governor's office?

17 Danusis: No, someone from RIDE.

18 [REDACTED] Someone from RIDE.

19 Danusis: Yeah.

20 [REDACTED] Okay.

21 Danusis: I -- my guess would be that it was Emily, Ana, or Tom  
22 McCarthy.

23 [REDACTED] Okay, so someone within RIDE, you have a memory of --  
24 of asking you to be on that committee.

25 Danusis: Correct.



1 [REDACTED] Um --

2 Danusis: Actually, it wouldn't have been Tom because he was  
3 gone.

4 [REDACTED] Okay.

5 Brock: Emily or who?

6 Danusis: Ana Riley.

7 [REDACTED] And do you have Emily's last name?

8 Danusis: Crowell.

9 Brock: Uh, Harnett -- uh, is it Harnett? No, what's Emily's  
10 --

11 Danusis: Crowell.

12 [REDACTED] Crowell.

13 Brock: Crowell.

14 Danusis: She was the chief of staff.

15 [REDACTED] Okay.

16 Brock: Oh, okay.

17 [REDACTED] So, you get asked by someone from RIDE to be a part of  
18 the committee, um, it was around one of the -- the  
19 school breaks, either February or April, because you  
20 had concerns -- was there a meeting to be -- like so,  
21 once you got in -- asked to be a part of the  
22 committee, what was the next steps as far as did you  
23 have a committee meeting, um, how did that go?

24 Danusis: So, we -- the first thing we did was meet with, um,  
25 the gentleman at the governor's office, Dan something,



1           who was organizing or like overseeing the RFP process

2           --

3           ██████████ Okay.

4           Danusis: -- um, to just talk through quickly at -- at what the  
5           process was. Um, and then I recall being sent over,  
6           um, some type of form, like a -- like a conflict of  
7           interest type form to fill out, and then the actual  
8           process for the RFP that -- you know, like this is  
9           what we would be doing, the R -- the RFP, kind of  
10          what the -- what the committee would be doing.

11          ██████████ Okay. So, it was Dan at the governor's office who --

12          Danusis: Orchestrated that.

13          ██████████ Did he bring all the panelists and at the same time?

14          Danusis: Yes.

15          ██████████ Who's on -- who are the panelists?

16          Danusis: Myself, Tom McCarthy and, uh, Lombardo, Mayor  
17          Lombardo.

18          ██████████ Lombardo, okay. So, there's just three of you?

19          Danusis: Um-hmm.

20          ██████████ Uh --

21          Brock: Was -- was Dan part of the Review committee or is he  
22          just kind of the steering committee?

23          Danusis: He -- he did the organizing of it and took notes, and  
24          kind of synthesized what the group said --

25          Brock: Okay.



1 Danusis: -- but he didn't score.

2 [REDACTED] Okay, do you know his last name?

3 Danusis: I don't, sorry.

4 [REDACTED] If we were to say it, would you recognize it?

5 Danusis: Probably.

6 [REDACTED] Um, is that Daniel --

7 Brock: Majcher?

8 [REDACTED] Majcher?

9 Danusis: Yes.

10 [REDACTED] Okay. And do you know what his position was with the  
11 governor's office?

12 Danusis: Uh, I don't.

13 [REDACTED] You don't.

14 Danusis: I -- yeah, I don't know for sure.

15 [REDACTED] Okay, was that meeting held at the governor's office?

16 Danusis: No, it was done virtually.

17 [REDACTED] It was done virtually like a Zoom or something like  
18 that.

19 Danusis: Um-hmm. Um, it -- at that time, did you actually see  
20 the RFP?

21 Danusis: I believe we were sent them -- the actual RFP.

22 [REDACTED] Um-hmm.

23 Danusis: Yes.

24 [REDACTED] Um, were you provided with any information on who  
25 drafted the RFP or who created the RFP?



1 Danusis: The only thing that I was told was that Christine  
2 Lopes Metcalf had provided input into it, but I don't  
3 know who ultimately crafted it.

4 [REDACTED] Okay. And was all this information then provided by -  
5 - by Dan?

6 Danusis: Um-hmm. I think it was actually his assistant that  
7 sent it over, but.

8 [REDACTED] Okay. Um, so you have this virtual meeting in which,  
9 uh, Dan kinda goes over everything, you get provided  
10 with a copy of the RFP. Um, has the RFP been put out  
11 there yet?

12 Danusis: Yeah, it was after it had been out, and we had -- they  
13 had gotten bids on it already.

14 [REDACTED] And they had already gotten bids on it.

15 Danusis: Yeah.

16 [REDACTED] Okay. Um --

17 Danusis: I think we might've gotten the bids and RFP together  
18 but I'm not sure.

19 [REDACTED] Okay. So, you may have gotten the bids and the RFP  
20 together, at the same time, not sure, but how do you  
21 guys go about now, so you have, um -- the RFP's been  
22 put out, you've been given the instructions, right --

23 Danusis: Um-hmm.

24 [REDACTED] -- there's three of you, um, the -- the bids have come  
25 in, how do you facilitate next steps?



1 Danusis: So, we were given the scoring criteria for each of the  
2 components within the RFP and asked to independently  
3 score the RFP proposals against the actual RFP and the  
4 criteria that were pulled out for, like, the various  
5 scoring pieces.

6 [REDACTED] And who provides this instruction?

7 Danusis: Uh, I don't know specifically who -- I think it was  
8 sent to us all via e-mail as like, one -- one entire  
9 package.

10 [REDACTED] Okay. Do you know who would have sent it to you guys?

11 Danusis: I'm assuming it was Dan's assistant, it was some  
12 female that sent us the -- the zipped files.

13 [REDACTED] Okay. Are you -- you guys are doing this  
14 independently, you said?

15 Danusis: Yes.

16 [REDACTED] Uh, so you take time, you guys are reviewing the --  
17 the bids that are coming in, everyone reviews them,  
18 and then what are the next steps from there?

19 Danusis: Then we had another virtual meeting where we walked  
20 through each of the RFPs that were -- uh, each of the  
21 bids and how we independently scored them and came to  
22 consensus on, um -- after people talked through why  
23 they scored things one way or the other, and came to  
24 consensus on what, um, the final scores would be for  
25 each of those sections.





1 [REDACTED] So, how many bids -- or RFPs come in to your -- to  
2 your best memory.

3 Danusis: I think there were five.

4 [REDACTED] Five come in?

5 Danusis: Yeah, I'm fairly certain.

6 [REDACTED] Um, so five come in, do you guys narrow -- narrow them  
7 down to a top two or three?

8 Danusis: Only the -- only three met the -- enough of the  
9 requirements of the RFP to be moved forward. They had  
10 to have, kind of a threshold score, to be moved  
11 forward --

12 [REDACTED] Okay.

13 Danusis: -- and only three out of the five did.

14 [REDACTED] And do you recall what the -- the names of those three  
15 of the five that met the criteria?

16 Danusis: There was WestEd, ILO, and a third that's escaping me.

17 [REDACTED] Okay. If I said it would, uh -- would that --

18 Danusis: Probably.

19 [REDACTED] Um, MGT consulting?

20 Danusis: Yes.

21 [REDACTED] Okay, so those are the three that come back that --  
22 that basically, uh, meet the criteria of the RIP.  
23 Okay. Um, so those are -- you guys independently  
24 graded them, you're having this call, um, what's the  
25 discussion as far as who are the -- the frontrunners,



1 I guess, of -- of the three?

2 Danusis: There really -- there really wasn't a frontrunner, and  
3 part of that was because their proposals were so  
4 different in scope of work --

5 [REDACTED] Okay.

6 Danusis: -- that the team felt like we couldn't really compare  
7 them without getting more information from each of  
8 those, um, organizations independently. Like, there  
9 wasn't enough meat in there RFP that we felt like we  
10 could score them or make a -- a next step  
11 recommendation. So, we decided to interview -- well,  
12 host virtual meetings with each of the, um -- those  
13 three firms -- firms isn't the right word, but --  
14 organizations to kinda get more information.

15 [REDACTED] Okay. Um, so, prior to that -- let me just go back a  
16 little bit, so, in regards to RFP, when -- when you  
17 first did receive that from, we believe, Dan or his  
18 assistant or whatnot, what were your feelings  
19 regarding the RFP when you -- when you reviewed it?

20 Danusis: Um, I -- I may have actually gotten the RFP before  
21 that, but I don't know. I remember reviewing it and,  
22 um, feeling like there was pieces of work in there  
23 that we had already done, um, as an education  
24 operation center.

25 [REDACTED] Um-hmm.



1 Danusis: Um, there was some pieces that felt like, um, were --  
2 were really strong and what we needed to do to  
3 continue to move things forward --

4 [REDACTED] Okay.

5 Danusis: -- um, but pieces that seemed like we had already done  
6 some as well.

7 [REDACTED] What did you feel that was, um -- that hadn't been  
8 done -- done yet that needed to be -- be moved forward  
9 --

10 Danusis: Yeah.

11 [REDACTED] -- what were those --

12 Danusis: I mean, I think anything that was connected to  
13 continuing to su- -- support schools as -- as we move  
14 forward and they were continuing to try to recover  
15 from a full crazy COVID year.

16 [REDACTED] Um-hmm.

17 Danusis: Um, it -- I know that's broad, but there were -- I --  
18 I don't remember what it was off hand, but I do know  
19 like, setting up testing for instance, was part of the  
20 plan and we had already done that.

21 [REDACTED] 'Cause Rhode Island, I believe, was leading the nation  
22 at the time, as for school reopening.

23 Danusis: Correct.

24 [REDACTED] Um, so as far as -- as far as the -- the scope that  
25 was to keep -- to open up schools, I mean, Rhode



1 Island schools were already open, is that --

2 Danusis: It wasn't really to -- to open, but to keep them open

3 --

4 [REDACTED] To keep open.

5 Danusis: -- in a way that was safe and focus on a way in which

6 to continue to support administrators as -- as they

7 were moving into this new year. I mean, we went from

8 a team of like 24 supporting schools --

9 [REDACTED] Yeah.

10 Danusis: -- to not having any of that support --

11 [REDACTED] Okay.

12 Danusis: -- for this year. So, my understanding was that the

13 RFP was put out to continue to provide administrators

14 with some level of support, knowing that they were --

15 there was a lot of things that still would need to be

16 done this year, as far as keeping schools open.

17 [REDACTED] Okay.

18 Danusis: Not necessarily opening but keeping them open.

19 [REDACTED] And did you feel that the RFP was pretty specific, as

20 far as how it was worded, or do you think --

21 Danusis: No.

22 [REDACTED] -- it was vague, or what was your feelings on it?

23 Danusis: I think it was pretty vague, which is why I think we

24 got a -- a bunch of different assortment of RFPs.

25 [REDACTED] So -- so that brings us back to where we were, right,



1 so you get these -- these scopes back from these three  
2 companies, um, you're saying it's hard to -- they're  
3 different, right, they're -- they're significantly  
4 different, so then you said you're having another  
5 meeting now or wha- -- what's the next steps you guys  
6 take because they're -- they're so different?

7 Danusis: So, we had one-on-one meetings with each of the -- the  
8 top three groups, so, uh, the ILO --

9 [REDACTED] Okay.

10 Danusis: -- um, MGT, and WestEd, to give -- to learn more about  
11 what their intent was behind the proposal.

12 [REDACTED] Okay, and who decided that that would be the next step  
13 to do?

14 Danusis: I don't remember whose suggestion it was, I think we  
15 just were having a hard time moving it forward and  
16 making any recommendation. The scores were close and  
17 --

18 [REDACTED] Okay. Was there ever any talk to like, change the  
19 actual RFP language itself, because like, it was so  
20 vague or, um, you know, not specific, and the answers  
21 to the proposals were -- was there any discussion  
22 about like, this -- the RFP itself needs to be  
23 changed.

24 Danusis: Not that I recall.

25 [REDACTED] Not that you recall, okay. Um, so, you had these one-



1 on-one meetings, is any progress made with the one-on-  
2 one meetings?

3 Danusis: Um, I think we got some information back but we still  
4 -- we still really -- the scopes of work were still  
5 very different, even after, um, we met with each of  
6 those -- those three.

7 [REDACTED] Okay. And when we say like the scopes are very  
8 different, um, are you asking them that this is what  
9 we want to be done, can you do it, or are you just  
10 having them pitch it and -- and elaborating on what  
11 their written plans are orally, you know, um --

12 Danusis: It wa- -- more of the latter.

13 [REDACTED] More the latter, okay. Was there any talk about  
14 talking to them about what Rhode Island was seeking in  
15 the RFP versus just having them elaborate on these  
16 plans that are very different?

17 Danusis: Can you ask that again, I'm sorry.

18 [REDACTED] So, it seems like you get the written proposals,  
19 they're hard to grade because their scopes are so  
20 different --

21 Danusis: Um-hmm.

22 [REDACTED] -- so we're having these follow up interviews, and in  
23 the follow up interviews, um, the -- the goal I guess  
24 is just to have them elaborate on their written plans  
25 instead of asking them, um, if they can do some of the



1 tasks that are in the RFP that -- that are the goals  
2 or what Rhode Island really wants to get accomplished?

3 Danusis: Yes, um, if I'm understanding your question, I'm  
4 sorry.

5 Brock: So, I think she -- what we're saying is, these  
6 proposals are so far apart, that the committee feels  
7 incumbent upon them to redirect the, uh -- the  
8 bidders, okay. Everyone's, so broad, this is what we  
9 want, tell us about that, or this is what the RFP  
10 says, these -- these five, 10, 20 things, can you  
11 deliver on those. Wa- -- was that type of discussion  
12 had with the, um -- with the -- the -- your panel or  
13 with the -- with the companies to try to narrow them?

14 Danusis: Yeah, I mean, I can't speak to what was -- what  
15 happened with the companies. I think we -- I -- I  
16 can't recall whether or not we explicitly said that we  
17 need to have -- we need to get further information or  
18 more refined plans. I do recall there being a time  
19 where the -- where the RFPs came back -- the proposals  
20 came back to us with some additional pieces like -- I  
21 don't know, like, there were -- there was questions we  
22 had around, I think, the budgets are one component of  
23 it, so we did get an -- a slightly updated version of  
24 some of the proposals, um, but there was not  
25 conversation around like, updating the RFP or --



1 essentially we got the --

2 Brock: Specific tasks? I -- I don't know exactly -- I don't  
3 recall the exact specific tasks that are in the RFP  
4 but what -- was there discussions about, hey, we --  
5 what's your plan for school opening or testing, what -  
6 - what -- what can you provide for testing, uh,  
7 Municipal Learning Centers, what's your plan for that?

8 Danusis: Yeah, I mean, we had -- we -- we did ask some of those  
9 probing questions when we had our -- the interviews  
10 with those companies --

11 Brock: Um-hmm.

12 Danusis: -- we asked them to go in a little more detail --

13 Brock: Um-hmm.

14 Danusis: -- some of 'em ha- -- were able to and some of them  
15 said we haven't drafted out of plan because we're  
16 still not sure what the exact ask is?

17 Brock: And were you able to provide any clarity or did you  
18 know what the ask was?

19 Danusis: No.

20 Brock: No?

21 [REDACTED] Was there any discussion on how to get -- like give  
22 'em answers to that?

23 Danusis: No, not that I recall.

24 [REDACTED] No that you -- okay. So, how were you guys -- okay.

25 So, we have this meeting, um, so the bids come -- when





1 the bids come in, their RFPs, the proposals, do those  
2 include costs or is it just what --

3 Danusis: Um-hmm.

4 [REDACTED] Everything in the first shot.

5 Danusis: Yeah.

6 [REDACTED] So, you would actually get what they were gonna do and  
7 how much it was gonna cost?

8 Danusis: Yes, I believe so.

9 [REDACTED] Okay. Um, and we have three that come back that were  
10 reviewed that had qualified that actually met the  
11 RFPs. Um, how do people rank 'em, right, 'cause  
12 everyone individually ranked 'em, where -- where are  
13 we standing right now with the panel?

14 Danusis: They were -- are -- um, after we did the round of  
15 interviews and I believe that WestEd and ILO were  
16 pretty close, um, there were some that ranked 'em high  
17 -- one higher than the other and vice versa, um, and  
18 MGT, I believe, after we did the second round of  
19 scoring after the interviews, was enough away from the  
20 other two that we were really just focused on those  
21 two.

22 [REDACTED] Okay. Um, do you remember which panelists, like --  
23 'cause you guys individually ranked everyone, right --

24 Danusis: Um-hmm.

25 [REDACTED] -- from -- from the get go, like, do you remember who



1 -- who had ranked who?

2 Danusis: I don't remem- -- I don't remember who ranked who --

3 [REDACTED] Okay.

4 Danusis: -- I just know that they were fairly clo- --

5 [REDACTED] Okay.

6 Danusis: Like within a couple points of each other.

7 [REDACTED] So, we get down to, um, MGT gets dropped off, and we  
8 just have the two now, we have ILO and WestEd.

9 Danusis: Um-hmm.

10 [REDACTED] Um, how do we determine where we're going with ILO and  
11 WestEd when those two are left?

12 Danusis: What we were told as panelists was that they were too  
13 close in rating and that there would be a decision  
14 made to -- to parse out the work between the two.

15 [REDACTED] You guys were told that as panelists?

16 Danusis: Yes.

17 [REDACTED] Who were you told that, by panelists, by?

18 Danusis: Dan Majcher.

19 [REDACTED] Dan Majcher. Um, so he comes in -- and this is just -  
20 - 'cause you guys have like, these gradings, right --

21 Danusis: Um-hmm.

22 [REDACTED] -- and I think everyone's awarded different points, is  
23 that kinda how it worked?

24 Danusis: Each of -- we -- each of the organizations were  
25 awarded points.



1 [REDACTED] Points. Do you remember, like, how close the three  
2 companies were?

3 Danusis: Very close.

4 [REDACTED] Very close. Um, like within a point or two apart?

5 Danusis: I would say within five point, probably --

6 [REDACTED] Five points.

7 Danusis: -- differential.

8 [REDACTED] So why is MGT dropped out, do you --

9 Danusis: I don't remember the specifics, but they -- when we  
10 went back to the three of them, their -- their score  
11 was the lowest out of the three.

12 [REDACTED] Okay. Um, so, they get dropped out, then there's two  
13 left. Dan comes in and says, they're close, um, your  
14 work is done, essentially?

15 Danusis: We, as a committee, could not make a -- a decision  
16 about which one should be awarded the entire RFP. And  
17 so, with us not coming to any type of decision, Dan  
18 suggested that as a next step option.

19 [REDACTED] Okay.

20 Danusis: Because both had different things they could  
21 (inaudible 00:21:13)

22 [REDACTED] So, what's, um -- what's the hold up between not being  
23 able to come to a conclusion between ILO or WestEd?  
24 There's three people --

25 Danusis: Yeah.



1 [REDACTED] -- on the panel, um, right, so I feel like there's  
2 gonna be a 2 to 1 ratio there, it's not a tie where  
3 it's four people, it's 2-2 or anything like that. So,  
4 what's the discussion, like, bring us back to that  
5 time when you have two, um -- two companies left, no  
6 one can come to a conclusion, where are we, like,  
7 how's that conversation being had?

8 Danusis: We were talking through each of the components of the  
9 RFP and who scored better and why, in each of those  
10 components --

11 [REDACTED] Yeah.

12 Danusis: -- and some of it was they were -- their -- again,  
13 their proposals were drastically different. So, to  
14 try to make one decision with two very different  
15 proposals, neither of which, potentially, was on its  
16 own, going to meet all of the requirements of the RFP,  
17 um, I recall it just being a discussion and us not  
18 really being able to make a rec- -- one  
19 recommendation, which is typically what happens in an  
20 RFP process.

21 [REDACTED] Okay. Was there any cost discrepancy between the two?

22 Danusis: Yes.

23 [REDACTED] What was that?

24 Danusis: I don't know the exact number, but I know ILO's was  
25 considerably higher than WestEd.



1 [REDACTED] Okay. Um, they were both ranked about the same, point  
2 wise, but the price point was totally different.

3 Danusis: Um-hmm.

4 [REDACTED] Um, but no ter- -- determination could be made because  
5 I think it sounds like the concern that you're telling  
6 me, is that, neither of them filled all the components  
7 or the scope of what the RFP was.

8 Danusis: We weren't confident that that -- that they did. And  
9 they -- there also was like a huge difference in  
10 hours. So, like, ILO had considerably more hours they  
11 were putting in. So, the project, which is why their  
12 price point was so much higher --

13 [REDACTED] Um-hmm.

14 Danusis: -- than WestEd, and for us, we -- we didn't feel like  
15 we could make a clear determination on which of those  
16 hours was the right amount of hours.

17 [REDACTED] Um-hmm. So, it still seems like -- was there any more  
18 talk about, um, fixing the RFP or talking to these  
19 companies about what actually needed to be done and if  
20 they could pursue it, 'cause it seems like there's  
21 still a lot of questions to be -- to be made, right,  
22 or to be answered, regards to the RFP, is -- do those  
23 conversations occur, or are those questions raised,  
24 um, like, does the board say hey, we can't pick  
25 because, um, no one's addressing these matters in the



1 RFP or the RFP needs to be rewarded like, were their  
2 concerns that were mentioned with the board regarding  
3 this or?

4 Danusis: I think they -- I -- I don't know if there were  
5 specific conversations that -- around going back to  
6 the RFP, I think it was, how do we -- how do we take  
7 what we've gotten and meet the requirements of the  
8 RFP, versus go back to the RFP and reward the RFP to  
9 be more specific.

10 [REDACTED] Okay.

11 Danusis: My understanding was that if that happened that it  
12 would need to go back out to bid to everyone and would  
13 like, you have -- my understanding, stay true to the  
14 RFP that was posted or else if you put on a new RFP  
15 everyone needs to be able to apply for it again.

16 [REDACTED] Okay. Was there any conversation, since both  
17 companies ranked pretty high, about the same, within  
18 points of each other, but there was a big discrepancy  
19 with cost, was there any discussion of going with more  
20 value, um, in going with the company with the lower  
21 price tag?

22 Danusis: It's different because if the values associated to the  
23 hours worked, the -- the cost was based on the number  
24 of hours. So, if ILO is doing 10 times -- or put in  
25 their proposal 10 times more hours, then their cost is



1 going to be higher, so it would -- that -- that  
2 conversation -- it wasn't like we could say they've  
3 given us the exact same proposal, let's go with the  
4 cheaper option, they gave us very different proposals,  
5 and the reason why the expensive option was so  
6 expensive in part, was because the number of hours was  
7 drastically different, and from a committee  
8 standpoint, we weren't sure which of those hours was  
9 more realistic to get the intended scope of work  
10 executed.

11 [REDACTED] Okay. Um, did you guys, as a committee, try to figure  
12 out, at any point, like how many hours would be needed  
13 for the scope.

14 Danusis: I don't know if we did it as a committee or we are --  
15 we -- it was something that like, I -- we ballparked  
16 out as individuals like -- I think we tried to talk  
17 about what it potentially could be, but again, the RFP  
18 was so vague that, like, we're -- we're making  
19 guesses.

20 [REDACTED] Okay. Okay. And do you know if those guesses  
21 happened, like, did you guys try to come up with  
22 numbers? Are -- are -- are you guys having these  
23 meetings in person, are they all on Zoom when the  
24 committees --

25 Danusis: Everything was done on Zoom.



1 [REDACTED] Ev- -- everything was in a Zoom. Okay.

2 Brock: Was everyone always present for the meetings?

3 Danusis: Um-hmm.

4 Brock: Uh --

5 Danusis: From what I recall.

6 Brock: -- the three committees -- the three committee people  
7 and Dan?

8 Danusis: From what I recall, there may have been one that Mayor  
9 Lombardi was not present for. I -- I honestly -- I  
10 don't remember.

11 Brock: Sounds like, um, by the time you're reviewing the RFP,  
12 did you feel like the RFP was relevant still? And we  
13 know everything -- past 2 years, everything just  
14 changed by the hour, so now you're -- you're looking  
15 at this RFP, reviewing the RFP that was drafted a  
16 month or two ago, is it still applicable?

17 Danusis: As I said, I think there were pieces that were in it  
18 that wouldn't have been applicable even a month before  
19 that, but -- and then there were pieces of it that  
20 were very vague.

21 Brock: And why -- you came from RIDE, you came from EDOC,  
22 these, uh -- these people were, in theory, going to  
23 take over your -- that EDOC role, um, why -- why  
24 couldn't RIDE handle the EDOC on their own, why -- why  
25 bring in these, uh, people to do that?





1 Danusis: Well, one is the EDOC was primarily made of National  
2 Guard folks who were ending their term.

3 Brock: Um-hmm.

4 Danusis: So, the only full-time RIDE folks that were there at  
5 the end, were myself. And so, it was meant to be a  
6 temporary solution. There's no current structure  
7 within RIDE to absorb all of that work.

8 [REDACTED] So, it comes down to, there's a draw between the two  
9 companies, um, the three panels can't decide which one  
10 to select, right, because of the scope and discrepancy  
11 hours, not sure where to go. Um, Dan -- do you guys  
12 tell Dan your concerns, how -- how is he aware of  
13 there's no determination to go?

14 Danusis: He was present for all of those --

15 [REDACTED] He was present --

16 Danusis: -- conversations --

17 [REDACTED] -- for all the conversations?

18 Danusis: -- and operations. Yes.

19 [REDACTED] Okay, um, so at some point, how many meetings do you  
20 have at -- up at this point?

21 Danusis: I don't know, four or five.

22 [REDACTED] Four or five, um, at some point he says, um, since we  
23 can't determine, we're -- we're just gonna keep 'em  
24 both?

25 Danusis: Yes.



1 [REDACTED] Um, what else does he say?

2 Danusis: Uh, he -- he said he was going to draft up what he  
3 took to be the essence of our final conversation and  
4 recommendation and would send it back out to us to  
5 read and sign off on, and he did, and that was the end  
6 of my involvement.

7 [REDACTED] Okay, and was that like, a report, a summary of --

8 Danusis: Yeah, it --

9 [REDACTED] -- all the discussions?

10 Danusis: It seemed like a form that was a requirement of like,  
11 the recommendation of the RFP Review Committee.

12 [REDACTED] Okay. You reviewed it?

13 Danusis: Um-hmm.

14 [REDACTED] Signed off on it?

15 Danusis: Correct.

16 [REDACTED] Um, what was worded in that document, was it fair and  
17 accurate?

18 Danusis: Um-hmm.

19 [REDACTED] Any concerns regarding that process at all, what was  
20 written?

21 Danusis: No, I think it was an accurate summary of -- of where  
22 we landed.

23 [REDACTED] Okay. Um, okay. So, next steps -- steps from there,  
24 you're not involved in the process after that?

25 Danusis: Correct.



1 [REDACTED] Um, you have no -- so when Dan comes back, does he --  
2 like, does -- is the board used to separate the scope  
3 for those two companies?

4 Danusis: No.

5 [REDACTED] Um, when does this end, do you think, like, what was  
6 your last involvement with the RFP, with your meeting  
7 with -- with Dan?

8 Danusis: Um, I mean, do you -- time -- timewise?

9 [REDACTED] Yeah, do you -- do you know, um --

10 Danusis: May-ish maybe.

11 [REDACTED] May-ish. How did you feel the -- that process went  
12 from start to finish?

13 Danusis: Um, again, I think there were issues with the original  
14 RFP and what was in it, um, and the wording of it,  
15 again, being vague, and including things that we had  
16 already done. Um, so I think it -- it made the entire  
17 process very challenging because, to no fault,  
18 perhaps, even of the vendors applying, what we heard  
19 from them is we did the best putting together a  
20 proposal on something that we felt was vague.

21 [REDACTED] Um-hmm. Were those conversations often had when you  
22 guys would meet on the four to five times.

23 Danusis: From the vendor or from our team?

24 [REDACTED] No, just -- just with the review board.

25 Danusis: I think they were part of it, but not like a major



1 part. I think we were trying to do the task that we  
2 were asked to do, which was review them all against  
3 the RFP that was created.

4 [REDACTED] Okay. At the end of the day, um, do you know -- with  
5 the RFP, do you know how much money was allowed within  
6 the RFP to -- to give out? Does that make sense, like,  
7 with -- with the RFP's coming in, like, are you aware  
8 what the budget is, um, what governor's office has to  
9 be able to contribute to the RFP?

10 Danusis: Um --

11 [REDACTED] Was that ever --

12 Danusis: -- I honestly -- I don't remember.

13 [REDACTED] You don't know. Okay. Um, when did you first hear of  
14 the company WestEd?

15 Danusis: Um, prior to -- uh, I don't know if I -- if I -- I  
16 don't know when the first time I was. I know that  
17 they've done work with the agency previously --

18 [REDACTED] Okay.

19 Danusis: -- before or not, um -- yeah, I knew that they had  
20 done work with the agency previously, but I -- I don't  
21 know, like --

22 [REDACTED] When.

23 Danusis: -- when exactly I heard of them.

24 [REDACTED] Did you ever hear good bad reputation either or about  
25 them?



1 Danusis: Positive.

2 [REDACTED] Positive, positive feedback that was said. Um, did  
3 that come into play at all during the deliberations or  
4 conversations between the two companies?

5 Danusis: Not between the two companies, but we were asked to  
6 follow up on the references listed within the  
7 applications, and so I happened to be the one that  
8 followed up on the WestEd, uh, recommendations and it  
9 did come up then, and I shared what -- what those  
10 individuals told me about WestEd to the whole  
11 committee.

12 [REDACTED] That it was positive feedback.

13 Danusis: Yes.

14 [REDACTED] Okay. With the committee, did they -- did that play  
15 an influence between maybe -- maybe making a  
16 termination between the two companies, considering  
17 that one of the companies has worked with Rhode Island  
18 before and that it was positive feedback, did that --

19 Danusis: It was part of -- it was part of what we included in  
20 the overall scoring, yes.

21 [REDACTED] Okay. Um, when was the first time you've heard of The  
22 Island Group LLC?

23 Danusis: When I received the RFP --

24 [REDACTED] Okay.

25 Danusis: -- or their proposal.



1 [REDACTED] Okay, um, and so that would've been after the RFP came  
2 out, is that correct?

3 Danusis: Yes.

4 [REDACTED] Um, are you familiar with Julia Rafal-Baer?

5 Danusis: Only via the interactions I had with her through the  
6 RFP process.

7 [REDACTED] Okay, um, that's the first time you've ever met her or  
8 heard of her name?

9 Danusis: To my understanding, yes.

10 [REDACTED] To your understanding, okay. How about Michael McGee?

11 Danusis: Um, we had met with him previously around -- becau- --  
12 with -- around testing, um, and looking at potentially  
13 doing pool testing in Rhode Island. Um, I think we  
14 had one meeting with him, maybe, where he explained  
15 what had been going on in Massachusetts.

16 [REDACTED] Okay, and what would the time frame of that then,  
17 would this have been during the process?

18 Danusis: Prior.

19 [REDACTED] Prior to the process?

20 Danusis: Um-hmm.

21 [REDACTED] Okay. Um --

22 Brock: But still during COVID right, you --

23 Danusis: Yes.

24 Brock: -- said it had to do with testing.

25 [REDACTED] Was there any consideration, um -- so, do you know if



1           there were any references in regards to ILO group? Did  
2           anyone do any background references in regards to  
3           them? Um, I know like, you were in charge of doing the  
4           WestEd references, background, um, was there a point  
5           person on the ILO group?

6   Danusis: Uh, yes, I don't recall who it was, but whomever --  
7           whomever folks listed as references, we did -- I  
8           believe we were each assigned to do reference checks  
9           on -- on them. They had to list references as part of  
10          their RFP.

11   ██████████ Okay, um, and do you -- do you remember what the  
12          response was on that?

13   Danusis: It wasn't -- I -- it was not specifically around ILO,  
14          I think it was around individuals and the work that  
15          they had done in ILO.

16   ██████████ Okay, was there any talk of ILO being a new business  
17          that had just been incorporated?

18   Danusis: Yes.

19   ██████████ And how did that conversation go?

20   Danusis: Uh, we brought up that they were -- that they had  
21          formed as an LLC either shortly before or after the  
22          RFP had been posted, we brought it up during our one-  
23          on-one meeting with them, that they were a newly  
24          formed organization and asked them to talk to how they  
25          would work as a group, um, to support the efforts.



1 [REDACTED] Um-hmm.

2 Danusis: And brought up the concern about them not having a  
3 website.

4 [REDACTED] Um-hmm. Because, I mean, we're talking about, we have  
5 it narrowed down to two companies, similar scores,  
6 ones WestEd who you've done the background, they've  
7 worked with the State of Rhode Island before, positive  
8 reviews, um, they've been around, right, they have  
9 history. Um, the other group is ILO Group, just  
10 incorporated, um, I mean, I know they have the similar  
11 ratings, but also their -- their number of hours is --  
12 is really high. I know we don't have direction with  
13 RFP but is there anymore discussion about -- I mean, I  
14 -- WestEd, they've -- they've done work with the State  
15 of Rhode Island, um, it's been positive work. Going  
16 against someone who -- I mean, they've just been  
17 incorporated during this process when the RFP rolled  
18 out. Did you have a personal --

19 Danusis: Is that a question?

20 [REDACTED] -- opinion? Did you have a personal opinion about  
21 that, like, did you have any internal thoughts that  
22 you expressed or you didn't express while you were  
23 part of the review board?

24 Danusis: I mean, I directly asked why -- like how they -- how  
25 they plan to function as a -- or something along these





1 lines of, of a team, if they were newly created. Um,  
2 to which the response was that they had been working  
3 together as individuals for years on various projects,  
4 and that their individual track records and -- and  
5 what they had done as projects were, when pulled  
6 together, like, met the requirements of what the RFP  
7 was asking for.

8 [REDACTED] Okay. So, when the members of the review board, I  
9 know you guys can't come to a conclusion as a review  
10 board, but did each panelist or board member there,  
11 did they have a personal opinion as far as if they had  
12 a vote WestEd or ILO, did you guys do this, like,  
13 where are you, are you WestEd or ILO, was that --

14 Danusis: Yeah.

15 [REDACTED] -- a conversation that was had in the group of the  
16 panelists?

17 Danusis: Yeah, I don't know if we were -- I mean, we -- we were  
18 asked to -- to come up with what we thought our final  
19 scores were --

20 [REDACTED] Um-hmm.

21 Danusis: Um, each of us.

22 [REDACTED] Yeah, I know we have the scores, but then we narrowed  
23 it down to three --

24 Danusis: Um-hmm.

25 [REDACTED] -- and then we narrowed it down to two.



1 Danusis: Um-hmm.

2 [REDACTED] So now we're down to two, um, at any point is there  
3 like, okay, um, who are you picking, who are you  
4 picking --

5 Danusis: Yeah, I believe we were -- we were asked if we could -  
6 - if -- if we had a -- a definitive pick.

7 [REDACTED] Um-hmm. Did anyone have it, like, personally. I'm  
8 not saying as -- as a board --

9 Danusis: Yeah.

10 [REDACTED] -- but I'm saying as we have three, you know,  
11 panelists --

12 Danusis: Yeah.

13 [REDACTED] -- or board members. Do --

14 Danusis: I don't remember. Hon- -- hon- -- honestly, I don't  
15 remember if -- if folks said I would prefer this one,  
16 I would prefer this one. I remember the conversation  
17 focusing around how it was very hard, given all the  
18 information we had --

19 [REDACTED] Um-hmm.

20 Danusis: -- to narrow down to one, when what we were comparing  
21 were two very different things --

22 [REDACTED] Sure.

23 Danusis: -- and scope of work and price.

24 [REDACTED] Sure. But at the end of the day too, the RFP, like  
25 you said, if we change the RFP, we have to put it back



1 out there, all the companies have to resubmit it, so  
2 it seems like we didn't really -- you know, that  
3 wasn't -- didn't seem to be that much of consideration  
4 to readdress the RFP itself in the scope. So, still,  
5 like -- like what was your -- can I ask you what your  
6 personal opinion was between the two companies, which  
7 one you would have selected, given that, I know  
8 there's differences, I -- I know, like, there's issues  
9 with the RFP, but what was your personal opinion  
10 between those two companies that are narrowed down,  
11 which one would you have picked?

12 Danusis: It's a tough question to ask and -- to answer, because  
13 again, I was not 100 percent clear on the number of  
14 work -- the hours of work and the scope of work that  
15 folks were going to be determined for. So, do I think  
16 that -- given what I got from answers and on paper,  
17 that both of those two companies were able to meet  
18 those requirements, yes. Um, I probably would have --  
19 would have gone with WestEd, I think they -- I scored  
20 them a little bit higher than I did the other two --  
21 [REDACTED] Yeah.

22 Danusis: -- um, and really -- yeah, I mean, I -- I think it  
23 came down to, from my own personal opinion, going with  
24 people whose work we had been comfortable with --  
25 [REDACTED] Sure.



1 Danusis: -- previously.

2 [REDACTED] Sure. Um, so, the number of hours, I know that's a  
3 big issue, um, 'cause there's a big discrepancy,  
4 right, as far as the number of hours that two  
5 companies were proposing. Do you remember being  
6 tasked, um, with the job to figure out how many hours  
7 would be required to fill the RFP?

8 Danusis: I remember us having conversations around what the  
9 intent would be for that. So, for instance, if one --  
10 if the RFP was looking at providing on the ground  
11 support to schools in a manner which was similar to  
12 what we did at the EDOC, that's very different than  
13 someone who's going to provide consulting services to  
14 the state agencies or our, uh, kind of level up of --  
15 of really just providing consulting and technical  
16 assistance, which is what the WestEd proposal was much  
17 more, uh, akin to, versus the ILO one that had much  
18 more of an on the ground kind of support feel.

19 [REDACTED] Okay. But do you remember anyone reaching out to you  
20 and saying, uh, Kristen, can you work with the  
21 governor's office to determine how many hours that  
22 we're seeking to fulfill this RFB?

23 Danusis: I don't know if -- we tried -- I mean, I tried to do  
24 that with my own EDOC staff to try to get an  
25 understanding of even like projecting forward, I don't



1 remember if I was asked to do that, or I just remember  
2 going through that exercise.

3 [REDACTED] Do you remember how many hours you came up with?

4 Danusis: I don't.

5 [REDACTED] You don't. Okay. Would you have anything, um, in  
6 your possession that could refresh your memory at a  
7 later time, if you were look into that?

8 Danusis: Uh, possibly.

9 [REDACTED] Okay.

10 Brock: As far as the hours, did you have e-mail conversations  
11 with, uh, people about that or -- or with the people  
12 at EDOC or is this, uh, just --

13 Danusis: I don't know if we had e-mail or -- I mean we were all  
14 in the same space --

15 Brock: Yeah.

16 Danusis: -- so. I mean understand too, we were trying to like,  
17 put together a transition plan for the work at the  
18 same time --

19 Brock: Um-hmm.

20 Danusis: -- so, we were trying to figure out what came next and  
21 --

22 Brock: Yeah. I mean, if they -- did the conversation ever  
23 come up where there's 20 of us here at EDOC -- how  
24 many people are at EDOC, 10, 15?

25 Danusis: Uh, the high, probably close to 24. At that time



1           you're talking probably about five.

2 Brock:     All right, so, if they're supposed -- if this contract  
3           is supposed to replace you, is it fairly simple to do,  
4           all right, there's 10 -- we're understaffed at five,  
5           we should have 10 -- 10 people working 50-60 hours a  
6           week for the next 6 months.

7 Danusis:   Yeah, and that's what we tried to ballpark.

8 Brock:     And did either of the bids come in close to that or?

9 Danusis:   Um, I -- I don't know if either of them came in close  
10           to that, but I think the other piece is too, there  
11           were elements that were in the RFP that we weren't  
12           currently doing, so it wasn't gonna be an even, like,  
13           match up, 'cause there was -- there was, for instance,  
14           the Municipal Learning Centers was nothing that we had  
15           done before, so without knowing how much time or  
16           effort was gonna be, you know, for something like  
17           that, that -- it wasn't going to be an even matchup.

18 Brock:    Okay. Um, but at least for one component or a couple  
19           of parts of it, you could have a good estimate and  
20           then, I guess Municipal Learning Centers would be  
21           anyone's guess.

22 Danusis:   Yeah.

23 Brock:    Okay. Were the -- were the proposals, was there any  
24           focus on the Municipal Learning Centers, was that kind  
25           of a secondary type issue?



1 Danusis: What do you mean was there any focus?

2 Brock: Well, it seemed like the hours that were offered up,  
3 and -- and the vagueness of the RFP, uh, allowed this  
4 Municipal Learning Center part to be very vague. Was  
5 there any effort to try to hammer down on the  
6 Municipal Learning Centers, this is what we want, this  
7 is what it's gonna take, uh, or was it all about  
8 testing in schools? What was the split of the  
9 conversations?

10 Danusis: I wouldn't say there was a split about any, like --  
11 there was not a conversation specifically about what  
12 it would take to get the Municipal Learning Centers up  
13 and running. Um, we did mention that testing in  
14 schools was likely not going to be a huge requirement  
15 since the infrastructure was there to do it.

16 Brock: Yeah.

17 Danusis: Um, yeah.

18 Brock: So was there -- when you're trying to put these  
19 companies on the same page, uh, as far as offering up  
20 their -- their hours, you knew the EDOC side of it,  
21 which handled the testing of the schools and all that,  
22 you have a good number of hours for that, so the other  
23 portion is municipal learning, um, did you talk to the  
24 companies, hey, we think it's gonna be -- it's gonna  
25 require 10,000 hours, so base your proposal off of



1           that.

2   Danusis:  No.

3   Brock:    And did the companies talk about Municipal Learning  
4            Centers, 'cause that ends -- ended up being the -- the  
5            biggest part of this whole contract, correct?

6   Danusis:  I don't know how -- what -- I don't know the breakdown  
7            of it, um --

8   Brock:    Well, when you're looking at the cost proposals, and  
9            you have the testing side and school side, and then  
10           the other part is the Municipal Learning Center, but  
11           you did -- you did review --

12   Danusis:  Um-hmm.

13   Brock:    -- cost --

14   Danusis:  Um-hmm.

15   Brock:    -- was there -- were the cost estimates for the Muni-  
16            -- Municipal Learning Centers way off from each other  
17            or was there --

18   Danusis:  I don't know remember.  I -- I don't know if it was  
19            pooled as, like, this is what it costs for schools,  
20            this is what it costs for Municipal Learning Centers.  
21            I don't know if they were pooled out.

22   Brock:    Okay.  Uh, so, were you on the LEAP task force?

23   Danusis:  I was not.

24   Brock:    You're familiar with that?

25   Danusis:  Um-hmm.





1 Brock: Were -- was the LEAP task force doing anything  
2 different than, um -- uh, EDOC or this, uh, proposal,  
3 uh, the RFP, was supposed to fill?

4 Danusis: Yes.

5 Brock: Completely separate things or was there a lot of  
6 crossover?

7 Danusis: I don't think there was much crossover.

8 Brock: Okay.

9 Danusis: Yeah, I think my understanding is that the task force  
10 was looking at data and information around like a  
11 broader plan for supporting, um, schools coming out of  
12 the pandemic, but not necessarily the like, actual  
13 planning or implementation of anything like that.

14 Brock: Would people on the LEAP task force have a, uh, head  
15 start on the RFP? Do you think it would it be  
16 appropriate for someone on the LEAP task force to --  
17 to bid on this RFP? Do you know if the RFP came out  
18 of the LEAP task force at all?

19 Danusis: I don't know that.

20 [REDACTED] Do you think as a board a panelist of the three of you  
21 guys, that if you had more time to facilitate more  
22 questions between the two finalists or whatnot, do you  
23 think you guys could have come up with a company?

24 Danusis: Not without a clear scope of work, no.

25 [REDACTED] Okay, but if you were allowed to put up a clear scope



1 of work, do you think like -- did you guys want to  
2 pursue additional steps, or did -- or were you cut off  
3 by Dan to say, no, no, we're just gonna keep the two,  
4 I guess that's what I'm asking, um, you as a panelist  
5 or board of three, um, I know you guys had some  
6 further questions because not everything was addressed  
7 and as far as the scope of the RFP's and the answers  
8 but, do you feel that you guys could have done more  
9 work as a board, um, or panelist, having more question  
10 answers or clarification in order to come up with one  
11 finalist company, or do you feel that you were kinda  
12 cut short to say, hey, hey, we're gonna stop from here  
13 and we're going to take the two. Does that make sense?

14 Danusis: Yeah, I don't think we were cut short. I think it was  
15 a -- a decision made, not at our level, that we  
16 weren't going out to RFP again. And so, I felt like,  
17 I think as a group, we -- we came to the consensus  
18 that we were only going to be able to narrow down to  
19 two and move forward at -- at -- we were told that  
20 there would be an MPA that, um -- that basically would  
21 chunk out the pieces of work, and that those two would  
22 be able to bid on it.

23 [REDACTED] Okay. And you guys were not part of that MPA at all?  
24 Do you -- do you have, um -- were you told, as far as  
25 how that MPA would be facilitated and how that scope



1 would be aligned --

2 Danusis: No.

3 [REDACTED] -- or the cost proposals, you weren't involved in that  
4 at all?

5 Danusis: No.

6 [REDACTED] And, um, you guys were never provided with a dollar  
7 figure as far as how much was going to be provided  
8 from the governor's office to address the RFP.

9 Danusis: No, not that I believe.

10 [REDACTED] Okay.

11 Brock: So there was no -- before you get to the point where I  
12 would say, all right, just -- let's just go ahead -- I  
13 imagine this whole process was frustrating, 'cause it  
14 was so vague and so -- so, before it gets to, all  
15 right, we'll convert this to an MPA and be done with  
16 it, was there -- was there ever a final vote, hey,  
17 let's -- why don't we -- let's just take a vote and --  
18 and see what we think and -- and -- there's three of  
19 you so it's gonna go one way or another. Wa- -- was  
20 that vote ever taken?

21 Danusis: I don't think we ever took a final vote, the -- and  
22 again, with -- because -- not -- well, I mean, I don't  
23 wanna speak for others. Myself personally, it  
24 would've been extremely hard for me to cast a vote for  
25 one company when I wasn't clear about what it was that



1 we were asking those two companies to do and their  
2 proposals were so different.

3 Brock: All right, their proposals are different but --

4 Danusis: I wasn't comfortable saying this one over this one --

5 Brock: Yeah.

6 Danusis: -- when again, if -- if the scope of work is this big,  
7 and there's one company that -- that is -- whose RFP  
8 says that that's what they're going to do, then that  
9 would've influenced my vote that way. If the scope of  
10 work is actually here and there's a company that says  
11 this is what we're proposing, then I vote would have  
12 gone that way, but without knowing if we're here or  
13 here, I was not comfortable making a vote.

14 Brock: So, you weren't -- you weren't comfortable with the  
15 RFP because you weren't really sure what it was asking  
16 for, so how could the companies really be sure what it  
17 was asking for, is that essentially what you're  
18 saying, with the -- as far as the scope goes, so --

19 Danusis: Yeah.

20 Brock: -- if you knew that the scope was huge, like ILO did,  
21 then you'd be comfortable going with ILO. If you knew  
22 for sure the scope was narrower, the WestEd, you  
23 would've been comfortable with that, but since you  
24 didn't really know if it was big or small, you weren't  
25 -- you weren't comfortable with either one --



1 Danusis: Yes.

2 Brock: -- is that what you're saying? Uh, did other people -  
3 - did anyone else on the committee say, no, let's do  
4 this one. Or let's do this one?

5 Danusis: Um, I don't remember if anyone had a clear, one or the  
6 other that that they were going for. I think, again,  
7 what I recall is us having lots of conversations about  
8 how hard it was to pick one over the other, given the  
9 difference in their proposals.

10 Brock: And these conversations were all three of you -- or  
11 all four of you involved and actively involved, or was  
12 it, uh, just one or two people dominating the  
13 conversation?

14 Danusis: I think we all gave our input.

15 Brock: Yeah. Did it seem like everyone was engaged, uh, in  
16 the process and -- and, you know, wanted to be part of  
17 it, and -- and felt it was something that they needed  
18 to do or wanted to do or was anyone just there kinda  
19 passing the time?

20 Danusis: Um, I don't think anyone was there just passing the  
21 time because it was a lot of time.

22 Brock: Yeah.

23 Danusis: Um --

24 Brock: And I know this is --

25 Danusis: I mean --



1 Brock: Well, I know this is an awkward question and -- and  
2 this is really where it gets to the crux where, you  
3 know, it -- where maybe you don't wanna say anything  
4 or maybe you have nothing to say, what -- whatever  
5 but, um, like, did you feel that the other people on?  
6 The review board had a decision in mind and they  
7 wanted -- and could sense where other people were  
8 going and were trying to push you away from them? Was  
9 there any pressure on you or anyone else to go one way  
10 or another, is what it comes down to.

11 Danusis: Yeah, I don't -- I don't think -- I mean, the -- I  
12 don't think there was -- I wouldn't say pressure, um,  
13 but I think probably there was more conversation  
14 between Tom McCarthy and I, about our concerns than  
15 Mayor Lombardi -- Lombardo, I don't know his --

16 [REDACTED] And what were your guys concerns?

17 Danusis: That we weren't able to come to a clear individual.

18 [REDACTED] And how did Lombardi feel?

19 Danusis: He would have been fine with ILO being the choice.

20 [REDACTED] And why is that?

21 Danusis: He believed they were a stronger -- they had the best  
22 proposal.

23 [REDACTED] Did he have anything else that would back that up?

24 Danusis: Um, I think he -- I mean, his scores reflected that,  
25 um, and he was -- felt strongly about the Municipal



1 Learning Centers and that they had the strongest  
2 proposal to meet that need.

3 [REDACTED] Okay. Did you guys challenge any -- like, did you  
4 guys -- I know you said you and Tom McCarthy had other  
5 concerns though, did -- what did he feel about the  
6 concerns you guys addressed with him in regards to it  
7 still didn't meet all the areas of the RFP 'cause it's  
8 so vague.

9 Danusis: I'm sorry, I don't know what you're asking.

10 [REDACTED] So regardless, he -- he felt strongly with ILO because  
11 of the Municipal Learning Centers.

12 Danusis: They were his top choice and that was the reason he  
13 gave.

14 [REDACTED] Okay. Did you feel that he -- his mind was set on  
15 that?

16 Danusis: Uh, I felt like -- uh, yes.

17 [REDACTED] Okay. What did you think Tom McCarthy was set on?

18 Danusis: I don't think he was set one way or the other. I think  
19 he had the same concerns I did.

20 [REDACTED] Regarding the RFP language.

21 Danusis: Um-hmm.

22 [REDACTED] Okay.

23 Brock: Uh, what about Majcher during this -- as we -- we get  
24 into the -- into this decision time, um, did Majcher  
25 have anything to say about which was to go?



1 Danusis: No, he I think actually tried to, I think -- he would  
2 remain neutral throughout it and just tried to  
3 continue to remind us of what the process was and what  
4 our options were.

5 [REDACTED] And he was just kinda like a facilitator?

6 Danusis: Correct.

7 [REDACTED] Okay. Was he present for all the Zoom meetings and  
8 calls? And he would just kinda bring you back to,  
9 kinda the goal of RFP and he didn't deliberate regards  
10 to the companies, did he provide input regarding other  
11 companies or no?

12 Danusis: No, he just --

13 [REDACTED] Was just a facilitator?

14 Danusis: -- summar- -- yeah and summarized what he heard the  
15 group saying.

16 [REDACTED] Okay.

17 Brock: Uh, you mentioned that you generally felt a little  
18 more comfortable with WestEd. I know you said you  
19 didn't really come to a final decision, but you felt a  
20 little more comfortable with WestEd, is that, um,  
21 appropriate summary --

22 Danusis: Um-hmm.

23 Brock: Uh, what was your take on Tom's, uh, thought process?

24 Danusis: I really don't know, I think it -- it wavered during  
25 the process.





1 Brock: Um-hmm. Uh, did you feel pressured in one way or  
2 another to -- to just say, all right, let's just do  
3 ILO and go, or let's just -- you know, to jump on  
4 board with, uh, Lombardi?

5 Danusis: No, I mean, I think, Dan -- like I said, I -- I really  
6 think he did a good job of trying to like, stay true  
7 to the process --

8 Brock: Um-hmm.

9 Danusis: -- which allowed me to feel okay with also saying  
10 through the process.

11 Brock: Yeah. But what's he -- I mean, you're a -- you're a  
12 education expert, Tom's a health expert, Mayor  
13 Lombardi is a politician, did you -- if he's pushing  
14 ILO, did you feel like, um -- was he frustrated with  
15 you guys because you're not going along with him or --  
16 and are you two frustrated that, this guy's pushing  
17 ILO he doesn't know what he's talking about?

18 Danusis: Um, I mean, I think we -- Tom and I both tried to push  
19 on him to think about all of the components within the  
20 RFP. Um, I think we were frustrated that we were  
21 asked to do something that seemed like a impossible  
22 task. I don't know if Lombardi was the source of  
23 frustration, but I -- I think both of us felt  
24 comfortable continuing to voice our opinions.

25 Brock: And were these heated arguments or just, you know, the



1 normal conference room, hey, what do you think about  
2 this, what do you think about that, or were they a  
3 little bit more animated.

4 Danusis: I think -- I mean, we -- I think we were -- there were  
5 times where maybe people felt strongly about one thing  
6 or the other, um, but I don't recall them being  
7 anything that was like disrespectful or -- or, I mean,  
8 I've certainly been any more heated.

9 [REDACTED] Yeah. Now, if there was someone else on the board  
10 that -- say it wasn't Lombardi and it was someone else  
11 on the board, um, who didn't feel so strongly about  
12 ILO or whatnot, do you think it would have resolved  
13 differently?

14 Danusis: I don't. Know. It's hard to predict.

15 [REDACTED] Okay, but you don't feel Lom- -- Lombardi was the  
16 reason, with him being so strong about ILO, that  
17 that's the reason why Dan decided we're gonna make an  
18 MPA.

19 Danusis: No, I don't think that was the reason.

20 [REDACTED] There were other concerns in addition to Lombardi just  
21 being strong about ILO.

22 Danusis: Right, as I -- yeah.

23 [REDACTED] Were you ever approached by anyone regarding who the  
24 RFP or MPA should be awarded to? Dan would ever  
25 approach you beforehand -- No? Um, are you aware of



1            anyone else being approached to tell who to award the  
2            RFP to?

3    Danusis:    No.

4    [REDACTED]    Uh, do you feel that the RFP in the MPA process was  
5            awarded fairly in your participation with the process?

6    Danusis:    For what I was involved in, yes.

7    [REDACTED]    Okay. At one point, do you meet with, um, Christine  
8            Lopes Metcalf in regards to the RFP process?

9    Danusis:    Uh, I remember calling her when I first read it and  
10            expressing my concerns with it.

11    [REDACTED]    And, uh, did that conversation go, you express your  
12            concerns to her, what -- what did she say?

13    Danusis:    She essentially said that it was written already and  
14            that if there was more clarification that was needed  
15            that we could do that after the proposals came in.

16    [REDACTED]    Okay, um, was that clarification ever done after the  
17            proposals came in?

18    Danusis:    Not to my know- -- not that involved me.

19    [REDACTED]    Okay. Did you have any additional conversations with  
20            her in regards to the RFP, the process --

21    Danusis:    I don't --

22    [REDACTED]    -- the hours?

23    Danusis:    I don't recall.

24    [REDACTED]    Um, did you have any conversation with her in regards  
25            to the number of hours that would be required to fill



1 the RFP, that you're aware of?

2 Danusis: I don't -- not that I recall.

3 [REDACTED] Not that you recall.

4 Danusis: I don't know one way or the other I should say.

5 [REDACTED] Okay. I know you mentioned meeting with -- with  
6 Michael McGee, earlier on regarding the testing.

7 Danusis: Um-hmm.

8 [REDACTED] Um, would that have been something like with Kurt --  
9 is that Kurt Hinck, he's the head of testing?

10 Danusis: Correct.

11 [REDACTED] Would that have been in that process?

12 Danusis: Yes.

13 [REDACTED] Um, I know there was an e-mail that went out that you  
14 were included on and I think it was from Kurt, um,  
15 Mike McGee was on there, but also Julia Rafal-Baer was  
16 on there. Do you remember her being on the e-mail  
17 chain in regards to the testing that you were on, Mike  
18 was on there, Kurt was on there, Julia Rafal-Baer was  
19 on there.

20 Danusis: I don't remember specifically.

21 [REDACTED] You don't remember? Okay. Um, would that be  
22 surprising to you that she would be on an e-mail,  
23 regarding the testing? I'm -- you know, give you the  
24 time frame, this was in March.

25 Danusis: Um, I mean, yeah, I guess I don't know what her



1 involvement on there would be.

2 [REDACTED] Yeah. What were those emails, um, regarding? I guess  
3 I know you did bring that up that Mike was on -- you  
4 know, you had met Mike during that process with the --  
5 with the testing. What was that? Were you guys meeting  
6 in person, were those just e-mail chains, what -- what  
7 was that regarding, I guess? I -- I -- I don't know.

8 Danusis: So, we were asked by Kurt to explore moving forward  
9 with pool testing. We had gone with the Binax Now  
10 test, as a state, after doing a pilot, um, in like  
11 December, January. And so, Kurt asked us to explore  
12 whether or not we should transition from that to pool  
13 testing as an option. Um, and so our meetings with --  
14 our meetings -- we had several meetings around pool  
15 testing, I don't know how many involved Mike, but  
16 we're really around finding out what they have been  
17 doing in Mass regarding to pool testing and whether or  
18 not it was a, um -- a, uh, different approach that we  
19 would recommend for Rhode Island given --

20 [REDACTED] Okay.

21 Danusis: -- work we had done.

22 [REDACTED] Okay. Um, and you don't remember Julia being involved  
23 in that at all.

24 Danusis: I don't.

25 [REDACTED] Okay.



1 Danusis: We met for -- we met with one -- someone else a number  
2 of times, um, but it was not her, it was another male,  
3 around like, the logistics of it.

4 [REDACTED] Okay.

5 Brock: Was there a company involved in those -- in those  
6 talks where a company that kept coming up?

7 Danusis: Yes.

8 Brock: What company is that?

9 Danusis: I don't know off hand, but we -- there was one company  
10 in -- in particular -- or a lab, I think it was, that  
11 we were talking specifically with.

12 Brock: That -- that you were speaking with or that -- or that  
13 was part of this conversation or was brought in from -  
14 - from somewhere?

15 Danusis: I think all of the above --

16 Brock: Yeah.

17 Danusis: -- um, that we were trying to -- we were trying to, as  
18 -- essentially, the -- the EDOC was the group that ran  
19 the pilot, made of recommendation for what we did as a  
20 state approached to testing, and then helped schools  
21 implement it. We were at -- and we went with, like I  
22 said, the rapid antigen testing. We were asked to  
23 reevaluate if pool testing was a better option given  
24 just like where we were and in stages of the pandemic  
25 --



1 Brock: Um-hmm.

2 Danusis: -- um, but also like the advances that had come along  
3 with pool testing to make it an easier, um, testing  
4 process. And so that's what we were doing, we were --  
5 was meeting with the individual who -- who was  
6 coordinating those efforts out of Massachusetts, um,  
7 and --

8 Brock: You don't remember that -- that person's -- that's the  
9 male that you don't -- okay. But I -- uh, he was  
10 someone similar in your role in Massachusetts?

11 Danusis: Uh, no, I think he was, like, coordinated the lab.

12 Brock: So -- so private sector, like an employee for the lab?

13 Danusis: That was my understanding, yeah, who basically  
14 coordinated the school testing but out of -- with this  
15 lab.

16 Brock: So, it's almost a sales call --

17 Danusis: Um --

18 Brock: -- rather than a -- like a meeting of -- of --

19 Danusis: I guess to some degree, but really the questions that  
20 we had were about process --

21 Brock: Um-hmm.

22 Danusis: -- and how -- what -- how -- what the feedback was  
23 from the schools that were doing it.

24 Brock: And that -- that other person, did -- how did he get  
25 introduced to the group?



1 Danusis: Through Kurt.

2 Brock: And McGee was there, McGee --

3 Danusis: I remember --

4 Brock: -- is on the calls?

5 Danusis: Not all of them, I think just -- I recall one, one  
6 that he was present for.

7 Brock: Okay. Uh, was the company, uh, Gilco (ph), Glinco  
8 (ph), something like that, by chance?

9 Danusis: Uh, something like that, it wasn't either of those,  
10 but yeah, something along those lines. Um --

11 Brock: Do you remember that -- that name, Lisa? Something  
12 along the lines of --

13 Danusis: Ginco (ph).

14 Brock: Ginco, Glinco, Gingo.

15 Danusis: Yeah, something along the lines of, but yes, that's  
16 what it was.

17 [REDACTED] Was there a time constraint for you guys to to come  
18 up, as far as on the board, to -- to finalize the RFP?

19 Danusis: Um, I don't know, we were told that it that they were  
20 trying to move it along quickly, but I don't know as  
21 if there was like a definitive, it needs to be done by  
22 this date.

23 [REDACTED] Who was the one who said we were trying to do it  
24 quickly?

25 Danusis: Dan.





1 [REDACTED] Dan. Um, did you guys ever -- 'cause I know you and  
2 Tom were kinda on the same page, where it was like, we  
3 can't come up with an answer 'cause the scopes are so  
4 different and the companies are so broad, like,  
5 there's a big discrepancy with ours and costs, right,  
6 um, I mean, at the end of the day we're talking about  
7 a lot of money that was awarded from this RFP. Was  
8 there any question back to Dan saying, I know -- I  
9 know if we do another RFP that you're gonna have to  
10 get more bids and it's going to start the process over  
11 but was there any thought process of let's do it  
12 right, and let's be more specific, and not vague, and  
13 be able to pick a company versus not be able to,  
14 because nothing -- not everything's being addressed.  
15 Was that ever a conversation had like, let's do it  
16 right versus -- it kinda seems like it's a broken  
17 process because, you know, you have this RFP, but it's  
18 too vague, you have it down to two finalists, but you  
19 can't even pick, um, you know, you have three people  
20 on there, one's for -- for ILO, but the other two, you  
21 know, you know you can't pick because -- you can't  
22 even really vote because you're so broad, the hours  
23 are different, it doesn't address everything, I mean,  
24 was there any movement of like, let's -- let's do it  
25 right, and let's -- let's do it all over, I know it's



1 going to take a longer process, but that's my vote.

2 Danusis: I -- I remember us having that conversation, but I --  
3 again, I don't know, like essentially, what I recall  
4 us being told is that this is something we need to  
5 move forward with.

6 Brock: And did that come from, uh, inside the panel?

7 Danusis: It came from Dan I believe.

8 [REDACTED] Who -- who addressed that, was that like, yourself or  
9 Tom, or both of you, or who would've brought that up?

10 Danusis: I don't know which of us it was, but I know that's  
11 what I felt.

12 [REDACTED] Do you know if Dad ever had that conversation with the  
13 governor's office, or was it immediate reaction of no,  
14 we need to -- we need to move with what we have?

15 Danusis: I don't -- I don't remember if he answered it  
16 immediately or the next time we met, to be honest.

17 [REDACTED] Okay. Um, at the end of the day, do you know what  
18 happened with the RFP or the MPA? Do you -- do you  
19 know how it was awarded?

20 Danusis: Um, I don't know specifically, no.

21 [REDACTED] Okay. Um --

22 Danusis: What I was told is that both of those entities had  
23 portions of the work that were parceled out, I don't  
24 know it was decided or they rewrote some -- I don't  
25 know how that was decided, but just that both of those



1 companies would be executing portions of the RFP.

2 [REDACTED] RFP, okay. Um, and you don't -- you weren't told how  
3 that was determined or how much money was awarded by  
4 each, you don't know how that came to be fruition  
5 either.

6 Danusis: I don't.

7 [REDACTED] Okay.

8 Brock: Now, through your review of everything, was it, uh --  
9 was it WestEd that had the better handle on the EDOC  
10 side and ILO that had the better handle on the  
11 Municipal Learning Centers or --

12 Danusis: Uh --

13 Brock: -- is that kind of the general feeling --

14 Danusis: Yeah.

15 Brock: -- or if they were equal on -- on -- if they were  
16 equal on EDOC side, ILO knew what they were talking  
17 about as far as the Municipal Learning Centers, is  
18 that --

19 Danusis: I don't know if it was that -- if that was that cut or  
20 dry, I remember WestEd's proposal being a little bit  
21 more, um, like, vague, and pulling on work that they  
22 had done, and ILO was more specific, I think, to,  
23 like, this is what we will do.

24 Brock: Uh, was it ever -- did you ever look at the proposals  
25 and think, uh, that ILO had a -- a better idea of what



1 was wanted than WestEd?

2 Danusis: Not that -- not necessarily, no. There was -- I -- I  
3 don't know which one it was, one of them had a very  
4 detailed testing plan, um, in theirs, but that was  
5 really like the -- kind of the specific piece that was  
6 different.

7 Brock: So, the RFP was very vague, and both proposals were  
8 very vague -- very vague.

9 Danusis: Yeah, the only time it was specific was with the full  
10 testing piece, which was explicit in the RFP.

11 Brock: Okay. Um, what -- what would your take be -- now,  
12 obviously, we're here for a reason, that this caused a  
13 a storm, you know, a media storm and a political  
14 storm, but also it -- it raised some, uh, good  
15 questions, uh, how -- if we have EDOC already, or if  
16 most of this work is already done, why is this even  
17 going out to bid, um, and you've kind of alluded to  
18 that yourself. Do you have, uh -- do you have a take  
19 on why this even happened, why -- why this RFP even  
20 went out?

21 Danusis: My understanding is that the EDOC was only meant to be  
22 a one year solution to things --

23 Brock: Yeah.

24 Danusis: -- and so, if you have a one year solution and staff  
25 that have to all return back to their other jobs, that



1           you need a -- and then it turns out that you need a  
2           year or two and potentially longer solution that --  
3           that needed to come from somewhere else, and the RFP  
4           was supposed to do that.

5 Brock:     Was there a discussion at RIDE about hiring people to  
6           do this? No hiring, uh, FTEs to do it?

7 Danusis:   No to my knowledge, no.

8 Brock:     Um, so once the -- once the MPA goes and -- once it's  
9           out of your, um, purview, you know, it goes to MPA and  
10           you're done, you go back to EDOC, when -- what company  
11           takes over your role at EDOC?

12 Danusis:   Uh, I don't know if one company took over the role.  
13           The only company I worked with, subsequently, was ILO,  
14           in that capacity. I worked with WestEd, but in a  
15           different capacity.

16 Brock:     So, did someone from ILO reach out to about the role  
17           that EDOC and -- and did you have to get them up to  
18           speed or what -- did they take over the role or do you  
19           guys just shut down and then --

20 Danusis:   We had a few transition meetings that involved, um,  
21           someone from the governor's office, someone from RIDO,  
22           um, someone from the guard, someone from RIDE, myself,  
23           to -- to talk about transitioning the work.

24 Brock:     Did you have those meetings with ILO?

25 Danusis:   I don't remember if they were there or not.



1 Brock: When would those meetings have been?

2 Danusis: Uh, like the close of the school year before summer,  
3 so maybe like, June.

4 Brock: Did you find that odd?

5 Danusis: Uh, I don't remember if that -- they had been awarded  
6 that part of the work yet, so I guess my assumption  
7 was that if -- I -- I can't remember when they were  
8 brought into the conversation, but I -- my  
9 understanding was that whatever prep we were doing was  
10 to be done to be handed over to whomever was picking  
11 up that work. I just don't remember when we realized  
12 part of that would be ILO.

13 Brock: Would it be odd to have to -- you're transitioning  
14 from EDOC to one of the two companies, would you  
15 expect someone from those companies to be at those  
16 transition meetings?

17 Danusis: If they were -- if that decision had already been made  
18 on which company it was picking up the work, yes.

19 [REDACTED] And you don't know which company it was that was  
20 supposed to be picking up the work?

21 Danusis: I don't remember when we found out that who was doing  
22 what parts of it.

23 [REDACTED] Okay.

24 Danusis: I don't remember if it was before or after those  
25 transition meetings, they were -- we only had like two



1 of 'em.

2 Brock: Mind if I go back in time a little bit?

3 [REDACTED] No.

4 Brock: Okay. Um, sorry, I just had a -- while you guys were  
5 talking, I just had a couple of questions if you don't  
6 mind me going back a little bit. Uh, when you did  
7 this first round of scoring for the five companies, do  
8 you remember who scored what? Not specifically,  
9 obviously but, you know, there was only three of you,  
10 so do you remember, Lombardi was high for three of the  
11 five, and low -- super low for two of the five, and  
12 you were -- do you remember how that went?

13 Danusis: All three of us were super low for two of them, two of  
14 the five, they had missed major part -- parts of the  
15 RFP.

16 Brock: So those were --

17 Danusis: So those were easy to eliminate.

18 Brock: Everyone's on board, yeah, they're not -- okay. And  
19 then, when you went from three to two, what -- what  
20 pushed MGT out the door?

21 Danusis: I don't remember the specifics, but I -- but I  
22 remember that when we went back and talked through,  
23 they had the lowest -- they had the lowest score, I --  
24 to -- to remember what specifics, I -- I don't know.

25 Brock: But that -- that third one was low for all three of



1           you.

2   Danusis:   Yes.

3   Brock:     Was a discussion ever had, everything's so vague, how  
4           do even explore these companies?  The RFP is vague,  
5           the proposals are vague, what -- what are you even  
6           scoring?

7   Danusis:   I mean, what we -- where we tried to score was did  
8           each of their proposals meet the requirements outlined  
9           in the RFP.  And so, the -- the scoring mechanism is  
10          directly aligned to what was in the RFP.

11   Brock:     So did they address, Roman -- Roman numeral four,  
12           letter A, sum- --

13   Danusis:   Did they have three letters of recommendation?  Did  
14           they have -- do they have a team that meets the  
15           diversity of the scope of work, you know, those types  
16           of things.

17   Brock:     Um-hmm, so, basically the bigger and like, yeah, he's  
18           18 years old, has a license, and graduated high  
19           school, those type of -- those simple requirements.

20   Danusis:   I think some of them are like that and then other ones  
21           are like did they outline that they could meet the  
22           scope of work required in there, that there was some -  
23           - there was some more substantial on that, that took  
24           some more.

25   Brock:     Uh, of the -- the RFP itself, when you read it and you





1 mentioned that, um, some of the work had been done,  
2 some needed to get done, what -- what was your take on  
3 the break up of work that was already done and work  
4 that needs to get done? It was 50 percent of the RFP,  
5 already done, and 50 percent needs to get done, was it  
6 25-27, was it 80-20?

7 Danusis: Um, maybe 25 percent of it that had been done.

8 Brock: Um-hmm.

9 Danusis: Or portions of it at least.

10 Brock: Uh, did that raise a red flag that we've already done  
11 a quarter of this work?

12 Danusis: I don't know if red flag is the right word but it, um  
13 -- it definitely was noticed.

14 Brock: Yeah, all right. And I already asked this before,  
15 there was never a vote about -- you never said, all  
16 right, let's just -- let's put it to a vote right now,  
17 we can't decide, let's put it to a vote, uh, for --  
18 for the -- the final two. No vote, no nothing,  
19 nothing verbalized.

20 Danusis: Not that I remember.

21 Brock: Yeah. Uh, are you saying not that you remember it,  
22 'cause you don't really wanna say it or

23 Danusis: No, I truly don't remember whether or not they said if  
24 you had to pick one or the other, what would it be. I  
25 -- I mean, I -- I just remember us continuing to go



1 round and round --

2 Brock: Yeah.

3 Danusis: -- and really, truly feeling like we could not make a  
4 vote for one over the other.

5 Brock: And by us, is that all three of you, or is that --

6 Danusis: I would say Tom and I.

7 Brock: -- two of you? Uh, did, uh, Lombardi ever say, let's  
8 just do ILO?

9 Danusis: I don't know if that's exactly what he said, but I  
10 think that would have been his -- he would've been  
11 okay with that.

12 Brock: And do you think that was an informed decision to do,  
13 ILO, could you see the -- the benefits or was it, this  
14 guys doesn't know what he's talking about, all he sees  
15 is Municipal Learning Centers, he's a mayor, he  
16 doesn't care about the rest of the stuff, um, you  
17 know, he's just making his -- basically getting free  
18 services for his city. Was it something like that or  
19 did you feel like he was making an informed decision?

20 Danusis: I don't know if -- I don't know the rationale behind  
21 why he was pushing strongly for ILO --

22 Brock: Yeah.

23 Danusis: -- but he was definitely pushing strongly for ILO.

24 Brock: Uh, is the discussion ever had around this time, all  
25 right, we -- we have these two things, we can't really



1           decide, um, however, we do know that WestEd is already  
2           working in the state, they put together a good  
3           proposal that we all voted them within one point of  
4           ILO, right, ILO was 71 and WestEd was 70 or something  
5           like that, in the -- the scoring?

6   Danusis: They were very close.

7   Brock: Uh, point difference, we can't really decide, we have  
8           the letters of recommendation, we have history with  
9           WestEd, let's just go with W Ed. Was that discussion  
10          ever had?

11   Danusis: I don't know if anyone had ever said let's just go  
12          with WestEd.

13   Brock: Um-hmm. But how bout that spirit, you know, if not  
14          the exact words, but let's -- I mean, we have -- why  
15          do we have to keep beating this dead horse, we have --  
16          they' close enough, WestEd's track record, let's just  
17          do WestEd. Any of that mentality or that -- did you  
18          have that thought process in your head at all?

19   Danusis: Did I personally?

20   Brock: Yeah.

21   Danusis: Um, I mean, I think again, as I said, that was -- I  
22          felt like they had the stronger of the two, but was  
23          also open to hearing from the committee that their  
24          proposal didn't necessarily -- or their -- that if the  
25          scope of work was going to require more than they



1           could do, that we should consider that as well.

2           ██████████ Was it unusual for you to, like, be on that board, and  
3           it seems like the governor's office never provided  
4           what their cap was for the RFP, is that unusual, like,  
5           did -- did you personally think there should be a  
6           dollar amount figure that you knew that was going to  
7           be awarded to this RFP, 'cause it seems like there was  
8           no discussion of that. And I understand their scopes  
9           were different and so there was a large discrepancy in  
10          hours and total costs but, was that -- like, it seems  
11          like you don't have a memory or remember there being a  
12          -- a budget or a money cap is that -- how did you feel  
13          about that, like, is that surprising, unusual or was?

14       Danusis: Yeah, I mean, I think it's atypical.

15       ██████████ It's atypical.

16       Danusis: Generally, you know what you have in a line item for a  
17          project, but it also wasn't our -- like my own line  
18          item or RFP that I was participating in --

19       ██████████ Yeah.

20       Danusis: -- but generally, you know what you're working with.

21       ██████████ Was that ever addressed, was that -- that -- was that  
22          every brought up, saying like, how much money does the  
23          governor's office even have to award here?

24       Danusis: Um, I don't know.

25       ██████████ You don't know, okay.



1 Danusis: I remember us asking if there was something that we  
2 needed to work within and we're told that that wasn't  
3 finalized yet.

4 [REDACTED] Okay. Um, because at the end of the day, right, if  
5 there's only a budget for 3 million dollars or 2  
6 million dollars, I mean that changes things --

7 Danusis: Correct.

8 [REDACTED] -- significantly. Um, that's all you --

9 Danusis: I think to be fair, it wasn't -- like that, I think  
10 that's the reason that -- that the proposals came in,  
11 too, at very different amounts, 'cause a lot of times,  
12 the RFP will say, like, what the cap is.

13 [REDACTED] Um-hmm. And there was no further discussion about  
14 that, all that you remember.

15 Danusis: No.

16 [REDACTED] Um, the meetings that you're having as a board  
17 panelist, are those Zoom meetings, are those recorded,  
18 that you're aware of?

19 Danusis: I don't remember.

20 [REDACTED] You don't remember. All that would've been on Zoom  
21 though?

22 Danusis: Um-hmm.

23 [REDACTED] Would Daniel have been the one who was -- sent the  
24 invite, or it would've been his secretary?

25 Danusis: One or the other.



1 [REDACTED] One or the other? Do you know what his secretary's  
2 name was? Or his admin?

3 Danusis: It was a female, but I don't know what her name was.

4 [REDACTED] Okay.

5 Brock: Is there something you could look back in your emails  
6 and, uh, let us know?

7 Danusis: Yes.

8 [REDACTED] She would've been with the governor's office?

9 Danusis: I believe so, yeah.

10 [REDACTED] Okay. Um, the Municipal Learning Centers --

11 Danusis: Sorry, might've been -- she might be with DOA.

12 [REDACTED] DOA?

13 Danusis: I think that's probably.

14 [REDACTED] Um, the Municipal Learning Centers, um, since the RFP  
15 has been or, you know, it's been awarded. are you  
16 aware of new Municipal Learning Centers in Rhode  
17 Island that had been created or, um, been discussed  
18 that action has been taken place since then that  
19 you're aware of?

20 Danusis: Not that I'm aware, no.

21 [REDACTED] Okay. Has either, um, company, so that's ILO or  
22 WestEd, brought in RIDE to discuss those?

23 Danusis: I don't know about RIDE as a whole, but not myself.

24 [REDACTED] Okay. You have no knowledge of that?

25 Danusis: No, uh, no.



1 [REDACTED] Okay. Um, last question I think I have, I think at  
2 some point, you know, this gets brought up in the  
3 news, as far as the awarding of the contract to ILO,  
4 um, I believe there were hearings that were held in  
5 regards to that, were you a part of those hearings at  
6 all?

7 Danusis: I was not.

8 [REDACTED] You were not. Were you ever asked to participate in  
9 those hearings?

10 Danusis: I was not.

11 [REDACTED] You were not. Okay.

12 Brock: Did you watch them at all?

13 Danusis: I did not.

14 Brock: Uh, do you think there was anything nefarious going on  
15 here? Do you think we're barking up the wrong tree,  
16 are we -- are we wasting everyone's time, or do you  
17 think there's something?

18 Danusis: I don't know, its Rhode Island. I mean, I -- I hate -  
19 - I don't know how much of it was illegal, um, or if  
20 any of it --

21 Brock: Yeah.

22 Danusis: I think it's -- they're not the wrong questions to  
23 ask.

24 Brock: Yeah.

25 Danusis: But in Rhode Island, I feel like everybody knows



1           everybody, so.

2 Brock:     True, yeah. And you know, it makes it difficult for  
3           us too, because we're here, we know lots of people  
4           too, you know, so we -- you know, we -- we have to do  
5           this, but, uh -- but we also -- all of us, even though  
6           we know -- we know everyone knows everyone, we all  
7           know that we have to stay above board --

8 Danusis:   Um-hmm.

9 Brock:     -- or we want to. Uh, so as you look back on this  
10           whole thing, again, is there -- is there something  
11           that you don't like, uh, something you can point us in  
12           the right direction, hey, I think -- I think what we  
13           did at the committee was -- on the review panel was  
14           fine, but you might wanna look at this, that, the  
15           other thing?

16 Danusis:   I mean I -- I don't know about what you might wanna  
17           look at, but I -- I think -- I do truly think that the  
18           review panel did everything that they could to make an  
19           informed decision based on the information we were  
20           given.

21 Brock:     Yeah.

22 Danusis:   I think both ILO and WestEd -- uh, ILO, perhaps not as  
23           an agency as itself, but had a group of people who had  
24           done some really good work and had good track record  
25           in other places, from what we saw both in our





1 recommendations and, um, what they pulled together. I  
2 mean, I think that you've brought up where there is  
3 questionable overlap between individuals, on -- in  
4 different capacities, um.

5 Brock: Do you think there's a problem if someone from --  
6 someone that bid on this project, uh, actually drafted  
7 the RFP?

8 Danusis: That seems like a conflict, yes.

9 Brock: And if you had that information on the review panel,  
10 is that something that would exclude someone from, uh,  
11 being graded or being one of the final three or one of  
12 the final two?

13 Danusis: I think that -- that it should, yes.

14 Brock: Uh, and do -- do you think that, uh -- so, this may  
15 have started as, just say, an emergency contract, I  
16 mean, did you deal with any emergency contracts on, uh  
17 -- at RIDE during COVID?

18 Danusis: Uh, not myself personally.

19 Brock: How bout RIDE in general --

20 Danusis: But as an agency --

21 Brock: -- are you aware of -- yeah.

22 Danusis: -- I don't -- I don't know, I'd have to guess like,  
23 probably.

24 Brock: All right. All right. And would you -- would you  
25 consider it just an ethical type violation or some



1 type of crime? I know you're not an attorney or a  
2 judge or a cop but, would you look at -- if someone --  
3 if you're interviewing three people about a RFP, and  
4 one of those three people wrote the RFP, and these  
5 three people are bidding on it, do you see that as a -  
6 - a major conflict?

7 Danusis: I see that as a major conflict, yes.

8 Brock: Yeah. Okay. Was that something that -- if that  
9 happened, would that be something you'd wanna be aware  
10 of before you -- before you're on this review  
11 committee?

12 Danusis: Yes.

13 Brock: That's it.

14 [REDACTED] Have you had any more discussions with Tom? I know  
15 you guys were both on the review board, it seems like  
16 you guys had a lot, as far as your opinions, in -- in  
17 common, in regards to the scope and how different they  
18 were and kinda had the same feelings a little bit  
19 there. Since everything's come out in the news,  
20 obviously this has been a little public as far as the  
21 conflict, have you -- have you and Tom talked anymore  
22 about this at all, um, the RFP, your experience, like,  
23 what has come out since, like, have you guys had any  
24 more discussions since you were both on the board, or  
25 have you guys not talked since, uh, you know, that



1 last meeting?

2 Danusis: He -- I don't -- I mean, I don't know if we talked  
3 specifically about this --

4 [REDACTED] Yeah.

5 Danusis: -- but he was my previous boss when I was in the EDOC  
6 and we had a pretty good relationship, so.

7 [REDACTED] Yeah, but about this, about the RFP, not about just in  
8 general stuff, but have you guys talked any more in  
9 regards to this process and the contract being awarded  
10 to ILO and WestED, the MPA, like, have you guys had  
11 any additional conversation regarding this --

12 Danusis: Yeah.

13 [REDACTED] -- since your, you know, your panel?

14 Danusis: Um, nothing that I can recall of any type of  
15 substance.

16 [REDACTED] Okay. And Tom was your boss previously, you said?

17 Okay. When was that, what role was that in when he  
18 was your supervisor?

19 Danusis: When I was in the EDOC, the director of the EDOC and  
20 he was the chief of staff for a portion of that time.

21 [REDACTED] And did you say it might've been Tom that asked you to  
22 be on the board?

23 Danusis: I -- actually now that I think about the timeline, I  
24 don't think it was him because he would've been at the  
25 Department of Health already.



1 [REDACTED] Okay, but it would've been someone here in -- it --  
2 was it something like they asked you to be, did like,  
3 you volun-told that you had --

4 Danusis: It was volun-told.

5 [REDACTED] You were volun-told. Um, and was that like -- you  
6 were like, shucks, like --

7 Danusis: I don't think anyone was eager to do it.

8 [REDACTED] To do it, okay.

9 Danusis: I could understand the rationale behind it, given that  
10 we had done -- the team I was leading had done the  
11 bulk of the work prior to that.

12 [REDACTED] Yeah. Okay. Would you be able to figure out who that  
13 was who -- who volun-told you or?

14 Danusis: Uh, I don't know how -- I -- I think -- I feel like it  
15 was like a conversation that Ana, Emily, and I had at  
16 the same time, but.

17 [REDACTED] Okay.

18 Danusis: I don't -- I don't know how I would find out exactly  
19 who it was.

20 [REDACTED] Okay.

21 Brock: You're pretty sure it was a conversation not an e-  
22 mail?

23 Danusis: Um, yeah, I think it was a --

24 [REDACTED] Conversation.

25 Danusis: A conversation.



1 Brock: Uh, could you just review your emails around that time  
2 to see if --

3 Danusis: Um-hmm.

4 Brock: -- you know, there's mention of it or.

5 Danusis: Can I have a list of the stuff that I'm supposed to  
6 find?

7 [REDACTED] So, we ask you a lot of questions.

8 Brock: I did actually.

9 Danusis: Okay.

10 [REDACTED] Yeah, I know --

11 Brock: And I threw it on this list of Dan Majcher's assistant  
12 one.

13 [REDACTED] Yeah, if you have any emails, her setting up Zoom  
14 calls or -- or when -- and the dates of those calls,  
15 you know, how many, that would be helpful I feel like  
16 too. Um, I guess at the end of the day, we asked you  
17 a lot of questions, if -- if we do have follow up  
18 questions, do you mind if we make re-contact with you?

19 Danusis: That's fine. Now that I'm thinking about, I think it  
20 was actually someone from DOA who sent us the -- the -  
21 - all of the RFP paperwork and then someone different  
22 who set up the meetings.

23 [REDACTED] Okay.

24 Brock: Uh, but it was your impression that Dan works for the,  
25 uh, governor's office, Dan Majcher?



1 Danusis: Um-hmm.

2 [REDACTED] In all those emails, invites, would those have gone to  
3 your work e-mail address or personal e-mail address,  
4 or --

5 Danusis: No, my work.

6 [REDACTED] All would've gone to your work. Was there any  
7 communication regarding the RFP that would've gone to  
8 a different e-mail address like a personal or whatnot?

9 Danusis: No.

10 [REDACTED] Okay.

11 Brock: And we have your, uh, [REDACTED], I assume that's  
12 your mobile.

13 Danusis: Yes.

14 Brock: That's it? All right. That concludes this interview,  
15 the time now is 1:01.



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TRANSCRIBER'S CERTIFICATE

I, Kelly Sahl, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, Pages 1 through 79, was reduced to typewritten form from a digital recording of the proceedings held March 23, 2022, 10:50 a.m., at 255 Westminster Street, Providence, Rhode Island, 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 30th day of July 2024.



Kelly Sahl

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RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Thomas McCarthy 82  
First Middle Last DOB

ADDRESS: \_\_\_\_\_  
Street City Telephone #

PLACE INTERVIEWED: \_\_\_\_\_

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: Unite Us https://uniteus.com/  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 3-24-22 TIME: 9:00 a

REPORT:

On March 24, 2022, at approximately 9:00 AM, \_\_\_\_\_ I responded to \_\_\_\_\_  
\_\_\_\_\_ to interview Mr. Thomas McCarthy, DOB: \_\_\_\_\_-82. \_\_\_\_\_

McCarthy is currently the Senior Director of Regulatory Government Affairs at Unite Us. Previously he was the Deputy Director for the RI Department of Health (DOH) and employed by the RI Department of Education (RIDE).

McCarthy advised that Jim Thorsen contacted him in 2021 and asked him to assist with an RFP for the School Reopening Contract. He advised he was familiar with Mike McGee due to his work at RIDE. Magee told McCarthy that reopening schools and addressing learning loss due to Covid was a top priority for the incoming McKee administration. McCarthy advised that he was familiar with reopening schools because he worked on this while at RIDE.

McCarthy advised that Tony Afonso was pressuring Thorsen to pursue the RFP. McCarthy advised that the work to reopen schools was already done by RIDE and the RI National Guard and the RFP did not make any sense. McCarthy advised that Thorsen pushed back against Afonso, but Afonso insisted that it was a top priority for McKee and that the RFP must go out.



McCarthy advised that Thorsen provided drafts of the RFP and asked for his input. McCarthy was not aware of who specifically wrote the RFP. McCarthy advised that the RFP was not specific enough and was inadequate. He advised that Thorsen approached him to be on the review board for the RFP. McCarthy advised that he told Thorsen that he did not want to be on the board, however, he ultimately agreed to serve.

McCarthy advised that he served on the board with Christine Danusis, Mayor Lombardi, and Daniel Majcher. He advised Majcher took the role of lead panelist and that all meetings were virtual. He advised that they reviewed proposals (without cost estimates) first and generated scores based on criteria provided. He advised he was familiar with MaGee and acknowledged that MaGee was involved in several communications regarding the RFP. He advised he was familiar with WestEd through his previous work at RIDE.

McCarthy advised that he had two noteworthy interactions with Afonso. The first was what McCarthy described as a loyalty check regarding McKee and Tony Silva. Afonso referenced the pushback being given to the governor's office regarding the RFP. The second interaction was a phone call with Afonso during the RFP review period. During the call Afonso told McCarthy that the RFP needed to move and that it was a priority of the governor. McCarthy advised that Afonso warned McCarthy about choosing the wrong firm and that the wrong firm would embarrass the Governor's office. McCarthy advised that he felt Afonso was trying to influence McCarthy. McCarthy advised that Afonso stated that he had not reviewed all the proposals yet but that the only one that he can think of that was suitable was the ILO Group.

McCarthy had not heard of ILO prior to the RFP and contacted a friend at RIDE to try to find out more. McCarthy advised that he learned that ILO was run by Julia Rafal Baer who he knew as second in command to MaGee at Chiefs for Change. He knew Rafal Baer to be reputable in the education field. McCarthy advised he felt it was problematic that Afonso was trying to influence him to select the firm headed by Rafal Baer. Rafal Baer has a close relationship to MaGee who was also heavily involved with the RFP. He advised he did not like what he saw and felt his integrity was being sacrificed and was considering resigning his position.

McCarthy advised that he contacted RI National Guard Major General Chris Callahan for advice on how to proceed. McCarthy advised that Callahan told him that he understood the politics going on behind the scenes, but he should continue with the RFP process and do it strictly by the book and follow procedures properly.

McCarthy advised that he felt that the feedback he was providing about the RFP to the Governor's Office was not being listened to. He advised that he sensed that Danusis was being pressured also.

McCarthy did not recall all proposals submitted for the RFP but recalled that three proposals stood out and were clearly the top three, ILO, WestEd and MGT. He felt ILO had a strong plan, WestEd had a strong history and MGT was a distant third.

McCarthy advised that the review board was later presented with the cost proposals. He advised that he knew this is where the "wheels fell off". He advised the WestEd proposal was about \$1,000,000 and ILO was about \$11,000,000.

McCarthy advised that Lombardi did not try to push the board toward ILO. He advised that Afonso was trying to push the process along, saying its taking too long. McCarthy advised that he reached out to Christine Lopes Metcalf to express his concerns about the RFP and how broad and inadequate it was. He advised the hours needed for the scope of the project were calculated by the Governor's Office and that the scope of the RFP was too ambiguous.

McCarthy advised that the review process came to a halt, as no one felt comfortable picking one firm over another because the RFP was so broad and the proposals so drastically different. McCarthy did not know of a budgeted amount allocated to the RFP.

McCarthy advised that he questioned the intentions of the new administration. He advised that he was unsure if they were incompetent or unethical. He advised that at first he believed them incompetent, but later felt they were unethical. He decided he did not want to be a part of this administration and resigned. He felt the McKee administration spent too much time in 'the grey area' and were focused on taking care of their friends rather than getting things done.

McCarthy advised that he felt Thorsen was being pressured by the McKee administration also and that they had conversations in which Thorsen questioned the integrity of the administration.

McCarthy advised he felt the decision regarding the RFP was bad for taxpayers and he was unaware of Rafal Baer's role in crafting the RFP. At this point in the interview, McCarthy had to leave for a work call. The interview was terminated, and McCarthy offered to be available for any follow up interviews at a later date.

---

DETECTIVE'S SIGNATURE

---

SUPERVISOR'S SIGNATURE

## Interview with Tom McCarthy

Recording Name:  
[4. Tom McCarthy 3-24-22]

Transcript Prepared By:



**DITTO**

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Suite 500  
Denver, CO 80210

DUNS Number: 037801851  
CAGE Code: 6C7D5  
Tax ID #: 27-2983097

1 Brock: This is, uh, an interview with Mr. Tom McCarthy,  
 2 conducted by Sergeant Mike Brock, Rhode Island State  
 3 Police, [REDACTED] We're  
 4 at [REDACTED] -- correction, [REDACTED] [REDACTED],  
 5 [REDACTED] -- [REDACTED] uh, with Mr.  
 6 McCarthy. Um, Mr. McCarthy, for the record, can you  
 7 to state your name and spell your last name, please?

8 McCarthy: Yep, Thomas McCarthy, and it's M-C-C-A-R-T-H-Y.

9 Brock: Okay, and your date of birth, please?

10 McCarthy: [REDACTED] 1982.

11 Brock: All right. [REDACTED] you want to --

12 [REDACTED] Sure, uh, is there a good contact telephone number for  
 13 you?

14 McCarthy: Sure, [REDACTED].

15 [REDACTED] [REDACTED]. And this is your address, correct?

16 McCarthy: It is --

17 [REDACTED] Okay.

18 McCarthy: -- and it's [REDACTED] --

19 [REDACTED] [REDACTED].

20 McCarthy: Yeah.

21 [REDACTED] Um, where are you currently employed?

22 McCarthy: Uh, Unite Us.

23 [REDACTED] Unite Us?

24 McCarthy: Um-hmm. Yeah, two words.

25 [REDACTED] And how long have you been employed with them?

1 McCarthy: It's my third week.

2 ██████████ Third week, okay.

3 McCarthy: Yeah.

4 ██████████ What -- what position do you have with them?

5 McCarthy: Senior Director of, uh, Regulatory and Government  
6 Affairs.

7 ██████████ Where are they located out of?

8 McCarthy: Uh, New York City.

9 ██████████ Okay. And, um, the only one -- one thing I wanna say  
10 is to -- to kinda start off is, um, like Mike was  
11 saying, we've been tasked to kind of look into it, ask  
12 questions --

13 McCarthy: Um-hmm.

14 ██████████ -- because you being selected as a panelist on the  
15 review board for the RFP, we're here, right, 'cause,  
16 uh -- to get answers to some questions that we have  
17 right --

18 McCarthy: Sure.

19 ██████████ -- to get information. Um, one thing to let you know,  
20 you're not a target of the investigation, you're not  
21 the subject investigation.

22 McCarthy: Okay.

23 ██████████ Um, the only way you really can get jammed up in this  
24 if -- if you're not honest, if you lie --

25 McCarthy: Um-hmm.



1 [REDACTED] -- okay, about something. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 So, that's the only thing I wanna put out there. We're  
5 just asking your questions, um, just if you can answer  
6 them to the best ability. If you don't know the  
7 answer, you don't know the answer.

8 McCarthy: Yep.

9 [REDACTED] Fair enough?

10 McCarthy: Absolutely.

11 [REDACTED] Okay. Um, so, prior to working with Unite Us, I guess  
12 that was 3 weeks ago you got that position, right?

13 McCarthy: That's right.

14 [REDACTED] Um, what were you doing prior to that?

15 McCarthy: I was the Deputy Director of the Department of Health.

16 [REDACTED] And how long have you been with the Department of  
17 Health?

18 McCarthy: I was with the Department of Health for about a year  
19 and then, uh, before that I was with the Department of  
20 Education for -- for about a year.

21 [REDACTED] Okay. And what role were you in when you were asked  
22 to be on the board for the RFP?

23 McCarthy: So, at that point, I was the -- I was in the  
24 Department of Health, I was the Executive Director of  
25 the COVID response.



1 [REDACTED] Okay, and who -- who approached you?

2 McCarthy: So, I think it was initially Jim Thorson, about me  
3 being on the, uh, review committee.

4 [REDACTED] And who is Jim Thorson?

5 McCarthy: He's the, uh, Director of the Department of  
6 Administration.

7 [REDACTED] And do you know, was this something, uh, face to face  
8 approach, was it an e-mail, a telephone call, do you  
9 have a memory of how --

10 McCarthy: It was a -- it was a phone call.

11 [REDACTED] A telephone call?

12 McCarthy: Um-hmm.

13 [REDACTED] Okay. Um, how'd that conversation go?

14 McCarthy: Yeah, so remembering back, I mean, it -- it was over a  
15 series of conversations and, uh, there's a lot of --  
16 there's a lot like, background context here too. So,  
17 um, new administration, a lot of -- and I'm a former  
18 army officer, so like, I got into state government to  
19 get things done --

20 [REDACTED] Sure.

21 McCarthy: -- so the politic side was -- was new to me, but I was  
22 definitely very aware of it.

23 [REDACTED] Okay.

24 McCarthy: So, while this was all ongoing, Governor Raimondo was  
25 transitioning out, Governor McKee was transitioning



1 in.

2 [REDACTED] Okay.

3 McCarthy: You know, and there was, uh, I think there was some  
4 difficulty in that relationship. So, where this all  
5 started was, uh, as Governor McKee was coming on  
6 board. I never worked with him when he was the  
7 lieutenant governor, but as he was transitioning into  
8 the governor seat, um, the code response team was  
9 meeting with him, daily, and, you know, I think one of  
10 the folks that he trusted, Mike McGee.

11 [REDACTED] Okay.

12 McCarthy: I knew of him and his organization when I was at the  
13 Department of Education Chiefs for Change. Um, and,  
14 you know, one of the messages that he continued to  
15 reinforce with the governor was that, you know, our  
16 schools weren't fully open, kids weren't back in the  
17 classroom in person, there were all sorts of issues,  
18 uh, tied to learning loss, you know, due to COVID, and  
19 that second part, was true, like it was nationally,  
20 where we were struggling, the folks that have been  
21 working on this for some time, as -- I think we were  
22 the first state in the country to go back to school in  
23 person. So, where this -- how I kinda got pulled into  
24 this, because at this point, like, the vaccine rollout  
25 was occurring, I was brand new to that job and new





1 administration, so I had, like, enough on my plate --

2 [REDACTED] Sure.

3 McCarthy: -- was, uh -- now let me shut this vacuum off, I'm  
4 sorry.

5 [REDACTED] Okay.

6 McCarthy: Robot vacuum. Was, um -- the governor's team was  
7 pretty adamant about, you know, we need -- we need an  
8 outside team to come in and reopen schools, uh, and  
9 address learning loss. Um, and I think a lot of us  
10 that had -- had been there for some time were -- were  
11 a bit perplexed, because we had state employees --

12 [REDACTED] 'Cause you had opened up the schools, right?

13 McCarthy: That had done that, yeah, and it was a -- it was a  
14 national model, something that we'd established with  
15 the National Guard Education Operations Center, uh,  
16 that we ran, you know, the previous year. So, um, at  
17 that point, I think Jim was getting, you know, the  
18 direct pressure that Jim was getting was from Tony  
19 Alfonso, about we've gotta get this request for  
20 proposals developed, we've gotta get a consultant on  
21 board, so, Jim had started talking to me about, you  
22 know, does this RFP make sense, how would you scope  
23 this out, and my conversations with Jim were like we -  
24 - we have a department that does this, we have a team  
25 that has already accomplished this, and they -- what



1 was also happening at this time was they were starting  
2 to stand the National Guard down from some of the  
3 involvement in the -- in the school reopening. So,  
4 you know, my initial take on that was I -- this  
5 doesn't make a -- a ton of sense --

6 [REDACTED] Sure.

7 McCarthy: -- to me, uh, you know, on -- on where we need some --  
8 some external help.

9 [REDACTED] Sure.

10 McCarthy: So, at this point, I didn't know Tony Alfonso, he was  
11 the deputy chief of staff at the time, Tony Silva was  
12 the chief of staff, and that was primarily who I was  
13 dealing with, uh, also at this time, you know,  
14 Governor McKee was interviewing all of the --

15 [REDACTED] Sure.

16 McCarthy: -- holdovers, making it very clear that he -- he did  
17 not, uh -- uh, he did not see eye to eye with -- with  
18 Governor Raimondo and it was a -- it was an  
19 interesting time. Um, in speaking with Jim, there was  
20 some collective pushback with Tony Afonso about, is --  
21 is this something that we actually need, and -- and  
22 kinda what it came down to was, uh, it's the  
23 governor's priority, um, he sees it as a -- as a need,  
24 so, we've gotta develop this RFP and get it done. So  
25 -- so, Jim had sent me a couple of versions of what



1 the framing could look like, you know, for -- for my  
2 feedback.

3 Brock: Okay.

4 McCarthy: And --

5 Brock: Is this -- is this prior to the RFP being released --

6 McCarthy: Yeah.

7 Brock: -- is this like the buildup of --

8 McCarthy: Yeah, it's the development, yeah. So, I -- I wasn't  
9 involved in -- in developing it. I think this was,  
10 you know, kind of just colleague to colleague, does  
11 this make sense. I never saw a version of the -- of  
12 the RFP at that point. That was specific enough,  
13 based on my experience, like articulated the -- the  
14 true need.

15 [REDACTED] Okay.

16 McCarthy: So, in my mind it was something that I -- I  
17 deprioritized. Um, so -- I can't recall exactly how  
18 long it was, it -- it did move along relatively  
19 quickly, uh, you know, it was a matter of weeks but,  
20 you know, shortly thereafter, uh, it sounds like, I  
21 belie- -- I'm not sure exactly who drafted the RFP, it  
22 was somebody in the governor's office or somebody in  
23 DOA, but they -- they did draft an RFP and Jim let me  
24 know, uh, that based on my experience in Ed and  
25 because I was the COVID director at the time, he



1 wanted to have me on the -- the review committee.

2 [REDACTED] Okay. So, Jim's --

3 McCarthy: So, that's what I was told -- I was selected.

4 [REDACTED] -- the one who? Okay.

5 McCarthy: Um-hmm.

6 [REDACTED] So, you didn't realize while they were -- they were  
7 drafting the RFP that you would be on the board for  
8 it?

9 McCarthy: Honestly, I had so many other things going on, I  
10 wanted nothing to do with it. And it was -- it was  
11 one of those where like, you know, wish -- looking  
12 back, I wish I'd -- I wish I'd pushed back more.

13 [REDACTED] Yeah, well, you didn't know your -- the state of your  
14 involvement at that point too.

15 McCarthy: Yeah, I was trying to be a good team player. They --  
16 they asked me to sit on the review committee, it's a  
17 pretty standard thing, so, you know, I figured I'd --  
18 I'd do my part.

19 Brock: Have you been on a few review committees before for  
20 RFPs?

21 McCarthy: Not in state government. No.

22 [REDACTED] Do you remember the time frame of when, um, like Jim  
23 first reaches out to you, to when you're asked, um, to  
24 -- to be on the board?

25 McCarthy: I can't remember exactly. I know -- I know it was



1 very -- it was very early on, um, and like, why that  
2 stands out in my mind is because I think everybody was  
3 -- everybody knew that you -- you may not have a job  
4 in a couple of weeks, which from my perspective, like  
5 I -- I left CBS Health during the pandemic because I  
6 wanted to help --

7 [REDACTED] Okay.

8 McCarthy: -- um, you know, I wasn't a 20 year state employee --

9 [REDACTED] Sure.

10 McCarthy: -- so I just wanted to make sure that, uh, all the  
11 work that we started a year prior, you know, we could  
12 -- we could finish. I think that door might've just  
13 blown open. I'm sorry for all --

14 [REDACTED] Yeah, yeah.

15 McCarthy: -- the disruptions here.

16 [REDACTED] No, you're good.

17 Brock: It's not the -- the robot didn't, uh --

18 McCarthy: No, geez, yeah, sorry about that. Um, no, and I mean,  
19 I guess, the only context I'm providing is, you know,  
20 during this time, uh, like I was hearing from a lot of  
21 like McKee's people that they were looking to replace  
22 -- replace all of us. So, obviously, you know --

23 [REDACTED] Okay.

24 McCarthy: -- we wanted to be kinda thoughtful in how we --

25 [REDACTED] Sure.



1 McCarthy: -- how we navigated this. So again, like my  
2 assessment and advice, as a staffer to him, would've  
3 been this -- there are so many different priorities to  
4 focus on, this wouldn't be the number one for me. We  
5 were -- we didn't have that kind of a relationship  
6 yet, right --

7 [REDACTED] Okay.

8 McCarthy: -- so, I think everybody had tried that like, gentle  
9 push back, and we're told this is a priority, this is  
10 what we need to do, get the RFP out, go to the  
11 competitive process. So, that was all probably like,  
12 February, February, March.

13 [REDACTED] Okay. So, now you're in the position, right, where,  
14 you know, Jim had reached out to you just to kinda get  
15 your input on the RFP, because of your experience, and  
16 you know, every time you saw a version, it still was  
17 not specific, I think was the word, you know, you  
18 gave, and you -- you had a lot going on, it was kinda  
19 deprioritized because they were never -- it was never  
20 going anywhere it seemed like, right --

21 McCarthy: Yeah, I didn't think it was gonna happen.

22 [REDACTED] Yeah. So, but -- but now, um, there's RFP that's  
23 coming out I guess, um, you're on the review board,  
24 did you see that final RFP product?

25 McCarthy: I did.



1 [REDACTED] And -- and what's your thoughts on the final RFP  
2 product?

3 McCarthy: It was -- it was inadequate, right, and I think we --  
4 we saw that and how, you know, vendors responded to  
5 it. Uh, it wasn't specific about the outcomes it  
6 wanted, the scope of work, which just, you know, even  
7 further complicated the whole -- the whole process.

8 [REDACTED] Okay. Um, so, Jim asked you to get on this board --

9 McCarthy: Um-hmm.

10 [REDACTED] -- um, who -- who else is on this board or this panel?

11 McCarthy: Yeah, Kristen Danusis from the Department of Education  
12 --

13 [REDACTED] Okay.

14 McCarthy: -- who, you know, I -- I worked very closely with. I  
15 had hired her on to lead, um, it was kind of our --  
16 our inner agency cell that supported reopening schools  
17 last year --

18 [REDACTED] Okay.

19 McCarthy: -- the Education Operations Center. So, I worked very  
20 closely with her, and obviously for her background --  
21 'cause I think they envisioned this as replacing the  
22 team of state employees that had done it last year.  
23 Um, so, I think that's why they brought her on. Then  
24 there was Mayor Lombardi and -- oh, I'm trying to  
25 remember the gentleman's name from, uh -- from DOA,



1 the lawyer, sorry.

2 [REDACTED] Want us to help you with that.

3 McCarthy: Yeah.

4 [REDACTED] If we said a name, would it be Dan, uh, Majcher?

5 McCarthy: Yep --

6 [REDACTED] Daniel Majcher?

7 McCarthy: -- that's right. That's right.

8 [REDACTED] And, uh, so, there were four -- were there four of you  
9 total or how?

10 McCarthy: Yes, yeah.

11 [REDACTED] Okay. How did the initial -- so, when you guys got  
12 together, um, would you guys get together in person,  
13 Zooms, like, how did it come about that you guys would  
14 now, you're on a panel, where you provided with  
15 instructions, um, like the RFP, as far as how to  
16 grade, like, what was the information and who put you  
17 guys together to kind of explain --

18 McCarthy: Um-hmm.

19 [REDACTED] -- what your position would be on the board?

20 McCarthy: Yeah, so Dan took the lead there. I can't recall,  
21 it's like, chair of the review committee or -- but he  
22 -- he -- he had the lead from that point, and given  
23 where we were with the pandemic, everything was still  
24 Zoom, e-mail, um, there was no in person.

25 [REDACTED] Okay. So you guys are on the panel, are you, um --





1           you start getting -- the RFP goes out, there's  
2           responses, how many responses are there, how are they  
3           graded, what -- what do you guys provide as far as  
4           guidance to work through this?

5 McCarthy: What kind of guides were we provided?

6 [REDACTED] Yeah.

7 McCarthy: Just a standard, um, like RFP review and -- and  
8           grading criteria, so, we were given, like, pretty  
9           lengthy written instructions. And it was based on,  
10          you know, the scope that was laid out in the RFP, we  
11          were given scoring criteria and, you know, I think  
12          there was -- there was criteria that spanned  
13          everything from like, their work plan to, uh, like an  
14          assessment of the -- the expertise on their team. Um,  
15          all of this was -- there was no pricing --

16 [REDACTED] Okay.

17 McCarthy: -- involved at this point, it was kinda like,  
18          capability, proposal, there were all sorts of things  
19          that they're required to provide, uh, like background  
20          on their team members, uh, references and things like  
21          that. I will say -- so, when we started to receive  
22          the responses, again like, I -- I tried to stay out of  
23          the -- the politics piece but I know, uh, Chiefs for  
24          change, from when I was at the Department of  
25          Education, and Mike McGee, and when I saw him on all



1 of those calls, I thought that was -- that was odd,  
2 right, because he is, like, inner circle, on all  
3 things COVID policy, schools, uh, and he's external to  
4 -- to state government.

5 [REDACTED] Sure, sure.

6 McCarthy: So, um, at this point, again, I wasn't -- I wasn't  
7 paying too much attention to this aspect of the  
8 response, we're going through the vaccine, uh, roll  
9 out and -- and kinda working through a surge in cases,  
10 but I knew of, like, some of the players in this  
11 space, from my time at the Department of Education.  
12 Like, there's a firm called WestEd that had worked  
13 pretty extensively in Rhode Island. Before, um, we  
14 began our formal review, I think it was like, the day  
15 that we were beginning our review of the RFPs, I had  
16 had one interaction, with this point, with Tony  
17 Afonso, and that was when Jim Thorson had called me  
18 and -- and said he wasn't making any headway with Tony  
19 and having this conversation about how this doesn't  
20 make a whole lot of sense --

21 [REDACTED] Um-hmm.

22 McCarthy: -- to the point where, you know, Jim's a -- Jim's a  
23 grown man, and I vividly recall him saying that, like,  
24 Tony was punishing him by making him come into  
25 meetings at like 6:30 in the morning, it's whatever,



1 this is leadership style. So it's like, look, I don't  
2 -- I don't know him but I'm more than happy to give  
3 him a call and explain -- just on board him, because  
4 at this point they're brand new, Lieutenant Governor's  
5 Office wasn't heavily engaged --

6 [REDACTED] Sure, sure.

7 McCarthy: -- uh, with the COVID response. Here's what we did  
8 last year, here's where I see some of the  
9 opportunities and the challenges are, and it was a  
10 very short conversation with Tony. It was basically -  
11 - what he basically told me was look, I heard you're a  
12 smart guy -- I think at this point, I had just done my  
13 interview with Governor McKee and, uh -- um, Tony  
14 Silva --

15 [REDACTED] Okay.

16 McCarthy: -- which was an interesting one. I think they  
17 appreciated my background from the military --

18 [REDACTED] Absolutely, yes.

19 McCarthy: -- um, but it was like -- it was like, very clear it  
20 was, uh -- it was like a loyalty check --

21 [REDACTED] Okay.

22 McCarthy: -- right, to see, you know, were you letting go of all  
23 things remi- -- like just -- again --

24 [REDACTED] Sure.

25 McCarthy: -- I could care less, just trying to get things done.



1           So, in -- in that context, Alfonso tells me, like, I  
2           hear, you're a smart guy, but look, you know, I don't  
3           know why everybody's giving us such a hard time about  
4           this, this is what he wants, we just gotta get it  
5           done, and I was like, I don't have a horse in this  
6           race --

7           ██████████ Sure.

8   McCarthy: -- so, just giving you my -- giving you my feedback.  
9           Now, my second interaction, ever with Tony Afonso, is  
10          he calls me, and I'll -- I'll never forget this, I was  
11          sitting in the parking lot at, uh, Sakinaka (ph)  
12          Crossroads, it's where response was headquartered out  
13          of, and I think we were -- the RF -- the formal part  
14          of the RFP process, like the review part, was kicking  
15          off that day, and he calls me to tell me that, you  
16          know, this thing needs to move along quickly, it's a  
17          priority for the Governor's Office, and Tony's a  
18          lawyer, right, so he -- he knows how to talk about  
19          these things --

20          ██████████ Sure.

21   McCarthy: -- and he certainly knows, like the -- the method of  
22          communication that can be used.

23          ██████████ Yeah.

24   McCarthy: And he kept making a point of saying, you know, I  
25          haven't reviewed any of the proposals, I don't even



1 know who's bidding, I'm not involved in it but, I -- I  
2 tell ya, if you choose the wrong firm, a firm that's  
3 gonna embarrass us, like, the governor's -- he's not  
4 gonna move forward with it, right, and you're gonna --  
5 you're gonna bog down his whole agenda. So, I'm like  
6 -- immediately I -- I recognize what's happening,  
7 right, like --

8 [REDACTED] Okay.

9 McCarthy: -- being a bully again, trying to intimidate me, I  
10 don't have a -- a pension I'm worried about, again,  
11 not a state employee, so I'm -- I'm starting to get  
12 very frustrated. Um, then he goes on to say, he  
13 starts talking about some of the vendors, and I hadn't  
14 even reviewed all of the -- all of the proposals --

15 [REDACTED] Yeah.

16 McCarthy: -- at this point, and he, um, had talked about -- I  
17 can't remember which one it was, but there's a vendor  
18 in the space, and he kept making a point of saying I  
19 haven't seen their proposals, but I know that -- that  
20 there's these people that may have bid on it and, you  
21 know, there was this big embarrassment in this other  
22 state, you know. The only one that I can think of,  
23 uh, that has the -- the credibility and the national  
24 standing is -- is ILO Group. I had never heard of ILO  
25 Group before, in my life, and I'd only been at



1 Department of Ed for a year --

2 [REDACTED] Sure.

3 McCarthy: -- so I certainly didn't know who all of them were.

4 Um, so that -- that was kind of that -- that  
5 conversation. So, I -- I -- I called some of my  
6 friends at the Department of Education and I asked  
7 them about, like, who's -- who's ILO group, and that  
8 was when I found out it was Julia Rafal-Baer --

9 [REDACTED] Sure.

10 McCarthy: -- someone that I'd worked -- I didn't personally work  
11 closely with her, she was very close to the  
12 Commissioner of Education --

13 [REDACTED] Okay.

14 McCarthy: -- as was -- as was Mike McGee, so I know who she was.  
15 She was Mike's COO, um, at Chiefs for Change, uh,  
16 chief operations officer, and I -- and I had a couple  
17 of conversations with her, and all things aside, very  
18 talented, very smart, had done a lot of stuff in this  
19 space, but now all of a sudden it's like, this  
20 organization I'd never heard of before, who is, you  
21 know, the COO of Mike McGee --

22 [REDACTED] Sure.

23 McCarthy: -- Tony Afonso was calling me that morning and telling  
24 me that, like, this is the most qualified. So, I was  
25 ready to -- I was ready to resign at that point. I



1 was -- I was furious, because I saw what was  
2 happening. I already wasn't happy with what I was  
3 seeing out of the McKee administration --

4 [REDACTED] Um-hmm.

5 McCarthy: -- like, I made it very clear, I'm here to -- to -- to  
6 get good work done, um, I've done too much in my life,  
7 certainly not sacrificing my integrity or any of that  
8 for any of these knuckleheads. So, uh, I calm down  
9 for a minute, and again, we're in the throes of the  
10 vaccine rollout, and, uh, you know, I called a -- a  
11 mentor of mine and I -- and I had a conversation about  
12 it, and, you know, really what he explained to me was,  
13 you know, look, it's very clear what the -- the rules  
14 are in the process for procurement, and just follow  
15 them, right, like you -- you know -- I understand  
16 what's happening behind the scenes, but with all of  
17 the work we have to do, right, falling on your sword  
18 and -- and resigning on -- that -- that doesn't --  
19 that doesn't make any sense. So, follow the RFP  
20 process and see -- and see where it goes, but it was  
21 very clear from the beginning, that there was a lot of  
22 pressure pushing in that direction.

23 [REDACTED] Who is this that you just have a conversation with,  
24 who says, you know, I see what's happening in the  
25 background but follow the process? Who -- could you



1 say who that was -- who you spoke with?

2 McCarthy: Yeah, it was Chris -- Chris Callahan.

3 [REDACTED] Chris Callahan? And who's Chris Callahan?

4 McCarthy: The, uh, adjutant general here.

5 [REDACTED] Okay.

6 McCarthy: I am, like -- I know they're all still kind of in the  
7 throes of --

8 [REDACTED] Um-hmm.

9 McCarthy: -- working with this administration, so I just --

10 [REDACTED] Okay.

11 McCarthy: -- you know, wanna make sure we're -- we're sensitive  
12 to that, and for him, you know, he didn't have any of  
13 the details, it was like a Army officer and Army  
14 officer kinda conversation.

15 [REDACTED] Sure. Sure, sure.

16 McCarthy: Because we all sensed the environment, right?

17 [REDACTED] Um-hmm.

18 Brock: Yeah, that's the military getting in the political --

19 McCarthy: Yeah.

20 Brock: -- mix, unfortunately.

21 McCarthy: Yep.

22 Brock: Yeah.

23 [REDACTED] So, you took his advice, I guess, right, to see --

24 McCarthy: I did, you know, what -- what I looked at was, we had  
25 a ton of important work to get done, that they're --





1           there was nobody on the McKee team that was ready to  
2           take this over, like, the conversations we're having  
3           with, uh, you know, Governor Raimondo at the time,  
4           like, that was why they brought me over to health, was  
5           to --

6           ██████████ Yeah.

7   McCarthy: -- help provide that operational continuity.

8           ██████████ Sure.

9   McCarthy: So, to me, that was my -- that was my mission, but I  
10           was -- I saw what was happening, I didn't like it,  
11           right, they weren't responding to any of the feedback  
12           we provided. So, you know, as a, um -- I knew right  
13           then -- I was absolutely not going to deviate from  
14           what was the right thing, but I knew what they were  
15           trying to get me to do, so we're gonna by the letter  
16           of the law here, in the RFP process.

17   Brock:    Uh, when you say we, who do you mean?

18   McCarthy: So, by we -- it was me. It was -- it was -- it was a  
19           lonely time, right, it was me. So, Kristen Danusis, I  
20           don't wanna speak for her, but I think she had a  
21           similar reaction, right, like, she's --

22           ██████████ Okay.

23   McCarthy: -- been at Department of Education, she knew who  
24           Julia Rafal-Baer was, and like, very quickly, you're  
25           like, oh, you know, this is -- this is interesting. I



1 -- you know, we had a -- a couple of conversations  
2 early, I got the sense that, like, she was getting  
3 some -- some pressure as well. Again, I don't wanna  
4 speak for her --

5 [REDACTED] Sure.

6 McCarthy: And what I shared with her is like, look, I got your  
7 back, right, in no universe are we gonna get our arm  
8 twisted into doing something that we don't think, you  
9 know, is the right thing, so, let's -- let's stay  
10 close here, right. And then especially once we saw  
11 Mayor Lombardi was on the review committee, who very  
12 close with -- with Governor McKee, like, we -- we saw  
13 what was happening.

14 [REDACTED] So how did that play out 'cause there's four of you,  
15 right, there's four of you, um, you see where things  
16 are going behind the doors, like you said, but you're  
17 -- you're gonna -- you're gonna follow the format --

18 McCarthy: Um-hmm.

19 [REDACTED] -- follow, kinda, what's given to you. Um, and you  
20 feel like, one other person, Kristine Danusis is gonna  
21 kinda do that too, but there's two other individuals.

22 McCarthy: Yeah.

23 [REDACTED] Um, so how did that go, you know, you're getting --  
24 you're grading, you're having conversations about the  
25 two, was it clear who was with what companies or --



1 so, let's go through it --

2 McCarthy: Yeah.

3 [REDACTED] -- how many -- how many companies submit their RFPs?

4 McCarthy: I can't remember how many fully submitted, because  
5 they're a bunch that weren't even, um -- didn't even  
6 qualify, based on the -- their submission and --

7 [REDACTED] Okay.

8 McCarthy: -- what -- what had been missing, so I think  
9 administratively they disqualified a few. Then we  
10 looked at, I think it was like, five --

11 [REDACTED] Okay.

12 McCarthy: It was a while ago, I can't remember --

13 [REDACTED] Sure.

14 McCarthy: -- the exact number. But of that, you know, there were  
15 -- there were really only three that were -- that were  
16 competitive, it was WestEd, it was ILO, and I cannot  
17 remember the name.

18 [REDACTED] If I give you a name, would you recall it? Would the  
19 other one be, uh, MGT consulting?

20 McCarthy: Yes, yes. Yep.

21 [REDACTED] So, those are the three that are competitive.

22 McCarthy: Yep.

23 [REDACTED] Um, so walk us through, I guess, how we go from the  
24 three that are competitive, um, to -- to being done  
25 with the RFP process.



1 McCarthy: Um-hmm. Yeah, so, if I remember right, as -- as we're  
2 going through this, and this was kinda like the  
3 conversation I had with Callahan, like, go through the  
4 process, see how it plays out, right --

5 [REDACTED] Um-hmm.

6 McCarthy: -- um, and when we created them, you know, there was  
7 definitely like, we were looking at, you know, their  
8 experience, their work plan, and again, like, the  
9 individuals that made-up ILO had strong resumes, they  
10 had delivered work as individuals or part of other  
11 teams in other parts of the country. They were a  
12 brand new organization --

13 [REDACTED] Sure.

14 McCarthy: -- but like if I had proposed giving, you know, a  
15 large contract to a brand new organization, I would  
16 have gotten killed.

17 [REDACTED] Sure.

18 McCarthy: Because they had no track record for delivering, and  
19 that was a point that myself, and Kristen, brought up  
20 multiple times during these conversations, that like,  
21 yes, talented individuals, and we made sure that it  
22 was documented, um, in our -- in our review materials  
23 that, you know, this is a significant risk, because  
24 it's one thing to have talented individuals, it's a  
25 whole other thing to come together as a brand new team



1 and firm, and deliver, and they didn't have a -- they  
2 didn't have a track record there. That being said,  
3 their work plan was, uh -- was strong, they had, like  
4 I said, a strong, talented team. WestEd, uh, you  
5 know, a bit different. If I remember correctly, I  
6 think their -- their work plan was a bit less  
7 detailed, again though, I think some of that speaks to  
8 how ambiguous the RFP was, more than anything else.

9 [REDACTED] Sure, sure.

10 McCarthy: Um, but had a history of -- of delivery both in Rhode  
11 Island and, uh -- and across the country. MGT, I  
12 remember being, uh, like a fairly distant third. It  
13 was really WestEd and, uh -- and ILO, that were --  
14 that were competitive, but like I said, we wanted to  
15 make sure that we documented that piece. So, at this  
16 point, you're just looking at like, kinda the merit of  
17 the proposal. Um, I think -- you know, and I -- I  
18 never explicitly had this conversation with Dan  
19 Majcher, 'cause frankly, I didn't know him, and again,  
20 at this point, I'm not really sure who you trust in  
21 the -- in the administration, uh, to have a -- a frank  
22 conversation about like, what's going on here.

23 [REDACTED] Sure.

24 McCarthy: But I think you could -- you could tell there was a  
25 level of uncomfotability, on his part, I think that's



1           probably also why Jim put him there, because he's  
2           seasoned in RFP's and really understands the letter of  
3           the law, so --

4           [REDACTED] Sure.

5   McCarthy: -- you know, when we came out of this, I think  
6           collectively, there wasn't a -- a strong consensus on  
7           WestEd over ILO, so they added another step in, which  
8           I guess isn't -- again, this was my first time on a  
9           review committee, it's not, um -- it doesn't happen  
10          every time, but it happens sometimes, is -- is we  
11          brought them in and have them give a presentation,  
12          virtually, over Zoom, where we got to meet the teams,  
13          and I'll say again, like, ILO, you know, did a pretty  
14          -- a pretty good job there. Um, so, you know, coming  
15          out of that, those two were one and two pretty close  
16          and MGT was a distant third.

17          [REDACTED] Yeah.

18   McCarthy: And again, in my mind, see where the process goes,  
19           because some of the conversations I was having, it's  
20           like, the fact that they don't have a background in  
21           delivery you would think would be reflected in the  
22           price that they propose. Now when we moved on to that  
23           pricing phase --

24          [REDACTED] Um-hmm.

25   McCarthy: -- that was when the wheels completely came off of



1           this thing.

2           ██████████ All right, what happens here?

3           McCarthy: So, when we got the prices back, I can't remember the  
4           specific numbers, but WestEd was like -- they might've  
5           been under a million dollars, and ILO was like, north  
6           of 11 million --

7           ██████████ Okay.

8           McCarthy: -- and there -- it was very clear, there was no way  
9           that they arrive at a cost proposal like that, without  
10          having vastly different context on --

11          ██████████ Sure.

12          McCarthy: -- what we'd be willing to pay, then WestEd. So, now,  
13          at that point -- and again, I'm like, here we are,  
14          right, here -- this is -- I was pretty confident this  
15          is where we were going to end up, and this is where I  
16          think, you know, Dan Majcher sensed it as well, and  
17          again, it wasn't explicitly said. Like, when we were  
18          going through the process, Mayor Lombardi was like,  
19          being very loyal. I think he, uh -- uh, it's a Rhode  
20          Island firm, he knew it was a priority of the  
21          governors. I will say, like he never, you know,  
22          pushed us hard in any direction or the other, but he  
23          definitely, you know, spoke highly of -- of -- of ILO.

24          ██████████ Okay.

25          McCarthy: I don't think there was anything untoward in my



1 interactions with him. So, at this point, you know,  
2 Dan is -- is close to kind of what the options are,  
3 it's -- it's very clear that we're -- we're miles  
4 apart. So now all the sudden, Tony Afonso and the  
5 governor's office is like, you know, this process is  
6 taking too long, you know, we need somebody on board  
7 now. Also, my COVID director responsibilities, I am  
8 starting to get very concerned that they're so focused  
9 on having an external consultant come in and save us,  
10 that our, like, Department of Education and our  
11 internal team isn't ready for the upcoming school  
12 year, 'cause I -- I knew what it took last year --  
13 [REDACTED] Okay.

14 McCarthy: -- and I'm starting to share some of these concerns  
15 like we -- we need to start -- start moving on this.  
16 So, uh, not in the context of the contract, in the  
17 context of like, our State Department of Education,  
18 that did this last year, has the team to do it and  
19 needs to start putting together a plan, that -- that  
20 wasn't happening, so that added some additional  
21 pressure, I think, in the governor's office to have  
22 some kind of solution here. So, um, I think where we  
23 came back, it was, uh, Christine Lopez Metcalf that  
24 was the Senior Education Advisor in the governor's  
25 office and, uh, you know, I remember having a





1 conversation with her, I sent her an e-mail, it was  
2 something to the effect of like, look this -- this RFP  
3 is so broad and so ambiguous like, we need some  
4 clarity on what is the governor's intent, what does he  
5 wanna achieve with this, right, and we need to add  
6 some specificity so that we can get reasonable bids  
7 back from these two vendors, 'cause that -- I mean,  
8 the -- the bids being that far off, I think we all  
9 kind of knew part of why, but in fairness, the -- the  
10 -- the scope was very ambiguous. This was when, um,  
11 the review committee, you know, like, we -- we weren't  
12 meeting as a review committee anymore, it kinda became  
13 apparent that, like, this wasn't gonna go forward to a  
14 selection. I think they got back some refined scope  
15 that was sent to the vendors and they got additional  
16 bids --

17 Brock: And a refined scope, is at the hours when -- when  
18 someone went looking for the hours?

19 McCarthy: Yeah, that's right, that's right, yep.

20 Brock: Uh, was there other refinements to the scope, or was  
21 it -- was it just based on hours or was it -- did they  
22 -- anyone come up with the specific deliverables that  
23 -- that you asked for?

24 McCarthy: No, it was the hours.

25 [REDACTED] Hours.



1 McCarthy: Yeah, I think the hours was -- because at least then  
2 you could compare kinda apples to --

3 [REDACTED] Do you know where the hours came from, were the hours  
4 provided by like --

5 McCarthy: Governor's Office?

6 [REDACTED] Governor's Office.

7 McCarthy: Yeah. Yeah, it was not, you know, like normally how  
8 this would -- the Department of Education was not  
9 involved in this at all --

10 [REDACTED] Okay.

11 McCarthy: -- like you would've thought it would've been --

12 [REDACTED] Um-hmm.

13 McCarthy: -- agency that owns this, what's the work that needs  
14 to be done, what do you think the level of effort is,  
15 and scope it from there. I think they also recognized  
16 what was happening --

17 [REDACTED] Yeah.

18 McCarthy: -- and wanted nothing to do with it.

19 [REDACTED] Sure, sure.

20 McCarthy: So.

21 [REDACTED] At some point, though, are you even given an  
22 opportunity as a panelist to select one company?

23 McCarthy: No. No, at this point -- at this -- well, we didn't  
24 select, uh -- we didn't select one at -- so --

25 [REDACTED] But do you guys ever take a vote or ever -- ever get



1 to deliberations where we're like, you know, what's  
2 your vote, what's your vote --

3 McCarthy: Yeah.

4 [REDACTED] -- what's your vote, you know, where are we, do -- do  
5 we get to that point, why -- why or why do we not ever  
6 get to that point?

7 McCarthy: We --

8 [REDACTED] 'Cause that's what you're supposed to be doing on the  
9 board, right?

10 McCarthy: Right. Yeah, we just got to the point of like, WestEd  
11 and ILO --

12 [REDACTED] Um-hmm.

13 McCarthy: -- are the two from a -- a background and ability to  
14 deliver. Um, you know, are the top two --

15 [REDACTED] Um-hmm.

16 McCarthy: -- but when it came down to pricing, they were so far  
17 apart, and even with the refined pricing, they  
18 remained so far apart, none of us were comfortable  
19 with selecting either of them, and then I think at  
20 that point, it's like, okay, how do we -- we've  
21 already shared this feedback that this --

22 [REDACTED] Right.

23 McCarthy: -- the scope doesn't make sense, the pricing doesn't  
24 make sense, the detail in the RFP is insufficient,  
25 we're -- DOA is getting a ton of pressure to, like,



1 move this thing along, and that's when I think we just  
2 like anchored on the process, where okay, at this  
3 point, when the review committee can't select  
4 something --

5 [REDACTED] Yeah.

6 McCarthy: -- but it's the governor's priority, and -- and -- and  
7 they want to assume that risk in making an award, that  
8 was when Dan had proposed the, um -- uh, the master  
9 price agreement process. So, in that, they had our  
10 feedback, on the vendors, and again, like the thing we  
11 wanted to make sure we were very explicit about, was  
12 the experience and the fact that this organization had  
13 just formed, and again, like --

14 [REDACTED] Yeah.

15 McCarthy: -- the timing is ridiculous, on when it's  
16 incorporated.

17 [REDACTED] Sure.

18 McCarthy: Um, and, uh, from there it -- it -- it went to the  
19 Governor's Office.

20 [REDACTED] Did you -- did the board have any -- were you guys  
21 involved as far as divi- -- so get to MPA, do you have  
22 a role in that, to divide who -- how that contract  
23 gets awarded to your two companies that are left?

24 McCarthy: No, I didn't. I think my understanding at that point  
25 was by putting them on an MPA, then it's kind of at



1 the governor's discretion. We've said that they are,  
2 you know, viable vendors in this space, and then it's  
3 up to him to figure out how much he wants to pay, who  
4 he wants on -- on what scope?

5 [REDACTED] Okay.

6 McCarthy: And I mean, that's -- to us, from a process  
7 perspective, it -- it made sense, because that's where  
8 we were. We're telling you, this doesn't make sense,  
9 the cost doesn't make sense, it's -- it's your  
10 priority --

11 [REDACTED] Sure.

12 McCarthy: -- so, they're capable of delivering all what we think  
13 you're asking for, even though what you're asking for  
14 is like, very ambiguous --

15 [REDACTED] Um-hmm.

16 McCarthy: -- so, allowing the governor's office to make the --  
17 make the decision.

18 [REDACTED] Did the governor's office at any point tell you guys  
19 how much money they had available to award these  
20 proposals for the RFP? Right, so the RFP comes out  
21 with what the scope is and whatnot, are you aware of  
22 what the budget is, 'cause I feel like that would play  
23 a role if pricing comes in and say, you know, you only  
24 have 4 million dollars to award, like, are you guys  
25 aware if there's money, like how much the money is



1 that is available for these -- for the RFP?

2 McCarthy: I don't remember them specifically -- anyone from the  
3 governor's office, specifically sharing it with me. I  
4 do think in cob- -- I remember feeling like this was  
5 something that was like, multiple millions of dollars,  
6 I can't remember how I recall that --

7 [REDACTED] Okay.

8 McCarthy: -- it might've just been in -- in several con- -- but  
9 nobody was explicitly like, we've budgeted --

10 [REDACTED] Okay.

11 McCarthy: -- you know, this much money for it and this is what  
12 we're gonna do with it. 'Cause I think the other  
13 complicating piece here, and I'm trying not to  
14 conflate multiple things, was I had found out -- I was  
15 obviously very close with, you know, folks at the  
16 Department of Education, I -- I just left there and  
17 their chief of staff at the time, Emily Kroll, we  
18 worked closely together, um, like they were kinda  
19 finding out after the fact that, uh -- that the  
20 governor's office was using funds -- and I can't  
21 recall if this is what they ended up using on the  
22 accounting side, but like, uh, the COVID relief  
23 dollars, um, that were, you know, typically earmarked  
24 for Department of Education, uh, to fund some of this  
25 stuff. So again, like, that's all governor's office



1 prerogative, right, but I think it wasn't clearly  
2 communicated to 'em --

3 [REDACTED] Sure.

4 McCarthy: -- so at some point it came as a surprise as we --  
5 we're being told how to spend that, we're not, you  
6 know --

7 [REDACTED] Sure.

8 McCarthy: -- able to -- able to direct it.

9 [REDACTED] Use as a --

10 McCarthy: Yeah.

11 [REDACTED] -- what -- as a department.

12 McCarthy: Yeah.

13 [REDACTED] Okay.

14 Brock: No -- no real recollection of budget or how that  
15 several million dollars type number came about?

16 McCarthy: I -- yeah, I -- I wanna be as specific as I can.

17 Brock: Yeah.

18 McCarthy: I knew -- I knew there was like several million  
19 dollars available to align against this. I don't ever  
20 remember being given a specific number, so I just -- I  
21 -- I can't recall --

22 Brock: Yeah.

23 McCarthy: -- how I arrived at that. Um --

24 Brock: Does that seems strange that there's no budget  
25 associated with the project?



1 McCarthy: Yes. Absolutely, I mean --

2 Brock: Yeah.

3 McCarthy: -- this --

4 Brock: The whole thing was strange.

5 McCarthy: Yeah, the -- the balance was -- and I'm just gonna be  
6 blunt, like, are we unethical or are we incompetent,  
7 right, and this -- I saw a tremendous amount of  
8 incompetence from the staff in the first few weeks in  
9 like -- in all fairness, there's a lot going on,  
10 you're taking this over, this wasn't the scope you  
11 thought you were necessarily gonna have, even though  
12 that whole process dragged out for quite some time.

13 [REDACTED] Sure.

14 McCarthy: Um, and, um, that was my first thought and hope. It -  
15 - it very quickly, like I said, my --

16 [REDACTED] Yeah.

17 McCarthy: My radar started pinging pretty early on that this  
18 didn't -- this didn't feel right. And -- and like I  
19 said, to the point where, you know, I was -- in my  
20 mind it was if -- if -- this is not the kind of team  
21 I wanna be a part of.

22 [REDACTED] Sure.

23 McCarthy: And -- and that was kinda the -- you know, the -- the  
24 thought at the time and then frankly, I mean that's  
25 why I'm not in the administration any longer.





1 [REDACTED] Right. Is this one of the reasons you left?

2 McCarthy: Oh, absolutely.

3 [REDACTED] Yeah.

4 McCarthy: Absolutely. That was my first impression with the  
5 McKee Administration, and I continued to see things  
6 that, um -- look, there's -- there's Gray area, right,  
7 like, I'm not naïve, I -- I get it, but they  
8 consistently, in my view, we're falling on the wrong  
9 side of these things. And I know I was continuously  
10 getting pressure on it, I get it, you gotta balance  
11 the politics, but there was less focus on outcomes and  
12 what are we actually delivering for Rhode Islanders,  
13 and a far larger focus on how am I taking care of my  
14 people. But, yeah, I mean, that was -- that was why I  
15 finally left.

16 Brock: Uh, after the review committee, did you get any  
17 pushback from anywhere?

18 McCarthy: I didn't personally. Um, you know, at that point, you  
19 know, Dan Majcher was really running with the  
20 administrative piece of it. Um, I was pretty close to  
21 Thorson at this point, you know, and I -- I didn't  
22 know him previously in the Raimondo administration but  
23 --

24 [REDACTED] Yeah.

25 McCarthy: -- um, he was someone that was -- that knew McKee, was



1 -- was close to McKee, but similar minds, like trying  
2 to do the right thing, sense that this was --

3 [REDACTED] Sure.

4 McCarthy: -- moving in the wrong direction, so, you know, I  
5 think we -- we had a pretty open honest conversation.  
6 And I know --

7 [REDACTED] That's Jim Thorson?

8 McCarthy: Yeah. He was -- he was expressing some -- some pretty  
9 significant frustration, because we -- we thought at  
10 multiple steps here, you were just gonna be able to  
11 kill this, 'cause you're like --

12 [REDACTED] Sure.

13 McCarthy: -- look how far apart these are, this is crazy. And  
14 then, even when they come back again, look at how  
15 ambiguous this is, and like, school is starting, in a  
16 couple of weeks, what are they gonna do now.

17 [REDACTED] Right.

18 McCarthy: And it never -- they kept -- they kept pushing forward  
19 on it, so I know -- uh, I don't know the specifics,  
20 but I know like, Jim, you know, I think, was feeling  
21 most of that pressure, because he also knew that he  
22 was gonna be the one held accountable in front of a  
23 oversight committee, which he subsequently was, right.

24 [REDACTED] Yeah. So, ultimately, you know how this plays out,  
25 right, MPA, and do you know how the money was



1 distributed to the two companies, did you ever read  
2 about in the news or hear about it being part of, you  
3 know, ILO get's about 5 million dollars --

4 McCarthy: Yep.

5 [REDACTED] -- um, WestEd gets, give or take, a million.

6 Brock: A million.

7 [REDACTED] Um, what do you think about that?

8 McCarthy: It was -- as a -- as a taxpayer, it's disgusting, it  
9 was disgusting. Um, because separately, like what I  
10 also understood was, at -- at this point, again, what  
11 I've been trying to articulate is, we are so far  
12 behind where we were last year, with opening schools,  
13 because we've become fixated on this, the Department  
14 of Education thinks this consultants gonna come in and  
15 save them, this consultant hasn't actually done any  
16 work --

17 [REDACTED] Sure.

18 McCarthy: -- anywhere previously. So, when they -- when they do  
19 bring them on board, at that point like, I didn't  
20 agree with how they got there, but they're the player  
21 in that space. And what blew me away was, again,  
22 Julia Rafal-Baer, super -- super talented, I -- I  
23 don't know how much went on behind the scenes, I'd  
24 love to give her the benefit of the doubt that's she's  
25 trying to do the right thing, you know, I -- and she's



1 heavily engaged in -- in education across the country.  
2 Obviously, there's a lot of money to be made --  
3 [REDACTED] Sure.

4 McCarthy: -- so, when they come on board, I'm like, okay, here's  
5 where we are, here's what we need to get done, what  
6 are we doing about it? ILO had been given no  
7 direction to support reopening schools. Their whole  
8 focus was going to be these Municipal Learning Centers  
9 and addressing learning loss, and that was when, you  
10 know, at -- at that point, like I -- I called Tony  
11 Silva, we went in and we spoke with the governor, and  
12 we were like, this -- this is a huge risk. You don't  
13 have anybody that is supporting, like, the safe  
14 reopening of schools, so we need to quickly realign  
15 this. And that was when I was like, beside myself  
16 with frustration, because I saw the contract and we're  
17 paying them all this money, we're telling people it's  
18 to reopen schools, and that's not even the scope you  
19 have them focused on. So, after that conversation,  
20 they did get them realigned to more directly  
21 supporting the reopening of schools, but what I would  
22 say is it -- it was like the most expensive project  
23 manager you could think of --

24 [REDACTED] Sure.

25 McCarthy: -- it's not like they were bringing national expertise



1 to the table -- again, going back to my initial  
2 assessment, you have state employees on the payroll  
3 that led the nation in this last year, are still here,  
4 ready to do it again, and -- and you bypass them. And  
5 I don't know how much of this was the governor  
6 genuinely believed what Mike McGee was telling him ev-  
7 -- because we recognized very early on that he listens  
8 to Mike McGee, doesn't trust anybody from the Raimondo  
9 administration, and Mike was telling him every day,  
10 your schools aren't open, they're not safe, they're  
11 not -- it's just --

12 [REDACTED] Right.

13 McCarthy: -- just wasn't true. Objectively wasn't true.

14 Brock: Uh, was McGee at that meeting with the governor and  
15 Tony?

16 McCarthy: He was not. So --

17 Brock: Was he brought up at all?

18 McCarthy: No, I, uh -- early on, he was -- he was joining all of  
19 the calls that the governor was on, and he remained  
20 engaged on some of the education ones throughout the  
21 last year, but after -- after the first like 45 --  
22 excuse me, 60 days, he -- he wasn't on every single  
23 one anymore, and at that point, it was like, closed  
24 door --

25 [REDACTED] Um-hmm.



1 McCarthy: -- it's chief of staff, it's like Tony Silva, throwing  
2 the red flag up, this is a huge -- you've got to  
3 reorient folks here, so it was, uh, Silva, Alfonso,  
4 and McKee, myself, I think Nicole Alexander Scott was  
5 there as well, where we expressed our concern about,  
6 like, the work that needed to be done with education,  
7 and then subsequently we got the Department of Ed team  
8 together and us and ILO and walked through the plan,  
9 which was better than it --

10 [REDACTED] And when was -- this was after the RP was awarded?

11 McCarthy: Yeah, yeah --

12 [REDACTED] Okay.

13 McCarthy: -- this was when they're on board, yeah. But I think  
14 that the take away there is -- is you -- you went  
15 through this process that was giving you all of these  
16 signs and signals that this -- this isn't the  
17 direction to go --

18 [REDACTED] Sure.

19 McCarthy: -- and you continue to use like, every contingency in  
20 the process to keep it moving forward, you finally  
21 bring them on board, and now they're not even doing --

22 [REDACTED] Or addressing.

23 McCarthy: -- what you're saying you wanted them to do.

24 Brock: That -- that first meeting with the governor and Silva  
25 and maybe Nicole and Alfonso, do you remember when



1           that was? Was that a Zoom or in person?

2 McCarthy: That was in person. It was, uh -- sorry, I gotta hop  
3 on a work call at 10:00. Um, it was probably like 6  
4 to 8 weeks before schools opened, so July -- sometime  
5 in July.

6 Brock: Late June, early July. Okay. And when did that next  
7 meeting with ILO happen, to get everyone on the same  
8 page, and was that Zoom or?

9 McCarthy: No, that was an in person one too. I think we'd  
10 gotten everybody's attention at this point, that like,  
11 we were -- we were off track. It was before school  
12 opened, but I remember like, we were down to weeks  
13 before school opened, so I can't remember exactly.

14 [REDACTED] Where would that meeting have been held?

15 McCarthy: He was in the governor's office.

16 Brock: So, 3 or 4 weeks, sometime in that August -- late  
17 July, August?

18 McCarthy: I think so. Yeah, I can't -- I can't remember exactly  
19 when schools opened this year --

20 [REDACTED] Yeah.

21 McCarthy: -- but it -- it was like, late in the summer --

22 [REDACTED] Sure.

23 McCarthy: -- like, we were -- we were very concerned.

24 Brock: Yeah.

25 [REDACTED] Yeah. I know you have a work call coming up, but I



1 think at some point --

2 Brock: Yeah.

3 [REDACTED] -- we'd like to talk to you a little bit more --

4 McCarthy: Sure.

5 [REDACTED] -- if that'd be okay --

6 McCarthy: Yeah, absolutely.

7 [REDACTED] -- um, just any time that works with you.

8 Brock: Yeah, we appreciate you sneaking us in.

9 [REDACTED] Yeah.

10 McCarthy: Yeah.

11 [REDACTED] Yeah.

12 Brock: So, we won't take up more of your time, but I got a  
13 few follow up and I'm sure --

14 [REDACTED] Yeah.

15 McCarthy: No, so, as I saw this unfold, I can -- you saw the  
16 news jump all -- all over this, and I had zero  
17 interest in getting involved in -- in kinda the  
18 political --

19 [REDACTED] Sure.

20 McCarthy: -- circus, like, there's people that'll -- that'll  
21 take care of that, but I've been -- I -- I've been  
22 excited to have this conversation. Because like I  
23 said, I, uh -- I really wanted to continue, uh --

24 [REDACTED] Yeah.

25 McCarthy: -- to serve in state government, and that's what I was





1                   so disappointed in --

2   ██████████ Sure.

3 McCarthy: -- was like, the stuff like this that made it so --  
4                   good people trying to do good things, it wasn't -- it  
5                   wasn't a team you could -- you could remain on so.

6 Brock:        Excellent.

7 McCarthy: Sorry, I was so --

8   ██████████ Yeah.

9 Brock:        No, that's all right. Uh, that concludes this  
10               interview, the time now is 9:48.



## TRANSCRIBER'S CERTIFICATE

I, Kelly Sahl, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, Pages 1 through 46, was reduced to typewritten form from a digital recording of the proceedings held March 24, 2022, 9:00 a.m., 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 30th day of July 2024.



Kelly Sahl

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## INTERVIEW OF THOMAS MCCARTHY

On April 4, 2022, the investigative team met with Thomas McCarthy (McCarthy) [REDACTED]. Present for the investigative team were [REDACTED] RI AAG Peter Roklan, RI AAG John Moreira, RISP Det. Courtney Elliot, and [REDACTED]. The investigative team interviewed McCarthy regarding his role on the Selection Team that reviewed proposals submitted in response to the School Reopening RFP. This was a follow-up interview to an initial interview which was conducted on March 24, 2022.

McCarthy had held various positions in state government. He had the position of Chief of Staff to Commissioner Angelica Infante-Green at the Rhode Island Department of Education (RIDE) for eleven months. He accepted an Executive Director position with the Rhode Island Department of Health (DOH) at the end of January 2021. He left DOH in February of 2022.

McCarthy was responsible for Rhode Island's COVID Response Team (Team). The Team was physically located at RIDE. The Team consisted of several different agencies and the Rhode Island National Guard (Guard). The Guard was utilized because they already had procedures in place to handle a crisis. The Guard also had the ability to provide testing and assist with transportation obstacles. The Guard was a temporary solution. The functions and responsibilities the Guard handled were temporary and would need to transition to functions of the DOH.

At the end of January 2021, McCarthy learned that Governor McKee wanted to make changes to the COVID Response Team. McCarthy believed McKee had different areas of focus. McCarthy learned that Michael Magee (Magee) was a trusted advisor of McKee. McCarthy had a different relationship with McKee's administration than he had with Governor Raimondo's office. McCarthy began having daily meetings with McKee. McCarthy was concerned about the Guard leaving the COVID Response Team and who would be taking over their responsibilities.

In February or March, Jim Thorsen (Thorsen), Director of the Rhode Island Department of Administration (DOA), contacted McCarthy. Thorsen told McCarthy that Thorsen was informally drafting the scope for a proposal to have a consultant assist the state with the re-opening of schools. In another to phone call to McCarthy, Thorsen relayed that there was friction between Thorsen and Antonio Afonso, Governor McKee's Deputy Chief of Staff. McCarthy noted that Thorsen did not have a background in education.

McCarthy contacted Afonso at Thorsen's request regarding the re-opening of schools. McCarthy did not have a previous relationship with Afonso. Afonso expressed frustration with McCarthy's telephone call. McCarthy told Afonso about the previous efforts to re-open schools and his perspective on the situation. Schools in Rhode Island were open. McCarthy told Afonso that the last district had just been brought back to school. COVID testing in schools has been set up, and there was a virtual school option available for one year. McCarthy conveyed to Afonso that the challenge was deciding what to do once the National Guard left after this school year.

During McKee's first month in the Governor's office, McCarthy met with either McKee or Tony Silva (Silva), the Governor's Chief of Staff, two or three times a week. Magee also attended these meetings. The focus of the meetings was what progress had been made on COVID vaccinations and updates on the number of COVID cases and hospitalizations. During one of these meetings, the idea of education priorities was introduced.

McCarthy had heard of Chiefs of Change (CFC). CFC is a non-profit educational operation started by Jeb Bush. CFC engages in school advocacy work and has a Superintendent development program. CFC's key priority was diversity and equity in the education space. McCarthy was not aware of any contracts CFC had in Rhode Island. McCarthy knew of Julia Rafal-Baer (Rafal-Baer) from her work at CFC. McCarthy was also aware of Rafal-Baer's relationship with Infante-Green and Magee. McCarthy noted that Magee had no experience in public health but Magee would weigh in on public health issues.

McCarthy continued to pay attention to what was happening in education. RIDE was not going to backfill the work done by the Guard. McCarthy believed that McKee was going to take a different approach to school opening next year. Schools needed guidance before the summer. It was determined that a consultant was going to be brought in to fill the role.

Within days of the commencement of RFP selection process and before the proposals had been reviewed, McCarthy received a phone call from Afonso. This was only the second time Afonso and McCarthy had spoken. McCarthy recalled that he was in his car on the way to the vaccination facility when he received the call. McCarthy stated Afonso's call was prior to the first meeting of the Selection Team. Afonso told McCarthy that the re-opening plan was the Governor's top priority, and the Governor wanted the process to move quickly. Afonso told McCarthy that one of the companies that had submitted a proposal, MGT, had some legal challenges. Afonso did not want to embarrass the Governor. Afonso mentioned ILO once, stating ILO had the expertise and reach for the project.

McCarthy told investigators that he was furious upon receiving the call from Afonso. McCarthy was worried this was a return to old school Rhode Island politics. McCarthy stated that the COVID Response Team was important to save lives and to get Rhode Island residents vaccinated.

As a result of Afonso's telephone call, McCarthy felt pressure to award the contract so someone could get the money from it. He stated that it was very clear that the McKee administration wanted the contract to go to ILO. At the time of the call, McCarthy had not had a chance to review any of the application packets.

McCarthy had regular conversations with Thorsen. Daniel Majcher also served on the Selection Team, and Majcher had previous experience reviewing RFP's.

Christine Danusis was another member of the Selection Team. McCarthy knew Danusis prior to serving together on the Selection Team. Both he and Danusis were concerned about the

RFP process, and they were going to back up each other. During the time period when the Selection Team was interviewing vendors, Emily Crowell from RIDE called McCarthy. Crowell relayed that she had received a call from Silva. Silva inquired why Danusis was asking so many questions.

McCarthy sought advice from Major General Christopher Callahan of the Rhode Island National Guard about Afonso's telephone call. McCarthy expressed his concerns to Callahan about the RFP process. Callahan told McCarthy to properly follow every step of the RFP process.

McCarthy learned that Rafal-Baer was associated with ILO. He knew ILO had a new team, who did not have a proven track record. McCarthy knew that Rafal-Baer held the position of the Chief Operating Officer with CFC weeks before starting ILO.

DOA provided the Selection Team with the vendors' completed RFP packets. After meeting several times, the Selection Team then conducted a Technical Review of the RFP's and scored them in various categories. The three highest scoring vendors were MGT, ILO and WestEd. WestEd scored a distant third. ILO scored better on some aspects of the RFP. The downside with ILO was that they were a brand new entity and did not have a website. Per Majcher, ILO had recently been incorporated in Rhode Island.

The Selection Team interviewed the top three vendors. ILO presented well. ILO was comprised of people with good experience and the background needed. But, the scope of the RFP was vague. ILO priced their contract in the millions. The Selection Team went back to the Governor and stated the RFP needed to be more specific to include a specified number of hours and a specified amount of effort. The RFP was not clear about what tasks needed to be completed. McCarthy felt like ILO and WestEd were bidding on two different projects. Christine Lopes-Metcalf from the Governor's Office was tasked with refining the scope of work.

McCarthy believed that municipal learning centers were an education office outside of the school department and within in the mayor's office of a city or town. A municipal learning center would administer before and after school programs.

Thorsen knew the steps to take after reviewing the RFP and bids. The consensus was to speak with the Governor and have the contract rebid. DOA could request that each company bid on a certain number of hours. When ILO and WestEd rebid, the amount was still off. The Selection Team was unable award the contract to one company.

McCarthy did not recall how the RFP process transitioned into a Master Price Agreement. The Selection Team agreed to the MPA as a group because there were viable vendors who were technically competent. The Selection Team had no involvement in determining how the money was split between ILO and West Ed. Governor McKee would have decided the amount of the contract each vendor received under the MPA.

The State awarded ILO the contract near the end of the school year in May or June of 2021. McCarthy spoke to Silva about his concerns that schools re-opening the following fall year would be at risk. McCarthy went with Silva into the Governor's office, and he expressed his concerns to McKee. McCarthy reached out to Rafal-Baer, and then to the Governor again about his concerns. McCarthy gleaned that the focus was not on school reopening but instead on the creation of municipal learning centers.

McCarthy was asked about an email dated April 12, 2021, that Magee had sent to McCarthy. In the email, Magee inquired on behalf of CFC about American Rescue Plan funds that the CDC had allocated to RI. Magee stated that members of CFC had asked generally how such funds could be accessed. McCarthy stated to investigators that he was uncomfortable with Magee's email, and McCarthy referred Magee to Brenna McCabe in the Governor's office.

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Christopher Farrell DOB: █-84  
First Middle Last DOB

ADDRESS: █ █ █  
Street City Telephone #

PLACE INTERVIEWED: █

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: State of Rhode Island, Office of the Governor  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 4-14-22 TIME: 8:00 am

REPORT:

On April 14, 2022, █ I responded to █  
█, to interview Christopher Farrell █ 84, █  
Farrell advised that he is the Senior Advisor to Governor McKee. He advised he has had a personal and professional relationship with McKee since he was 14 years old. Farrell advised that in late 2020 he had heard that Gov. Raimondo may be leaving for the Biden Administration and McKee would become governor. He advised that he contacted McKee and they discussed Farrell coming to work for McKee. McKee offered a job to Farrell and he accepted. Prior to working with McKee, Farrell worked in private litigation at Lewis Brisbois Bisgaard and Smith in Connecticut.

Farrell advised that his areas of responsibility at the Governor's Office was to oversee DOA, OMB, Veteran Affairs and other projects as they arise. He advised one such project was the search for a Lt. Governor.

Farrell advised he was not involved in the School Reopening Contract or RFP in any way. He advised that after viewing a media report on Channel 12, he believes that his name was on two emails involving education, but he does not recall the emails and probably never read them as he did not handle education matters. He referred any education type issues to Christine Lopes Metcalf.

Farrell advised he was the coordinator for the Community Coronavirus Task Force. He advised this was a large group and it was his initiative to break it into smaller more manageable groups. He advised the meetings

were always Zoom meetings. He believed Julia Rafal Baer was at the first meeting he attended but does not recall if he saw her or not after he broke the Task Force into smaller groups.

Farrell advised that he has known Mike Magee for many years. He was not aware of any formal role that Magee played in the McKee administration or transition.

Farrell advised that he was not involved in the School Reopening RFP. He was aware that the contract eventually went to ILO and WestEd. He recalled that James Thorsen and Dan Majcher were the two parties involved with the contract from DOA.

Farrell advised that the notion of the RFP being 'fixed' was comical. He advised that Thorsen, McKee and Magee are nice family people. He described Majcher and Nancy McIntyre with high regard. He advised that education is a top priority for McKee. He advised Tony Alfonso is a stickler for following the law.

Farrell advised he believes the RFP process was fair and transparent, and he was not coached on what to say to investigators.

---

DETECTIVE'S SIGNATURE

---

SUPERVISOR'S SIGNATURE



# WITNESS STATEMENT

**DATE:** April 14, 2022

**TIME:** [Not Stated]

**INTERVIEW OF:** Christopher Farrell

**INTERVIEW BY:** Detective Sergeant Michael Brock  
Rhode Island State Police Financial Crimes Unit



**LOCATION:** [Not Stated]

**SUBJECT:** 21-2-IV (F.C.U.)

(statement begins mid-interview)

1. Q.

A. (laughs) to a senior staff at 9:00. But uh –

**DETECTIVE SERGEANT BROCK:**

2. Q. Yup.

A. -- yeah, I don't mind at all. I don't mind at all. So uh, -- So yeah. So anyways, um, I just gave him a call and – and we were talking. And he's like bruh, (phonetic) --

3. Q. Yeah.

A. -- this might happen. And so – So, kinda like that. (indiscernible) been a person that we've been close together and um, and he called me up and said do you want to come over, and then said, you know, said I'd like you to come back to Rhode Island and you know,

take a job in administration. I didn't know what position it was; I didn't know --

4. Q. Sure.

A. Hey. I just, you know, trusted him, and I wanted to make sure he succeeded, so I

uh -- so I accepted. It was -- jumped at the opportunity --

5. Q. Sure.

A. -- because he's a great guy. So, yeah.

6. Q. Absolutely.

A. So I left my job and I j-- came over here.

7. Q. Okay. Great.

A. Yup.

8. Q. And what were you doing prior to that?

A. Attorney. A civil litigator with Lewis Brisbois Bisgaard & Smith.

9. Q. And that's in Connecticut?

A. In Connecticut. They're based out of LA.

**DETECTIVE SERGEANT BROCK:**

10. Q. And speaking of the attorney stuff, obviously we want to make -- you know, we're not looking for any confidential attorney / client stuff. I know that may not necessarily apply to you here in your role, --

A. Yeah.

11. Q. -- it -- you're not acting as an attorney with the governor, correct?

A. Yeah, that's correct. No, I'm not.

12. Q. So.

A. Yes.

13. Q. We just want to --

A. Yeah.

14. Q. -- make sure we're not ... We don't want you to think that you have to betray any confidences or anything like -- Obviously, you don't have that attorney / client here anyways.

A. **Yeah. I don't really have anything to -- to do with this situation. So, if I'm fine with chatting.**

15. Q. Okay.

A. **So. Yeah. (indiscernible) I know.**

16. Q. What was your role as a senior advisor? Like what were your primary duties?

A. **Yeah, so my portfolio includes Department of Administration, O&B, Office of Management and Budget, and Veterans Affairs. And then, you know, sometimes like special projects. Like I'm dealing with a -- a -- or I'm -- I'm the infrastructure -- IJA coordinator for the State of Rhode Island, which is just infrastructure funds, the new infrastructure bill passed by Washington DC. So -- Yeah, --**

17. Q. Okay.

A. -- it was pretty much right before that.

18. Q. Okay.

A. **It didn't really kick into gear until, I don't know, probably May of uh, of last year or**

so.

19. Q. Okay.

A. **But yeah.**

20. Q. Okay. At some point were you like lead or did you be part of like a board for education or anything like that with the governor's office?

A. **No.**

21. Q. No.

A. **Education is not my ...**

22. Q. For like re-opening schools or anything like that?

A. **No.**

23. Q. You weren't head of that board or anything like that.

A. **No.**

24. Q. Okay. Okay. Did you have any involvement in the RFP process that was initiated by the governor's office in regards to the re-opening of schools?

A. **No.**

25. Q. No. Were you a part of any email communication regarding that?

A. **So I'm on two emails that were part of Channel 12, whatever. I had to --**

26. Q. Okay.

A. **-- give a (indiscernible) APRA. But they were emails that were sent to me, and so I wasn't -- I'm like on two emails. My -- And, and uh, I was, you know, just -- I was just included on it in like uh ...**

27. Q. Do you remember --

A. -- in February.

28. Q. -- what those emails were?

A. Yeah, it was -- it was Mike McGee just reaching out to myself, Tony Silva, and the governor. And uh -- And that's -- that's -- that's about it.

29. Q. What was he reaching for, do you remember?

A. I don't -- I don't remember word-for-word. I mean, they're in the cha--, I mean it's on Channel 12. It's --

30. Q. Yeah.

A. They -- they uh, posted the email (indiscernible). I don't remember -- Like, I can't tell you right now verbatim.

31. Q. Okay.

A. Just kinda ...

32. Q. Well was it ...?

DETECTIVE SERGEANT BROCK:

33. Q. What -- what was it about, was it roughly? Was --

A. Yeah.

34. Q. Was it McGee, would it be Education?

A. Yeah. Oh definitely. It was education based for sure. For sure it was education --

35. Q. Yeah.

A. -- based. And uh, -- and you know, I -- I assume it's probably about some, you know, it was about some contract. But unless I have the emails in front of me, like --

36. Q. Okay.

A. -- I just can't, you know.

37. Q. If I were to say something, would that maybe refresh your recollection a little bit?

A. Possibly.

38. Q. Could it possibly -- Could the email communication from McGee possibly have been about awarding a emergency contract for re-opening of schools?

A. It could have been around that subject for sure.

39. Q. Okay.

A. You know, I got -- I got back here February 15<sup>th</sup>, right. It's --

40. Q. Okay.

A. -- like a whirlwind or whatever. And --

41. Q. Yeah.

A. -- you know, it's the transition time, and so people are reaching out over emails. I, you know, produced those emails in the APRA request, I just saw his name and just produced the emails, you know, because I -- I wasn't --

42. Q. Okay.

A. -- really part of any of that process, so.

43. Q. So you --

A. -- (indiscernible)

44. Q. -- weren't part of a c--, a conversation all in which they were talking about awarding an emergency contract early on to re-open schools with testing.

A. No. I'm -- No. Like because I was added on emails, you know.

45. Q. Mm hmm.

A. But um, -- But education, that stuff's -- I'm not in that portfolio, so I just, --

46. Q. Okay.

A. -- you know. Anything to do with education I just pass off to I think the education advisor we were hiring at the time was Christine Metcalfe Lobe, so I'd be referring out to --

47. Q. Okay.

A. Christine or to, you know --

48. Q. Okay.

A. -- somebody else. But my-- Yeah.

**DETECTIVE SERGEANT BROCK:**

49. Q. Were you meeting any sub-groups?

A. No.

50. Q. Opening Schools, Universities, and Colleges Safely subgroup?

A. Oh. Yeah. So that's for the -- that's for the -- That -- that's uh, for the Coronavirus Taskforce. Yes. So, tho--, that was a um -- oh, what's that ...? It was the -- The Community Coronavirus Task Force. It was when he was doing -- during his transition going in to be prepared for the, you know, coronavirus pandemic. He put together people outside of the administration for that -- for that. And I ...

51. Q. 'He' being the governor.

A. The governor. Yes. The governor put together a host of people: Doctor Jha to, you know, to Mayor Polisen, to you know, um, uh, you know, people in – in education and stuff like that. And so um – Yeah. So I was tasked with really just administering the group; just making sure they would show up all together. It was a huge group, so I broke it up into subgroups --

52. Q. How many --

A. that [Indiscernible / voices overlapping] ...

53. Q. -- people do you think --

A. [Indiscernible / voices overlapping].

54. Q. -- were in the group?

A. I don't – I hate to – The attorney in me hates to guess --

55. Q. Heh heh. Sure.

A. -- answers. So.

56. Q. That's all right. I know [Indiscernible / voices overlapping] ...

A. (laughs)

**DETECTIVE SERGEANT BROCK:**

57. Q. Well just qualify it.

58. Q. Yeah.



DETECTIVE SERGEANT BROCK:

59. Q. (indiscernible) good.

A. (laughs) You – you know. I don't know, Like it could have been up to 35 to 50 --

60. Q. Okay.

A. -- you know, people.

61. Q. And these names were provided by the governor?

A. I don't know if they were provided just by him. Again, around that time that –

Again, it's a whirlwind, right, so --

62. Q. Sure.

A. -- like it was – it was a group that was put together before I came back. I come back and, you know, I just administered the Zooms and got them organized in a better fashion. So it was like a group of 50; they all had different specialties. So I broke it up into subgroups that made sense.

63. Q. Did you attend those Zoom meetings?

A. Oh yeah.

64. Q. Yeah.

A. Yup. Yup.

65. Q. And do you know if those Zoom meetings were recorded?

A. I'm not sure.

66. Q. You're not sure.

Ref: 21-2-IV

A. I mean, I'm – I'm sure uh – I don't – Yeah, no, I'm not sure.

67. Q. And what was the focus on those Zoom meetings, do you know?

A. It was like ... I – I'd have to check. Heh. Like there's so much that has gone on such then. It was basically like, you know, ideas about, you know, hey, -- Or – or we were informing them about updates from the internal coronavirus team at the office. And then they were providing us with information from, you know, from the ground. I mean, this was like mayors; you had the, you know, a person from Firefighters Association, you had, you know, doctors that were on there. I mean, it was really a total community. So we were just getting information back. You know, sometimes when you're like inside the office, it can be, you know, sort of like a – you know, you're in a bubble and you want to be – you want to get the information from the outside. So.

68. Q. And who ran those meetings? Like --

A. Um --

69. Q. -- who at the actual – I know you coordinated the Zoom calls.

A. Yeah. So – so I --

70. Q. So who ...?

A. I ran the meetings.

71. Q. Okay.

A. But I'd also have like the chief of staff Tony Silva would come on meeting sometimes. I mean, we'd have, you know, Brenna McCabe would come on. Did she come on? She might have come on. (indiscernible) You know. And Mayor Polisena was one of the co-chairs of it and so was Doctor Stoukides was one of the other co-chairs of it. And so you

know, sometimes they would – you know, they would start off and – and talk about, you know, their items. But --

72. Q. Yeah.

A. Yeah. It was a pretty – It got to be pretty informal, you know, as the --

73. Q. Sure.

A. -- coronavirus kind of wound down there in May and then kicked back up. So, it was uh – um – near the end of it. I mean the subgroups. There was like, you know, just four or five people showing up near the end as we got into May and stuff like that. So it kinda wound down around there. Yeah. But it – Of what I – I can see, the re--, re-opening of school, it – it – that did really – I mean they had more college, university folks and – I don't think there was a lot of K- through 12 folks like on there. But yeah.

74. Q. Okay.

A. Yeah, it was just one of the subgroups that made sense.

75. Q. Was Julia Rafael-Baer part of ...?

A. So she might have been on like the first one maybe that I – the first Zoom was really – I mean, I – I wasn't running the first one, first one was. You know, I was welcoming people as before they were broke up into subgroups. So, I'm not sure if she attended the – when it broke down into subgroups.

76. Q. Okay, you're not sure if she – Otherwise she would have been on the first one?

A. P--, Possibly. There was a couple before I got back, and then when I got here and started like administering the group. Sh-, The first one was like all together, so I don't – I literally just got on to, you know, introduce the governor, introduce co-chairs. They spoke.

77. Q. Okay.

A. **And then I thanked everybody.**

78. Q. Okay.

A. **You know. And so, I don't know who attended those. I couldn't, you know.**

79. Q. Sure.

A. **Yeah.**

80. Q. So I know you said earlier as far as your role being the senior advisor, besides facilitating these Zoom calls in regards to the re-opening of schools or subgroups there, you deferred everything to Christine Lopes Metcalf, is that correct?

A. **For Education, yeah. I mean Education had the, you know, -- Christine Lopes**

**Metcalf was the Senior Advisor for Education at the time.**

81. Q. Okay.

A. **So. Yeah. Anything with Education I would defer to --**

82. Q. To her.

A. **-- to her. To the person that's in their portfolio.**

83. Q. Okay.

A. **I'm not trying to take on extra work.**

84. Q. Okay.

A. **(laughs)**

85. Q. Sure. And you didn't have any involvement in the RFP process --

A. **No.**

Ref: 21-2-IV

86. Q. -- for the reopening of schools?

A. No. Like I said, like that – Even though DOA was in my portfolio, I wasn't -- You know, I worked outside of state government, right, so this my first time working in state government. So I wasn't really too hands-on with a lot of things with DOA or O&B until like May --

87. Q. Okay.

A. -- of – of – of that year. So, I wasn't really involved in that process.

88. Q. Okay.

A. Yeah.

89. Q. What was Mike McGee's role with the – with the governor?

A. So, he didn't really have a role with the governor. I mean, I know it was his first – I think the first Office Children Youth & Learning in Cumberland. Like the first uh --

90. Q. Yeah.

A. -- um, opener of that. I mean --

91. Q. Okay.

A. -- I've known Mike in an informal role from just throughout the – throughout the years in Cumberland. I mean, I'm from Cumberland (indiscernible) ...

92. Q. Okay.

A. (indiscernible) it's a bunch of people from Cumberland. But (laughs) --

93. Q. Yeah.

A. So um, -- So yeah. So, I've known him that way, and like, you know, um. But just

really informally. So, I d-, He didn't have, to the best of my knowledge, he didn't have any, you know, like formal role or anything like that.

**DETECTIVE SERGEANT BROCK:**

**94. Q.** Did you see his name on a lot of the emails?

**A.** Uh ... Yeah. I mean emails that I turned over in APRA, you know that he's - he's on those two emails. If he's sending out an email, so he's sending it to, you know, me, Tony, and the governor.

**95. Q.** Yeah.

**A.** So, yeah.

**96. Q.** So, in - in that email, I know - Do you - Like, did you read those emails, or are you saying I (indiscernible) ...?

**A.** Yeah. Around that time I probably did not (laughs).

**97. Q.** Okay.

**A.** That was like near the end of February, and I'm just getting my feet from under me. And it's about Education, so I - I wouldn't - Like, no interest. So I wouldn't be really, you know. I know --

**98. Q.** Yeah.

**A.** -- that that's not in my lane, --

**99. Q.** Because --

**A.** -- so I wouldn't --

100. Q. Because I – I mean I'm sure you've seen the news and everything like that.

A. Yeah.

101. Q. Basically, --

A. I know a lot about that.

102. Q. -- in those emails Michael McGee is – is stating that, you know, encouraging the governor to get this emergency contract out to re-opening of schools; he's talking about Julia Rafael-Baer and how she has this business that they've – they've researched everything, and they can hit the ground running.

A. Right.

103. Q. Okay. So that's the email that I think you're talking about that was in the news that went back and forth, right?

A. Yeah.

104. Q. So that doesn't happen, right? I mean there's no emergency contract that's awarded. But we know that there's a RFP process that happens.

A. Right.

105. Q. Right? Do you know who the RFP, eventually gets awarded to for --

A. Well, --

106. Q. -- the Education? Like --

A. -- it's awarded to two people, right, is that the ...? I – I don't – Again, I don't follow it com--, My portfolio's pretty busy now, so I don't --

107. Q. Okay.

**A. -- follow it really too closely. But --**

**108. Q.** Sure.

**A. -- you know, the end of that process it's WestED and ILO are the two people at the end of that process.**

**109. Q.** Mm hmm.

**A. It seems like, --**

**A. Right.**

**110. Q.** Right. Right.

**A. -- with those--**

**111. Q.** Right.

**A. -- two names. So. Yeah.**

**112. Q.** Right.

**A. Yeah.**

**DETECTIVE SERGEANT BROCK:**

**113. Q.** Were you involved in any of the discussions of getting it to those final two?

**A. No.**

**114. Q.** Because that--that came out of DOA, right?

**A. Yeah.**

**115. Q.** That's a -- That's a new portfolio.

**A. It totally is. Like I said, --**

**116. Q.** (indiscernible) as you're getting involved, like you know, getting your feet under you.



**A. Yeah.**

**117. Q.** So any conversations with Director Thorsen or – or Dan Major about, you know, we got these two companies; what (indiscernible) are we going to do with them?

**A. I mean, not – not to my best recollection. You know. And I – That whole – Because it was predominantly – Actually, it's like the – I'm – I'm, I'm, I'm studying for the bar exam, because Rhode Island makes you take the bar exam in a reciprocity for any other states, so I have to take it in – in July. So there's the predominate – predominate-something rule for contracts, right? It's like it's a – If it is, you know, more this one thing, then it's in the UCC; if more the other, then it's in common law. And so, that situation was more Education. So it's like I just – I'm not – I just didn't really n--, I wasn't asked to be involved in that process, and at that time I had so many other things going on that, you know, it's like, okay that's in the education realm. And – And Christine Metcalf Lopes I knew from prior. I mean, I'm friendly with her, so you know, I knew that she had stuff (indiscernible). Like I don't need to delve into that, the other senior advisor has this covered. Like, you know.**

**[REDACTED]**

**118. Q.** Did you hear anything in regards to it whether you were involved or not, did you hear anything as far as it being anything fixed or?

**A. No.**

**119. Q.** No?

**A. No. I – I – I – I know--, I only talk about that because that's just not, you know, how the – how the, the – the – That would be so far from the realm of the possibility of the folks that were involved. Like if you knew Jim Thorsen, he's like the most honest straightforward.**

Like, he w- he wouldn't be involved in a process like that. Same with the governor. I mean, these guys are some of the most honest straightforward like, you know, would never come close to being involved in a process that would have that. So it's a - So, no, I didn't hear anything like that, and it would - that's just why I kinda smirked with him (indiscernible) ...

120. Q. Okay.

A. -- so.

**DETECTIVE SERGEANT BROCK:**

121. Q. On - on that same idea though, what about Julia or McGee, are they the type of people that might be involved in something like that?

A. No. Well, I don't - Well I don't know Julia from Adam. You know. So, I don't know her at all. Mike I've always known as a really nice guy. I mean, I - I don't, you know, -- He's - he's always been very pleasant to, you know, talk with or whatever. But again, I see him in very informal roles. But --

122. Q. Mm hmm.

A. -- I - I would be - I - It would be very, very surprising. I - I - He's a good family guy, and I know that. So. No, he's - he's - I mean his father this like great doctor or whatever, he's a nice guy. So, you know, I - I would not think so. I'm -- I'm a pretty judgmental person (laughs) when it comes to like that. But uh, no he's - he's always been a --

123. Q. Well, money can do --

A. -- very nice person.

124. Q. I mean we're talking - the talk was 10 and 12 million dollars, so - of, of this contract, so, you know, money makes people do some funny things. You know, it even makes good people do

some dumb things.

**A. I – I can't – I can't comment on that, you know, I don't – You know. I – I don't want a perspective of what somebody will ... But I just know they're – I mean, he's a – he's a really nice guy, he's always been very straight up like, you know.**

**125. Q. Yeah.**

**A. So yeah.**

**126. Q. But as far as you said his role when I asked you what Mike McGee's role was with the governor's office, you said there really wasn't any, right?**

**A. I mean, there really wasn't.**

**127. Q. I mean it appears that he was in a lot of emails, --**

**A. Yeah.**

**128. Q. -- so.**

**A. So, you know, again you're going through a historic transition, right. So this is a transition that the state's not paying for; it's unlike any other types of transitions that I – when I was in two thou--, in 2011 when he transitioned, I ran Peter Kilmartin's campaign for Attorney General, we transitioned him into office we had a big ole budget, you know, that you can --**

**129. Q. Yeah.**

**A. -- get – You have advisors come in, you have a bunch of time, you have three months usually right, from an election to – to getting sworn in. This is crunch time historic, like during the midst of pandemic. So you have to pull in people that could be advisors and formal advisors, people that have specialties in different areas. It's like: hey, we're thinking**

about, you know, we've got to do this / we've got to do that, you know, we – Yeah, all – So, you pull in these advisors or these people that you know that have specialties in different areas to give advice about all sorts of different topics. So, you know, as the transition is happening you have these informal advisors of yours or people that have specialties that you can just call them up for advice. Doctor Jha was like a big person we leaned on. And, you know, and – and um, you know, mayors from all different cities and towns, and, you know. All sorts of folks. Folks that ran colleges and universities, I mean, just to get advice about what do you gonna do.

130. Q. Yeah. Sure.

A. So I – I wouldn't be surprised if like, you know, if he's one of the advisors during the transition, I would probably expect a person that, you know, had worked for a year prior and worked in the education realm and you care about education and you know, that person would be there during the transition informally as a – as an advisor. Do I know if that was his specific role?

131. Q. Yeah.

A. No. Definitely not. No.

132. Q. No one ever told you that.

A. No. No, I don't. No one ever told me that.

**DETECTIVE SERGEANT BROCK:**

133. Q. Is he involved now?

A. Not that I know of. Not that I know of. I wouldn't – I wouldn't think so. But you know. Yeah.

134. Q. You're not seeing his name on emails or anything or getting anything --

A. No.

135. Q. -- from him?

A. No. No.

136. Q. Has that been since the -- that APRA request summer, or uh?

A. I don't know. I -- I can't -- I can't say because I'm not, you know, I'm not really -- I'm not really close to it, so I don't know if that's the reason or not, you know.

137. Q. Mm hmm.

A. That -- This -- I, I do -- I do- I believe everything has been thoroughly investigated t--, I -- I -- It's -- It was a very open process. So, you know, I -- I -- you know, I -- I don't think anything is the reason why a person's not around or is around. It could -- it could still -- I have no idea because I -- I'm not really in contact with them. Again, education's not in my --

138. Q. Sure.

A. -- area. I know him informally growing up in Cumberland, you know, --

139. Q. Sure.

A. -- and being around Dan's campaigns and stuff like that throughout the years.

140. Q. Have you had any prior experiences with just RFP processes in general?

A. No.

141. Q. No. So this is --

A. No.

142. Q. -- like your first one. Or?

A. **Well I wasn't involved in this one, --**

143. Q. Right.

A. **-- so. So, like I know about them; I've learned--**

144. Q. Yeah.

A. **-- about them, --**

145. Q. Okay.

A. **-- you know, since. But yeah, I don't really ...**

146. Q. Have you ...? Like is -- in what you've learned, is it normal for them to end up being awarded to two companies? I think it actually transitioned to what they call like an MPA?

A. **So, --**

147. Q. Like is that something?

A. **So, I -- So, I don't know. I -- I wouldn't --**

148. Q. Okay.

A. **I wouldn't speculate on that.**

149. Q. Okay.

A. **Just because a) I don't have the experience, right.**

150. Q. Sure.

A. **And what I know is the basic law, right, or -- or some of the basic laws. I'm not an expert in the law in that area either. Like if we were back in Connecticut, I'm an expert in construction law --**

151. Q. Okay.

A. -- and negligence and stuff like that. So I'm not --

152. Q. Yeah

A. -- you know.

153. Q. Yup.

A. I -- So. So, I don't know.

154. Q. Okay.

A. Yeah.

155. Q. All right.

DETECTIVE SERGEANT BROCK:

156. Q. Did you notice any C--, CYA type activity happening among the staff once the story started to break and once --

A. No. No, it's -- it's ... It -- it's not -- There--, there's -- D-, Definitely not. If anything, it's like be as open as, you know. You know, the APRA request was -- was, you know, make sure you look through everything. I mean I went through, you know, just to be safe I went through so many different emails. I -- I have Mike McGee's father more in my emails than I have, you know, (laughs) than I had him. Right. I -- I voluntarily went over to my Gmail just because I was like: Oh yeah, I was like part of the transition or whatever at the time. And then like we went into the law and like well there's an interpretation that you know, that your, you know, personal email. So that was going above and beyond, like, and that's --

157. Q. Yup.

A. -- that's more what everybody did.

[REDACTED]

158. Q. Yeah.

A. You know.

**DETECTIVE SERGEANT BROCK:**

159. Q. So in – you went through your personal emails to see if there was any--, anything –

A. Yeah, well that's what those two emails were --

160. Q. -- that – that didn't --

A. -- from on the APRA --

161. Q. Yeah.

[REDACTED]

162. Q. Yeah.

A. -- process. Yeah.

163. Q. Yeah.

A. Yup.

164. Q. And everyone else theoretically did also?

A. Yeah. Yeah, I would assume so, yeah. Or – Or they went through to see if they have emails (indiscernible). But yeah.

165. Q. I know you mentioned that you – that you're on – on board for an investigation. What – what – what do you think – What do you think we'll find when we, you know, after we've done our hundred interviews?



**A. The lawyer's uh --**

**166. Q. (indiscernible)**

**A. The lawyer -- The lawyer in me doesn't answer that question --**

**167. Q. (laughs)**

**A. -- because that's a -- you know, it's a -- it's like I -- Look, I -- I -- I'm -- I said I'm on board meaning that I understand you gotta do, you know, the thoroughness and due diligence, like. But --**

**DETECTIVE SERGEANT BROCK:**

**168. Q. Yup.**

**A. -- I mean you -- you could not -- The in--, Like, I know th-, without knowing, without having in depth conversations this could happen. But I -- Like, I know these people, and I know that they're -- Like this process was meant to be as -- a-, as open as possible, right. Like that's why it goes through the RFP process, to be an open bidding process, right, when --**

**169. Q. Right.**

**A. -- at the time --**

**170. Q. Well it started as an emergency contract, right, they ...**

**A. I thought it was --**

**171. Q. It was -- it was an emergency contract.**

**A. I thought it was -- it was always RFP from the beginning. Now see, this is my non-involvement.**

[REDACTED]

172. Q. No, because that --

A. -- right. So.

173. Q. That was the email that you were on in the beginning that ... Mike sent, and he's asking the governor for an emergency contract to be awarded to Julia Rafael Bell -- Baer with --

A. Right.

174. Q. -- her Hope Street consulting company.

A. But it never got -- We -- It never was an emergency contract.

175. Q. No.

A. (indiscernible)

176. Q. No.

A. Yeah. And so I --

177. Q. But -- but don't you find that funny that in -- in -- ear--, in the early beginnings when maybe you weren't paying attention to your emails, but --

A. And --

178. Q. -- McGee's asking --

A. -- with that one I definitely --

179. Q. McGee's asking the governor for an emergency contract to be awarded to Julia. At the end of the day there's no emergency contract awarded, but there's a RFP process that ends up being split between two companies.

A. Mm hmm.

**180. Q.** ILO is one of them, which is Julia has a significant part in, right – roll in it, and that's where that company gets the majority of the money that's --

**A. Right.**

**181. Q.** -- awarded. And do you find...? Like, you don't find that to be --

**A. So, from what – So again, I'm not an expert in the RFP process, right.**

**182. Q.** Sure.

**A. And I've learned new things about the RFP processes, not – not based off of this, just based off of – because there's a bunch of RFP processes that now go on and I'm, you know, I'm part of more and more of that or at least just – just being informed about what they're about just to – just to know ahead of time and stuff. And – and so you know I – I don't know. I – I don't know if that's unusual or not. And – and so I – It's like there's um – sometimes there's a limited universe, right. We have a – a – you know, technology. There's – There's a limited universe of technology companies that come in that bid for stuff. You --**

**183. Q.** Sure.

**A. Sometimes you want 10 people to bid for things, and only three or four do. And so, you know, so that's – I, I, I don't know.**

**184. Q.** But even so, and say only three and four do and you pick two, I mean why would it go 50/50 versus 90/10?

**A. Right. So, I don't – So, I don't know, right, not for that process. But --**

**185. Q.** Okay.

**A. -- there are – there are reasons why, right that --**

Ref: 21-2-IV

186. Q. Sure.

A. -- that things look certain ways. You know, it's the Malcolm (indiscernible), it's defaulted truth. It's like, you know, you -- or Occam's Razor, right, it's --

187. Q. Okay.

A. -- sometimes the simplest -- And it's -- Sometimes things look a certain way, but they're actually just as straight-forward as, you know, as -- as this -- this starts out as an open bidding kind of process even if one person requests something or whatever, you know, --

188. Q. Okay.

A. -- (indiscernible) it's an open bidding process. And um -- Yeah, and it just ends up with, you know that -- that type of result. But it doesn't -- What I know is the people that were in charge of it, Jim Thorsen, Dan Major. I mean, these people --

189. Q. Yeah.

A. -- are -- like they're not putting their reputations on the line. Like the governor, I get it, I've known him since I was 14. So yes, am I a little bias? Of course, when you've known somebody since you were -- since you were 14-years-old. But uh -- But he as, you know, honest and as open as like you're gonna see in a governor of any state. Like he is just local mayor, like, you know, small business owner, married his high school sweetheart. Like, just he's not -- he's not sticking his neck out on the line for anything like that. Like, it's just not in his DNA. And ...

**DETECTIVE SERGEANT BROCK:**

190. Q. So do you think that he can be manipulated?

A. No. No. No. I mean ... No, definitely not.

191. Q. I mean obviously we can all be manipulated.

A. Right. Right.

192. Q. But --

A. But no, not -- especially on -- He's really passionate about education. I mean, this is --

193. Q. Yeah.

A. -- his life's work is education.

194. Q. Right.

A. -- I mean, I'm -- I'm sure you're researched the ballots and stuff. But charter schools and all this stuff. Like he fought really hard for this stuff, he's not gonna, you know, put his uh, put his reputation and his family and all that on the line for --

195. Q. Yeah.

A. -- for something like that. So, just cause -- So, I know the people that ran the process, right, and -- And it's not even in the governor's hands, right, once it hits the OA and the RFP process, now it's just, you know, going through the regular RFP process. And these people are lifers. Like Dan Major, like he's not -- he's --

DETECTIVE SERGEANT BROCK:

196. Q. Yup.

A. -- not doing anything that's not by the book. Nancy uh, uh, Meyer or ...? Yeah, I think it's Nancy Meyer. Like she's --

197. Q. McIntyre.

A. McIntyre. Yeah. She's right, you know, --

198. Q. Mm.


A. -- right by -- You're not -- She's -- You're not moving her any which way. Like, she's going by the book. I've seen her in Zoom calls with -- with other stuff that has nothing to do with RFP where's like like: No, no, this -- this. Like, she's --

199. Q. Yup.

A. -- she's very by the line. And Jim is a person that just -- I mean, the guy has the biggest heart. He is like pure as the driven snow and like, you know, he's old-school Catholic. He's not -- You know, his -- this is right and wrong; this is, you know, --

200. Q. Yup.

A. We're -- we're always going by the open transparent, you know, right --



201. Q. Sure.

A. -- (indiscernible). It just -- It ends a certain way and then it looks a certain way. But everything in between and the people that ran it are -- You know, they're not people that are going to be manipulated or step out --

202. Q. (indiscernible)

A. -- just because --

203. Q. What about --

A. -- of this.

**204. Q.** What's the story with Tony Afonso? Do you see him uh ... being involved in this process at all, and what – what was his role?

**A.** So, I'm not – I'm not sure. because at that time he was senior deputy chief of staff, right. So I actually reported to Tony Silva at that time. So I didn't have too much interaction with him. You know. And since now him becoming chief of staff I've had a lot of interaction with him.

**205. Q.** Mm hmm.

**A.** But um – And Education was in his portfolio, right. But – But he is like – I mean, talk about a guy that is about, you know, a – a stickler for following every area of the law and never even coming close to any line, and always being, you know – I mean after a process he's like: Make sure you're as thorough as possible. I mean. Yeah, he's a – a great attorney, a legendary attorney in the state. He's uh – He's um – Yeah, he's somebody that uh, is always gonna, you know, err on the side of, you know, let's be – don't even get close to the line, always following every area of the law.

**206. Q.** All right. And is there anything about this process that kind of stuck out to you as a little bit off at all?

**A.** No. And but --

**207. Q.** Were there any red flags? Any ...? Just anything? An--, Any – anything that kind of was ...?

**A.** So, I – I wish I (indiscernible). I wasn't involved too much in it, right. Like, Mike McGee reached out to me and that he even included me on those emails because it's the end of February; I just got back here. He knows me from the informal, you know, throughout the

years of, you know, Dan's runs as mayor; then he was running for lieutenant governor, and like he knows me informally through the Cumberland, you know, uh, uh, uh, circles over there. So like he just includes me on the email because he thinks -- I don't know what he d—He's guessing at what my role could be or something like that maybe. I have no idea. But um, -- But that's it. Right. Then we get in there in office and I'm in charge of the lieutenant governor search. That was (laughs) -- That was 74 people, open search. Another great example of like, he wants an open and transparent [Indiscernible / voices overlapping] ...

208. Q. He got -- He got plenty of that (indiscernible) for that one.

A. Oh, totally did. That was quite the ... (laughs) quite the process. So. So I'm not, you know, pay attentioning (phonetic) to this at all because I've got 74 people and I'm doing all these different things --


209. Q. Sure.

A. -- and stuff like that. So. And then there's the different task forces that I'm helping run during the transition: the Coronavirus Taskforce. (indiscernible) like administering that; making sure the different groups that I'm charge of now are still engaged now that we're in office; there's no, you know, complaints like: Oh yeah, you asked for a month and then kinda tailed off. So um, so I wouldn't even have a -- an inkling as to if anything was off or not really. And also I don't have the experience in the RFP process to know what would be off or what would not be off. I just know the people that -- that ran it, you know, and I -- I trust those people.

DETECTIVE SERGEANT BROCK:



210. Q. Yeah.

  
211. Q. Did anyone ever tell you what to say in regards to this if you were questioned about the RFP--

A. No.

212. Q. -- process or --

A. No.

213. Q. -- anything? No one's ever told you not to tell the truth or not to -- or to say this, this, this?

A. No.

214. Q. No.

A. No.

215. Q. No one's ever. Okay.

A. Yeah.

**DETECTIVE SERGEANT BROCK:**

216. Q. And I'm good for now. It's 8:00 now; I don't want you to be late for the boss.

A. (laughs) Yeah.

(laughing)

A. Thank you.

217. Q. We appreciate you taking a couple of minutes. We don't want to steal too much of your time.

A. No, no, it liter--,

218. Q. (indiscernible)

A. -- literally --

219. Q. (indiscernible)

A. -- any time.

220. Q. All right.

A. Any time.

221. Q. And we – we may reach out again. You – I’m sure you’ve probably heard we

(indiscernible) ton of interviews and --

A. Yeah.

222. Q. -- so we might reach out to you again just to do a – a more formal interview. But we just

wanted to come and touch base with ...

A. Yeah.

223. Q. So we appreciate it.

A. No, it's no problem at all.

224. Q. Yeah. Absolutely.

A. All right.

225. Q. Thank you very much.

A. Sorry I didn't have better seating.

226. Q. Oh (laughing)

(End of recorded interview)

WITNESS STATEMENT OF FARRELL, CHRISTOPHER

Ref: 21-2-IV

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**STATEMENT TAKEN BY:**

---

**WITNESSED BY:**

---

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Christine Lopes Metcalfe DOB: █-75  
First Middle Last DOB

ADDRESS: \_\_\_\_\_  
Street City Telephone #

PLACE INTERVIEWED: █

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: State of Rhode Island, Department of Education  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 4-14-22 TIME: 1:00 pm

REPORT:

On 4-14-22, I responded to █ Providence to interview Christine Lopes Metcalf. Present for the interview team was me, █ RIAGs Moreira and Roklan. █ Attorney Kevin McAllister was present representing Lopes Metcalf. █

Lopes Metcalf has known Governor McKee and Mike Magee since 2009. She was hired by Magee for RI Mayoral Academy which was founded by McKee and Magee. She then went to work for RICAN which is related to ConnCan which was established by Mike Magee's brother, Marc Magee. Both RICAN and ConnCan are not for profit organizations with the purpose of advocating for charter schools.

Lopes Metcalf did not meet Rafal Baer until 2019 or so. She advised she was aware of Rafal Baer prior to this but had not met her in person. This was at an early childhood development meeting and she was not sure if Rafal Baer was there as a private consultant or as Chief for Change.

Lopes Metcalf advised she spoke with Mike Magee in February 2021. He asked her about taking a position in the McKee administration filling Kevin Gallagher's position.

Lopes Metcalf eventually met with McKee at his residence. He asked her to join his administration but she was not sure of what her role was going to be. She was hired by McKee and transferred from RIDE to the administration in March 2021. Eventually she found herself working with Afonso and in education.

The first involvement Lopes Metcalf had regarding the RFP for school reopening/Education, was Afonso asking Lopes Metcalf who could be on the review board from RIDE.

Lopes Metcalf knew that there was a RFP before she went to the Governor's Office. Infante-Green had told her about the RFP. Lopes Metcalf was told that Rafal Baer had reached out to Gallagher to inquire on how to craft a RFP. It was known that Rafal Baer was going to submit a bid for the RFP. Rafal Baer was leaving CFC to go full time as a consultant. Lopes Metcalf was still at RIDE during her transition when she learned about RFP. Magee had previously told Lopes Metcalf that there would be consultants and that Rafal Baer would be one of them.

Lopes Metcalf had concerns that Rafal Baer, as a paid consultant, would be secured by a sole source procurement process. Lopes Metcalf didn't have any conversations with Silva or McKee regarding consultants.

Magee, in conversation with Lopes Metcalf, said that Silva had been telling people that the Governor wanted to hire someone he knew. Magee was frustrated with Silva because now it was going to be an RFP process. This conversation with Magee happened before the Governor's announcement of his staff.

Lopes Metcalf didn't tell anyone else that Silva was telling others that the Governor wanted to hire someone he knew. No one else had told Lopes Metcalf about the possibility of a sole source consultant other than Magee.

Lopes Metcalf was with Afonso when she learned that the contract went to ILO and West Ed as an MPA. She was asked to put together a scope of work for the Municipal Learning Centers (MLC). She sent her assessment to Afonso and received it back after some time later with many changes and the work heavily favored toward ILO. She advised that RIDE would not like the scope of the contract and met with Afonso and Magee to discuss.

Lopes Metcalf later met with RIDE officials then reported back to Afonso and updated the scope of work using RIDE's input. This new scope became what was used to allocate the work. Lopes Metcalf advised there was still no budget for this work and that the budget was set by the vendors.

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Daniel Majcher  
First Middle Last DOB

ADDRESS: \_\_\_\_\_  
Street City Telephone #

PLACE INTERVIEWED: [REDACTED]

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: State of RI  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 3-24-22 TIME: 1:00 pm

REPORT:

On Thursday, March 24, 2022, at 1 PM, [REDACTED] RI Assistant Attorneys General John Moreira and Peter Roklan, [REDACTED] I (Sergeant Michael Brock) met with Mr. Daniel Majcher, Esq., Assistant Legal Counsel for the RI Department of Purchasing to discuss his involvement with the "Reopening Schools Contract". Present with Mr. Majcher was his attorney, John Calcagni.

[REDACTED] began the interview by introducing herself and thanking Majcher for his voluntary cooperation in this investigation. She advised that she knows he is an attorney and does not want him to reveal any information that would violate his attorney/client privilege. She advised that the investigative team is aware that he worked on the 'Reopening School Contract' not as an attorney but as a member of the review team. Majcher advised that he agreed with [REDACTED] statement and added that 99% of his work in this area was administrative, not in a legal capacity. [REDACTED]

Majcher advised that he was hired by the State of RI under the Carcieri Administration and has served in state government since that time, approximately 2011. During the time in question (spring 2021) he was Assistant Director of Special Projects in the Department of Administration. He is now Chief Legal Counsel of Transactions.

He advised that his duties at the time in question were to address day to day legal questions within the Division of Purchases, handle various litigation issues, sign contracts, provide legislative support, and act as the rules coordinator. He advised that he has previously served on several review committees for a variety of complex contracts and purchases. Majcher advised that James Thorsen, Director of the Department of Administration and the Chief Purchasing Officer for the State of Rhode Island, asked him to be a part of this review committee. He advised that he had not heard of this contract prior to being asked to be on the review committee. He advised that Thorsen told him the contract was a top priority for the Governor.

Majcher advised he had a meeting with Tony Afonso and Thorsen. Afonso was the Deputy Chief of Staff for Governor McKee at the time and was not his Chief of Staff. Afonso and Thorsen asked who applied for the contract, Majcher advised he then checked the portal and emailed the names of the five companies that applied. He advised that this meeting seemed normal because both Thorsen and Afonso were new to the purchasing world and wanted to know how to do this quickly.

Majcher advised that Nina Lennon emailed him regarding him being chairperson of the review committee. He advised that he felt a representative from RIDE should be the chair considering this was an education type contract. He advised he was later told by either Nancy McIntyre, Lennon or Thorsen that this contract was coming from the Governor's Office and should be led by DOA. As a result, Majcher agreed to be the chair.

Majcher advised that at that time, he had not heard of any discussions about an Emergency Contract. He advised that he later heard 'talk' about it.

Majcher advised he does not remember any conversations about Municipal Learning Centers (MLCs) during the above meetings.

Majcher advised that Lennon sent him the technical proposals and that he reviewed them prior to meeting with the review committee. He advised that he thought 2 of the proposals were missing material so he went to Lennon and McIntyre to see if there was more information available. He advised that he assumed the missing material was a result of the companies having to rush to get their proposals in due to the short timeline.

Majcher advised that he does not know who wrote the RFP and that he reports directly to Fred Stolle on a normal basis.

Majcher advised that the first review committee meeting was held via Zoom and that he asked his assistant, Jenny Shaw, to take notes. He advised that she did take 12 pages of notes and provided them to him. He advised that he and the other committee members, Tom McCarthy, Mayor Lombardi, and Kristin Danusis had all read the proposals prior to the meeting, and each noticed the short comings of the 2 companies. He advised that all committee members scored the proposals similarly and no one seemed to have strong feelings for one company or another. He advised there seemed to be some familiarity between McCarthy, Danusis and Julia Rafal Baer.

Majcher advised that Danusis had a strong educational background and seemed to know Rafal Baer. He advised that McCarthy seemed familiar with Chiefs for Change. He advised that he knew WestEd had previously worked with RIDE. He advised that he knew MGT runs some school districts in the country, has a national footprint, and has a previous relationship with RI DLT, but had not performed education related work in RI.

Majcher advised the scoring was done through discussions. He advised the main concern for WestEd was their lack of a communication plan. He advised there was no mention of lobbying. He advised that he noticed MLCs in the RFP but did not know what they were. He advised that he knew there was a Mayoral Academy in Cumberland and assumed Governor McKee had something to do with it during his time as Mayor of Cumberland.

Majcher advised that he believes he briefed either McIntyre or Thorsen about the committee meeting. He advised that he did later speak with Afonso and Afonso suggested having a round of interviews with the companies. He advised he was not planning to do interviews until it was suggested by Afonso. He advised the plan after the meeting was to draft a memo then get the cost proposals. That plan changed after speaking with Afonso. He advised that he does not recall speaking about scores with Afonso. He advised that Afonso mentioned something disparaging regarding a previous issue with MGT in RI. Majcher advised that he and/or

his staff did some digging and did not find anything negative about MGT. Majcher advised that he has no memory of Afonso saying anything along the lines of “embarrassing the Governor”.

Majcher advised all of the proposals had a very vague scope. He advised that they knew ILO was a new company, but that all the major contributors to the company were very experienced. He advised that the bigger, national companies were also putting together new teams to work on this proposal. He advised that they did ultimately deduct points from ILO due to their recent creation but saw the individuals as experienced.

Majcher advised that he did speak with Thorsen and McIntyre about the scores of the companies. He advised that after the interviews with the companies, the scores did change, and that ILO ended up a point or two ahead of WestEd. Majcher advised that after the interviews, the committee had a quick Zoom meeting then sent the memo.

Majcher advised that at some point he was advised by Afonso that the company selected should be the one that is most compatible with the Governor. Majcher advised that the scores did change after the interviews because WestEd still did not have a communication plan. Majcher advised he did not recall if ILO had a better idea of MLCs than the other companies. He referred to the memo. Majcher believed a RI based company would be best because they could hit the ground running and would know the unique nature of RI. He advised he did not recall any communication from Thorsen or Governor McKee regarding the importance of a RI based company.

Majcher advised that after submitting the memo, Lennon sent the cost proposals to the team. He advised the proposals were opened and there was a huge disparity in the costs and hours. He advised the spread was approximately 3,500 hours for one company and up to 35,000 for another. He advised that he spoke with Thorsen and McIntyre about the disparity. He advised Thorsen did not have a suggestion on how to rectify this. He advised McIntyre was not surprised because she believed the RFP was too vague. He advised that after these conversations, it was agreed that they would ask the companies to submit a ‘best and final’ based upon of a certain level of effort. He advised that Thorsen later told him that the Governor’s Office wanted the level of effort to be 22,000 hours. He advised that he sent a spreadsheet to Christine Lopes Metcalfe with the 22,000 hours broken down into certain tasks. He advised that she sent it back with a different scope of work. When this was reviewed by McIntyre and Lennon, they determined that the new scope was too far from the original scope of the RFP and could not be used without restarting the entire process.

Majcher advised that the spreadsheet was prepared and sent by Lennon to the vendors with a week to respond to the level of effort. After Lennon received the updated proposals, she sent them to the review committee. He advised all three companies seemed to be on the same page, but all vendors qualified their offers by saying they had to meet with State officials to figure out exactly what needs to be done.

Majcher advised that West Ed came in with the lower cost, but the costs and scope still seemed to be very far off. He believes Thorsen, McIntyre and Stolle met to discuss what to do. He discussed how to proceed with the current RFP because it seemed to not be working. He advised that at this point they began internal discussions about turning this into an MPA. He believed he mentioned the MPA first but does not specifically recall. He advised the whole RFP was a mess from the beginning and was still a mess and the way to fix it was to move it to an MPA. He advised that he believes there was a discussion between Afonso and Stolle regarding this. He advised that there was discussion about an emergency contract at this time as they were exploring how to fix this issue.

Majcher advised that he did in fact complete an informal scoring of the cost proposals. He advised he did it alone and did not share it with the review committee. He advised WestEd scored the best but that was not shared with the review committee. He was not aware of any budget for this project. When asked if it was a problem that WestEd had had a lower cost, but ILO was more in line with the Governor’s wishes, Majcher replied, “yes”.

Majcher advised that several options were discussed to include awarding a sole source contract to WestEd and ILO, but the discussions never went very far. He advised both companies appeared to be qualified but it was clear that the companies were not fully understanding the RFP.

Majcher advised that no one told him that it was not OK to select WestEd. He advised that McIntyre did tell him that she met with Rafal Baer and Michael Magee early in this process. Majcher advised that there was an ‘undercurrent’ of pressure to select ILO. Majcher explained the ‘undercurrent’ as he knew of the meeting



with ILO, Magee, and Governor McKee. He advised that he was not aware of who Magee was at the time, but now knows him as an advisor to the Governor. He advised that he did get the sense that the Governor had a preference for ILO.

Majcher advised that he does not recall any specific conversations between he and Thorsen about trying to push the contract to one company or another, however he recognized that Thorsen was 'stuck between a rock and a hard spot'. Majcher advised that he understood that the Governor's office wanted ILO to get the job. Majcher did not answer when asked if the undercurrent of pressure and the knowledge that the Governor's office wanted ILO affected his decision-making process.

Majcher advised that despite him calculating the cost analysis with West Ed being the winner, he did not want to award the contract to WestEd because he felt that there was still not a clear comparison between the two. He advised that he, Stolle, and McIntyre all discussed the possibility of cancelling the contract and starting over. He advised that the ultimate decision of who gets the award is made by McIntyre and that the review committee just recommends who gets it.

Majcher advised that he was not part of the discussion of which company would get which work. Majcher advised he was not aware of a financial relationship between the Governor and Rafal Baer. Majcher advised he was not aware of who drafted the RFP until after the story broke in the media.

End of interview 3:37 PM

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SUPERVISOR'S SIGNATURE



the Review Committee (committee). She advised she did not talk to Thomas McCarthy about the proposals prior to the review committee meeting.

Danusis advised that she scored the proposals from the three contenders then met with the rest of the committee by Zoom. She advised it was difficult to come to a consensus because the vendors were all very different. She advised they then had the three vendors present to the committee. She believed the RFP was to find a consultant to replace the EdOC since it would be shutting down soon. She believed that Christine Lopes Metcalfe prepared the RFP.

Danusis advised that after the three presentations, ILO and WestEd emerged as the leading candidates. She advised they sent the proposal to DOA to have them determine how many hours would be needed for the RFP. The widely varying amount of hours and cost was an issue the committee could not overcome and asked for help from DOA and Governor McKee.

Danusis advised Mayor Lombardi was active in the RFP process and had a strong preference for ILO. She stated that he like ILO because it's a RI company and seemed strongest on Municipal Learning Centers.

Danusis advised that she did not feel the Governor's Office had a preference on which vendor was chosen. However, there was pressure to pick a vendor and pick quickly. The pressure came from Majcher to get the process done quickly. After the second meeting, Majcher gave the committee the option to do an MPA and allow each vendor to bid on elements of the contract. The MPA was offered as an option because the committee could not pick a vendor. The committee had to sign off on a summary to indicate they agreed with the decision. Danusis did not have an objection to the MPA.

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SUPERVISOR'S SIGNATURE

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Nancy McIntyre DOB: █-█-59  
First Middle Last DOB

ADDRESS: \_\_\_\_\_  
Street City Telephone #

PLACE INTERVIEWED: █

WAS PERSON PREVIOUSLY INTERVIEWED? Y FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N)

PLACE OF EMPLOYMENT: State of Rhode Island, Department of Administration  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 5-20-22 TIME: 1:00 pm

REPORT:

On May 20, 2022 █ RIAG Roklan, █ RISP Det. Elliott and I interviewed Nancy McIntyre at █. Present with Ms. McIntyre was her attorney, Lisa Holley.

Ms. McIntyre was previously interviewed. █ audio recorded. The notes here do not encapsulate █

█ Ms. McIntyre was shown several emails █ McIntyre believed an email dated March 9, 2021, from Kristen Cole (Governor's Office) was looking for someone to serve on the review board for the school reopening contract.

Ms. McIntyre believed an email dated March 11, 2021, was an email from her to Director Thorsen outlining an RFP template to include documents needed to be submitted.

Ms. McIntyre believed an email dated March 15, 2021, provided a typical timeline for an RFP and included what could be a condensed timeline. She advised this was to contradict a timeline provided by Magee. She provided a condensed timeline because she was aware that McKee wanted this contract awarded rapidly.

Ms. McIntyre advised that an email dated March 19, 2021, was encouraging because she felt Magee tried to limit the scope of potential bidders and this email left the bidding guidelines broader to include more possible bidders.

Ms. McIntyre was welcoming of Thomas McCarthy into the RFP process as she was aware of his experience with RIDE and DOH.

Ms. McIntyre advised that an email dated March 23, 2021, from Jeremy Licht did a good job of clarifying the RFP. She advised Afonso rejected the edits made by Licht and went with the original RFP.

Ms. McIntyre advised that an email dated April 17, 2021, interviews of bidders is common practice. She advised she believed Dan Majcher wanted to interview the three bidders. She advised Thorsen is involved in some RFPs, but not many. She figured his involvement with this one was due to it coming from the Governor's Office. She advised Thorsen was not part of the review process.

She advised that Afonso should not have received any information about the RFP process and evaluation. She advised that although she believed interviewing the bidders was Majcher's idea, she now believes it was Thorsen's idea.

Ms. McIntyre advised that the review committee appeared satisfied with all three bidders, but once the cost proposals came in the bids were too far apart. She advised there was no budget discussed at this time, but she recalls Magee's email in which he advised this project could cost in the multi-millions.

Ms. McIntyre advised that an email dated May 12, 2021, was an embarrassing email for everyone involved. She advised the email was a response to what was supposed to be a phone call job interview with Governor McKee for Amanda Rivers, but Governor McKee used it as an opportunity to express his frustration with the purchasing process and did not know or remember that Ms. Rivers was interviewing for a job and was not part of the purchasing team at the time. Ms. Rivers did get hired.

Ms. McIntyre advised that she did not know how Governor McKee obtained the technical proposals and advised that it was inappropriate for him to review them.

Ms. McIntyre advised that Majcher proposed the idea of an MPA. She advised that she agreed that an MPA would benefit this process.

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SUPERVISOR'S SIGNATURE

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Jeremy Licht 82  
First Middle Last DOB

ADDRESS: \_\_\_\_\_  
Street City Telephone #

PLACE INTERVIEWED: \_\_\_\_\_

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N)

PLACE OF EMPLOYMENT: State of RI  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 5-31-22 TIME: 1:00 pm

REPORT:

On 5-31-22, I responded to \_\_\_\_\_ to interview Jeremy Licht. Also present were \_\_\_\_\_ Assistant Attorney Generals John Moreira and Peter Roklan, \_\_\_\_\_ and Rhode Island State Police (RISP) Detective Courtney Elliott. Also present and representing Licht were attorneys Claire Richards and Michael Connolly. This report summarizes this interview. \_\_\_\_\_

Licht stated that he first heard about an education consulting contract when he read an email about it that was forwarded to him by Thorsen within a few days of Governor McKee taking office. Licht stated the email that Thorsen had sent him was from Magee and consisted of several bullet points regarding the scope of work for school reopening. Licht advised he had a general sense of who Magee was but could not remember who had provided him with that information.

Licht stated that he doesn't remember specifics regarding the email but recalls that Thorsen wanted to speak with him about it. Licht stated that he probably had several conversations with Thorsen regarding the issue of school reopening and would have provided guidance on compliance protocols to use federal money appropriately for that purpose. Licht stated that there were multiple "buckets" of federal money, and he would provide guidance on how different needs could be paid for with different spending buckets.

Licht stated he remembers discussing the purpose of the contract with Thorsen around March of 2021. He stated that there were two components; one was focused on COVID testing, school reopening and compliance/safety protocols. The second was focused on learning loss due to the pandemic and strategies to assist with municipal learning academies (MLA). Licht stated that he doesn't remember much discussion about MLAs and was more focused on COVID strategies and school reopening. Licht stated that he was involved in discussions about the contract for approximately one month before he left his position in April 2021.

Licht stated that he provided feedback on the draft of the RFP that he received. He stated that he didn't think the RFP was clear to bidders and suggested it be reorganized. He stated that his feedback provided a logical way to restructure it so the RFP would be effective. He advised that he told Thorsen it should be restructured and that he wanted to frame the RFP appropriately to ensure the ability to draw from particular buckets of money for different parts of the scope. He did not know why his changes weren't considered in the final RFP. He stated he had provided feedback on other RFPs before.

Licht stated that he doesn't remember ascribing anything to the Governor himself in regard to the education contract but remembers more direction from the Governor's office. He stated that the initial email detailing the scope of the contract from Magee was not the typical in terms of state procurement and that he got a sense that something was there. He stated that it is unusual for someone who works outside of government to provide a scope of work for a state contract; it would usually come from a state employee.

Licht stated that he had an inkling that he was brought into discussions about the education contract to ensure the process was followed. He stated that he received a vibe from Thorsen that they follow the proper process and do things correctly. Licht stated that he learned that Magee was a trusted education advisor to the Governor during his involvement in the education contract process.

Licht stated that he knew who Julia Rafal-Baer was independently from the ILO contact. He stated that he was familiar with her husband's work. Licht stated that Rafal Baer had been recruited for a job at RIDE three to four years ago under the Raimondo administration, which is when he first became aware of her.

Licht stated that he received the impression from Thorsen that the education contract was a high priority of the Governor's office. Licht stated some questions arose regarding overlap of the scope of the contract because a majority of school reopening had already been accomplished. He advised that he has no knowledge of a financial relationship between Rafal Baer and Governor McKee. No one from the Governor's office reached out to him about the contract. He didn't remember additional meetings or conversations related to the RFP.

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SUPERVISOR'S SIGNATURE

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Robert Avossa █-71  
First Middle Last DOB

ADDRESS: █  
Street City Telephone #

PLACE INTERVIEWED: Telephone Interview

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N)

PLACE OF EMPLOYMENT: K12 Leadership Matters  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 6-1-22 TIME: 11:00 am

REPORT:

On 6-1-22, I conducted a telephone interview of Robert Avossa with Detective Courtney Elliott █

Avossa met Julia Rafal-Baer (Rafal-Baer) in 2015 when he joined Chiefs for Change (CFC). At the time, Avossa was a school superintendent in Palm Beach, Florida. Michael Magee was the CEO of CFC and Rafal-Baer was in Operations for CFC. After leaving the school system, Avossa worked for LRP Publications for approximately two years, then went off on his own with a consulting business and worked with CFC.

Avossa did not know what ILO was until it blew up and was in the newspaper. Avossa remembers David Irwin reaching out to him as he had received an email from an individual requesting a reference for ILO. Irwin didn't know what the ILO Group was.

Giving Avossa the time frame of March or April 2021, he does believe that he received a call from Rafal-Baer requesting help with a couple of small school districts in Rhode Island (RI) regarding reopening. Avossa would conduct research based on the school size, etc., and then hold conference calls with the superintendents. A project with the Blue Meridian Group (another school advocacy group) created a ten-point framework on how schools across the country could reopen safely and support kids emotionally. The final



product was a free resource. This framework was put together with the perspective of the day in a life of a child. Avossa believes that is where Rafal-Baer came up with the name for ILO, in the life of.

When Rafal-Baer spoke about the contract she had in RI with some school districts, Avossa, at the time, thought that this work was through CFC. Avossa left LRP Publications when the pandemic hit and was in communication with Rafal-Baer a lot. Avossa thought that all the calls he had with Rafal-Baer regarding work was for CFC. Avossa had not realized that ILO had existed. Avossa did a lot of work on the Blue Meridian Group project along with Rafal-Baer. CFC had won the bid/contract for the project. The contract started in 2021 and ends on June 30, 2022. For the work Avossa completed regarding the Blue Meridian Group, he billed those invoices to CFC. Avossa was never specifically asked to be a consultant for ILO. Avossa did receive a call from Rafal-Baer in which she stated she had a contract in RI and needed his help. Avossa stated that he would help but recalls it not being a lot of work. Again, Avossa believed that this work was regarding Rafal-Baer's position at CFC. Avossa sent his invoices for the work he did for Rafal-Baer in RI to Cerena Figueroa Parker. Avossa said that there was no work product for this work. Avossa's job was to walk through the day in the life pathway with the school districts. Avossa did not recall which RI school districts he worked with but stated that it was much less than he had anticipated. Avossa had been originally told that it was going to be a lot of work. Avossa knew Hope Street Consulting was a business of Rafal-Baer's.

Avossa found three invoices that he billed ILO in 2021. The dates of the invoices were September 10, 2021, October 8, 2021, and December 6, 2021. Those were later emailed to the investigative team.

Avossa was regularly asked to be a subject matter expert on RFP's. Avossa stated that it was possible that Rafal-Baer asked him to be a subject matter expert regarding the RI RFP, however he never recalls Rafal-Baer stating that it was for a new group, ILO. Avossa was not aware if Rafal-Baer attempted to obtain an emergency contract prior to the RI RFP being issued. During Avossa's experience in Florida, the procurement process was rigorous, and they were never obtained via sole source. Avossa never heard that the RI RFP was a fixed contract. Avossa is not aware of the relationship between Rafal-Baer and RI Governor Daniel McKee.

From 2015-2018, when Avossa was a superintendent in Florida, he had monthly one on one calls with Magee. Avossa did not have a personal relationship with Magee. Avossa described Magee as odd, quiet and an introvert. Avossa last spoke to Rafal-Baer yesterday or the day before. Avossa and Rafal Baer discussed other projects to include the leadership academy that is scheduled for September. When the news broke about ILO's RI contract Avossa was on the phone with Rafal-Baer and she began crying and said it was terrible. Bad news recently resurfaced when CFC did not renew Rafal-Baer's contract with Blue Meridian. Rafal-Baer cried again and stated that she didn't know what to do. Avossa felt like ILO was the back office for CFC. Avossa never had a conversation with Rafal-Baer regarding ILO.

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE

Ref: 21-2-IV

# TELEPHONIC WITNESS STATEMENT

**DATE:** May 31, 2022

**TIME:** [Not Stated]

**INTERVIEW OF:** Robert Avossa

[Redacted]

**Tel. #:** [Redacted]

**INTERVIEW BY:** Detective Sergeant Michael Brock  
And  
Detective Courtney Elliott  
Rhode Island State Police Financial Crimes Unit

**PRESENT:** [Redacted]

**LOCATION:** Rhode Island State Police Headquarters  
311 Danielson Pike  
North Scituate, Rhode Island 02857

**SUBJECT:** 21-2-IV FCU

(statement starts with no introduction)

- 1. **Q.**
- A.** I have – I’ve schedule the time you had recommended.
- 2. **Q.** Excellent. Very good. Well thank you very much. I have – We’re in a conference room here at headquarters, and I have you on speakerphone with myself, [Redacted] and Courtney Elliott. She’s a detective here with the State Police also.

[Redacted]

- 3. **Q.** Mm hmm. Good morning.

**A. Okay. Well, good morning.**

**DETECTIVE SERGEANT BROCK:**

**4. Q.** Good morning.

**DETECTIVE ELLIOTT:**

**5. Q.** Hi Mr. Avossa.

**A. Hello.**

**DETECTIVE SERGEANT BROCK:**

**6. Q.** So, if you're ready we can -- we can jump right in. I know your time is very valuable, so --

**A. Thank you.**

**7. Q.** -- we appreciate you blocking off a little bit of time for us. And hopefully we'll keep you not as long so you're ready for your lunch date today.

**A. (laughs)**

**8. Q.** So, --

**A. You have a good memory. All right.**

**9. Q.** All right. So just -- just so you know, we are recording this just for -- for our investigation.

**A. Okay.**

**10. Q.** And so just for the record, can you just state your name and spell your last name for us please.

**A. Sure. It's Robert Avossa, A-V, as Victor-O-S-S-A. My legal name though is Roberto with an 'O' at the end.**

**11. Q.** Okay. All right. And what -- what's your address?

A. [REDACTED].

12. Q. All right. I'm sorry, you just out for the – the number of – the street number. What was the number?

A. [REDACTED]

13. Q. Okay. And we have your phone number as [REDACTED].

A. Yes.

14. Q. And what's your primary address that you use?

A. [REDACTED]

15. Q. Okay. And then you have a few others through various employment or ...?

A. Yes. Yes. So I have one [REDACTED].

16. Q. Yup.

A. I have [REDACTED].

17. Q. Okay.

A. And then I have my primary business email is

[REDACTED]

18. Q. Okay. Do you have a – a Thru Ed one also?

A. No.

19. Q. No. Okay. All right. So you said your primary work one is the K through 12. Is that your -- Is that your main primary business now?

A. Yeah. I mean I – I have like – I call it a four-legged stool approach with like what I do since I left the superintendency. But --

20. Q. Okay.

A. -- K-12 is a big portion of that.

21. Q. Yeah. And is -- is that your own business, or is that --

A. Yeah.

22. Q. -- the uh ...? Okay.

A. No, it's just a single entity LLC.

23. Q. Okay. All right. And I assume that's in the form of education consultancy?

A. That's exactly right.

24. Q. Okay. All right. And then -- So obviously we're here to discuss the -- the whole matter with ILO here in the State of Rhode Island. Or we call it -- We call it 'ILO,' whether it's I -- L -- O or whatever you might refer to it as. And can you just --? How -- how do you know Julia Rafal-Baer?

A. So, approximately in 2015 I joined as a member of Chiefs for Change. I was then school superintendent in Palm Beach County, Florida. And she was -- I don't remember if she was in charge of operations or technical assistance. But the CEO was Mike McGee, and the organization then was mostly state superintendents.

25. Q. Mm hmm.

A. And I was among the early sort of school district leaders. Because originally it was for states, the -- the organization. And then they moved it from just state to states and districts. So I met her there.

26. Q. Okay. And did you form some type of business relationship through her -- with her --

A. No.

27. Q. -- through that, or was it just a social type networking type relationship?

A. **N--, No. No. So I was a member there for -- for years.**

28. Q. Mm hmm.

A. **And she was just like an ops person there. Is that what you're asking, or do you mean ...?**

29. Q. Sure. Yeah, we're just -- I'm just wondering was there a familiar -- familiarity with her where you ... where you would engage in -- in business discussions --

A. **No.**

30. Q. -- or just --

A. **No. No, --**

31. Q. -- [Indiscernible / voices overlapping]

A. **-- no, not at -- not at the time. I mean, I --**

32. Q. Yup.

A. **-- I was a member of Chiefs for a long time. Then I left and I went and worked for a big publishing company called LRT for two years.**

33. Q. Okay.

A. **And then when I went out on my own, it was my own independent consulting practice, I was doing a little bit of work for Chiefs for Change at the time, not with Julia.**

34. Q. Oh, okay. All right. And then the work you were doing for Chiefs, was that you were consulting for them?

A. **Yeah. So what they would do is they -- they'd say: Okay, we've got candidates who**

are applying for a job with say in Montgomery County, Maryland, and we'd like for you to spend, you know, eight hours / ten hours coaching them on preparation, on creating entry plans, on interview practice. So that's how it started. We – we sort of would get called periodically to do these little odd jobs here and there.

35. Q. All right. So, -- And would that be for Chiefs members that are going into these positions?

A. Yes.

36. Q. Yeah.

A. That's exactly right. So, there were -- There was two groups. There's one called

Future Chiefs --

37. Q. Yup.

A. -- and then there's the The Chief. And the Future Chiefs are people who have high potential.

38. Q. Yup.

A. And then they would apply for jobs, and then we would try to help them get jobs.

39. Q. Aha. All right. All right. So you weren't consulting for Chiefs with a school district, it was -- it was more coaching with a -- with the individual trying to get into a school district.

A. Yeah.

40. Q. Okay.

A. That's right.

41. Q. All right.

**A. And then like recently, as some of these people get hired, then Chiefs would say: Okay, I-ra-netta (phonetic) Wright (phonetic) just got Cincinnati, and you know, you helped her with the interview process; she's asked if you would continue to coach her. And then I would, you know, coach her depending on philanthropy that they would raise. They might say: Hey, grab six days. Here's a six-month contract; you can spend about eight to 10 hours a month. And so that's really -- Now, like I went from just helping (indiscernible), but then maybe in the last year or so as more people started landing jobs, --**

**42. Q. Mm.**

**A. -- I'm -- I -- I'm coaching two people now.**

**43. Q. And on behalf of Chiefs.**

**A. That's correct.**

**44. Q. Okay.**

**A. Yup.**

**45. Q. And is that basically the -- the model that Chiefs follows? Is that -- If someone says: All right, what -- what -- what is Chiefs for Change, is that what it is?**

**A. So, I -- I -- you know, I don't know all of what they do. They do a lot of advocacy. So on behalf of like immigrant children, they may take a position and say: Look, you know, whether you're an illegal immigrant or not, you have a right to go to school, and then they would lobby, you know, go to -- to -- to DC and other places to lobby agendas for children -- on behalf of children.**

**46. Q. Mm. Mm hmm.**

**A. But I -- I didn't -- I'm not involved in any of that, I just work with the school districts.**



47. Q. All right. All right. And then just over the years – Well how is it that you ended up being in contact with Julia regarding this incident ...?

A. So it's – Well first of all, I didn't even know that Julia wasn't the chief operating officer anymore. And I didn't even know that ILO existed until all of this blew up.

48. Q. Mm hmm.

A. I believe, and I – I can't recall exactly, but David Irwin, who is at Thru, he and I got an email from someone saying: Hey, I need to fill out a document for ILO as a reference. And he and I were like: We don't even know what that is. So, at some point Julia peeled out as the operations person for Chiefs for Change and created her own group. Which none of us were aware of until all this crap hit the newspaper.

49. Q. Mm hmm.

A. And then we were like: Well what's ILO? And so that's – that's where, you know, ever--, I mean, the few people that I talked with were all caught flat-footed. We didn't even know that she wasn't at Chiefs. I don't ever recall getting an email or anything saying --

50. Q. Mm hmm.

A. -- hey, you know, we're using this third party, ILO to do work with us.

51. Q. All right. And so if I can bring you back to A--, late March / early April of 2021, --

A. Mm hmm.

52. Q. -- did you have a conversation with Julia at all about partnering with her for ILO or for this school re-opening contract in Rhode Island?

A. N--, You know, I don't (indiscernible) exactly the time and date. But I did get a phone call from her. We were doing opening of school all around the country. Like, it was crazy. Everybody was looking for help to figure out a way to open.

53. Q. Yup.

A. And so at that point she said: Look, I got a bunch of these small districts, we -- we uh -- we a--, we gotta help open. So she would, you know, call or email or whatever and say, you know, this district has decided they need a little bit of help. So then -- And look, the -- I don't remember the names of the districts. They were super small. And, you know, I'd have to do like a bunch of internet research on it: All right, how big is the district? What's the pre-reduced lunch? How many buildings are there? And then I would do these conference calls with these superintendents and their teams --

54. Q. Mm hmm.

A. -- to try to help them think through opening safely.

55. Q. Now is that -- is that what you did with Julia, or is that what you did prior to ...?

A. No. So, we -- So it's confusing. There -- there was another gigantic grant that I think came a little bit later than that that was called the Blue Meridian Group.

56. Q. Okay.

A. And that was a -- a philanthropic investment where these -- these groups got together and said, look, we need to create a framework, it's like a 10-point framework on how schools across the country can -- can deal with Covid like from opening safely to providing social emotional support and counseling for children and staff --

57. Q. Yup.

**A.** -- that have been socially isolated. And so part of that project was this – this thing called ‘A Day in the Life of a Student’ that – I think the group was called Mackenzie that led it. And basically what they did was they created like these pathways. I then later found out that that’s where Julia got the idea of calling it ‘In the Life of ...’ILO was considered In the Life of. So in creating this opening of schools template, which was free for people, right, it wasn’t – it wasn’t all – people didn’t have to pay for --

**58. Q.** Mm hmm.

**A.** -- these documents that Mackenzie wrote. They could pay for technical assistance if they needed it. So I was doing a couple of those through Chiefs – for Chiefs members. So like there was a district in Phoenix, and so I was doing that. So I think in and around that time is when I got a phone call from Julia saying: Hey, I need some help if you have a little bit of time. It wasn’t a bunch, it was small.

**59. Q.** Yup.

**A.** And then I think everything fell apart with the emails and all the stuff in the news.

**60. Q.** Yup. So, ...

**A.** And then David was – David at the time was working on the project for municipalities, David Irwin and --

**61. Q.** Yeah.

**A.** -- the group at Thru.

**62. Q.** Okay. So, --

**A.** And – and --

**63. Q.** -- I – Can ...?

**A. -- also periodic was – Oh, sorry.**

**64. Q.** Can I got back to the phone call with Julia, what --

**A. Sure.**

**65. Q.** So she – she calls you out of nowhere saying she needs help, or she has a contract; she needs help, or what - how does that go?

**A. Yeah. Yeah. So, she said: Look, I've got these districts. I got a contract in Rhode Island; I've got a district that needs support in opening. And then there was like a junior girl there who would organize the calls.**

**66. Q.** Yeah. Now when--, Do you remember when that phone call was? Or do you have it --

**A. I have --**

**67. Q.** -- documented --

**A. -- no ...**

**68. Q.** -- anywhere?

**A. No. I have no idea. I mean, you know, at the time we were making (indiscernible) calls and emails --**

**69. Q.** Right. Right.

**A. Yeah, like, I have no idea.**

**70. Q.** If you went back --

**A. I c--, I mean ...**

**71. Q.** If you went back to your phone records, would it only be one --

**A. I --**

72. Q. -- one -- one phone call from Julia, or would it be the --

A. **No.**

73. Q. -- principal calling --

A. **No. Because --**

74. Q. -- (indiscernible) long time.

A. **No. Because I -- Again, at the time I didn't even realize ILO was its own entity. So I would --**

75. Q. Yup.

A. **-- I would talk to Julia about all these other opening of schools things regularly --**

76. Q. At --

A. **Like --**

77. Q. Regularly as in since the beginning of the pandemic or since the beginning of 2021?

A. **No, I think -- Look, I -- I had done some coaching for the State of Tennessee Department of Ed. Like a couple of their cabinet members had a new State Chief. So I had done a little bit ... even after I left the superintendency. So during 2019 and 2020 before the pandemic hit. Then when the pandemic hit, I left LRP, which is the publishing company. I started my own little group.**

78. Q. Yup.

A. **It's not a group, it's just me. But --**

79. Q. Right. Yup.

A. **So no, she would call, or I would call her like I--, a lot.**

80. Q. So during – So you've had a – a business relationship with her for a few years, n--, it didn't just start out of the blue in April of last year.

A. **No. No. But – but remember, I never – I didn't even know ILO existed. They – They – All – all the calls I was having with Julia was from Chiefs. Chiefs, Chiefs, Chiefs --**

81. Q. Yup.

A. **-- Chiefs. That's it.**

82. Q. Okay.

A. **And then I'm – And then when sh--, when the – the Blue Meridian Project, which really Chiefs won, and if I understand it, her team executed on that, and I did a lot of work on the Blue Meridian Project. Like --**

83. Q. Yeah.

A. **-- days and days per month.**

84. Q. Okay. All right. So I – I think I'm starting to understand now. So this Blue Meridian was a school re-opening thing that Chiefs for Change won, --

A. **Correct.**

85. Q. -- and you and Julia worked together with I'm sure several other Chiefs to --

A. **Oh. But --**

86. Q. -- come up with the Blue Meridian documents.

A. **Project.**

87. Q. The --

A. **Yes.**

88. Q. -- school re- --

A. **And --**

89. Q. -- opening stuff. And this was --

A. **Yes.**

90. Q. -- over winter of 2020 into spring of 2021?

A. **No, it's been -- It's -- it was '21 into 2022. Like it's ending now. June 30<sup>th</sup> --**

91. Q. Okay.

A. **-- the Blue Meridian Project is done.**

92. Q. All right. So going back to 2021, before Julia left Chiefs, did she ask you to be on -- be on

a -- her team or ILO Group or Hope Street Consulting --

A. **No.**

93. Q. -- for this Rhode Island project?

A. **No.**

94. Q. No.

A. **I mean she called me and said I -- you know, I got this contract and I need your**

**help.**

95. Q. Mm hmm.

A. **And that was it. Like I didn't know --**

96. Q. And what -- what did you ...?

A. **-- the project ...**

97. Q. What was your answer to that?

**A. Yeah, I'd help. I'd find some time.**

98. **Q.** And was that ...

**A. It wasn't a lot.**

99. **Q.** Was that as a Chie--? What--? Did you interpret that as you were going to be working for Chiefs or you're going to be working for her?

**A. Well, that's interesting. Because I -- I had no idea that ILO existed until**

100. **Q.** Okay.

**A. -- later. So when she --**

101. **Q.** Yup.

**A. -- said: Hey, I've got these projects for you, --**

102. **Q.** Mm hmm.

**A. -- I just assumed it was -- it was through Chiefs like it always had been.**

103. **Q.** So when you --

**A. Um, ...**

104. **Q.** -- when you helped her, how did you get paid?

**A. I'd -- I'd have to go back. I would send my invoices to a lady named Sarina.**

105. **Q.** Sarina Parker?

**A. Yeah. Her named changed. It used to be a Hispanic last name. I think it's --**

106. **Q.** Yeah.

**A. -- her -- Sarina --**

107. **Q.** Figu--



**A. Parker.**

**108. Q.** Figueroa?

**A. Yes.**

**109. Q.** Yeah.

**A. Yes. That's it. Yup.**

**110. Q.** And you sent them to her at Chiefs or somewhere else? Because she used to --

**A. I'd have --**

**111. Q.** -- work at Chiefs also I believe.

**A. Sh--, She did. And --**

**112. Q.** Yeah.

**A. -- so the confusing part was like even on the BMP work, the Blue Meridian work, --**

**113. Q.** Mm.

**A. -- I -- I would send my invoices to Chiefs --**

**114. Q.** Yup.

**A. - and -- and got paid. So, I -- I still don't understand the relationship between ILO and -- and Chiefs. I never did.**

**115. Q.** Yup.

**A. And I still don't.**

**116. Q.** A--(laughs) Well we're working our way through that as well. So, don't -- don't feel bad.

**A. Okay.**

**117. Q.** So, you would have records of -- of those payments that you were billing for that -- for the

Rhode Island arm of – of that contract, correct?

**A. (indiscernible) Yeah, I would have an invoice --**

118. **Q.** Okay.

**A. -- from that.**

119. **Q.** And would you have the work product that you produced? Were you producing documents or producing slides or – or decs or anything like that?

**A. No, my job was to essentially walk them through what was the day in the life of like, Pathway.**

120. **Q.** Yup. And do you remember what schools or what – what superintendents or – or administrators you spoke with, or what – what towns you dealt with?

**A. I do not. There were so many that we were doing at the time. I just remember that it wasn't as much as – as I had anticipated. Because when she called she said we're going to be very busy, I need to know wh--, how much time you're going to be able to provide for this project.**

121. **Q.** Mm hmm.

**A. And then it turns out that the project, probably because of all this emails and stuff, didn't really turn into much of anything.**

122. **Q.** Mm hmm. And would – would you have an email trail of when your work for Julia, for Rhode Island started and kind of ended? You know, if you reviewed your Sent and Received emails, would you kind of get the gist of when you started working --

**A. Uh, I don't --**

Ref: 21-2-IV

123. Q. -- for her?

A. -- think so. I mean, I have, I think, a couple of invoices during that time.

124. Q. Mm hmm.

A. Rhode Island Governor's SR ARP Funding memo. So, yes, here's the project that I invoiced: Rhode Island Governor's SR ARP Funding memo and PowerPoint, which ... was created and shared.

125. Q. Yup.

A. Once the project -- Or like, I don't keep any of that. Like, once the --

126. Q. Yeah.

A. -- projects are done, they're custom like that, I d--, I don't keep them.

127. Q. Mm hmm. Mm hmm.

A. The other products really weren't products, they were just like time spent. So for example, you know, I'd walk them through the -- the opening of schools project --

128. Q. Mm hmm.

A. -- that Mackenzie created, and then just spent -- and -- and asking them these questions and sharing how other districts --

129. Q. Mm hmm.

A. They'd be like: Okay, so how do you get the kids to the lunchroom? How are other districts feeding kids? How are they keeping people socially distanced? How are you ...? You know. So, And -- and because we were in the field so much we were able to provide good solid like, responses --

130. Q. Mm.

A. -- as some parts of the country were open and others weren't.

131. Q. Okay. So this – the contract that Julia told you that she has for Rhode Island, --

A. Yeah.

132. Q. -- if you pound down on your phone or your email would you be able to – to at least give me a week or two window that that phone call would have happened?

A. I have absolutely no idea. None.

133. Q. Okay.

A. No.

134. Q. Have you --? Are you aware of any of Julia's businesses or consulting firms outside of Chiefs?

A. Yep, I did a project with her with Hope S--, Hope Street.

135. Q. Okay. Was that recently or uh?

A. It was rec--, It was last year with Houston.

136. Q. Okay. All right. So not – not part of Rhode Island.

A. No.

137. Q. All right. And have you heard about the re--, request for proposals for re-opening schools in Rhode Island; specifically the uh, the Rhode Island --

A. What --

138. Q. -- RFP?

A. No, I only – The only thing I ever knew about that was when it – when it hit the

newspaper.

139. Q. Yup.

A. I – I've never seen it, never discussed it, --

140. Q. Right.

A. -- she never asked a question about it. Now the other thing that's ironic is that

David and I who – we've worked together for years on and off, had also submitted for an RFP in Rhode Island for another body of work right after this came out.

141. Q. And so not – not the RFP that's in question, but for something else--

A. No.

142. Q. -- that came up?

A. No, something completely different.

143. Q. All right.

DETECTIVE ELLIOTT:

144. Q. What was that?

A. You'd have to ask him. I just remember, again, he – he – he saying – Which is not uncommon. Like le-, Like lead consultants will go over projects all over the place and then have subcontractors like me or others.

DETECTIVE SERGEANT BROCK:

145. Q. Yup.

A. And so I – I don't know. He tends to be very technical in nature. So David used to work at Gardiner, so he's like a tech guy.

146. Q. Okay.

A. So it may have been something to do with tech, but needed like to have --

147. Q. Yeah.

A. -- like a superintendent on the proposal that would understand how to navigate, you know, --

148. Q. Yeah.

A. -- a school district. But you would have to ask him. I know he -- he keeps meticulous records. Because he goes after RFPs all the time. I don't.

149. Q. Okay. Now did you -- Do you know if you ever got a um, paycheck or a stipend or reimbursement from ILO?

A. I mean I invoiced ILO in 2021, yeah.

150. Q. Okay. All right. So you did send invoices to ILO that ...

A. Yup.

151. Q. All right. (indiscernible) Okay. And -- and that was for your work for the school re-opening contract; although you didn't know it was for the school re-opening contract at the time, is that correct?

A. That's correct.

152. Q. All right. And now ... I'm sorry. Go ahead [REDACTED]

153. Q. So my only question though is, you said you didn't hear about ILO until it hit newspapers. But -- So those invoices that you sent to ILO, was that after it was in the newspapers?

**A. Yeah. That's right. I mean, it was the newspapers saying that, you know, people were questioning how this person got the contract, et cetera, et cetera.**

**DETECTIVE SERGEANT BROCK:**

**154. Q. Mm hmm.**

**A. But, you know, I – questioning something and, you know, not – not knowing that in fact, you know, what – what went on, what's been going on, I still don't know.**

**155. Q. Yup.**

**156. Q. No, I was just curious just for our timeframe. Because, you know, ILO I think may have been doing work prior to the articles coming out --**

**A. (indiscernible)**

**157. Q. -- in the newspaper, if that makes sense.**

**A. Yeah. Yeah, I have – I have no idea.**

**158. Q. Okay.**

**DETECTIVE SERGEANT BROCK:**

**159. Q. All right. So, ILO started in say, March – early March, or the contract went out in – or was awarded in June or so. None of this really hit the press until September. Do you remember when you were doing work, the school re-opening work? I mean it must have been in the summer, right, because school re-opened in the fall.**

**A. Yeah. I think it was basically August – like, August ... See, I – I've got three invoices: one for September 10<sup>th</sup> for August, --**

160. Q. Mm hmm.

A. -- one for October 8<sup>th</sup>, and then one for ... December 2<sup>nd</sup>.

161. Q. Okay.

162. Q. And these are all for ILO?

A. Yes.

**DETECTIVE SERGEANT BROCK:**

163. Q. All right. And so in -- in March or April, --

A. Yup.

164. Q. -- were you aware that you were a Subject Matter Expert for ILO? Was that--? Would that be your title then or would that be your ...

A. It's --

165. Q. -- not [Indiscernible / voices overlapping]

A. It's not uncommon ... Oh, sorry.

166. Q. You know, not -- not your title as an employee of the company, but that you're a subcontractor essentially under the ILO Group umbrella? Does that make sense?

A. Yes. So -- it, it could -- it could have been. I -- I don't know that. I -- I am very regularly asked to be a Subject Matter Expert, or content expert --

167. Q. Mm hmm.

A. -- depending on who's doing the RFPs.

168. Q. Mm hmm.



**A. But I don't ever recall anyone – Julia in particular – saying: hey, we started this new called 'ILO.' And by the way, I'm putting in this RFP. I assumed at the time – and you – because it's looking clear to me that there was even such a thing as ILO.**

**169. Q.** Mm hmm. So at the time --

**A. I – I never --**

**170. Q.** -- you assume --

**A. -- got a proposal. Like, --**

**171. Q.** Yeah.

**A. -- if – if she wrote a proposal, I never saw it.**

**172. Q.** Yup. 'Proposal' meaning as in the RFP --

**A. Oh, yeah, yeah.**

**173. Q.** -- (indiscernible)?

**A. Sorry, the RFP.**

**174. Q.** Yup. Okay.

**A. Yeah.**

**175. Q.** And --

**A. Yup.**

**176. Q.** -- so when she reached out to you on the phone call, who – who did you think you were being a Subject Matter Expert for?

**A. I thought they were going after it for Chiefs.**

**177. Q.** Yup. Okay. All right. And then k--, when you said ...

**A.** And I – I mean I even asked David because you know—I mean, you – I get a phone call from you which, you know, you get a phone call from the – it freaks you out. I'm like:

David, --

**178. Q.** Yup.

**A.** -- I've tried to find anything where I got a look at that. He goes: I've never – I never saw the proposal from her.

**179. Q.** Yup.

**A.** But he ke--, Like I said, --

**180. Q.** Yeah.

**A.** -- they do RFP. I – I don't think I've ever written an RFP.

**181. Q.** Mm hmm. Yup. Okay. All right. For this – For this contract in particular, were you ever aware that Julia was trying to win this contract – or tried to win this contract without it going out to bid; she was trying to get --

**A.** No.

**182. Q.** -- an emergency --

**A.** No.

**183. Q.** -- type contract on herself? No.

**A.** No.

**184. Q.** Would there be a --

**A.** Not -- not that I – No --

**185. Q.** -- reason for a - for a – an emergency contract or a sole source type contract for

consulting services of this nature to go out or are there plenty --

**A.** I --

**186. Q.** -- of consultants out there that can do this stuff?

**A.** Well for opening of schools? My guess is there's probably lots of other people.

But I'm not -- Like I said, I'm not an expert in this space. When I was school superintendent,

it--

**187. Q.** Mm hmm.

**A.** -- you know, I -- we always followed like a very strict procurement

process.

**188. Q.** Mm hmm.

**A.** Very rarely do -- I don't - I actually remember one in eight years as superintendent I

did a sole source.

**189. Q.** Mm hmm.

**A.** In Florida you're allowed to do what's called piggyback. I -- I used that on a reading

program once, which -- Let's say Miami Dade went through a real rigorous procurement

process and won a bid. We were allowed to use that to purchase the material--, like reading

materials. But I don't really know a lot about sole source or what the thresholds are for it.

**190. Q.** All right. When -- When Julia called you about the contract and -- and looking for help,

did she say that it was already hers?

**A.** No. I mean, I -- I got -- She didn't say anything like that. She just said: I got -- I got

some opening of schools projects I need help on. How much time can you give me?

## WITNESS STATEMENT OF AVOSSA, ROBERT

Ref: 21-2-IV

191. Q. Yup. All right.

A. **That's what I recall.**

192. Q. All right. Did she say anything about a fixed contract?

A. **No. I don't even – I don't even know what that is.**

193. Q. Yup. All right. Do you know about Julia's – or, or if there's a relationship between Julia and Governor McKee?

A. **No. I – I don't know that.**

194. Q. Yup.

A. **She's never mentioned it.**

195. Q. Yup. All right.

A. **I only know what I read in the newspaper that Mike had known her --**

196. Q. Right.

A. **-- known him.**

197. Q. Yup. And what – what's your relationship with Mike McGee?

A. **Not really. I mean, I – When I was superintendent, we would do monthly calls.**

198. Q. Mm hmm.

A. **But very rarely would I have any relationship with him outside of --**

199. Q. Okay.

A. **-- the monthly calls.**

200. Q. Did you talk to him at all about this contact or this work?

A. **No. No, he's – he's – he's odd. He's very quiet and introverted. He wouldn't talk to**

**me about anything.**

**201. Q.** All right. So no – no discussion – Or you weren't doing the monthly phone calls during this uh ...

**A. No. So – so, let me be clear. When I was a school superintendent, --**

**202. Q.** Mm hmm.

**A. -- Mike would call me individually once a month.**

**203. Q.** Okay.

**A. And that was between 2015 and 2018. Then I'd see him every once in a while on a Zoom or whatever. But I – I – I don't really have a relationship with him.**

**204. Q.** Okay. All right. Do you know if Julia is providing any other services to the State of Rhode Island as a result of – of winning this – this --

**A. I have no idea.**

**205. Q.** -- contract? No.

**A. No idea.**

**206. Q.** All right. Well when's the last time you talked to Julia?

**A. Like, yesterday or the day before.**

**207. Q.** And what was that conversation about?

**A. About other projects. Not – not – Nothing to do with – with this. We were talking about a leadership academy that we're thinking about doing in September. You know, I didn't tell her that I was talking with you guys. She's never asked me that either.**

**208. Q.** Yup. Have you ever discussed this whole issue with her at all?

**A. Well -- Oh, I mean, when it first happened we were on a call and, you know, she was crying saying that, you know, 'this is just terrible,' bah bah blah blah. And then recently it came back to light because Chiefs didn't renew her contract with Blue Meridian. And so the new interim CO sent out an email telling everybody that Chiefs for Change, you know, has decided to move in a different direction. He didn't put any information into it, but.**

**209. Q. So, McGee's --**

**A. But ...**

**210. Q. -- McGee's not at Chiefs for Change anymore?**

**A. No. He left. He's a -- He's a president of some college out in California.**

**211. Q. When did he leave Chiefs for Change?**

**A. I'm -- I'm -- I really don't know the date. I would say maybe two months ago. You could probably look and see on LinkedIn when he changed it --**

**DETECTIVE SERGEANT BROCK:**

**212. Q. Yup.**

**A. -- that he went there. I don't -- I don't remember. I just know Bob Runcie came in as the interim.**

**213. Q. Okay.**

**A. And then shortly after that, you know, as the summer was approaching, we were, you know, the -- the big dig project, we're all anticipating Blue Meridian doing year two and um, Mr. Runcie and the board decided to not work with Julia and ILO.**

[REDACTED]

214. Q. And Julia is no longer with Chiefs for Change, is that correct?

A. I -- You know, this is the part I don't understand. I -- I thought they were somehow one and -- one and the same, but they're not. So, I -- I think they're like the back office for Chiefs. I don't know.

**DETECTIVE SERGEANT BROCK:**

215. Q. That ILO's the back office for Chiefs, is that what you're saying?

A. I -- I -- Yeah, maybe. I don't know. That's the only I can -- I can contemplate. I mean, I know that they -- they did all the execution on the Blue Meridian project, which was unbelievable. It got great accolades from like all the funders. Like, we met all of our deadlines. But, you know, I just don't know en--, enough about that relationship.

216. Q. Mm hmm.

A. I don't know.

217. Q. Okay.

[REDACTED]

218. Q. And that Blue Meridian project was funded by other separate grant money, is that correct?

A. Yeah. So, the B--, Blu-, the Blue Meridian Partnership or Blue Meridian Group is -- is like a group of philanthropists who decide to pool their funding together to help America's schools. And we created all these toolkits and projects for them. It was fast and furious. A lot a lot of work. And it was in partnership with a really reputable large consulting firm called Mackenzie. Yeah, so Mike's not there anymore and Bob Runcie just recently said, you know,

we're not renewing with ILO.

**DETECTIVE SERGEANT BROCK: Okay.**

**219. Q.** And what was her reaction when that news came out?

**A.** Well that's where – that's where like – like it all bubbled back up. So she's like crying again and saying I'm tired of all these people; I don't know what to do. And I said, yeah, I – I don't know what to tell you.

**DETECTIVE SERGEANT BROCK:**

**220. Q.** What – what was your take when you found out that you were actually working for ILO and not Chiefs, did you have a conversation with Julia then?

**A.** What do you – What do you mean? Oh, like when – So when I find out ILO is ILO? Um. I mean, not really. I – I didn't really understand a lot of like, you know, what she was doing because there were other things that she worked on, she just never talked to me about it, she only would call me if she needed workers.

**221. Q.** W--, So it didn't matter that you thought you were working for Chiefs, but you were working for her individually at ILO for her – her separate company at ILO?

**A.** I mean, I work for a lot of different people.

**222. Q.** Yup. All right. So, I get it. So you're not really concerned about the what – what the umbrella is because lots of --

**A.** Not --

**223. Q.** -- different um, -- these consultancy groups pop up and then they shut down or?

**A.** They do.



224. Q. Yup.

A. **No, they – I mean, they do. All – I mean, it's usually one person LLCs. I didn't realize --**


225. Q. Yup.

A. **-- just how big she had grown it until the BMP project was – was up.**

226. Q. BMP is the Blue Meridian.

A. **Yeah, Blue – I'm sorry, Blue Meridian.**

227. Q. Yup. All right.

  
228. Q. Can I just go back real quick before we move onto something else. I think earlier I had in my notes that you said at some point you had to fill out a reference for ILO.

A. **No, we got a phone – either a phone call or an email from a guy, and David remembers this exactly. He may even have the email. And D-, David had called me and said what – 'What the hell is ILO Group?' So, you'll have to – Or have you already interviewed David? I haven't talked to him today.**

229. Q. Okay.

A. **You can ask him that. He'll tell you. I think it was from a guy named Brian Kingsley.**

230. Q. Okay.

DETECTIVE SERGEANT BROCK:

231. Q. And any idea why Julia didn't use Hope Street Consulting for this?

A. **I have no idea. No idea.**

**232. Q.** Is that – Is that common for someone to open up a second consulting group for a specific project, or?

**A.** I – I have no idea. I – I have two of my own LLCs.

**233. Q.** Mm hmm.

**A.** One is called K-12 Leadership Matters and one's called K-12 Conferences.

Because I had had a – a hope that I would begin doing like convenings, and so I – I wanted to go out and get it. But I've not used it yet. So, I mean I get --

**234. Q.** Yup.

**A.** -- people do it. I have two.

**235. Q.** All right.

**A.** I don't know.

**236. Q.** All right. And ... for the – So Julia put together a proposal for this contract – let's – for her – her – her proposal for this Rhode Island re-opening contract, it says: ILO Group LLC. It was in response to the RFP that the state put out, and it lists – you know, it – it says how they want to do the work and the staff qualifications. And this is all under the ILO tree, and you listed number three on the list. It's Julia, Hemi Tewarson, and then you, Doctor Robert Avossa as Subject Matter Expert. And

...

**A.** Who was the second person?

**237. Q.** Hemi Tewarson.

**A.** I don't even know who that is. Okay.

**238. Q.** Yup. So, - So, you're – you're listed number three, Subject Matter Expert. You know there's probably 15 people on the list. And ... did she speak to you and get your approval to – to be

counted as, you know, under the ILO Group tree – umbrella as a Subject Matter Expert for this contact?

**A. I – I do not recall her saying it was for ILO, but it --**

**239. Q.** Yeah.

**A. -- it's right on the regular that she, --**

**240. Q.** Okay.

**A. -- David, other partners will call me --**

**241. Q.** Yup.

**A. -- and say: Hey, I'm putting in a proposal, --**

**242. Q.** Okay.

**A. -- so you have time it takes to win it.**

**243. Q.** All right. All right. I got you. Okay.

**A. So.**

**244. Q.** And what – When does compensation get decided? Like, ... is it – is it a industry standard that you're just going to get, you know, billed out at a certain dollar amount per hour, or if you're g--, if you're going to list me --

**A. Well, --**

**245. Q.** -- as a Subject Matter Expert, you know, I want a – a cut of the, I want a percentage or how – how does that work?

**A. No. It's all hourly. Like --**

**246. Q.** Hourly.

**A.** -- they'll say to you, Bob, you know, this project's billable hour rate's 225 an hour or 250, 200, and then --

**247. Q.** Mm hmm.

**A.** -- you decide whether, you know, it's something you want to do. I mean that's usually what happens. But then there's also project work where someone will say I need, you know, a memo that explains A, B, and C with, you know, 10 PowerPoint slides that can be used (indiscernible) that's about a \$1500 project.

**248. Q.** Okay.

**A.** So that's like, project pricing.

**249. Q.** Yup. All right. I got you. Do those discuss--, discussions happen, like in that -- in that chat with Julia about this, does she say: oh, it's billing out at -- at two-and-a-quarter, or do you not even discuss that then, and -- and it's dictated by the contract?

**A.** I mean, -- I don't remember. Usually it's two-and-a ... It's like between 200 on the low end, 250 the average, 225 sounds right. I mean, that's what I got, 225.

**250. Q.** Yup. That's what you got for this contract from -- from ILO.

**A.** Yup.

**251. Q.** Are those invoices that you referred to, those three that you referred to, can you forward those to -- or can you email those to me?

**A.** Sure.

**252. Q.** Are they in email form? So, we -- we -- we s--, we communicated by email the other day,

... just add [REDACTED] @ or [REDACTED] --

**A. Yeah, yeah, --**

**253. Q. -- [REDACTED] --**

**A. -- I -- I'll -- have it. I'll have it.**

**254. Q. -- that would be great.**

[REDACTED]

**255. Q. And then Mr. Avossa, the other c-, I guess invoices you would have with Julia, those would have been billed to Chiefs for Change, is that correct in like ...?**

**A. Yeah. Yeah. Every-, Everything that I've done is Chiefs for Change.**

**256. Q. Would you -- I, I'm sure there's a lot of those, but would it be possible just for you to send us ones from 2021 that were also sent to Chiefs for Change?**

**A. One second. For 2021? Okay.**

**DETECTIVE SERGEANT BROCK:**

**257. Q. Yeah, any -- Yeah, any -- any invoice that you would have thought was for Chiefs for Hope--**

[REDACTED]

**258. Q. Any work that you would have--**

**DETECTIVE SERGEANT BROCK:**

**259. Q. -- Hope Street ...**

[REDACTED]

**260. Q. -- done with Julia. Yeah.**

**DETECTIVE SERGEANT BROCK:**

Ref: 21-2-IV

261. Q. Yeah, anything--

A. Okay.

262. Q. -- with Julia.

A. Okay. All right. I'm not going to be able to do this like right now. I --

263. Q. Yeah. That's fine.

A. -- I [Indiscernible / voices overlapping] ...

**DETECTIVE SERGEANT BROCK:**

264. Q. No, that's -- that's --

A. -- (indiscernible)

265. Q. -- okay. Yeah. We understand.

A. Okay.

266. Q. And --

A. All right.

267. Q. -- we're -- we're not going to be able to review them today anyway. But uh --

A. Okay.

268. Q. -- unfortunately, --

A. All right.

269. Q. -- this is a long and windy path we're on, and --

A. (indiscernible)

270. Q. -- and an educational path. We are -- we're learning an awful lot. But um. Actually, one of

the things that we are – ha-, has come up is Citi Fund. Have you ever heard of Citi Fund?

**A. I've heard of Citi Fund, but I really don't know what it is. It – it sounds like, if I remember right, some sort of philanthropy where these – But I don't know enough about it.**

**271. Q. Yeah.**

**A. I – I really don't. I've heard of the term Citi Fund, --**

**272. Q. Yup.**

**A. -- Blue Meridian. There's other groups that raise money, but I --**

**273. Q. Yup.**

**A. -- I don't know them.**

**274. Q. Okay. All right. And DST Consultants, that – is that – is that a group that you and David were in together? You and Irwin?**

**A. Which one?**

**275. Q. DST Consultants.**

**A. I – I've never – I never heard of DST.**

**276. Q. Never heard of it. Okay. And is – is Irwin's team, is he Irwin Consultants or does he go under another name?**

**A. No, he's Thru.**

**277. Q. He's Thru Ed. Oh yeah.**

**A. Thru. He's Thru. He a – a while ago when – when he was by himself was David Irwin LLC. But then he and this lady named Sima (phonetic) and Terry did a – this group called Thru.**

**278. Q.** Okay. All right. And you continue to work with Julia. What -- what -- what's your take on all this -- all the news media and all the -- the emails, --

**A.** I mean, --

**279. Q.** -- and ...?

**A.** I mean, what -- I don't know what my take is other than, you know, it doesn't look good.

**280. Q.** Yup.

**A.** You know, the Blue Meridian Project has really been where I've poured a ton of time and energy into it, and I'm really proud of what we've been able to accomplish, you know, is with Chiefs. But I don't understand her connection with it through ILO.

**281. Q.** Yup.

**A.** So.

**282. Q.** All right.

**A.** Chie--, Chiefs -- Chiefs won -- won in that project.

**283. Q.** Right, The Blue Meridian.

**A.** But they didn't renew -- Yeah, but they didn't renew it with her. I don't know if Bob's gonna try to do it without her and maybe try to do it internally without a second party, but --

**284. Q.** Yup.

**A.** -- no idea.

**285. Q.** Yup. All right. And do you think -- do you think ILO is still doing that back (indiscernible)



for Chiefs?

**A. No. That's what the memo was. The memo was that they're done.**

**286. Q.** Yeah. Okay. All right.

**A. But I don't know what 'done' means. Like you just said, it wasn't renewing. So, you know, I don't know.**

**287. Q.** Okay. All right. [Aside: Do you have anything?]

**A. DETECTIVE ELLIOTT: No.**

**288. Q.** Lisa, do you have anything else?

**289. Q.** No. I'm sure though that we will have more in the future.

**DETECTIVE SERGEANT BROCK:**

**290. Q.** Mm hmm.

**291. Q.** So is it okay if at some point that we want reconnect with you just to either clarify some things or have additional questions, would – would that be okay?

**A. Yeah. Yeah. Just --**

**292. Q.** Yeah.

**A. -- know that it's – it's um – I am taking one week off in June, and my calendar is crazy. You guys were really gracious with providing some options for me. But I'm happy to help. I –**

**DETECTIVE SERGEANT BROCK:**

293. Q. All right.

A. -- have no problem helping.

294. Q. Excellent. Yeah, we would reach out – I mean, I – try to grab me on the phone on the off chance, and probably just to reach out and schedule --

A. Okay.

295. Q. -- and schedule a time like this that would be --

A. All right.


296. Q. -- fantastic.

A. All right. When I get back, I'll scan all this stuff – find what – what I have and send it to you--

297. Q. Okay.

A. -- okay?

298. Q. That would be great.

  
299. Q. Appreciate it.

DETECTIVE SERGEANT BROCK:

300. Q. Yup.

  
301. Q. Thank you.

DETECTIVE SERGEANT BROCK:

302. Q. Thank you very much. I appreciate your time.

WITNESS STATEMENT OF AVOSSA, ROBERT

Ref: 21-2-IV

A. All right.

303. Q. And I appreciate you talking with us.

A. All right, sir. Thank you --

304. Q. All right.

A. -- everybody.

305. Q. Thank you. Have a good --

A. Bye.

306. Q. -- day.

A. Goodbye.

307. Q. Goodbye. (indiscernible)

DETECTIVE SERGEANT BROCK: That concludes the interview. The time now is 11:49

on Wednesday, June 1<sup>st</sup>, 2022.

STATEMENT TAKEN BY:

\_\_\_\_\_

WITNESSED BY:

\_\_\_\_\_

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: David Irwin █-72  
First Middle Last DOB

ADDRESS: █ █  
Street City Telephone #

PLACE INTERVIEWED: Telephone

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: Unite Us https://uniteus.com/  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 6-7-24 TIME: \_\_\_\_\_

REPORT:

On 6-7-22, I conducted a telephone interview of Mr. David Irwin. Assisting in the interview was RISP Detective Courtney Elliott █  
Also present for the interview was Jordan Kaplan, who represented Irwin and Irwin's company Thru. █

Irwin met Julia Rafal-Baer (Rafal-Baer) for the first time in August 2020. Irwin had heard of Rafal-Baer prior to meeting her as Irwin was friends with superintendents that were members of Chiefs for Change (CFC). Rafal-Baer had reached out to Irwin around August 2020 regarding a project in Louisiana. Rafal-Baer was looking for help with strategic planning for a school district. The Louisiana project never went forward. Irwin also worked with Rafal-Baer on a Rhode Island (RI) project.

Irwin advised he was not too familiar with Mike Magee (Magee). Irwin met Magee once when Irwin was working on the RI project. Irwin has corresponded over email with Magee on one other occasion regarding another matter.

When the pandemic hit, Irwin was hired by CFC to put together a tool kit that would ultimately be available for any school district and was located on the CFC website. Irwin felt that the tool kit would be

beneficial to school districts. The work that Irwin completed for the project was nothing Irwin had to bid on. Rafal-Baer had asked Irwin to do work and put a proposal together.

Irwin stated that approximately 75% of the work he completed for the tool kit was for CFC and the other 25% was for Providence. Irwin believes that Thru was contracted through CFC to assist Providence. Irwin believed his work regarding this project for both CFC and the Providence School District initiated around March 16, 2021, and was completed in April 2021. Irwin explained that part of the condition for the work was that 10% of the project amount would be paid to Hope Street Consultants.

Rafal-Baer told Irwin that she would be assisting Irwin on the project in her own capacity. There was no written agreement and or contract regarding the 10% but it was documented within the QuickBooks invoices. There were three invoices which consisted of payments to Rafal-Baer via Hope Street Consultants. These were later provided [REDACTED].

Irwin h [REDACTED] O for the first time when he was contacted by the State of RI (Brian Kingsley) to obtain references for ILO. Irwin later learned from Rafal-Baer after inquiring that Rafal-Baer had submitted a bid under the name of The ILO Group. Irwin had never heard of ILO prior to this. Irwin was asked if he was familiar with an email dated March 23, 2021, from Irwin to Rafal-Baer, asking if she had insight on a project sent by Ocean State Procures.

Irwin did not recall the email but was able to locate it within his email account. Irwin stated that he receives emails from various groups seeking procurement. Irwin knew that Rafal-Baer lived in RI and thought she may have insight.

Irwin was not able to recall Rafal-Baer's response to his email. Irwin recalls that he collaborated with Rafal-Baer on the project. Irwin believed that Rafal-Baer had an advantage because she resided in RI and stated that they would follow her lead. At the time, Irwin was not aware of any relationships Rafal-Baer had in RI. Now knowing what he knows now, Irwin stated that it probably would have been better if he submitted his own proposal.

Irwin was able to retrieve the email response from Rafal-Baer. Irwin stated, "Oh shit yeah I see it". Irwin read, it's a fixed RFP, but luckily, I know the person it is fixed for. Irwin advised that he wrote back "wonderful". Irwin added that he guessed that Rafal-Baer knew that it was fixed. Irwin didn't know if he had a take on her response one way or another. Irwin commented that often times in consulting they have an idea about vendors they have in mind but so many things go through the procurement process. Irwin advised he didn't have an opinion one way or another.

Irwin advised that his response to Rafal-Baer's email, "wonderful", was not regarding her reply that it was fixed for her. He did not think that there was anything nefarious when he initially saw Rafal-Baer's response. He stated that while he has been in consulting for twenty years, he is used to doing things the right way. Skipping processes is foreign to him and he would never live in that world or do anything like that.

Irwin stated that based on how he has gotten to know Rafal-Baer over the past months, and in having time to review the email again now, yes absolutely he views the email response from Rafal-Baer as nefarious. Irwin added that he and his company decided to stop working with her and they walked away from their contract that had \$600,000 left on the table.

Irwin stated that Thru has advisors from Gartner who they consulted when things came out in the newspaper regarding Rafal-Baer and the RI project. Based on how the work was going Thru ultimately made a decision that this was business that they didn't want to be a part of and they parted ways from Rafal-Baer in December 2021.

Rafal-Baer was difficult to work with. Within the RI project, Thru was not allowed to go direct with clients. All communications with clients had to go through ILO. Irwin stated that they were not set up for success. RafalBaer was protecting herself on everything they sent out and wanted it to appear as if it was ILO's work. Irwin did not believe Rafal-Baer was rational.

In December 2021, Irwin contacted Rafal-Baer via phone and told her that the project wasn't working for them and that they were done. He advised Rafal-Baer was infuriated. Irwin stated, in hindsight, he should have sent an email instead.

Irwin never questioned Rafal-Baer regarding the media reports and the RI contract. He advised that Rafal-Baer was a difficult person to work with. Irwin stated that the education workspace was small. Irwin did

not want to say things to Rafal-Baer that could potentially hurt future business with others. He advised he never spoke to Rafal-Baer or others about the contract being fixed. He advised that Rafal-Baer spun the news cycle as politics being politics.

Irwin advised he did not know why Rafal-Baer created the ILO Group or why she used it to bid on the RI contract instead of Hope Street Consulting. Irwin believes Rafal-Baer got the name ILO from the CFC tool kit project as its vision was from the perspective of a day in the life of a user. Thru eventually recognized that ILO was going to be a competitor of theirs.

Irwin stated that ILO took the job descriptions that Thru used on Linked-in and used it for the job descriptions they posted. Thru conducted a word for word comparison of the two job descriptions, and they were the same.

Irwin advised he worked on three different projects with Rafal-Baer and CFC prior to the RI project; the tool kit, Louisiana Project and a project with Norwalk, CT. At the time of these projects, Irwin was on board with the 10% payments to Hope Street Consultants. With what Irwin now knows, he views the 10% payments as kickbacks to Rafal-Baer.

Irwin advised he does not know who else besides Avossa worked with Rafal-Baer. Irwin only knows Avossa did because he's friends with Avossa. Irwin is not aware if anyone else was paying Hope Street Consulting a 10% fee.

Irwin advised his last contact with Rafal-Baer was on March 24, 2022. Rafal-Baer sent him a text at 11:52 am asking if he could talk. Irwin recalls that he was on vacation at the time. Following the text and over a phone call, Rafal-Baer asked Irwin what his email retention policy was. Rafal-Baer stated it should be something around 30 days. Irwin stated that he immediately called Kaplan. (Partner at Thru) Kaplan advised that Thru would keep all their emails. Irwin sent an email to his company advising them not to delete their emails. Irwin advised he never called Rafal-Baer back.

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE

Ref: 21-2-IV

**TELEPHONIC WITNESS STATEMENT****DATE:** June 7, 2022**TIME:** [Not Stated]**INTERVIEW OF:** David Irwin, DOB: [REDACTED]/1972[REDACTED]  
[REDACTED]**Tel. #:** [REDACTED]**INTERVIEW BY:** Detective Sergeant Michael Brock  
And  
Detective Courtney Elliott  
Rhode Island State Police Financial Crimes Unit

[REDACTED]

Attorney Jordan Kaplan for David Irwin  
Fox Rothschild LLP**LOCATION:** Rhode Island State Police Headquarters  
311 Danielson Pike  
North Scituate, Rhode Island 02857**SUBJECT:** 12-2-IV (F.C.U.)

**DETECTIVE SERGEANT BROCK:** And so let me introduce who we have here. It's myself, Sergeant Michael Brock, Rhode Island State Police. We have Detective Courtney Elliott from the State Police. [REDACTED] And it's just the three of here in a conference room at State Police Headquarters in Scituate, Rhode I--, North Scituate, Rhode Island. And ...

**ATTY. KAPLAN:** All right. And – and you have Jordan Kaplan here. I'm with the law firm of Fox Rothschild. I represent Mr. Irwin and his company.

WITNESS STATEMENT OF IRWIN, DAVID

Ref: 21-2-IV

DETECTIVE SERGEANT BROCK: All right. Very good. Thank you.

1. Q. So Mr. Irwin, before we even get started, I just wanted to let you know that you're not a target of this investigation; you're not even a subject of the investigation, you are merely a witness.

So just to try to put you at ease a little bit in case this is, you know, a -- a little bit much. We -- You know, we've done, you know, dozens and dozens of interviews on this case, so um ...

A. Cool.

2. Q. -- I have -- I have people in a similar situation like you that you might have some information about this case that we're working on here in Rhode Island. [REDACTED]

A. (indiscernible)

3. Q. [REDACTED]

[REDACTED]

[REDACTED]

4. Q. Good afternoon Mr. Irwin.

A. Good afternoon.

5. Q. [REDACTED] The only thing we do want to tell you just before the interview, like we said, you're just a witness on our --

A. Mm hmm.

6. Q. -- investigation. [REDACTED]

[REDACTED]

A. Yup.

7. Q. [REDACTED]

[REDACTED]



Ref: 21-2-IV

**A. Thank you very much. Yeah, this is – I’ve been a management consultant for 20 years; this is the first time I’ve ever had to even participate in something like this. So, I – I’ve wanted to reach out to you guys right away. I um – and my lawyer Jordan suggested I just go through him. So I’m looking forward to talking to you and – Yeah, this is (indiscernible) for me too. So thank you --**

**8. Q. Okay.**

**A. -- for acknowledging that there might be some, you know, I guess apprehension for wanting to talk. Thank you.**

**DETECTIVE SERGEANT BROCK:**

**9. Q. Yes. All right. So let - if you don’t mind, let’s jump right in. You mentioned that you’ve – you’ve done about 20 years as a management consultant. Has that been working for yourself, working for others?**

**A. I started – I started earlier in my career with the government. I worked on the – the Giuliani administration in the city. But I worked for KPMG for about four years out of New York City. And then I – I worked for Gartner for about 15 years. Gartner’s a research and advisory – the lar--, the world’s largest research and advisory firm. And I was there for about 15 years. When I left there, I was leading their – I was leading Gartner’s Global K-12 Education Practice. I spent about a year-and-a-half after that working for a small somewhat start-up consultancy. And then along with two former Gartner colleagues, we founded our own management consultancy called Thru, which that’s the work that we were doing up in Rhode Island under my company charter (phonetic) – our company charter. But I’ve been a big consulting firms for almost 20 years before coming to starting our own company.**

Ref: 21-2-IV

10. Q. Okay. And Thru, that is Thru-Ed, is that correct?

A. **We're just Thru.**

11. Q. Just Thru.

A. **That's the only URL we could afford at the time --**

12. Q. (laughs)

A. **-- so (indiscernible) Thru-Ed. But --**

13. Q. (laughs)

A. **-- we're actually making a change to that soon. But --**

14. Q. Okay.

A. **-- we realized after we named ourselves Thru-Ed, people were calling us that, but we're just Thru.**

15. Q. Okay. All right. And do you have a -- a background or educa--, a -- do you have a background in education or is this something that you kind of fell in through your management consulting over the years?

A. **The way it works in consulting, after you get put on one or two projects you become an expert. So I uh, about 15 years ago I was put on an education project at KPMG, and I fell passionately in love with education and have not looked back since then. So I was not a former teacher or um, --**

16. Q. Mm hmm.

A. **-- (indiscernible) education. I am an elected school board member in my district where I live in Madison, New Jersey. But --**

Ref: 21-2-IV

17. Q. Mm hmm.

A. -- that's my -- any official role in education, but not -- my background is not as a teacher.

18. Q. Okay. All right. And it's uh -- What is your --? Or how -- how do you know Julia Rafel-Baer?

A. I met her about I'd say a year -- I'd heard her name. But I met her maybe a little less than two years ago. And she was a Chiefs for Change. There was an opportunity to help a school district in Louisiana with a strategic plan. And she wanted us to help like w--, She knew that we do strategic planning and she wanted us to I guess through Chiefs fund a project to be able to do strategic planning for -- for the -- for the district. It ended up not working out. The -- Something -- The superintendent left. I don't know the circumstances. She got -- She had some health issue, and the project never went forward. And that's how I first got to know her. We -- we had done a couple of things with her since then before the Rhode Island project. But I can --

19. Q. Mm hmm.

A. -- tell you that too. But that's -- that's when I first met her.

20. Q. And I'm sorry, did you say Tennessee for that --

A. Louisiana.

21. Q. -- for that pr--? Oh, Louisiana? All right. And --

A. Yeah.

22. Q. -- any chance you can be a little more specific than a couple of years ago? Do you think it was 2018?

Ref: 21-2-IV

A. Yeah, let me – I --

23. Q. Twenty-nineteen?

A. Let me look. It was 2020 I believe. Actually, I was looking at my emails. Let me tell you. August 2020 was when I met her for the first time.

24. Q. Okay. And prior to that you said you said you had heard of her just in the consulting circles or Chiefs circles or?

A. I knew Ch--, I know Chief. And a bunch of my – a bunch of the superintendents that I've supported are Chiefs. So, --

25. Q. Okay.

A. -- I knew her. And then I know Pete Gorman and Robert Avossa are Chiefs, and I worked with them a lot on stuff. So --

26. Q. Okay.

A. -- I've known – I've known about Chiefs for a long time, but I --

27. Q. Okay.

A. -- didn't – I never met her or knew her.

28. Q. All right. All right. So, you met her in her capacity at Chiefs. I assume you were familiar with Mr. McGee at that point also – or through Chiefs?

A. Not really. I mean I never – I – I only met him – And I'm sure you asked about him. I only met him when we won the Rhode Island project. So I've heard his name. Actually, we reached out. We were doing some work in broadband, and I shared like an article that I wrote about broadband and thought of (indiscernible) whether Chiefs had interest in it. And I – we

Ref: 21-2-IV

corresponded over email like once. But that --

29. Q. Okay.

A. -- that was probably it.

30. Q. All right. All right. So then the Julia connection started August of 2020. That project in Louisiana didn't quite work out. But then you said you got -- you worked on a couple of other projects together?

A. We did. So we -- during the pandemic, she hired us to build a toolkit basically to help districts figure out how to spend their ARC funding. So ARC was the American Rescue Plan funding.

31. Q. Yup.

A. So basically a toolkit for Chiefs but made available to any districts to be able to create like a toolk--, a toolkit for them so districts could use to figure out how to plan for and eventually spend their ARC funds. It's on -- It's -- I believe it's -- I'm sure it's still on their website now, the actual (indiscernible) toolkit.

32. Q. Okay.

A. So it was something very good. It did a lot of great -- I know it was very beneficial to the districts that used it.

33. Q. All right. And that -- So when she hires you to do that -- that work, is that a bid that she puts out for you to -- to bid on, or do you --

A. It --

34. Q. -- do you --

A. It [Indiscernible / voices overlapping]

Ref: 21-2-IV

35. Q. -- win that contr--

A. (indiscernible)

36. Q. I'm sorry. Say that ...?

A. It was just (indiscernible). She just asked us to do the work --

37. Q. Yup.

A. -- to come up with --

38. Q. Okay.

A. -- a price – price for it and to do the work.

39. Q. All right.

A. There was no like – There's no – we didn't bid on anything. Whe was like, --

40. Q. Okay.

A. -- can you do this.

41. Q. Yup.

A. Can you do this work, and we put a proposal together.

42. Q. All right. For your other work aside – And to be clear, that was all work for Chiefs, correct, that – that you did?

A. It was for Chiefs, yeah. And the work touched Providence too. Like we – Like, so the work was building a toolkit specifically for Chiefs. But we also helped Pr--, the Providence school district through actually using the toolkit to actually develop their plan for how they were spending their ARC funding. So it was like a – like a s-, like 75-percent of the project was for the toolkit; 25-percent was for helping the Providence school district.

Ref: 21-2-IV

43. Q. Okay. And do you know if Chiefs was contracted by Providence for that assistance, or do you know how that relationship worked?

A. I don't -- I don't know. They -- We were never told, we were just --

44. Q. Okay.

A. -- we were contracted through Providence and um -- contracted through Chiefs

and to help --

45. Q. Okay.

A. -- to help Providence.

46. Q. And -- and that project was -- What -- what were the dates around that project do you think?

A. Let me look. I gotta look. Um ... I'm just looking through my emails right now.

47. Q. Sure. Yup.

A. Shoot. (pause) It looks like we s--, If I look at my emails, it starts around March 16<sup>th</sup> of 2021. And I know we want--, It's -- And I can figure it was probably done by the end of April. She -- It was a really fast like turnaround. So yeah, that's how sh--, It was probably -- Yeah, it was released -- I got to look at the date -- um, April 30<sup>th</sup>. Yeah, it was done April. It was done on April 30<sup>th</sup>.

48. Q. All right. And that was work being done through Chiefs for Providence, correct?

A. Providence and Chiefs. We were doing -- It was for both.

49. Q. Okay.

A. So we were doing work -- Like, they have a toolkit that's on their website that they

Ref: 21-2-IV

made available to all --

50. Q. Okay.

A. -- all Chiefs for Change (indiscernible). Most -- A lot of ... even my district used it as well.

51. Q. Yup.

A. So districts across the country used the toolkit.

52. Q. Okay. And --

A. My -- my country -- My district's not a Chiefs district, it's just a district.

53. Q. Mm hmm. Okay. And then any of that work, was any of that for Hope Street Consulting, or are you familiar with Hope Street Consulting?

A. Yeah, she had us -- Part of a condition of her work was that there was a percentage -- like a 10 percent percentage that was paid to Hope Street Consulting. So that happened I think twice. We did one other project for her too, which we haven't gotten to yet. But yeah, there was a -- I could give you -- I don't know the exact details. I can probably pull it up for you though. It was about 10 percent. So if it was 65,000, it was like 6,000 for her. I can -- I can go to QuickBooks and tell you.

54. Q. That would be helpful. But unfortunately, I'm a little bit lost with that -- with the 10 percent part. Are you saying that the ...? So if you were hired by Chiefs to -- to help out -- If Julia hires you through Chiefs to -- to do a project, a \$65,000 project, then Hope Street Consulting would get a 10 percent cut of that and then you would get the rest of it?

A. Yes. And it was because she -- she was helping us on the project in her own capacity. At -- At least that's what she -- that's what she said.



Ref: 21-2-IV

**DETECTIVE ELLIOTT:**

55. Q. So she would hire --

DETECTIVE SERGEANT BROCK: Okay.

56. Q. -- you to do something for Chiefs of Change, but then also --

A. (indiscernible)

57. Q. -- work with you?

A. (indiscernible) And I could -- I mean, she would with as a client, but this was -- this

was her arrangements, yes.

**DETECTIVE SERGEANT BROCK:**

58. Q. And you have -- Is there any documentation that would support that?

A. Yup. I mean, she invoiced us. So I could tell you what that was.

59. Q. Yeah. Yup.

A. Let me just -- I'm looking through my -- I'm looking through what we paid so I can

tell you exactly what the payments were.

60. Q. Okay. Thank you.

61. Q. Would that also be --

A. (indiscernible)

62. Q. -- noted in the contract as well, like in a signed contract, or is it just in your QuickBooks?

A. It was not in the contract which she -- So, it was a -- it was a contract like an

invoice that she sent to us through Hope Street Consulting.

**DETECTIVE SERGEANT BROCK:**

63. Q. Okay.

A. If you – I'm just looking it up too. And if I don't find –

64. Q. Yup.

A. -- it right this second, I'll – I will send it to you.

**DETECTIVE SERGEANT BROCK:**

65. Q. Yeah, we would appreciate that.

A. Let me see, Hope Street. In total we made – And this is str--, We made a total of three payments to her.

66. Q. Mm hmm.

A. One on – I'll send you the details too. But --

67. Q. Yup.

A. -- one June 28<sup>th</sup> for 2,000; one on April 22<sup>nd</sup> for 7500; and one on September 22<sup>nd</sup> for 2500. Uh, --

68. Q. So, --

A. -- we worked on a couple other – We did I think three proj--, two projects for her or three -- it must be three projects for her. So. Or four Chiefs. So we made – It was for three payments.

69. Q. All right. And that was all in 2021?

A. Twenty twenty-one, yeah. I'm going to give you the dates again.

Ref: 21-2-IV

70. Q. Okay.

A. **June 28<sup>th</sup>, 2021, April 22<sup>nd</sup>, 2021, and September 22<sup>nd</sup>, 2021.**

71. Q. All right. And – All right, so that was work for Chiefs with 10 percent going to Hope Street. Okay.

A. **Yup. Right.**

72. Q. All right. Tell me -, Tell me about how you learned about ILO please.

A. **So the first time I ever heard of ILO was one of – we were bidding – or she was bidding on that work with the Rhode Island project. We had listed – We had given a couple of names for references, and one of the references, a guy named Brian Kingsley, reached out to me and said he had been asked to give references for a company called ILO Group; have you ever heard of them? And I had never heard of ILO Group ever before. So, I reached out to – (indiscernible) – I assumed he was related to the project, so I reached out to Julia, and Julia told me that they submitted a bid to the state under the name ILO Group.**

73. Q. Okay. And so we have a – a email that you sent to Julia in March of 2021: *When you have a moment, let me know if you have any insight into this and / or other – and / or opinions on whether we should respond.* Which --

A. **Okay.**

74. Q. Are you familiar with that email?

A. **No. Let me go ... Like when did you say it was from?**

75. Q. March 23<sup>rd</sup>, 2021.

A. **And it's from me?**

Ref: 21-2-IV

76. Q. From you, yup, at your thru-ed.com.

A. **Okay. I gotta go and look through it. (indiscernible) March 20, '21.**

77. Q. March 23<sup>rd</sup>.

A. ... um. (pause)

78. Q. It looks like you got a notice from Ocean State Procurers about the ...

A. **Oh, Okay. All right, I'm looking. (pause) I'm – I have a bunch of emails on that day**

I'm looking --

79. Q. Okay.

A. -- through. It's from Ocean State Procurers? Oh, okay.

80. Q. So you got a email from Ocean State Pr--

A. **Oh, right, right, right, right, right. Okay. Yeah. Yeah.**

81. Q. Yup. And then --

A. ***Bob, when you have a moment, let me know if you have any insight or options, I***

***want to issue a respond. I can be reached today (indiscernible) 4/13.***

82. Q. Yup.

A. -- ***and make some good existing contact and proposal work (indiscernible). Yeah.***

83. Q. All right. Is that ...? I assume you get these emails from Ocean State Procure--,

Procurers and from many other agencies that might be looking for consulting services, correct?

A. **Yup.**

84. Q. All right. So, you get this one from Rhode Island. At that time, you – you know that Julia

is active in Rhode Island, correct?

**A. Mm hmm. Correct.**

**85. Q.** So is that why you would send her this email: *Hey, w--*, you know, *what do you think about this?* Is that --? Is that basically --

**A. Yes, I --**

**86. Q.** -- how it goes?

**A. Totally. Like I would for anyone. Obviously, I know a lot more now. But at the time**

--

**87. Q.** Mm hmm.

**A. -- Julia lives in Rhode Island, --**

**88. Q.** Yup.

**A. -- and she's got -- you know, knows these people in Rhode Island and has insight,**

so --

**89. Q.** Yup.

**A. -- just ...**

**90. Q.** And --

**A. -- w--, would you know if this -- do you think this would be good for us if I don't ...**

**91. Q.** And that chat that you mentioned with Brian Kingsley, was that before or after this email?

**A. That must have been way after that. Because that -- this -- Is this the project that she bid on? Is this what it was? That -- that looks -- That's it, right? But this is the one that ILO bid on then. That's what it's called, right? Wh--**

**92. Q.** (indiscernible)

Ref: 21-2-IV

A. -- a lot. I just --

93. Q. I'm sorry, what was that?

A. **This is the – This is that project that ended up – This is the solicitation that ended up being (indiscernible)?**

94. Q. Yeah.

A. **Yeah.**

95. Q. Yup.

A. **Yeah, okay, cool. Yes. And it would have been way after that. It would have been after it was bid on and --**

96. Q. Yup. Okay.

A. **-- I guess they were bidding – they were getting the resources when Brian sent me that note saying (indiscernible) ILO Group.**

97. Q. Okay. All right. So Julia sends you a – a reply right after your email. Do you – Do you still have that reply --

A. **I will --**

98. Q. -- she sent it?

A. **-- look – It w--, Is it on --? Is it on the same day?**

99. Q. I'm not exactly sure. I can't quite see it. Do you remember her reply?

A. **(indiscernible) I'm – I don't. I'm looking at it right now. I'm looking. It'd be around that time, right, around March I assume?**

100. Q. Off – Off-hand do you remember her replying to your email?

Ref: 21-2-IV

**A. I don't. But I – I save every single one of my emails so to give you --**

101. **Q.** Mm hmm.

**A. -- you know, I'm looking --**

102. **Q.** Okay.

**A. -- to see if I can find it.**

103. **Q.** How about – I think it might say March 29<sup>th</sup> at 10:48 p.m.

**A. I don't – I don't see that. Unless I'm looking on a different email address. Like**

**because she uses a couple of ones, I don't --**

104. **Q.** She would have --

**A. I don't --**

105. **Q.** -- sent it from her gmail.

**A. Okay.**

106. **Q.** But a--, after you sent her this email, did she – did you ever talk to her about it? Or when you sent this email, did you talk to her?

**A. Not about this part--, I don't --**

107. **Q.** No.

**A. -- remember. I don't recall at all, I just – I know that eventually we ended up**

**becoming – you know, we were included in the proposal process of being a subcontractor.**

108. **Q.** Mm hmm.

**A. But so we obviously talked about lots of things related to it. I don't remem--**

109. **Q.** Yup.

Ref: 21-2-IV

**A. I don't recall without looking at my email --**

**110. Q. Yup. All right.**

**A. -- what she respond--, I don't remember when she responded back.**

**111. Q. Okay.**

**112. Q. Do you recall why you just worked with her as a team and collaborated on it versus you putting in your separate proposal?**

**A. Because she would have a much better chance. Like, I mean if she picked, you know, it would be -- you know, she works in a -- She lives in the state, and we just follow her lead on it. So it wasn't -- But I didn't -- Like, I had no idea about any relationships or anything that she has in Rhode Island. Which I can -- Which I am sure you're going to ask me about too.**

**DETECTIVE SERGEANT BROCK:**

**113. Q. Mm hmm. All right. ...**

**A. That would have been better. That obviously would have been better if we bid on it independently, but I didn't -- All the things I know about now that I didn't know about that.**

**114. Q. Did you find that, the response that she sent you?**

**A. I did not, no.**

**115. Q. All right. A...**

**A. What's -- What's your--? Do you know what her ...? I'm looking in my um -- my uh -- my Mac right now, and I don't -- Like I'm searching by -- (indiscernible) remind me what her**



Ref: 21-2-IV

gmail address is.

116. Q. Her gmail --

A. (indiscernible)

117. Q. -- is [REDACTED] It's ...

A. Okay. So it would have been March 29<sup>th</sup>?

118. Q. It might actually be the 23<sup>rd</sup>.

[REDACTED]

119. Q. Yeah, March 23<sup>rd</sup>. And that's at 10:48 p.m.

A. Oh, right, right. Okay.

120. Q. So she responds to you ...

A. Oh shit. Yeah, I see it.

121. Q. She --

A. I --

122. Q. (indiscernible) --

A. It's (indiscernible) six RFPs --

123. Q. -- -sponds to you ...

A. -- and luckily, I know -

124. Q. -- a half-an-hour later.

A. -- I know the (indiscernible). I see that. It's a big RFP but luckily I know the person

(indiscernible) for. I already talked to ... Is it that one?

DETECTIVE SERGEANT BROCK:

Ref: 21-2-IV

125. Q. Yes.

126. Q. Yes.

A. Yeah. And I wrote back to her, 'Wonderful.' And that's all I wrote.

127. Q. All right. What – when she sends you that message, what does that – what does that mean?

A. Um. I mean I guess what you're saying now is that she (indiscernible) the six for them I guess.

128. Q. Well, what was your take when you – when you read that email?

A. I – I – I don't know that I had a take one way or another. I mean, this ha--, I mean, oftentimes in – in consulting, sometimes they have an idea about vendors that they have in mind. But a lot – But assuming things go through the procurement process out there. So I don't – I don't – I guess I don't have an opinion one way or another.

129. Q. Well, .... It kinda sounds like you – you do, you just don't want to say it.

A. I mean, ...

130. Q. I – I m--, I know this is --

A. I – But --

131. Q. -- tricky --

A. Yeah.

132. Q. -- territory and I know --

A. Yeah.

133. Q. -- you want to – we all like to think the best of everyone. But, you know, we're obviously calling you for a reason. We obviously --

A. Yeah.

134. Q. I mean this is – this is kind of a big deal.

A. Yeah.

135. Q. And I know we all want to fall on the ... You know, we all want to do the right thing.

A. Yeah.

136. Q. But can you give us your – Like when you read this – when you read this at that time, what – what did you really think?

A. I – I – Again, sh--, it must be wired for her.

137. Q. Yup.

A. Um ...

138. Q. Do you know when – You mentioned Mr. Avossa earlier. When --

A. Yup.

139. Q. -- she writes, 'Already talked with Avossa about us all partnering on this one,' what – what's your --

A. Mm hmm.

140. Q. -- take on that line?

A. Is that Robert can – Robert would be a help--, I mean I – I worked with Robert on lots of different projects, so that --

141. Q. Mm hmm.

Ref: 21-2-IV

**A. -- Robert would be a good person for us to be able to deliver on a project with us because he – because of his expertise.**

**142. Q. Mm hmm. All right. And this ... this – Did this start a partnership relationship with – with the three of you?**

**A. I did know him. I mean, I've worked with Robert on a couple of other projects before. Robert used to be my b--, Robert was my boss at one point --**

**143. Q. Mm hmm.**

**A. -- when we were at a previous company. But Robert and I have worked on other projects together.**

**144. Q. Mm hmm. All right.**

**A. So I've known Robert for a while. And then we had already – At this point we had already delivered on – We did that, you know, that work that we were doing in Louisiana with her and then the work that we were doing with the tool--, toolkit stuff I guess is about the same time too. So, I've known them for a while. And I mean I – Ultimately I was introduced to Chiefs – I mean to Julia through Robert in the first place because Robert was a Chief there and I knew Robert.**

**145. Q. Okay. And when you're communicating with Julia with this interaction, are you assuming that she is Chiefs? Are you assuming she's Hope Street? Are you – You're not aware of ILO at this point, correct?**

**A. I – I – I knew she was putting together a bid. I had no idea that she was starting ILO Group or --**

## WITNESS STATEMENT OF IRWIN, DAVID

Ref: 21-2-IV

146. Q. Yup.

A. -- anything else. So.

147. Q. Do you --

A. And --

148. Q. Do you think --

A. -- by the way, she was --

149. Q. -- that she was Chiefs at this point, putting together a bid as --

A. Um, --

150. Q. -- Chiefs?

A. I -- I -- I didn't think so just because she putting it together as -- as her own consultancy. I thought she was doing it off on her own, I didn't think she was doing it --

151. Q. Mm hmm.

A. -- as part of Chiefs.

152. Q. Okay.

A. So just back to the thing about the wonderful part. Like, I -- when people say that like wonderful, I know who it speaks for, I don't -- I -- By no means did I think there was anything nefarious when she had said that. So I -- I -- I -- In my mind I d--, I didn't think nefarious when I -- when I saw that.

153. Q. Can I just follow up with you regarding that statement you just made. So, --

A. Yes.

Ref: 21-2-IV

154. Q. -- I mean you're talking about a procurement, right, where this is --

A. **Yeah, absolutely.**

155. Q. -- usually, like there's a panel, right, and it's a review and --

A. **Right. Yeah.**

156. Q. -- you have references that are called. So, --

A. **Mm hmm.**

157. Q. -- you -- when she told you that this was fixed and she gives you a winky face, --

A. **Mm hmm.**

158. Q. -- that doesn't come across nefarious? Because you already had --

A. **I --**

159. Q. -- actually had said before when you didn't remember this email, you made a comment --

A. **Yup.**

160. Q. -- that you probably didn't put in for the bid because Julia lived in Rhode Island and probably had a better chance, which shouldn't -- I mean in a perfect world that shouldn't matter regardless. So, it just -- it seemed for you to sit here and say you looked at that email with her response, and you didn't think that was nefarious, you really believe that?

A. **I -- I just -- I guess I've been in this world of consulting for 20 years, and like, I always lived by doing the right thing and like doing something to get something like handed your way that skips over processes, like, I would--, like, I don't -- That -- that's a world that's foreign to me. I would never -- It would never occur to me because it's not a world that I would ever live in and do anything like that.**

**DETECTIVE ELLIOTT:**

Ref: 21-2-IV

**161. Q.** But you don't mind if somebody else does.

**A.** I – I didn't – I – I guess maybe I – I mean, on this day I sent like th-, you – I did send like 50 emails, so I maybe I – maybe in retrospect how I chose my words, I probably shouldn't ha--, that's (indiscernible) – Saying 'Wonderful' back to that isn't what I sa--, isn't probably the right words to – that I should have – that I should have used.

**162. Q.** So as we sit here today I guess, and you have the time – as much as – time as we want for you to read her response to your email --

**A.** Mm hmm.

**163. Q.** -- and what it says, how do you feel about it right now when, you know, you're not looking at 100 emails that are coming in but you're looking at that email, does it come across nefarious ...

**A.** Based --

**164. Q.** -- to you right now?

**A.** Based on how I got to know her over the past six or seven months? Absolutely. A hundred percent. It's the reason why we stopped doing work with her and we ended – we ended a project with her when we had \$600,000 and – and you know, and she left on a project and we walked away from the project. So I think that probably says the most about what we think – what we thought of her.

**DETECTIVE ELLIOTT:**

**165. Q.** All right. Tell us a --

**A.** Our ...

**166. Q.** -- little bit more about that.

Ref: 21-2-IV

DETECTIVE SERGEANT BROCK:

167. Q. What – what project is that?

A. So eventually when she subcontracted us to do the work, we put together a statement of work of the work that we were doing for them. Just so you know, we've never seen her pr--, we never saw the proposal that she submitted to the state. Ever. Even after it was awarded, the only parts that we ever saw were when it started to make it into the newspaper. That's the only time we've ever – I've never seen her contract; I never saw what she submitted. We gave her input that she used, that she submitted that we never saw. Which is weird. That's never – In any subcontracts that we've (indiscernible) this has never happened to us where we – we're not fully transparent and share the entire proposal that was sent. So I never saw that. In there our fees were, I forget how many hours. It got up to – It was a – a blended maybe up to about \$225.00 an hour for a total of \$900,000.00. I can tell the file that how we calculated it in total. And so we um, when we were eventually – when we eventually heard that she was awarded the work, we knew that that was our portion. We got to the point when we were working on it and all the stuff started coming about her and procurement that we – we have advisors that are former executive -- executives from my company Gardner, and we filled them in on the work. I even shared parts with Jordan, who's on the phone, and we made a decision that this isn't business that we want to be part of, and we parted ways with her at the end of December of 2021, walking away from almost \$600,000 and (indiscernible) left on the project.

168. Q. And that's on the Rhode Island – on the – on this uh, K --

A. On --



Ref: 21-2-IV

169. Q. -- K through 12 reopening.

A. **No, we never did anything on the reopening part, we were doing the – the mayor's office of some municipal learning program.**

170. Q. Oh,

A. **We never --**

171. Q. -- municipal

A. **-- did anything – Our work was just municipal learning program stuff.**

172. Q. Okay. All right. All right. And did you end up billing ILO for work completed would that be for the 300,000?

A. **So we pre-billed them. We told them that we were taking on a large project like this that – that we wanted them – and she wanted us to hire employees to be able to do the work.**

173. Q. Mm hmm.

A. **And this is the only condition for us doing that is having some type of prepayment.**

174. Q. Mm hmm.

A. **And so she prepaid us \$300,000 for the work. We ended up in January of 2022, we had a residual of three or four thousand -- less than \$10,000 that we billed for extra work. But --**

175. Q. Mm hmm.

A. **-- that was work that we – It was a condition of us working on the project is that --**

176. Q. Mm hmm.

Ref: 21-2-IV

**A. -- that we were asking her to guarantee us payment. Because we were stop--, we stopped all business development, we stopped everything that we were doing buil--, building our own company, --**

**177. Q. Mm hmm.**

**A. -- to start working on this project.**

**178. Q. Yup. And you keep saying, 'we.' Who is 'we?' I assume you -- it's Thru. But who --**

**A. Yes.**

**179. Q. -- would be ...?**

**A. Three w--, That's Sima (phonetic) Reingold. Sima Reingold's the one who did -- who let (indiscernible) work with me.**

**180. Q. I'm sorry, say that again please.**

**A. Sima Reingold. R-E-I-N-G-O-L-D. So she was the main delivery person. But did (indiscernible) the delivery. Like she's the main point of contact that did the delivery on the municipal learning program, the one that interfaced with all the municipalities that we work with. We worked on it together, but she did --**

**181. Q. Yeah.**

**A. -- more d--, she did more of the delivery work than I did.**

**182. Q. All right. All right.**

**183. Q. So you were -- you received \$300,000 that was pre-paid. But then did you say --**

**A. Mm.**

Ref: 21-2-IV

184. Q. -- in January there still was about 10,000 that you guys were owed?

A. It was a little bit less than that --

185. Q. A little less than ...

A. -- that she paid. I can tell you exactly what it was. Yeah, I'll tell you exactly what it was. And they also reimbursed us for our expenses -- like expenses to go up to Rhode Island, so it was \$300,000 in fees plus expenses. I have -- I have it all too, (indiscernible) tell you.

DETECTIVE SERGEANT BROCK:

186. Q. Okay.

187. Q. Were you -- were you paid for those expenses and all the other stuff or were you guys only paid the pre-payment of the 300,000?

A. N--, The -- Both. So we were prepaid, and we drew down off the 300,000, and then we also invoiced them for expenses as -- as incurred. So we ended up billing them for forty-seven fifty in fees after over the 300,000, --

188. Q. Mm.

A. -- and then the rest was just 300,000 plus the expense reimbursements that we had submitted. And by the way we started working on this for almost a month-and-a-half before we got any payment at all. We were getting nervous about whether or not it was coming through. I d--, I -- To be honest, I don't -- I know she had some funders that were funding ILO Group, but she never gave me details as to where the 300,000 came from. But -- other than she said we have the funding to pay for it. So. Which is weird. I mean I know it's weird (indiscernible) I knew that she had funding for it. But typically when we invoice -- Like we

Ref: 21-2-IV

don't have any money – we wouldn't have any money to pay a contractor until – until after we got paid from a client.

**DETECTIVE SERGEANT BROCK:**

**189. Q.** Right.

**DETECTIVE ELLIOTT:**

**190. Q.** When did you start working --

**A.** I --

**191. Q.** -- on that?

**A.** We started working on it – Here, I'll tell you. The first one was when we – right before we met the governor in July of last year. So it would have been – I'm looking through my calendar. (indiscernible) trip short. We started working for it probably around July – Yeah, we met with the governor I think on July 15<sup>th</sup>. So we did it a coup--, a couple of days before that. So probably like, you know, sometime a little after ... I can find the exact date, but I would – our work really didn't kick off until about July 15<sup>th</sup>. Yeah, maybe a week before then.

**DETECTIVE SERGEANT BROCK:**

**192. Q.** All right. And when you say you met --

**A.** We --

**193. Q.** -- the governor, I assume you mean Governor McKee?

**A.** Yes.

**194. Q.** All right. And you – you met him up here in Rhode Island?

**A.** Yeah, at some law – law office.

Ref: 21-2-IV

195. Q. Okay.

A. I forgot. It wasn't at the governor's man--, the governor's offices.

196. Q. No.

A. We met him like twi--, once or twice after that.

197. Q. Okay.

A. But the first time was at law offices. And the night before was the first – We went out to dinner with Mike McGee the night before.

198. Q. Mm hmm.

A. First time I ever met him in person. And it was actually the first time that I – I had no idea that he even had a relationship with the governor and had stated this municipal learning program thing a decade before. Maybe it's naivety or not, but I never – I – I didn't know Mike's background, I didn't know that he had a background in Rhode Island or worked anywhere in – like had worked with the governor at all before. I knew he was on the Chiefs, but I didn't know his background before then. And we met with him the night before because we were starting these municipal learning programs. That was our goal.

199. Q. Mm hmm.

A. And Mike had started the first municipal learning program with the governor in Cumberland like a decade before. And so we were just trying to figure out like what, you know, what was involved in that – on that program and how we were going to replicate that program.

200. Q. Two – two things: that – that dinner with McGee. Who – who were the attendees?

A. It was just me, Sima Reingold, and Mike.

Ref: 21-2-IV

**201. Q.** Sima Rein... No Julia?

**A.** Nope.

**202. Q.** All right. And then the meeting with the governor, who was that with?

**A.** So, Mike I know joined by Zoom. Julia was there. She had like an aide of hers, Emily Hartnett was there. And then there were a bunch of people from the governor's office. Like his chief of staff, we personally met him. The chief of staff, two – two aides, Elizabeth Won-gan (phonetic) – and I'm pronouncing her name – her last name wrong.

**203. Q.** Yup.

**A.** And then there was another woman who was also an aide. She left. And um, maybe like a communications person there too from the governor's office.

**204. Q.** The person --

**A.** I don't --

**205. Q.** -- that left, is that the – is that Lopes – Met—Christine Lopes Metcalf? Does that sound familiar?

**A.** Yes. Correct.

**206. Q.** Okay.

**A.** Yes. That was the only time I – That was the only time we met with her, she kind of – We wanted to (indiscernible) we emailed her a bunch to try and interview her, but she had left by then.

**207. Q.** Yup.

**A.** Or was leaving and wasn't – like, wasn't responsive to us. So it was I guess she –

Ref: 21-2-IV

**she was leaving, and we didn't know that.**

**208. Q.** Yup. Okay. All right. So the – the dinner and you and Sima just sit down with McGee and talk to him about his experience with municipal learning centers.

**A.** Yup.

**209. Q.** Correct? All right. Who set up that – that dinner, or who set up that with McGee?

**A.** **I – My guess is that Sim--, that Julia introduced us to Mike and said (indiscernible) with him.**

**210. Q.** Okay.

**A.** **I – I – I mean I could probably go through emails if that's – I didn't – I wouldn't know how to – I wouldn't have reached out to him on my own, Julia would have said at least, you know, we should meet with him and understand --**

**211. Q.** Yeah.

**A.** **-- the programs.**

**212. Q.** So she set it up but didn't – didn't attend. Okay.

**A.** **She did not attend. No.**

**213. Q.** All right. And but she was there the next day with the governor, and that's April s--

**A.** **Yes.**

**214. Q.** -- That's July 17<sup>th</sup>? Uh, July 15<sup>th</sup>, ...

**A.** **I think so.**

**215. Q.** July --

**A.** **July 15<sup>th</sup>.**

Ref: 21-2-IV

216. Q. Okay.

A. July 15<sup>th</sup> at ...

217. Q. All right.

A. Well it would have been – No, we met him – So, I'm looking right now; it would have been the 16<sup>th</sup> because I – Wait. So dinner was with – Oh no, that was with Julia the next night. Okay. You're right. It was – We met Mike at the – at the uh – whatever – whatever the night of the 13<sup>th</sup> was, and then we had the meeting with the governor on – where is it – the 15<sup>th</sup>?

218. Q. Uh --

A. Yeah.

219. Q. That's what --

A. I'm sorry. The [Indiscernible / voices overlapping] ...

220. Q. That's what you're telling us.

A. (indiscernible)

221. Q. Yup.

A. (indiscernible) And I'm just looking at my calendar right now.

222. Q. Yup.

A. It looks like – Because I had to change my travel around, so it's – it's showing – Because I was supposed to be at a – an event in North Carolina that I left to come for this governor's meeting. So I guess we met him – I don't have it in my calendar, but I'm presuming we met him for dinner (indiscernible) restaurant on the 14<sup>th</sup>, and then we met ... or the 15<sup>th</sup>.



Ref: 21-2-IV

Because it's showing on my calendar. I say, 'Municipal learning centers meeting with ILO at 33 Broad Street, Suite 302' at 12-something – 'at 12:00 on the 15<sup>th</sup>.

223. Q. And that's the governor's meeting.

A. Yes.

224. Q. 33 Broad Street.

A. Yeah. I'll be honest with you it was a bit odd that we were meeting at this office.

But I didn't --

225. Q. Yeah.

A. -- think anything of it, I had never met with a governor before, so --

226. Q. Yeah.

A. -- I didn't really know how these things go.

227. Q. Yup. Do you remember the attorney's name at that address? Or the who the attorney was?

A. I don't. I think they were just loaning their office I think. But I don't – I have no idea.

228. Q. Okay. All right.

A. I'm looking at the – By the way, I have the invite right now.

229. Q. Okay.

A. And you probably have it to. But it's Alfonse – Antonio Alfonso, Christine Metcalf

Lopez, Emily Hartnett, Julia and Mike, and Sima Elizabeth Wine-gart--, Wine-garten (phonetic).

230. Q. Okay.

A. But then I also know that there was like a – he had like two communications

Ref: 21-2-IV

people that were in the meeting --

231. Q. Yup.

A. -- with him too.

232. Q. All right.

A. But they're not on the in--, they're not on the invite.

233. Q. Okay. All right. What -- What kind of topics were discussed at that time meeting?

A. So it was a kickoff to -- It was basically the governor sharing his vision for municipal learning programs and what he wanted to do. I mean that was the action (indiscernible) him basically his kickoff sharing what his vision was for creating municipal learning programs across the state of Rhode Island.

234. Q. All right. And -- All right, so that July 15 kickoff you guys finish the meeting and you're off to work. When --

A. Mm hmm.

235. Q. You work through the summer, you bill -- You said you billed ... What -- when did you -- Oh, you got the 300,000 ahead of time.

A. Yes. But we were paid -- I can tell you too. I'm looking through it. So we were paid on September 22<sup>nd</sup>. So we worked for almost, as I said, almost two months work without being paid.

236. Q. So that 300k was the pre-pay.

A. That was a -- That was a prepayment, or -- Yeah, prepayment. It wasn't based on delivery; it was just based --

Ref: 21-2-IV

237. Q. Yup.

A. -- on work to be done.

238. Q. Yup.

A. But I – I [Indiscernible / voices overlapping]

239. Q. But you had already done ...

A. -- think at that time we were paid.

240. Q. You had already done some of it and you were just --

A. Yup.

241. Q. -- getting nervous and – and you say, hey, you gotta – you gotta throw us a bone here essentially and get us ...?

A. I mean, -- Well with the condition that we would start working based on a prepayment of doing the work. Like that was our condition.

242. Q. Yeah.

A. Like if you're asking us to – I mean it's per – per her offering. I mean, and she wanted us to dedicate a hundred percent of our time doing the work. And I said we can't – we can't hire more people, we can't dedicate time without – We're a small set-up company, we don't have any money. Like, this is on--, our only condition of – of working. I mean part of it was her part guaranteeing the work for us because we were obviously going out on a limb of doing this work on our own, so that was – that was part of the conditions of us working. Which is, by the way, normal in consulting all the time. A lot of times they'll pre-pay half – Like a – a lot of times we'll – we'll ask for 50 percent payment up front, and then we do the work, and then d--, when we're done with the work, we ask for the remaining 50 percent. So what we

Ref: 21-2-IV

asked for was only a third, it wasn't even, you know, --

243. Q. Yup,

A. -- it was only a third of it. So, --

244. Q. Okay.

A. -- what -- what we were asking for was not -- not -- not dissimilar to what we've

done in -- where I've done in other engagements with --

245. Q. Okay.

A. -- you know, customers paying us.

246. Q. All right. All right. So you -- she pays that in September, September 22<sup>nd</sup>.

A. Mm hmm.

247. Q. You're continuing along the -- to, to work for her.

A. Mm hmm.

248. Q. And when -- At some point the news breaks about this whole contract and the whole bidding process. I --

A. Yes.

249. Q. -- I believe that's early September. When -- When do you catch wind of that that something might be going on here?

A. What--, Whatever the first day that it was reported.

250. Q. Uh, ...

A. Whatever the -- Whatever -- Whenever it was reported in the news was the first day

I heard about it.

Ref: 21-2-IV

251. Q. Yup. All right. And is --

A. I don't know when that day was, or whatever that day was.

252. Q. I believe it was early September. Is that when you asked for the prepayment once the news -- once that hits the news --

A. No.

253. Q. -- or?

A. We -- we invoiced her -- We invoiced her on ... We invoiced her on ... We had in--, So we created our general -- Our first invoice to her was on ... August 1<sup>st</sup> was our first invoice to her. We invoiced her ... But it -- it was against this potential -- this prepayment. So we invoiced her her39 -- 38,000 on August 1<sup>st</sup> for July's work. We invoiced her on -- and then again on September 1<sup>st</sup> for 65,250, which represented the work that we did in August. And then, you know, we ended up creating this -- We created an invoice so she could pay us against an invoice. But --

254. Q. Mm hmm.

A. -- I have documentation that says about the \$300,000 that she (indiscernible) she said she was pre-paying us. I just had to create an invoice for \$300,000 --

255. Q. Mm hmm.

A. -- for her to pay us, and then we could then draw down off the other invoices that we had created. If that makes sense to you.

256. Q. Yup. It -- it does.

A. Okay.

Ref: 21-2-IV

257. Q. So then – So you created a separate invoice for the 300K. Was that done on like September 22<sup>nd</sup> or is that when ...?

A. **No. S--, September 1<sup>st</sup>.**

258. Q. Oh, I thought you said 65,250 on September 1<sup>st</sup>. Did I mix that up?

A. **That was the actual am--, That was the work completed. But in order for her to – to op--, In order in QuickBooks to be able to accept a payment of 300,000, I – and to then put it off as like reserves for payment --**

259. Q. Yup. Yup.

A. **-- I had to create an invoice for 300,000. When she paid us 300,000, I ended up for the, you know, the invoices that we had submitted previously, --**

260. Q. Mm hmm.

A. **-- I ended up saying, you know, we applied against pre-paid funds.**

261. Q. Okay. All right. So that September 1<sup>st</sup> one for 65,250, you did a second invoice for 300 also?

A. **Right. But if you --**

262. Q. Okay.

A. **-- roll – Yes. But it was – The 300 was, again, was the original pre-payment. I --**

263. Q. Right.

A. **-- just had never --**

264. Q. Right.

A. **-- created an --**

Ref: 21-2-IV

265. Q. Yup.

A. I had never created a separate invoice for her to pay other than they would be paying us. So.

266. Q. Okay.

A. This is also me like learning QuickBooks and understand--, Like, we don't have anyone else besides me. There was no one else doing our finances for us.

267. Q. Mm hmm.

A. So – But we issued – But we did issue her – We issued the first invoice to ILO group on August 1<sup>st</sup> though.

268. Q. Yup. All right. Do you have the email communication about the 300,000, the uh, the prepayment?

A. I (indiscernible)... I – I do. I'm sure I have lots of them. I'll --

269. Q. Okay. Okay.

A. I will – I'll –

**DETECTIVE SERGEANT BROCK: [Aside / speaking softly: We haven't seen ...]**

A. Whatever it is, I'll – I'll share them with you.

270. Q. Okay. All right. Thank you. I appreciate that. All right.

A. I'm just making – I'm just making an note to myself. And you also want me to share any of the Hope Street stuff, that stuff too?

271. Q. Yes please. Those --

A. Okay.

Ref: 21-2-IV

**272. Q.** Those three projects right, that – that you did, and anything about that – the 10 percent for Hope Street.

**A.** Hope Street invoices. And then details on the 300K.

**273. Q.** Yup.

**A.** And I kept like – I worked with a woman named Serena (phonetic) where we --

**274. Q.** Yup.

**A.** -- all figure out the 300K and then draw down off of that: Details on 300K

prepayment. Okay.

**275. Q.** And Serena is Serena Figueroa or Serena Parker?

**A.** Yes.

**276. Q.** Okay.

**A.** Yes.

**277. Q.** All right. So, at what point do you decide that this – you know, you're – you're seeing the media coverage of this and – and what do you think of the media coverage?

**A.** I thought it was bad. I didn't – And I – I – I thought it was bad. And I honestly, I at that point is when I even realized that there – there is a – or this relationship with Chiefs and – and Mike McGee and the governor, it was bad. We went through internally with our advisors on making decisions on how to handle this and whether we should walk away or not. At what point it made sense for us to walk away. So we started having these con--, conversations, you know, seeing after the news came out. So like our advisor meeting in – in October and then, you know, which eventually led to us walking away in December.



Ref: 21-2-IV

278. Q. And you said advisors with – That's your advisors on your side of the house, not --

A. Yes.

279. Q. -- employees in your business but just I assume former colleagues or other --

A. Former --

280. Q. -- people that might be...

A. Former colleagues.

281. Q. Yup.

A. Yeah. Their – that have experience running, you know, multi--, multi-million dollar consulting companies and --

282. Q. Mm hmm.

A. -- just – rather than us just making decisions on our own, --

283. Q. Yup.

A. -- to be able to bounce ideas. (indiscernible) co-founders so we have differences of opinion, so we --

284. Q. Right.

A. -- advisors to be like, help us --

285. Q. Yup. Mm hmm.

A. -- make – make the right decisions – decisions. Like we used them for hiring decisions, --

286. Q. Yup.

A. -- or d--, decisions on, you know, going to different markets. But (indiscernible)...

Ref: 21-2-IV

287. Q. Yup.

A. They're both retired, so they have time and the enjoy – They enjoy listening – giving us advice and not have to be under the responsibility of work, so.

288. Q. Yeah. Hah.

A. So. Yup.

289. Q. And it sounds like they gave you good advice on this one, to walk away from this one before you got too deep.

A. Yes.

290. Q. (indiscernible)

A. Fair enough. So the advice we got specifically was make sure you fire yourself before you're fired or something like that. So. Fire yourself out of a bad situation. And that's what we did.

291. Q. Yup.

A. So.

292. Q. That's uh – That's got to be a tough decision to make as a start-up business with uh \$600,000 coming your way.

A. It was big. And to be honest with you, if you ever – like Sima wanted to walk away from the work sooner than I did. And you know for us, like this is – you know, we had – we had hired employees based on this work and it was a big decision. I always look at things through, you know, rose-colored glasses, meaning that like it will work out, and like – Because I know the work – We were doing really, really good work. I don't know how

Ref: 21-2-IV

extensive your interviews are going with, you know, stakeholders. But the work that we were actually doing with mu-, municipalities was really good. Like, all – I mean, for what it's worth, like I was aligned to the governor's vision. I believe that – that – that a governor – that municipalities could (indiscernible) an education that goes beyond just a school district. So like I – I – I was – it was a good thing to, you know, having gone up into Cumberland and met with the director of the program for a while. Like I knew we were on – we were doing the right work. We met with – And we worked with like three or four different cities, and like we met with like the kids and the families that would be impacted by the work. So we were focused on the output of like what was going to happen to the families and the kids that were impacted by the work. That was our sole focus. So for me, I thought that there was a pathway for us to – to continue to do the work. So, it sucked. We hated to stop doing it. We made some really good progress with the – with the individual towns that we were working with in some of the school districts. So, it – it – it was sad after. We – we poured or heart and souls into the work, and it – it sucked for us to have to walk away from it.

293. Q. Mm hmm.

DETECTIVE ELLIOTT:

294. Q. What towns were you working with?

A. So there were five in total. I'm going to try and draw off memory. Again, again, I can find them later. But it was North Providence, it was Cumberland, it was the town next to ... Do you – do you want --? I can pull it up for you and tell you. I don't – I don't recall off ...

DETECTIVE SERGEANT BROCK:

295. Q. Yup.

Ref: 21-2-IV

**A. Give me – Want – If – if you give me a second I can pull it up.**

**296. Q. Okay.**

**A. It's amazing how I lived in something every single day and six months later I can't even recall the names.**

**297. Q. (laughs) That's all right, it happens to all of us.**

**A. (laughs)**

**298. Q. I forgot your name a few minutes ago.**

**A. Oh no.**

**(Laughing)**

**A. East – Rhode Island. (pause) I'm opening a document right now. So it was Providence, Cumberland, and Middletown. We never got to Coventry. North Providence and Central Falls.**

**299. Q. Okay.**

**A. We never really made much progress in Providence besides potentially partnering with the YMCA. But we never did anything. We were furthest along with Cumberland just because there was data programming in place. We had met with their – their director Lis for many, many times, and we were helping her improve her program. We had just started working with Middletown. And then we had worked with North Providence. ... remember the mayor, and he ended up connecting us with – Like he was head of libraries, and he's head of like community relations. And then we started meeting with – we met with Central Falls, like the mayor of Central Falls. I actually don't even think we met with the mayor, we met with the mayor's deputy in Central Falls. Then we ended up meeting with the – the school**

Ref: 21-2-IV

**superintendent for Central Falls.**

**300. Q.** Okay. All right. So, part of your discussions about withdrawing or firing yourself, what kind of concerns did you have?

**A.** We – We – We have a 20-year track record of doing great work for – Or at least I do have a 20-year record of doing great work, and I didn't want to be associated with any of the mess that Julia had gotten herself into with whatever she had done with – with – with her ILO Group and Chiefs for Change. So, we just didn't want to be part of it. She was – It was also – You know, it wasn't – it – it's – it was a difficult working relationship to work with her too.

**301. Q.** What do you mean by that?

**A.** Just not – Just we weren't – Like we weren't allowed to email the client at all, we had to go through like her people. Like her people who weren't c--, consultants. Like this woman Emily Hartnett, like any of her work she made us ... Like, and soon after this governor stuff came out we weren't allowed to email the client at all, we had to do everything through her based (indiscernible) all the agendas. It just wasn't – like we weren't set up for success in being able to deliver the type of work – the type of projects that we do.

**302. Q.** So essentially, she wanted the clients to think they were dealing directly with ILO; not with any subs, is that ...?

**A.** Exactly. She didn't like our messaging, and she didn't like any – Any email that we went to them, it was – it was almost like protecting herself in everything that we sent out --

**303. Q.** Mm hmm.

**A.** -- versus we were like just trying to do good work. And it just became impossible for – Like I had reached out to some marketing company to help us with the messaging at – at

Ref: 21-2-IV

Cumberland about like being able to show – We wanted to sh--, We thought that it was – Because – because it was that (indiscernible) associated with the- with the governor's program, we thought to be able to showcase like this is what the work – And again, this is before me knowing anything that was like, you know, like, you know, like potentially, you know, bad about the contracts and stuff, just about generally spending money on municipal learning programs, we wanted to show like this is how great it's been in Cumberland; this is what it looks like. So we were trying to engage with a marketing company, and that was: I – I can't believe you reached out to them, and why did you tell them this, and why did you tell them this, or why this? And just like all instincts that I know of being a good consultant for doing the right thing --

304. Q. Mm hmm.

A. -- it was just second-guessed.

305. Q. Okay.

A. So I – It just – it made it difficult for us to do what we do best. Like, it was – we were basically delivering consulting with – with our hands tied behind our back and we can't do well on that, we – It's impossible for us to successful in projects like that.

306. Q. So, Mr. Irwin I just, I got a couple of questions just kinda backing up. So, do you ever – So, this is happening; you know, you're actually meeting with some advisors to see what to do when this breaks in the news.

A. Mm hmm.

307. Q. Obviously at some point you must talk to Julia about like your frustrations or like what

Ref: 21-2-IV

your vision is with this. Because obviously you've hired a lot more employees; like this is a big decision, you still have \$600,000 coming to you. So I imagine you have more conversation with Julia about this.

**A. It – it wasn't like – You know, she's a very -- she's a very difficult person; so like just even suggesting that that we were – that we were going – it was – like it – I, I don't know that like I shared some of – Because she wasn't a – So, I – I didn't believe her to be completely rational. So talking about like our disappointment and how we're working wasn't like a conversation that I had with her every day. But it was in December when I said, 'Can you talk?' And I told her that like this isn't working out for us, and we are done with this project. So. But the – the one thing that I, in retrospect I realized that I probably should have done is one of our advisors said to send an email to her like saying we're completely done with the work. And I didn't do that. So I probably – I should have done that. And again, -- Again, not dealing with her and her wrath, but calling me and yelling whatever, I just assumed just to have the conversation, be done with the work, and be done. I mean if you look -- Like, if we can – I can send you an email that shows our wrap-up stuff and how we're wrapping up the work and doing knowledge transfer, in retrospect I wish I would have just said we're done, like and we're – like we are finished on this date.**

**308. Q.** So you have the call with her in December saying hey, we're no longer doing this. What's her reaction?

**A. Mm hmm. Her reaction? She's pissed. She's like – She's infuriated that I'm leaving: How could you walk away from this? You have an obligation ... blah blah, --**

**309. Q.** And so, --

Ref: 21-2-IV

**A.** -- and so on.

**310. Q.** -- at -- at this point where she's, you know, upset with you, in the beginning you t--, kind of tell us y--, you know, even though she sent you an email saying: *Hey, it's fixed, I know it's fixed to winky face*, you initially --

**A.** Mm hmm.

**311. Q.** -- didn't take that as being nefarious. But at the same time come in July you're having a sit down dinner with Michael McGee who's Chiefs for Change --

**A.** Mm hmm.

**312. Q.** -- who you realized has a relationship with the Rhode Island governor, and then the next day you're meeting with the Rhode Island governor and Julia's there. So I mean in totality if you kind of put all these things together, and then the news breaks after that, I mean do you -- do you ever take the opportunity to tell her your thoughts or ask questions in regards to what was going on regarding all this?

**A.** It -- So, answering the first half of your question. In retrospect, obviously I'd say not -- at that point I did not see that at all. And maybe that was naïve on my part for not seeing that and knowing that. But that -- But no. On the second part, again, I -- she's a -- she's a difficult person to work with. I commiserated with peers of hers a lot on how to be ... You know, this (indiscernible) education space was small, so like I was careful about words I chose and how that potentially, as a smaller company how things that I said to her, how that could, you know, potentially lead us to you know, saying things about her that could lead us for not getting other w--, potential work in other districts. So I had to chose those words carefully. So.



Ref: 21-2-IV

**313. Q.** Okay. So you never asked her more about like if this was fixed or how it was fixed or anything of that ...? Those conversations were never had?

**A.** **Never once. Never – never once I ever asked that. And honestly, after the news came in, I never asked her anything. Never talked about it at all. I mean, she’s – she, you know, she – she responded as this is, you know, their governor’s being elected – you know, being re-elected, they’re looking for anything that can define to do things wrong. But like there was never any admission (indiscernible). Never any admission to me that like, you know, I might have done something wrong and that determined the process of this.**

**314. Q.** Have you...?

**A.** **It was more this is politics being politics.**

**315. Q.** Have you heard from anyone else in the scene or anyone else who was involved in this process regarding anything as far as it being fixed, or like if anything was ...?

**A.** **Never.**

**316. Q.** No?

**A.** **(indiscernible)**

**317. Q.** Have you ever heard of the organization City Fund?

**A.** **City Fund?**

**318. Q.** Yes.

**A.** **Um. I don’t think so. Let me look. Uh ... There’s a organization called City, like – I’m just looking through my emails. Like how do you spell it, C-I-T-Y Funds, F-U-N-D?**

**319. Q.** Yup, C-I-T-Y, and a separate word, Fund, F-U-N-D.

Ref: 21-2-IV

A. Okay. There is – Yeah, I’m looking – I do have some emails related to it. I’m looking at it right now. (pause) Is City Fund the group that provides – it does like education tutoring stuff?

320. Q. I don't know.

A. Yeah. I’m – I’m looking – I – I d--, I did a search in my m--, email and I found a couple of things that came up that say City Fund. Again, like I didn’t do the core delivery on it, so like I don’t --

321. Q. Was Julia --

A. -- (indiscernible) recall...?

322. Q. -- involved with it too, or was it something separate?

A. No, no, it’s – I’m – I’m looking – I’m just looking to get my emails right now and I’m looking at – like reference anything that says City Fund.

323. Q. Okay.

A. If – If you give me a second I’m just looking through it. ‘As discussed, ...’

324. Q. While you’re look--, looking --

A. Oh, there’s City – Oh, City Year. It wasn’t – It was City Year. I know. I’m sorry.

325. Q. Okay.

A. City Year is what I know, I don’t know City Fund. I’m sorry.

326. Q. Okay.

A. So City Year was – Just City Year was an organization that could potentially provide – It could have been one of the service providers that was supporting the municipal

Ref: 21-2-IV

**learning program. But it was not City Fund, it was City Year.**

**327. Q.** So I know you don't hear about ILO until after the fact when – was it Brian who was the gentleman who asked for a reference?

**A. Brian Kingsley.**

**328. Q.** Brian Kingsley. So he asked for the reference. Do you know why ILO was created? Did you ever hear ...?

**A. No idea.**

**329. Q.** No idea?

**A. Nope. Never heard.**

**330. Q.** Do you know where the name came from?

**A. I know after the fact, I think. So, I think when they did the Chiefs for Change toolkit for school reopening, it was called like, In the Day of – In the Day of Life of a User. I know that because we used the toolkit in (indiscernible) and I think that was on the words like, 'In the Life of' for whatever. We always thought it was a dumb acronym because if it was – if it was for an acronym for something, it would be called ILO-O, it wouldn't be ILO because that's not an acronym, it's a word. So, we always thought it was a dumb thing. But --**

**331. Q.** And --

**A. -- that's me.**

**332. Q.** -- how do you find --

**A. (indiscernible).**

**333. Q.** -- that out after the fact?

Ref: 21-2-IV

**A. After – I mean, I guess in some conversations when she said she was – I think it was the day that they announced their company and they said what ILO was, that’s how I found out about it. So, I mean if at all like we recognized that they were competit--, they would be competitors. So – so we were doing work for Chiefs for Change, we do lots of work for – like independently on our own we do work for superintendents that are Chiefs (indiscernible) done for years, and we recognized that eventually they would be competitors of ours. So. I mean if you wanted to – like even later on, we had a job description we put out for a role; like they stole our job description. Like they used our job description to hire their own – own employees.**

**334. Q. ILO did?**

**A. But we ... Yeah. ILO did, yeah. I have a – I have that too if you want that. I – We did a word-for-word comparison of their job description versus our job description.**

**335. Q. So you (indiscernible) that job description to solicit work from other vendors and ILO took it and used it in their ...**

**A. We – So we had a job description to hire our – our own employee. So it was what we put out there to hire. They ended up, when they were hiring an employee, they created their own job descriptions for their own company; then they used our – they used our job description as theirs. I mean, it’s – it – And the job was on – it was on LinkedIn, anyone could take it. But like they were a competitor to us. So, I didn’t – Again, when she originally said she was bidding on the work, I just assumed it was – she was putting it together under her Hope consultant where she’s just bidding on the work. I didn’t – I had no idea she was starting her**

Ref: 21-2-IV

own company or doing anything. Again, we never heard of – We never saw the proposal, we never saw – she never – she never, you know, never mentioned to us that hey, we're starting our own company, and this is what we're bidding on.

**336. Q.** And Mr. Irwin, just one last question. I think I (indiscernible) you. I know you reference those three payments that you had that you were working for Chiefs for Change on the toolkit that there was the 10 percent that would go back to Hope Street Consultants. Was there any other work that you did that was either contracted out through Chiefs for Change or Julia in any other capacity that a certain fee or percentage went back to Hope Street, or --

**A.** Yes.

**337. Q.** -- any other business?

**A.** It was just (indiscernible). It was just (indiscernible) to Hope Street. So. And it was related to three different – if I recall, three different projects. One was for the toolkit. Oh. Oh, so one was for the toolkit. One was for this Louisiana Project where she was going to be an advisor to us. In all cases, the idea – at least, again, knowing what I know now, obviously much different. But the idea was that she was an advisor to us on those projects that was separate from her work that she was doing with Chiefs. And then the third one was for us getting work in project in Norwalk, public schools in Connecticut where she was an advisor, or, you know, it was related to us building – helping a district implement the ARP, the funding stuff. So.

**338. Q.** Okay. Would you--? Do you have --

**A.** (indiscernible)

**339. Q.** -- all those? Those would be through ...

Ref: 21-2-IV

**A. I do.**

**340. Q.** Could you ...?

**A. So I have – So I have the – I have the three invoices that – I can share everything that she shared with me, the invoices that she shared, and. I don't know if you need like copies of like what we paid her, like out of QuickBooks or our Chase account, whatever you tell me, whatever it is you --**

**341. Q.** Yeah, whatever --

**A. -- whatever you need.**

**342. Q.** -- you have that would I guess document that 10 percent that was paid to Hope Street.

**A. Okay.**

**343. Q.** And to show that it was paid to Hope Street. That would – that would be helpful.

**A. Okay.**

**344. Q.** Are you aware of anyone else having the same ... subcontracts or whatnot where they had a ...?

**A. Not that I know – Not that anyone has told me. But I would guess like that would probably be the case. Again, knowing what I know now.**

**345. Q.** Okay.

DETECTIVE SERGEANT BROCK:

**346. Q.** And now that you know what you do now, do you – do you see those, that 10 percent as essentially a kickback to her?

**A. Um, yes.**

Ref: 21-2-IV

**347. Q.** All right. And is that something that...? Obviously, it doesn't sit well with you. I – I can tell

--

**A. No.**

**348. Q.** -- by the tone in your voice. Mm.

**A. Yeah. And by the way, even at the 10 percent, you know, I discussed these things**

**with our lawyer, Jordan, on the phone, when --**

**349. Q.** Mm hmm.

**A. -- we told him about this, and asking are – is there any – Like, is this okay that**

**we're doing this? And, you know. So I checked with Legal before even – our legal team even**

**before doing it.**

**350. Q.** Before paying the 10 percent or before agreeing --

**A. Mm hmm.**

**351. Q.** -- to the 10 percent? Yup.

**A. Yeah.**

**352. Q.** Yeah. All right.

ATTY. KAPLAN:

**A. Well, at the time that it still appeared to Thru that it was an above-the-board**

**transaction.**

MR. IRWIN:

**353. Q.** Right.

**A. Yes.**

Ref: 21-2-IV

**354. Q.** Okay. Yup. No, we understand.

**A.** And just – And just to let you know the 10 percent I might be off by percentage-wise. I'll tell you the contract value and what – It - it's about 10 percent. So I think the Chiefs for Chan--, the, the toolkit with 75,000, if that was 7,500 I'd – I'd have to tell you the other two. One was – One was for a research project, a Green Energy initiative research project, and then the other was for this Norwalk one.

**355. Q.** Mm hmm. Do you know what Julia's connection to Norwalk was?

**A.** I – I don't want to say. I don't think there's any connection whatsoever other than the fact that we got the work because of – we sold – because there was a toolkit that we built for Chiefs for Change, and therefore, the district was interested in – in having us support building the toolkit; so therefore, she – because sh--, because she had a role in helping us to develop the toolkit, --

**356. Q.** Mm hmm.

**A.** -- there was a – a, you know, th--, there was an agreement that if any other work we got, there would be a payment with her.

**357. Q.** Okay. Are you familiar with 50CAN at all, or Connecticut Can, CT Can?

**A.** Never heard of it, no.

**358. Q.** All right. [Aside: Courtney, you have anything?]

DETECTIVE ELLIOTT:

**359. Q.** Have you spoken with Julia since you guys parted ways?

**A.** Maybe once or twice past that date in December just about, you know, finishing them up, so. And once she um – once she uh, um, -- Once I told her that we were not doing



## WITNESS STATEMENT OF IRWIN, DAVID

Ref: 21-2-IV

work with her anymore, she wasn't happy with me and didn't care to talk to me much anymore. But she called me when I was on vacation in the Caribbean in March or so, she texted me, and then called me. I can tell you the exact date. I can find it for you if you need it. She said, 'Can you talk?' And I called her back I think - I'm trying to think when I was away. May--, Maybe it was April. I'll tell you the exact date. It was ... I'll - I'll find the date for you if you want. But um, she asked me what - what our email retention policy was and that - and that it should be like 30 days (indiscernible) retention policy. And I called Jordan right away and I said that I got a call from Julia. And Jordan instructed me to tell our team that we keep our emails, and we should, of course, not delete any of our emails. And I sent an email to our team saying, 'Do not delete any of our emails.' And that was it. She never - she never called me again and she never followed up with me again.

ATTY. JORDAN:

A. That was at the end of March / beginning of April.

MR. IRWIN:

A. Is that when it was? Okay. I'm sorry. It was on vacation, I don't remember exact day. And to date, we've never deleted a single one of our emails. Even so, when - when we started using even the ILO Group emails, we were keeping records of our own emails too. So.

DETECTIVE SERGEANT BROCK:

360. Q. Mm hmm.

361. Q. So, it had to be --

A. (indiscernible)

Ref: 21-2-IV

**362. Q.** -- conversations I guess after the fact. Is there anything else that, you know, that was very helpful as far as that contact. What if any other contact did -- have you had with Julia or anyone else with ILO that you think we should know?

**A.** I mean, you talked to Robert. So. I mean even Robert had less work to do than we did. And you could probably ... I -- I -- Have you talked to Elizabeth in the governor's office?

**Yeah, we -- That would be someone who knows --**

**363. Q.** Why do you ...?

**A.** She would --

**364. Q.** Why do you say --

**A.** And --

**365. Q.** -- that?

**A.** Sh--, She just knew the hard conditions that we were under. Like, nothing that she had done wrong, just that she would know of us ch--, She would I guess know -- She'd go and speak for the -- our working conditions and secrecy that we were asked under.

**DETECTIVE SERGEANT BROCK:**

**366. Q.** Would she know anything about the procurement process?

**A.** I don't think so at all. Elizabeth was one of our few like joys of working up there was working with her. So. She cared -- She cared deeply about the work too and didn't care much for the nonsense of Julia.

**367. Q.** Did you deal with Tony Afonso at all?

**A.** We dealt with him at the very beginning before he was -- before he resigned.

Ref: 21-2-IV

368. Q. That – Uh, --

A. He --

369. Q. Tony – Tony Silva was the one that resigned.

A. Oh, yeah, yeah. Oh, Tony Afonso? Yes, we met with him because we were trying to come up with what the budget would be. I met with him I think twice maybe.

370. Q. Mm hmm.

A. We were trying to figure out the budget would be to fund – you know, to fund the pur–, Like, how much money we needed to set aside for ARP funding to be able to create the purse I used. Like he gave me some guidance as to what needs to be – like what are some tenants that need to be included in the budget for each of the 156 municipalities. And then I worked with him to develop like, that budget. But based on what he told me, I put together a budget and then we reviewed it with him. So I met with him maybe twice or so. Once maybe Zoom and then once in person.

371. Q. All right. And --

A. But then (indiscernible) ...

372. Q. -- you mentioned that your meeting with the governor at the law office was with Tony Afonso. Was that Tony Afonso or Tony Silva?

A. So, Tony S--, I think they were both there actually.

373. Q. Okay. Silva was the --

A. (indiscernible)

374. Q. -- Chief of Staff, and Afonse (phonetic) -

## WITNESS STATEMENT OF IRWIN, DAVID

Ref: 21-2-IV

**A. Chief of Staff. He's the --**

**375. Q. -- was the deputy chief.**

**A. He -- he's -- he's the bald guy, right?**

**376. Q. Yeah, Tony's --**

**A. (indiscernible)**

**377. Q. -- the bigger bald g--, Silva is --**

**A. All right.**

**378. Q. -- the taller bald guy, yes.**

**A. Yeah. Okay.**

**379. Q. And Afonse --**

**A. There was another -- Now I'm recalling there was another guy there too. He was like -- He was a former education chief I think in Connecticut that was appointed and (indiscernible). I met him there and never talked to him again. We were (indiscernible) but I never talked to him again. I don't remember. I can -- I can look him up, but I don't recall (indiscernible).**

**380. Q. He was at the governor's meeting?**

**A. He was. He was like -- He had economic data. I don't remember -- recall his title.**

**But I know previously he was the education like, commissioner -- Commissioner of Education in Connecticut.**

**381. Q. Oh. Okay. All right. [Aside: Do you have anything else Lisa?']**

**[REDACTED]**

Ref: 21-2-IV

**382. Q.** I had one more question; I just totally lost it.

DETECTIVE SERGEANT BROCK:

**383. Q.** Courtney, do you have any other questions?

DETECTIVE ELLIOTT:

**384. Q.** Any other – Any other chatter about ILO since this whole thing blew up within your consulting world? Anybody give you any in- --

**A.** Not --

**385. Q.** -- -formation about it?

**A.** **No. We – I mean, I – Look, I have like a Google Alert for like watching news alerts to see things that have come up. But no. Like, I don't talk to anyone much about it. I – I don't know that – Or, or even the world that we like – You know, even the world that like my consulting people that I – and different (indiscernible) they don't even know who ILO Group is. So.**

**386. Q.** Who else Mr. Irwin was involved in this Rhode Island contract as far as that ILO did sub--, subcontracting work with? I know it was your group. Was there anyone else that was involved that you were aware of that was --

**A.** **I know they subbed --**

**387. Q.** -- doing work for this?

**A.** **-- some stuff to Robert. They subbed some stuff to Robert Avossa around school re-openings and stuff.**

Ref: 21-2-IV

388. Q. Okay.

A. But that's all on our part. On the -- You know, we -- You know, -- I don't know I don't know if the other project was broken up that ... Again, we never seen the full contract, but it was the stuff -- We were solely responsible for the municipal learning program stuff, and it was just us on this. I just know because Robert's a friend, but I know that he was doing some other work on the, you know, school re-opening and talking to like superintendents and stuff.

389. Q. But no one was working --

A. So.

390. Q. -- on the municipal learning centers besides you guys?

A. We were the only ones. We tried contracting like the marketing stuff that I told you about, but we never ended up doing that. So.

391. Q. Okay.

A. I -- I -- I reached out and got like quotes for them to help do like ... They were gonna create like videos for us of like showing, you know, what -- you know, being able to videotape like what the municipal learning program looks like. But we never -- I had conversations with them, but we never end--, we never ended up -- never ended up doing anything.

DETECTIVE ELLIOTT:

392. Q. Do you have that text message that Julia sent to you about email retention?

A. Yeah. So she just said, 'Can you talk?' But she never -- She didn't put that in there.

We ...

393. Q. And then you did that other think and you spoke --

Ref: 21-2-IV

**A. (indiscernible)**

**394. Q.** -- over the phone?

**A. Yeah. I'll tell you – I'm – I'm going to read you the text right now. (pause) It was actually March 24<sup>th</sup> at 11:52 a.m. 'Hi.' 'Hi. Do you have a quick minute?' 'Do you have a quick minute?' And I said, 'Sure. Call my cell.' And that was – that was it. And sh--, then she told me that. We literally talked for --**

**395. Q.** (indiscernible)

**A. -- maybe a minute, and she said, what's y-, 'What's your email retention policy?' I'm like, 'Well you know, we're a small company; we don't really have one.' Like, it should be around – 'You should have something. It should be 30 days.' And I said, 'Sure.' And she said, 'I have another call,' and she took it (indiscernible). And I called Jordan probably – I probably called Jordan that same day and told him that she called. And Jordan gave me instructions on what to do. And I emailed our team and (indiscernible).**

**396. Q.** Did you call her back or was there any additional communication with the (indiscernible) program?

**A. I never --**

**397. Q.** No.

**A. I never called her back. She never called me, and I never called her back.**

**DETECTIVE SERGEANT BROCK:**

**398. Q.** Okay. You know, I just realized that at the beginning of this we never actually got your official name and date of birth and contact information. So if you could, could --

Ref: 21-2-IV

**A. Sure.**

**399. Q.** -- you just state your full name, spell your last name, and your date of birth and your cell phone number please.

**A. Sure. It's David Irwin, I-R-W-I-N. My date of birth is [REDACTED], 1972. My -- Do you want my address ...?**

**400. Q.** Sure. Yes, please.

**A. [REDACTED], - that's spelled [REDACTED], as in [REDACTED]**

**[REDACTED] And my phone number -- my cell phone number is [REDACTED].**

**401. Q.** [REDACTED] All right. And ...

(indiscernible)

**402. Q.** -- Mr. Kaplan, if we need anything further from -- from Mr. Irwin, we'll certainly call you first j—

MR. KAPLAN:

**A. Sure.**

**403. Q.** -- if you're representing him.

**A. Perfect. Yeah. Da--, David can tell you, we get in contact with each other very, very quickly.**

**404. Q.** Yup. Okay.

MR. IRWIN:

**A. Jordan -- Jordan's the only person that's fast -- more responsive than I am. So.**

**405. Q.** (laughs)



Ref: 21-2-IV

**A. And --**

**406. Q.** All right.

**A. -- it was my counsel's advice to go to them too. Like, I wanted to call you back right away. Just Jordan told me just -- Look again, I never -- I've never been in a situation to have to deal with --**

**407. Q.** Yup.

**A. -- any investigations. So this is --**

**408. Q.** Yup.

**A. -- all new to me.**

**409. Q.** Okay. All right. And I know that you already did not delete your emails, but we would ask that you preserve them. Once we report back to the prosecutors and all that, they may want to issue a subpoena for your --

**A. Mm hmm. Cool.**

**410. Q.** -- for all the emails.

**A. Okay.**

**411. Q.** So, I guess you can take this as your what we call a 'preservation letter' where we'll deliver it orally.

**A. Yeah.**

**412. Q.** But please preserve all your --

**A. Yeah.**

**413. Q.** -- emails for this criminal investigation. Please don't --

Ref: 21-2-IV

A. We --

414. Q. -- delete anything.

A. We never delete -- I've never deleted a single email, and I'll --

415. Q. Yup.

A. -- continue never to -- Even in my 20 years of history, I have 20 years of email --

416. Q. Yup.

A. -- that I never ...

417. Q. Okay.

A. All right. Then I'll follow up through -- through Jordan. I'll follow -- I'm going to bring up the Hope Street invoices and payments and then --

418. Q. Yup.

A. -- the details about the 300K payment.

419. Q. Yes. Yup. That'll be great.

A. Okay.

420. Q. Okay.

A. Am I ...? Is there a -- Is there a timeframe? I'm just -- It just take me a day or so to pull it together. Is there a time--

421. Q. It's --

A. -- -frame of how fast you need it?

422. Q. 

(laughing)

## WITNESS STATEMENT OF IRWIN, DAVID

Ref: 21-2-IV

423. Q. So, no. A day or two will be just fine.

A. Okay.

424. Q. A few of us are at a conference toward the end of the week anyway. So.

A. All right.

425. Q. So, no – So no rush ...

A. So thank you guys so much.

426. Q. Thank you for your time.

A. Again, if you need anything at all, don't hesitate to call, email, whatever.

**DETECTIVE SERGEANT BROCK:**

427. Q. All right. Well thank you very much. We really appreciate your help and your – and your – you being so forthcoming and ...

A. All right. Have a good one.

428. Q. Thank you. You too.

**DETECTIVE ELLIOTT:**

429. Q. Thank you.

A. Thanks. All right.

430. Q. Bye bye.

**DETECTIVE SERGEANT BROCK:**

431. Q. Bye.

Ref: 21-2-IV

A. Yup. Bye bye.

DETECTIVE SERGEANT BROCK: The time now is 2:22.

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STATEMENT TAKEN BY:

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WITNESSED BY:

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applicants. Lombardi stated that an attorney from the Department of Administration (DOA), who was on the review committee, was a sharp guy and impressed him. It was this individual who did most of the paperwork and reports for the review committee. Lombardi stated that he listened to this individual.

Lombardi advised he weighed in on the ranking/scoring of the applicants. Lombardi stated that a lot of his decision, regarding his support for ILO, had to do with ILO's association to Cumberland. Someone had said that ILO did work in Cumberland. Lombardi did not know who told him this information about ILO. Lombardi stated that based on what he knew at the time, no other applicants besides ILO had done work in Cumberland. It was for that reason that Lombardi supported ILO and not the others. Lombardi did not recall interviewing the applicants. Lombardi stated that if he had, it was not extensive.

Lombardi described that he would call into the meetings, try to get on and sometimes he would have to leave. Lombardi doesn't recall anyone from the Governor's office calling to inquire what was going on with the review committee. Lombardi does not believe Afonso spoke to him regarding ILO.

Lombardi advised that he spoke with the DOA attorney a couple of times. Lombardi didn't create any individual paperwork regarding the review committee. Lombardi advised he didn't recall there being an issue with financials or the number of hours. Lombardi was going to support ILO because of its history with Cumberland.

Lombardi stated that after the news broke, he did have discussions with McKee and asked him what was going on. Lombardi stated that McKee did not say much. McKee is different and he did not say yes or no. McKee answered Lombardi's question without answering it. Lombardi did not have any conversations with Afonso or Tony Silva during the RFP selection process. Lombardi did not have any conversations with McKee during the selection process.

Lombardi was disappointed and is sorry to have agreed to be on the committee. Lombardi stated that he didn't need this. Lombardi has no memory of anyone telling him who to vote for. Lombardi has been part of other town contracts but has not participated in any State RFPs prior to this.

Lombardi advised that with what he knows now, the RFP could have been fixed. Lombardi also stated that with how well he knows McKee the thought of the RFP being fixed is hard to digest.

Lombardi advised he doesn't have any knowledge of any financial relationship between McKee and any individuals associated with ILO. Lombardi doesn't know of any financial relationship between McKee and Magee but knows that they are friendly.

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Chambers advised she interpreted the RFP as seeking pandemic recovery support going forward. Chambers did notice Municipal Learning Centers (MLCs) within the RFP however she didn't know what it was. Chambers believed MLCs were out of school time activities. Chambers did not notice anything unusual about the RFP process and described it as a multi-step process.

Chambers advised that on April 19, 2021, WestEd received an invite for an interview on April 26, 2021. The purpose of the interview was to clarify the proposal. There were no questions regarding MLC's.

Chambers advised that she had heard of Julia Rafal-Baer, but she didn't know her personally. Chambers did not have any communication with Rafal-Baer prior to the RFP. Chambers was part of a phone call in which Rafal-Baer was present in September 2021. The call was recommended by the RI Governor's office to make sure there was no duplicative work regarding the RFP. She advised WestEd had no additional crossover with ILO.

Chambers advised that WestEd has done work in RI which has included several state and district level projects. Chambers stated that this RFP was different in that it was the Governor's office seeking the work, instead of another agency, such as RIDE.

Chambers advised she knew that Rafal-Baer was on task force in RI but didn't know of her connection with the Governor's office until after the news broke. Chambers hasn't heard anything in the education consulting field about the RI RFP contact being fixed.

Chambers advised that the proposal WestEd submitted was for the entire scope of the RFP. WestEd was awarded a contract for only three of the nine tasks that were outlined in the RFP scope. Nina Lennon had told her that due to the size there would be two vendors. Initially WestEd was surprised by the response but then they wanted to know what tasks they were assigned. There were questions on why two companies were awarded rather than one. Chambers has been involved in RFP's in which she has submitted bids for portions of the work, but that was not the case regarding the RI RFP. There was no explanation on why WestEd was assigned the three tasks they were assigned as part of the contract.

Chambers advised that WestEd was aware of the desire for MLCs but was not aware that the Governor wanted one in every city and town. She advised that WestEd had the capacity to handle the entire project, not just the three parts that were assigned.

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## Interview with Dana Chambers

Recording Name:  
[5. Dana Chambers]

Transcript Prepared By:



**DITTO**

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1 [REDACTED] Present on the line, you have [REDACTED]

2 [REDACTED] Um, you also have Michael Brock with the Rhode  
3 Island State Police, and you have John Moreira with,  
4 um, the Rhode Island Attorney General's Office.

5 Brock: Good morning.

6 Chambers: Okay, and then --

7 Moreira: Good morning.

8 Chambers: -- it's Deborah Cooksey (ph).

9 Cooksey: Hi, and this is -- this is Deborah Cooksey and I'm the  
10 general counsel at WestEd. I'm at the [REDACTED] area code.

11 Brock: General counsel.

12 Chambers: Thanks, Deb. I'm (inaudible 00:00:31) Zoom, I'm not  
13 used to not being able to see who everybody is.

14 Moreira: This is old fashioned.

15 [REDACTED] Yeah.

16 Chambers: I know.

17 Brock: We're -- we're still a little bit in the dark ages  
18 here at the State Police on some fronts.

19 [REDACTED] [REDACTED] as well, yeah.

20 Brock: We have a lovely conference room with the big  
21 telephone in the middle of the table, so.

22 Chambers: It's refreshing to take a break from video.

23 Brock: There you go. Uh, now, I'm sorry, I caught Deborah  
24 Cookson and then who else is on the line, is it just  
25 two of you there?



1 Chambers: So, it's De- -- it's Deb Cooksey, our general counsel,  
2 and this is Dana Chambers from WestEd.

3 Brock: Dana, okay. Thank you.

4 ██████████ Thank you so much, um, Dana Chambers for setting this  
5 up for us today, we appreciate it, and we know that  
6 you guys have, um, probably a full day as well, so  
7 we'll try to keep it too -- I know we said maybe about  
8 an hour or so. So, thank you so much for -- for  
9 setting this up, we appreciate it. Um, just to let  
10 you guys know, um, we are gonna record the  
11 conversation, um, just we -- so we have that  
12 documented on our end, and I'll let you guys no. Um,  
13 if you don't mind, I guess before we get started with  
14 the interview, Dana, do you mind if we just get a  
15 background as far as how long you've been with WestEd  
16 and what your position is there?

17 Chambers: Absolutely. So, I've been with WestEd for just over a  
18 year, I started last April. Um, and I am a project  
19 director at the WestEd for their resource planning  
20 team.

21 ██████████ Okay. Uh, then I guess, I just wanna bring you back  
22 to, um -- so, how I -- I reached out to you is you  
23 were listed as a name as far as on the proposal for a  
24 RFP that was out from the Providence, Rhode Island  
25 Governor's Office regarding school reopening. Um,



1 does that -- is that familiar to?

2 Chambers: Yes, that's accurate.

3 [REDACTED] Okay. Could you just, um, I guess, let us know how  
4 WestEd, yourself, learned about that RFP that was, uh,  
5 put out by the Rhode Island Governor's Office.

6 Chambers: Yes. So, we have an institutional development, uh,  
7 department at WestEd that circulates RFPs and Rhode  
8 Island is one of the places we typically do work, so,  
9 we receive RFP opportunities, um, when they're  
10 released, and they're circulated. Um, and I learned  
11 about it specifically from my supervisor who -- who  
12 passed along the RFP to me.

13 [REDACTED] Okay. And what -- what's your supervisors name?

14 Chambers: His name is Jason Willis.

15 [REDACTED] Okay. So, I guess that Jason approached you and just  
16 said, hey, this is something we want to look to, uh,  
17 put a proposal together on, or how did that  
18 conversation go?

19 Chambers: That's right, it was actually a couple of days before  
20 I started at WestEd, um, so I had, you know, accepted  
21 the offer and, um, I -- one of the things I was  
22 planning to do at WestEd was support pandemic recovery  
23 work, that was an interest area of mine. Um, and so,  
24 when Jason saw this RFP, he came to me and said, hey,  
25 this RFP looks right up your alley, is it something



1           that you'd want to pursue when you get here, and I  
2           said, yeah.

3           ██████████ Okay. Uh, so, he brings you the RFP, um, did you have  
4           any questions when you looked at, um, how the RFP was  
5           drafted, or how approached, like, was everything kinda  
6           straightforward for you or were there questions that  
7           you had regarding it?

8           Chambers: It was a pretty typical RFP, I would say. It had --  
9           um, I didn't have any, um, questions that were beyond  
10          the regular set of questions you have when you -- when  
11          an RFP comes out and how we can approach the work.

12          ██████████ Okay. And I guess, just going into your background,  
13          um, I guess the understanding was you -- you've been  
14          at WestEd just prior to this RFP rolling out, what did  
15          -- what work did you do prior to that?

16          Chambers: Well, I've been doing this kind of work for over a  
17          decade, um, just at different firms.

18          ██████████ Okay. So you -- you've seen, um, requests for  
19          proposals before, this wasn't the first RFP that you  
20          came across.

21          Chambers: Many times, yes.

22          ██████████ Okay.

23          Chambers: Many times.

24          ██████████ Okay. Um, and you said this did appear to be a  
25          typical standard RFP as far as when you saw it. Was



1           it different in any way or would you just say it's --  
2           it was average?

3 Chambers: Um, it had a quick turnaround time, although that's  
4           not necessarily unusual. Um, sometimes RFPs have  
5           quick turnaround times. Um, it was, you know, not  
6           super, uh, detailed in its description of the work,  
7           um, but again, that's also sometimes typical of RFPs.  
8           I think every place does them a little bit  
9           differently.

10 [REDACTED] Okay. Did WestEd or yourself have any communication  
11           with the Governor's Office in Rhode Island regarding  
12           the RFP?

13 Chambers: No.

14 [REDACTED] Um, did WestEd or yourself have any assistance from  
15           any other State Department of Rhode Island, in regards  
16           to the response or proposal with the RFP?

17 Chambers: No.

18 [REDACTED] Uh, did WestEd have any input regarding the drafting  
19           of the RFP, so, um, when -- like, did Rhode Island,  
20           anyone with, um, the governor's office or anyone, um,  
21           with the State Department of Rhode Island, did anyone  
22           come to WestEd, as far as that you know of, and -- and  
23           talking to your supervisor or whatnot, and did they  
24           ask WestEd, um, their opinion as far as what should be  
25           included in a drafting of the RFP?



1 Chambers: No.

2 [REDACTED] Okay. Was, uh -- do you know how many companies  
3 responded to the RFP request?

4 Chambers: Not off the top of my head, but I do know that's  
5 publicly available on the -- the Rhode Island  
6 (inaudible 00:06:07) website, so, five or six, I  
7 think.

8 [REDACTED] Okay. And did WestEd or yourself have any, um,  
9 contact with those other companies that submitted  
10 proposals to the RFP?

11 Chambers: No.

12 [REDACTED] No. What was yours or WestEd's understanding of the  
13 RFP, as far as when you read it, um, like what did you  
14 think that they were looking to achieve?

15 Chambers: It looked like it was broadly focused on pandemic  
16 recovery efforts, both in terms of, you know, learning  
17 loss and K12, but also in terms of public health  
18 response and thinking about COVID, either testing or  
19 tracing, um, and kind of the intersection between  
20 those two things across different agencies.

21 [REDACTED] Okay. Um, in regards to what WestEd saw when they  
22 looked at the RFP, did you see anything in regards to  
23 mis- -- Municipal Learning Centers?

24 Chambers: Yes.

25 [REDACTED] And -- and what was your -- your take on that?



1 Chambers: I didn't really know what Municipal Learning Centers  
2 were. Um, our assumption that we made was that they  
3 were looking to do, like, out of school time support,  
4 since lots of places across the country were thinking  
5 about how to use out of school time to address  
6 incomplete learning. So, we kinda -- that was our --  
7 that was our best guess about what that meant.

8 [REDACTED] Okay. Um, further in the process, do you learn  
9 anything further about Municipal Learning Centers from  
10 them, 'cause I -- I think it is my understanding that  
11 at some point there are, uh, like interviews, um, that  
12 are conducted.

13 Chambers: Oh, we -- we did get interviewed after our submission  
14 of our proposal, um, but I did not learn about what --  
15 Municipal Learning Centers through that process.

16 [REDACTED] Okay. Um, did you find, or anyone else at WestEd,  
17 anything to be unusual about the RFP procurement  
18 process?

19 Chambers: Nothing notable. We, um -- no not anything in  
20 particular, it was a multi-step process.

21 [REDACTED] Okay.

22 Chambers: As it often is.

23 [REDACTED] And then at some point, um, you're -- you said you do  
24 go into an interview during the process. Do you  
25 remember when that --





1 Chambers: That's right.

2 [REDACTED] -- interview was conducted?

3 Chambers: Yes. So, on April 19th, we got an email from Nina  
4 Lennon (ph, at the Department of Administration,  
5 requesting an interview for April 26th, and it was a -  
6 - a virtual interview.

7 [REDACTED] Okay. And do you remember who, um, was present during  
8 that interview?

9 Chambers: Um, I know there was, uh, Daniel Majcher, uh, Kristen  
10 Danusis. There was a mayor, but I'm not sure from  
11 which -- if it was like, North Providence or  
12 Providence or East Providence. There's a lot of  
13 Providence's.

14 [REDACTED] Sure.

15 Chambers: And I -- there was one other person on that, I don't  
16 recall the -- the name of the fourth person.

17 [REDACTED] Okay. And what was the -- the, um, purpose I guess,  
18 of the interview?

19 Chambers: Our understanding was it -was it -- it was kind of  
20 like, to clarify what we are proposing, and just kinda  
21 share why we thought we were -- pitched really well to  
22 do the work, and then it was only for a su- -- a  
23 subset of the people who had applied.

24 [REDACTED] Okay. And at any point did, um, the four individuals  
25 that you mentioned that, I guess, were, uh, part of



1 the RFP panel, did they ask, um, you any questions  
2 about how you could expand like Municipal Learning  
3 Centers or anything in regards to -- to that nature?

4 Chambers: There were no questions about municipal work.

5 [REDACTED] Okay. How long do you think the interview was?

6 Chambers: About an hour.

7 [REDACTED] About an hour. Okay.

8 Chambers: Um-hmm.

9 [REDACTED] Um, after the interview, um, at some point was there  
10 like, a best and final for pricing that took place?

11 Chambers: Yes.

12 [REDACTED] And what was your understanding as far as why, um,  
13 that was happening?

14 Chambers: So, the -- the inquiry we received from -- which was  
15 again, from Nina Lennon, it was on May 5th, um, and  
16 what they asked us was if we could price out, uh, like  
17 an expanded level of effort, so basically, how much  
18 would it cost if you worked this many hours for each  
19 task, like, as opposed to number of hours that you  
20 bid. Um, so, they gave us, like a minimum and a  
21 maximum range of the hours that they, I guess, assumed  
22 would be the level of effort for this work, and said,  
23 tell us how much it would cost if you -- if you worked  
24 this many hours instead. And then they also said, do  
25 you, as an organization, have capacity to provide this



1 additional level of support, like with -- with the  
2 project being this size, like, preclude you from being  
3 able to do it. And then, also, if you did this  
4 additional level of support, um, would it change what  
5 you were offering us, like, would it change your  
6 approach.

7 [REDACTED] Okay.

8 Chambers: So, that's the -- there were three questions.

9 [REDACTED] And is that something that you've typically seen in  
10 some other RFP's that you've been a part of?

11 Chambers: I have received best and final offers many times, but  
12 not typically to expand the circle of work. Usually,  
13 they're asking you to identify ways to make it less,  
14 kind of.

15 [REDACTED] Sure. Okay. Um, so, at some point, are you aware  
16 that the RFP actually comes out to be an NPA?

17 Chambers: Um, I wasn't aware of that later on.

18 [REDACTED] Later on.

19 Chambers: Um-hmm.

20 [REDACTED] How did you become aware of that?

21 Chambers: We received their tentative award letter from Nina  
22 Lennon on June 1st, um, and -- 'cause I had to put  
23 some paperwork it wanted us to complete to, I guess,  
24 become an approved vendor, and then, immediately after  
25 that, via email, we got a note from Nina saying that



1 due to the size of the RFP, that they recommended  
2 awarding two vendors, and that that would be part of a  
3 State Master Pricing Agreement, which is, uh, somewhat  
4 like a -- a vendor list, was my understanding.

5 [REDACTED] Okay.

6 Brock: Is that standard, and have you run into that before?

7 Chambers: We have been on vendor lists before, uh, although  
8 typically you are applying for a vendor's list at the  
9 time of the RFP.

10 [REDACTED] Was, uh -- Ms. Chambers, was anyone with WestEd or  
11 yourself familiar with, um, a woman named Julia Rafal  
12 Baer?

13 Chambers: I know her from her, uh, national reputation in the  
14 field. I -- 'cause I've been in the field for a long  
15 time, but I don't know her personally.

16 [REDACTED] Okay. Um, did you have any communication with Julia  
17 Rafal Baer during this process?

18 Chambers: Not during the procurement process, no.

19 [REDACTED] Okay. Have you since?

20 Chambers: We had one phone call with them, post award, at the  
21 request of the governor's office.

22 [REDACTED] And that was a call with who?

23 Chambers: That was a call where Julia Rafal Baer, Emily Hartnett  
24 (ph), um, a few people from RIDE, so, Ana Riley, uh,  
25 Christopher Redden (ph), I believe Kelvin, uh, Roldan,



1 was there. And then, we also had Elizabeth Winangun  
2 who was my, uh, point of contact with the governor's  
3 office at that time. And then myself and Jason  
4 Willis, who I mentioned was my supervisor, were there  
5 from WestEd.

6 [REDACTED] And --

7 Chambers: That was in -- not until September.

8 [REDACTED] September. September of 2021. And what was the  
9 purpose of that call?

10 Chambers: The governor -- uh, governor's office, uh, had  
11 recommended that we get on a call since we were both  
12 doing work that was broadly, like, related, to make  
13 sure we understood what the other was doing and had  
14 any -- identified any opportunities for coordination  
15 or alignment or just generally, you know, understand  
16 context.

17 [REDACTED] Okay. And your contract, the WestEd contract, with,  
18 um, Rhode Island State, what did that ultimately end  
19 up being, I believe it was -- was it just over a  
20 million dollars that was awarded?

21 Chambers: That's right.

22 [REDACTED] And was there a timeframe that that work was supposed  
23 to be completed in?

24 Chambers: Yes, so our, uh -- our timeframe for year one is  
25 pending right now, and we are starting year two.



1 [REDACTED] Okay.

2 Chambers: Um, we've spent additional funds beyond the number you  
3 said.

4 [REDACTED] Okay. So, was it a two year contract is?

5 Chambers: It was a 1 year contract with an option for a 1 year  
6 renewal.

7 [REDACTED] Okay. And the 1 year contract, the first year, has  
8 already been completed?

9 Chambers: Um, we are wrapping that up now. Some of the work  
10 flows into the second year.

11 [REDACTED] Okay. Okay, and you're on to a second -- a second  
12 year right now.

13 Chambers: We're moving into our second year now, that's right.

14 [REDACTED] Okay. Uh, did WestEd at any time, work with ILO? I  
15 know you had that conference call in September of  
16 2021, um, did you guys have any other interaction with  
17 ILO or work product?

18 Chambers: No, it's just that one call.

19 [REDACTED] Okay. Has WestEd done work in the past with Rhode  
20 Island?

21 Chambers: Yes.

22 [REDACTED] Okay. Do you know how much work I know, I know, um,  
23 this was your first project with WestEd with Rhode  
24 Island --

25 Chambers: Yeah.



1 [REDACTED] -- but do you know --

2 Chambers: We do a fair amount of work with Rhode Island. We  
3 operate a Federal Comprehensive Center that supports  
4 Rhode Island, Connecticut, and New York. Um, and then  
5 we have a number of other, you know, state level  
6 contracts, we've done some district level work, so  
7 we've worked in that region and with Rhode Island for  
8 many years.

9 [REDACTED] Okay. Um, during this process, I know we talked about  
10 some phases of it, but was there anything that kinda  
11 caught you off guard or -- or, um, was just different  
12 from other RFPs?

13 Chambers: It was different in that it was the governor's office  
14 seeking out work on behalf of the -- or seeking out  
15 work to do work with another agency. So, rather than  
16 being like, RIDE, Rhode Island Department of Ed,  
17 putting out an RFP that said come help us, it was the  
18 governor's office putting out an RFP to say -- and  
19 you'd work with a -- more -- this agency and maybe  
20 some other agencies as well.

21 [REDACTED] Yeah.

22 Chambers: So, that was new to me.

23 [REDACTED] Okay. Um, I'm sure, in your field, you probably have  
24 contacts at RIDE and whatnot, do you know, um, was  
25 there any other rumblings out there in that field in



1            regards to how like, RIDE felt about it, that you were  
2            aware of?

3 Chambers: Um, I wasn't actively working with RIDE, at this time,  
4            especially because I was -- you know, I was -- you  
5            know, because I just had started at WestEd.

6 [REDACTED] Sure.

7 Chambers: Um, but we quickly started working with RIDE after the  
8            aware, like we connected with ride to like, start  
9            planning the work, so that there was -- so that we  
10           would all be working together.

11 [REDACTED] Okay. Okay. Um, so, at some point, um, there's a lot  
12           of news that breaks out in regards to this Rhode  
13           Island RFP. Um --

14 Chambers: Um-hmm.

15 [REDACTED] -- I don't know if -- did -- did you follow any of  
16           that at all?

17 Chambers: Yes.

18 [REDACTED] Um, what was your take on the information that you  
19           received, as far as in, um, you know, Julia Rafal Ba-  
20           -- Baer and, uh, I don't know if you saw her company,  
21           ILO, um, and how she had ties to some people in the  
22           governor's office?

23 Chambers: I knew she was on the, um, like the task -- (inaudible  
24           00:17:58) the other -- some of the other vendors that  
25           was on the agreement, 'cause we had had that phone





1 conversation, but I wasn't, like, aware of much of the  
2 other -- like, the -- the subtext there was -- was new  
3 to me in -- in terms of like, the investigation.

4 [REDACTED] Yeah. Um, as far as just in this consulting, like the  
5 education consulting field, since all this has broke  
6 in the news, has there been any chatter, that you've  
7 heard, in regards to this Rhode Island contract, and,  
8 um, through channels, like it being fixed or anything  
9 like that?

10 Chambers: Not to my knowledge.

11 [REDACTED] Have you heard of anyone else speaking about it?

12 Chambers: Um, not -- I can't think of any, like, specific  
13 conversation. I mean, we all read the articles, of  
14 course, and so if was of interest to us since we were  
15 named in those articles, so.

16 [REDACTED] Okay.

17 Chambers: We had conversations about it in that regard.

18 [REDACTED] Sure, but nothing that you heard from, um, like other  
19 companies or individuals with different consulting,  
20 talking about what they heard or whatnot?

21 Chambers: We did not talk to other companies about -- about  
22 this, we didn't think that would be a breach.

23 Moreira: Uh, Dana, this is John Marrero from the AG's Office.  
24 Uh, perhaps to just give ya a little bit more context,  
25 so, we can tell you that we're looking into



1           allegations that there was some interference in the  
2           competitive bidding process. Um --

3 Chambers: Um-hmm.

4 Moreira: -- you know, that would've potentially operated to  
5           your detriment or other bidders detriment. Um --

6 Chambers: Um-hmm.

7 Moreira: -- so, just, I guess, some follow up questions in that  
8           vein. I'm -- I'm looking at the -- the, uh, RFP that  
9           you -- your company bid on and that was published and  
10          there's, uh, nine paragraphs.

11 Chambers: Um-hmm.

12 Moreira: At the time you submitted your bid, was it your  
13          understanding or expectation that you were bidding on  
14          that full extent of work, like all nine paragraphs in  
15          the scope of work?

16 Chambers: Yes.

17 Moreira: Okay.

18 Chambers: Yes.

19 Moreira: Um, and, you know, in reviewing the -- the materials  
20          that we've gone through, it appears that the, um --  
21          what you were granted, in terms of a contract, is  
22          actually in the last two paragraphs. So, I'll -- I'll  
23          just read them to ya in terms of the scope of work --

24 Chambers: Um-hmm.

25 Moreira: -- that, uh -- the work that you receive. So, it



1 looks like paragraph 8 is, "Higher education needs  
2 assessment relative to in person, reopening of state  
3 colleges and universities," and then paragraph nine,  
4 "Act as a lead project manager for setting up pool  
5 testing, uh, for public schools K through 12, Rhode  
6 Island Office of Higher Education, public colleges and  
7 universities, as well as coordination of communication  
8 regarding same." Uh, I guess -- I suppose the first,  
9 do -- do you remember that from the RFP that you've  
10 been on?

11 Chambers: Yes. Those are the three tasks that we -- those  
12 aren't the exact three tasks, but we ended up doing  
13 work on them.

14 Moreira: Okay, uh, and I think you just mentioned it, but you -  
15 - you had been on, uh, the -- the remainder of it, I  
16 guess, the -- there's much more in the RFP than those  
17 three tasks, originally, right?

18 Chambers: That's right. We ended up being awarded three tasks  
19 out of the, I guess 9, that were originally in there.

20 Moreira: Okay. Um, I think you had told us that you first  
21 heard about that from Nina Lennon, and she expressed  
22 something to the affect that due to the size of the  
23 RFP, they're recommending two vendors?

24 Chambers: That's right. She did not tell us which tasks were  
25 who, though, she just said that there would be two



1 vendors.

2 Moreira: Had that ever come up during the process before, that  
3 there'd multiple vendors awarded this?

4 Chambers: No. No, that was the first we heard of it.

5 Moreira: What was your reaction or you and you colleagues  
6 reaction to the that news?

7 Chambers: Um, we were surprised, but also were just very eager  
8 to understand which of the tasks would be, um, our  
9 responsibility versus the other vendors, so, we were  
10 eager to figure that out.

11 Moreira: Why are you surprised?

12 Chambers: Uh, we had -- it was the first that we were hearing of  
13 there being more than one award, since it -- the RFP  
14 had indicated it would be single award. Well, at  
15 least we assumed it would be a single one, the RFP did  
16 not mention anything that we saw that said it would be  
17 more than one award.

18 Moreira: Have you, uh, in the -- you know, aside from this, in  
19 the past, bid on other RFPs where, uh, it's specified  
20 that you could bid on, you know, some part, all of  
21 like, the scope of work, in an RFP?

22 Chambers: Yes.

23 Moreira: But that, to your best recollection, that kind of  
24 language wasn't in this Rhode Island RFP that we're  
25 talking about is that right?



1 Chambers: No, that was not how we -- that was not how we  
2 understood this RFP.

3 Moreira: Okay. Um, now, Ms. Lennon's um, comment or statement  
4 that like, due to the size of the RFP, um, you -- I  
5 think you mentioned this but, you had bid on, like,  
6 the complete scope of it, right, the, uh -- the full  
7 size, so to speak, of the -- of the work.

8 Chambers: That's right.

9 Moreira: Okay. So, was that part of the surprise, I guess, I -  
10 - I wanna ask ya?

11 Chambers: Right, that they were gonna split the work across the  
12 two most qualified vendors, that was the -- that was  
13 the -- that was the first that we had heard that that  
14 was a possibility or -- or that that was happening.

15 Moreira: Okay. And then, as far as the -- the tasks that you  
16 were, um, assigned or awarded, any idea why you  
17 received those as opposed to others?

18 Chambers: No, there was not any explanation about that.

19 Moreira: Going back a -- a little bit, sorry, you mentioned  
20 that, um, you know, there's some documents that are  
21 publicly available about the other bidders. Um, have  
22 you also seen, like, the different, uh, memos that  
23 were issued by the review committee, um, like drafted  
24 by Mr. Majcher?

25 Chambers: I seen some but probably not all of the paperwork that



1 was, like, posted to the -- posted on their website.  
2 It was just kind of like a typical practice that we  
3 do, so we can just go and look to see how we did on a  
4 proposal. .

5 Moreira: Sure. Um, so, does it sound correct to you that there  
6 was initially, um, a memo that was made public about  
7 the -- the technical scoring, the technical evaluation  
8 memo?

9 Chambers: Can you speak -- can you explain that question again,  
10 I'm not sure I understood that.

11 Moreira: Sure, yes, so, the -- there was a document generated,  
12 uh, technical evaluation memo, um, it was dated April  
13 27, 2021, and it has the scoring for the -- the  
14 technical aspects of the RFP, does that ring a bell or  
15 does that --

16 Chambers: I recall that but I read it quite a long time ago, so  
17 I don't --

18 Moreira: Okay, no, that's fine, yeah.

19 Chambers: I don't know that I would recall the details.

20 Moreira: Okay, no, that's fine, I'm just trying to, uh --

21 Chambers: Yep.

22 Moreira: -- see if you've -- if you had the opportunity to  
23 review these --

24 Chambers: Um-hmm.

25 Moreira: -- before today. And in a second memo, there's a



1 final evaluation memo, and that -- that was dated May  
2 28th of '21, um, and that -- basically that -- that  
3 concludes with their recommendation that, um, WestEd  
4 and ILO be placed on the NPA. Do -- do you recall  
5 reviewing that at some point?

6 Chambers: That one sounds less familiar to me but knowing that  
7 that was -- would've been a time ago, it's possible I  
8 read them both at the same time and didn't really  
9 separate them in my mind.

10 Moreira: Okay, no I know what you're saying, that makes sense.

11 Chambers: Yeah.

12 Moreira: Um, all right but, I guess aside from tho- -- those  
13 two, are you -- do you think you're familiar with any  
14 other memos like the -- there's a technical scoring  
15 one, and then a final one, that concludes with the NPA  
16 -- the placement on the NPA.

17 Chambers: I would probably need to go back to look at the  
18 website to remember the specifics. I don't think I  
19 spent that much time really looking at them.

20 Moreira: Okay, that's -- that's fair. Maybe at some point we,  
21 uh, meet again and, uh, have -- have you go through  
22 those. Um, but just one other area to ask you about,  
23 I know --

24 Chambers: Um-hmm.

25 Moreira: -- I know, um, you were asked earlier about these



1 Municipal Learning Centers --

2 Chambers: Um-hmm.

3 Moreira: -- and perhaps just going back to the -- the RFP that  
4 was posted, just for the -- the paragraph that has the  
5 language of that one, it states --

6 Chambers: Um-hmm.

7 Moreira: -- "Planning program development and implementation of  
8 Municipal Learning Programs of cities and towns in the  
9 State, including municipal programs not directly  
10 administered by LEAs and or traditional school  
11 committees, to address lost learning and catch up and  
12 long term learning programs."

13 Chambers: Um-hmm.

14 Moreira: Do you recall that one?

15 Chambers: Yes.

16 Moreira: Um, now there was someone that was -- that you were  
17 partnered with, um, that would have relevant  
18 experience to that, wasn't there, in -- in terms of,  
19 um --

20 Chambers: That's right, the National Institute of Out of School  
21 Time, out of Wellesley, they were our partners that  
22 had that expertise. Well, what we assumed was out of  
23 school time expertise. That was when we got them.

24 Moreira: Okay, and then -- and one of your team members, um,  
25 was actually on -- on the, uh, Zoom interview, right,





1 from, uh --

2 Chambers: Um-hmm.

3 Moreira: -- that -- that entity?

4 Chambers: That's right, that's right. .

5 Moreira: Who was that again, if you -- if you remember

6 Chambers: Betsy -- Betsy Starr (ph)

7 Moreira: Okay, that sounds right.

8 Chambers: Eliz- -- it was -- that would be -- that would be

9 Elizabeth Starr, I think would be her full name.

10 Moreira: Okay. Um, so, in terms of her qualifications or the -

11 - the people you had designated to, um, fulfill that

12 need, uh, was it your view that they were, you know,

13 absolutely qualified, you know, locally, nationally,

14 to perform those tasks?

15 Chambers: Yeah, so NIOS is a internationally known, out of

16 Wellesley that does out of school time programs, and

17 since they were out of Wellesley, of course, they

18 were, you know, familiar with the northeast contracts,

19 um, and so we thought they would be a good addition to

20 our team -- our internal team has less experience in

21 that.

22 Moreira: Okay. And they had done similar things, is that

23 right?

24 Chambers: That's right. Yeah, including (inaudible 00:29:14)

25 Moreira: And that would be -- and forgive me, I'm just, uh,



1 catching up on some of these terms but, I mean the --  
2 the title of the organization is Out of School Time,  
3 so that would relate to after school programs?

4 Chambers: After school, summer school, everything that doesn't  
5 happen during the core school day.

6 Moreira: Okay. And were they -- are they nationally  
7 recognized?

8 Chambers: I believe so, I mean, they're -- I -- I knew of them  
9 as one of the organizations that did this work  
10 nationally.

11 Moreira: And then just with this -- this paragraph about the  
12 Municipal Learning Programs, like, what was your  
13 understanding of the extent of the work that was, uh,  
14 needed or being bid on?

15 Chambers: Yeah, we didn't -- this was hard for us to interpret,  
16 'cause we hadn't seen it before. Um, our  
17 interpretation, initially, was that the state would  
18 be like, setting up centers, and like, helping  
19 facilitate that, and they just wanted some like,  
20 resources to help them do that, like, they're like,  
21 oh, let's give them a toolkit or a self-assessment  
22 that would help X organization open an after school  
23 program in a way that would be effective. Like, so at  
24 first, we thought of it as like, tools, resources,  
25 maybe some evaluations, that -- ways to help the



1 programs themselves be successful. Once we received  
2 the best and finals, expand the amount of hours, it  
3 became clear to us that they want -- they probably  
4 want more than that because it was a lot of hours.  
5 Um, and so that was one of the questions we had was  
6 like, how much -- how engaged would -- would the  
7 vendor be in actually implementing these learning  
8 centers.

9 Moreira: Did you actually ask someone?

10 Chambers: It's not -- no, we did not ask anybody. There  
11 wouldn't be a way to ask about that, to my knowledge.

12 Moreira: I guess just to follow up a little bit, so it sounded  
13 like your initial understanding was, um, to guide  
14 like, some -- some programs?

15 Chambers: Right, to like, provide the state support for  
16 providing support, so.

17 Moreira: Okay.

18 Chambers: Yeah, we often do that, like where we help the state  
19 help someone else.

20 Moreira: Okay. And did you get -- did you have a sense, I  
21 guess, when you bid on it, how many, uh, programs you  
22 were gonna help guide, get set up, like, was it  
23 limited to a few towns, all cities and towns?

24 Chambers: We did not, no.

25 Moreira: And did you have any sense that it was anything more



1           than provide guidance to the state on how to guide  
2           like, city and town programs?  If -- that might be a  
3           bad question.

4   Chambers: So, we -- we just didn't know.  We really only had the  
5           three or four lines that were in the RFP to take our  
6           best assessment of the work.  So, like, we do with  
7           many proposals, we just had to kind of take our best  
8           guess at it and -- and, uh, propose what we thought  
9           made sense.

10   Moreira: Did anyone tell you, we want these programs set up in  
11           every city in town, in the state of Rhode Island?

12   Chambers: No, we really had just that text in the RFP as our  
13           only guidance.

14   Moreira: And did anybody tell you that it would be -- I guess  
15           you kinda answered this but, uh, that it would be more  
16           than guidance --

17   Chambers: No one told us anything of that.

18   Moreira: Okay.  Did you learn through this process or, I don't  
19           know, after the award, that it was a lot more than,  
20           um, you had any knowledge of, in terms of these  
21           Municipal Learning Programs?

22   Chambers: Can you repeat that question, please?

23   Moreira: I'll try.  Um, like, through this process, and I -- I  
24           -- I suppose through the point where you received,  
25           like the -- the three tasks and ILO received the many



1 other tasks, including Municipal Learning Center, did  
2 you learn that, like, the state was looking for, you  
3 know, so many more hours, let's say, for Municipal  
4 Learning Programs? Then you had --

5 Chambers: The only indication we had of the hours was the best  
6 and final spreadsheet we were given with estimates of  
7 hours.

8 Moreira: Okay.

9 Brock: Uh, when you -- when you got the, uh, best and final,  
10 and saw the new hours, uh, and Nina asked you if you  
11 had the capacity -- capacity to handle the new scope,  
12 uh, did you have the capacity?

13 Chambers: Yes.

14 Brock: So, increasing the hours, I assume it was double or  
15 triple what you were initially thinking or more, of  
16 what --

17 Chambers: That's right.

18 Brock: Uh, I don't -- I don't know the numbers that -- I  
19 don't know the numbers offhand.

20 Chambers: Yeah, it was something in that ballpark, that sounds  
21 right.

22 Brock: Okay. Uh, and you were capable of handling that, I  
23 assume your bid went up double or triple from what  
24 your initial --

25 Chambers: That's right.



1 Brock: All right. And that's unusual because usually people  
2 come back to you and say, we need it lower, not we  
3 need it higher, correct?

4 Chambers: That's right.

5 Brock: All right. And you found that unusual, however, you  
6 were willing to play along, 'cause I imagine if --  
7 because it was vague, you were okay with -- with, um -  
8 - or you just kinda missed the mark, so they want you  
9 to go up, I assume, is that the -- the thought process  
10 at the time?

11 Chambers: That's about what we assumed. We hoped that we would  
12 have an opportunity to kind of clarify the details --

13 Brock: Yeah.

14 Chambers: -- down the road.

15 Brock: And in the -- in the, uh, interview, was there an  
16 opportunity for you to ask questions of the, uh, panel  
17 or was that just the panel asked questions of you?

18 Chambers: There -- I believe we were offered an opportunity to  
19 ask questions.

20 Brock: And did the question of, you know, what are you  
21 looking for out of the Municipal Learning Centers or -  
22 - or, uh, any questions like that --

23 Chambers: We did not ask that question, no.

24 Brock: And why not, wasn't that a question that -- that you  
25 guys had or was -- was it -- was the interview before



1 after best and final?

2 Chambers: The interview was before the best and final.

3 Brock: Okay. All right. All right, um, when you, uh -- when  
4 you got the tentative award letter, you said June 1,  
5 you got a tentative award letter. Was that for the  
6 entire project or was that just for a portion of it?  
7 What was your understanding of that letter?

8 Chambers: It did not specify anything in it about what we were  
9 awarded, like how much or which task.

10 Brock: So, I would imagine you -- when you get that letter,  
11 you think you won the award, correct?

12 Chambers: That's correct.

13 Brock: And then you said you got a -- a second note, a short  
14 time later, and does that mean, like, an hour later,  
15 the next day, the next week?

16 Chambers: The same day.

17 Brock: The same day. And was that an e-mail from Nina or a  
18 phone call?

19 Chambers: Yes, an email.

20 Brock: And what was the reaction to that?

21 Chambers: Um, we wrote back and asked a clarifying question  
22 about whether they could air anymore about the  
23 anticipated, um, like, divvying out of the work.

24 Brock: Um-hmm, and did you get a response?

25 Chambers: Yes. Um, Nina wrote back and said that after all the



1 paperwork went in, they would give us a PO, and at  
2 that point, we could talk to the program staff and  
3 figure out the scope of the work -- scope of work.  
4 So, she was not -- she did not tell us.

5 Brock: Uh, with the PO, was there talk of a dollar amount?

6 Chambers: No.

7 Brock: So, you get the award letter, everyone's happy, good,  
8 we got another job, uh, we got more work, everyone  
9 keeps their jobs for a little while longer, and then -  
10 -

11 Chambers: Right.

12 Brock: And then you get this other email that kinda throws  
13 everything into question. At this point -- so, you  
14 went from a 3 million dollar award to who knows what  
15 you -- you're getting correct?

16 Chambers: Right.

17 Brock: All right, and I -- what was the take around the  
18 office on that?

19 Chambers: We were anxious to hear more about the specifics of  
20 what and how much we had been awarded.

21 Brock: Uh, was there any, uh, pushback on splitting the work?  
22 I mean, I know you're -- you're saying anxious, I  
23 don't know if that's just being polite or -- or what?

24 Chambers: Oh, no, um, I -- I -- we were happy to have wone some  
25 work, so, it worked. I don't think there was pushback





1           though.

2 Brock:    Yeah.  Okay.  Um, all right, at thi- -- at this point,  
3           now that you know everything that you know from  
4           reading the news articles, and I'm sure chatting --

5 Chambers: Um-hmm.

6 Brock:    -- in your community and in every -- and every -- in  
7           your -- in your, uh, consultant community, what is  
8           your take on this whole big picture thing, I mean, do  
9           you -- what's -- what's -- what's WestEd's take on  
10          what happened here?

11 Cooksey:  Can I stop you right there.  Um, I'm not sure what  
12          WestEd's take is.  John is -- is relevant to what  
13          you're doing.  We weren't involved in the bid or how  
14          the work was split --

15 Brock:    Yeah.

16 Cooksey:  -- so, who cares what we think about how it happened?

17 Brock:    Um, we -- we do because, uh, you know, you're --  
18          you're a potential victim of a, uh -- of a crime here,  
19          so, um -- so, yeah, we -- we care about it, as the  
20          investigators.

21 Cooksey:  So, are you trying to be -- okay, I understand, are  
22          you trying to gauge WestEd's moral outrage about this  
23          or --

24 Brock:    Uh, yeah --

25 Cooksey:  Because you're asking --



1 Brock: Yeah, yeah, and yeah, essentially, um, yeah, moral  
2 outrage is, I guess, one way of putting it, but just,  
3 uh, you know, is this -- is this something that's  
4 standard in the consulting world -- in the education  
5 consulting world, and if, uh, you know, should we not  
6 even be bothering knocking on doors about this, or are  
7 we, you know, are we barking up the right tree, uh,  
8 essentially, you know, it's, um -- you know, we could  
9 potentially be talking to a victim here, so this is  
10 what -- this is what we do.

11 Cooksey: Okay, so, Dana why don't you answer?

12 Chambers: Sure. Um, so, approval processes -- and this is, you  
13 know, of course, my opinion and not my agency's  
14 opinion --

15 Brock: Sure, I understand.

16 Chambers: -- our -- you know, they're often competitive, you're  
17 often, like, going in trying to make your best guess  
18 of what the client wants, and figure out how much they  
19 -- how much money they might have to fund it and, you  
20 know, it's -- it's usually really fast, and there's a  
21 lot of, like, excitement around it, and you, um -- you  
22 just -- you don't really know what the outcomes gonna  
23 be, so, when we heard that we won anything, we were  
24 excited about that. Um, yes, of course, we would be  
25 disappointed to win less rather than more, um, but



1           since we didn't -- you don't go into a proposal with  
2           an expectation of winning it, necessarily, like it  
3           wasn't -- I would say the disappointment is like, part  
4           of -- the disappointment and the excitement are part  
5           of any proposal process --

6 Brock:     Right.

7 Chambers:  -- it's always competitive, it's always, you know,  
8           edge of your seat, like, we may win it, we may not,  
9           and so, I would say that -- that part of it is pretty  
10          -- pretty standard, um to -- to be surprised by the  
11          outcome at the end, whichever way it goes.

12 Brock:    Yeah, but one minute you win an award for 3 million,  
13           and then, a few minutes later you get an email of, you  
14           -- you didn't -- you're splitting it up and we don't  
15           know how it's gonna get split up yet, and then, uh --

16 Chambers: Um-hmm.

17 Brock:    -- then all this -- all this information becomes  
18           public and, um, you end up with 1 million and the  
19           other company ends up with 5 million, uh --

20 Chambers: Um-hmm.

21 Brock:    -- what -- what was your take on that split?

22 Chambers: We were disappointed, I mean, we like doing the work  
23           and we always like to do more of the work, especially  
24           in an area like this, that seems so critically  
25           important to -- to kids. And so, yeah, we -- we



1           would've loved to have been able to do more of the --  
2           of the scope --

3 Brock:     Yeah.

4 Chambers: -- but I --

5 Brock:     And do you know if I- --

6 Chambers: I try not to harp on -- I try not to harp on the  
7           losses, 'cause --

8 Brock:     Right.

9 Chambers: -- they --

10 Brock:    Right.

11 Chambers: -- they happen all the time, so.

12 Brock:    And do you know if, uh, that same notice went out to,  
13           um, ultimately, to ILO, that they won the award and  
14           then they're going to split the work?

15 Chambers: I wouldn't know.

16 Brock:    You don't know that, okay.

17 Chambers: I wouldn't know.

18 Brock:    Okay. All right.

19 ██████████ Ms. Chambers, I just have two more questions, if you  
20           don't mind, and maybe you answered them, if so -- but  
21           let me ask them again. Um, one question was, was  
22           there a budget ever provided, like when you guys were  
23           asked to give your best and final, did anyone say  
24           whether there was like a dollar limit that was  
25           available for this grant or whatnot?



1 Chambers: No, just hours.

2 [REDACTED] Just hours.

3 Chambers: Like the number of hours, yeah.

4 [REDACTED] Okay, so just hours not -- not money wise. And then,  
5 I know earlier you were good as far as you had some  
6 dates, like, I think you said best and final, was that  
7 due on May 7th, do you know?

8 Chambers: Yes, May 7th was when the best and final --

9 [REDACTED] May 7th, best and final was due that day. And then I  
10 think you said it was June 1st that Nina Lennon, uh,  
11 sent you guys an email saying, um -- I think that you  
12 were being awarded a contract- -- contract, is that  
13 correct?

14 Chambers: That's right.

15 [REDACTED] Do you know, um, and maybe you don't off the top of  
16 your head, but do you know, did you have communication  
17 with the governor's office or Nina Lennon from the May  
18 7th to the June 1st at all? Was there any contact or  
19 interaction?

20 Chambers: I don't think so, I don't think we heard anything from  
21 them between those two -- between that submission of  
22 the best and final --

23 [REDACTED] Okay.

24 Chambers: -- and hearing about receiving the award.

25 [REDACTED] And how long did you have to respond to the best and



1 final, do you remember?

2 Chambers: Two days.

3 [REDACTED] Two days. So, did you ever remember that being like,  
4 interesting to you at all that, you know, you had two  
5 days, you had 48 hours to put your best and final in,  
6 um, that was May 7th, and then, I mean, not until June  
7 1st you heard back. Was that -- like, did you think  
8 anything of that?

9 Chambers: Uh, not necessarily, it's kind of unpredictable how --

10 [REDACTED] Okay.

11 Chambers: How fast and -- or quick you hear back.

12 [REDACTED] Okay.

13 Moreira: Uh, Dana, just some, um, related questions to funding.  
14 Prior to submitting the bid did you have, uh, any  
15 information from the client, from the State of Rhode  
16 Island about, uh, what the budget was?

17 Chambers: No.

18 Moreira: Did you ever communicate, uh, to the client, in this  
19 case, the State of Rhode Island, um, what you thought  
20 the budget needed to be, for you to fulfill the scope  
21 of work?

22 Chambers: No, but we submitted a budget with our proposal that  
23 said what we thought it would, cost to do what we  
24 described.

25 Moreira: And then that also was refined in the, uh, best and



1 final, is that right?

2 Chambers: That's right.

3 Moreira: But nothing prior to bidding was submitted by WestEd,  
4 in terms of, um, the budget that you thought it would  
5 need to be for WestEd to fulfill the needs, is that  
6 right?

7 Chambers: No, nothing was submitted.

8 Moreira: Okay.

9 Brock: Lisa, you good?

10 [REDACTED] I'm good.

11 Brock: All right, uh, that is all the questions we have for  
12 you. Thank you very much for, uh -- for speaking with  
13 us and taking some time out of your day for this, um -  
14 -

15 [REDACTED] Sure thing, no problem.

16 [REDACTED] If we happen to have any follow up questions --

17 Chambers: Thank you all.

18 [REDACTED] Um, if we happen to have any follow up questions, um,  
19 Ms. Chambers, is it okay if we reach out to you or  
20 should we reach out to Ms. Cooksey or?

21 Cooksey: Um, if you have follow up questions, why don't you  
22 reach out to Dana and then she can loop me in.

23 [REDACTED] Okay. Thank you.

24 Brock: Do you have Cooksey's spelling?

25 Cooksey: Thank you all.



1 [REDACTED] Yeah.  
2 Brock: All right, thank you.  
3 Chambers: Thank you.  
4 [REDACTED] Thank you guys very much.  
5 Brock: Thank you very much --  
6 Moreira: Thank you.  
7 Brock: -- we appreciate it.  
8 Chambers: Take care, bye-bye.  
9 Cooksey: Bye guys.  
10 Brock: That concludes this interview of Dana Chambers from  
11 WestEd.





## TRANSCRIBER'S CERTIFICATE

I, Kelly Sahl, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, Pages 1 through 39, was reduced to typewritten form from a digital recording of the proceedings held June 26, 2022, 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 2nd day of August 2024.



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## INTERVIEW OF CHRISTINE LOPES-METCALFE

On June 30, 2022, the investigative team met with Christine Lopes-Metcalfe (Lopes-Metcalfe) [REDACTED]. Present for the investigative team were [REDACTED] [REDACTED] RI AAG Peter Roklan, RI AAG John Moreira [REDACTED]. Lopes-Metcalfe was represented by Kevin McAllister, Esq. This was third interview of Lopes-Metcalfe by the investigative team.

Lopes-Metcalfe was asked some follow up questions about topics that had been raised in prior interviews. Lopes-Metcalfe recounted that in February of 2021 Michael Magee (Magee) approached her about taking a position in Governor McKee's Administration. Magee did not mention a specific title for the opportunity in the Governor's office, but he stated that it would be role that Kevin Gallagher held under Governor Raimondo.

Lopes-Metcalfe recalled Magee informing her that Julia Rafal-Baer (Rafal-Baer) would be leaving Chiefs for Change to do full-time consulting work. Lopes-Metcalfe believed that Rafal-Baer would be consulting in RI and nationally. During this time frame, Magee mentioned the State of RI using a sole source contract for an education consultant. At the time, Lopes-Metcalfe took from Magee's comments that it would be Rafal-Baer who would be doing the consulting work. Magee did not state that directly nor did Magee explicitly state that Rafal-Baer would be the sole source for the contract. But, according to Lopes-Metcalfe, it was implied from her conversations with Magee during this timeframe.

Magee told Lopes-Metcalfe that Anthony Silva (Silva) had been telling people that the Governor McKee wanted to hire someone he knew as an education consultant for the state. Separate from her conversation with Magee, Lopes-Metcalfe recalled hearing Silva say Rafal-Baer's name as the consultant to hire. Following this, the education consulting contract was put out as an RFP as opposed to a sole source. Magee expressed to Lopes-Metcalfe that he was frustrated it was going to be a RFP process. These events occurred prior to the Governor's McKee's announcement of his staff. Lopes-Metcalfe told investigators that she was more comfortable with the proposal for the consulting work going through a RFP process as opposed to a single source. She believed that she was still employed at RIDE at the time DOA put the RFP out for bid.

Once she began her job at the Governor's office, one of her tasks was to work on Municipal Learning Centers. She stated that she worked on this in general and not as part of the RFP.

On April 29, 2021, Lopes-Metcalfe was introduced to the RFP review team as senior advisor to Governor McKee. They requested her assistance in better defining the scope of work of the RFP. She recalled providing input on the scope of consultant's work in assisting public and private schools with managing federal funding. She also provided feedback to the review team

on the work the consultant would have to do to implement Municipal Learning Centers in 39 municipalities.

DOA was asking for a specific number of hours for a specific task. Lopes-Metcalfe did not weigh in on this request, and she was sent another spreadsheet with hours filled in. On May 4, 2021, she reallocated some hours in the spreadsheet to increase the scopes that dealt with Municipal Learning Centers. Nina Lennon from Purchasing responded that they could not change the scopes of work in the RFP. Lopes-Metcalfe took this to mean that the review team could not use the document that they had created.

Lopes-Metcalfe described this part of the RFP process as confusing. At one point, she suggested to Antonio Afonso (Afonso) that the RFP should be redrafted and be put back out for bid.

Lopes-Metcalfe advised that she did not hear anything about the RFP until she learned from Afonso that it was awarded to 2 vendors. She advised that she began working on the scope of work for each vendor. She divided the scopes into two tracks – one statewide and one for Providence – and emailed it. She learned that her scope of work email was forwarded to Magee, and she was frustrated by that at the time.

After her email had been forwarded to Magee, she recalled a phone conversation with McKee and Afonso. Lopes-Metcalfe sat her vehicle in the State House parking lot during the phone conversation. McKee expressed a lot of frustration that things were not moving. McKee said that he was going to turn his car around and go into Jim Thorsen's office, the Director of DOA. Lopes-Metcalfe described it as very intense conversation. It was the sternest Lopes-Metcalfe had heard McKee. McKee was upset and talked about canceling meetings to get this done. McKee had expressed frustration before but was never that animated. Lopes-Metcalfe did not recall what resulted after that call - if McKee went to Thorsen's office or not. Lopes-Metcalfe took Governor McKee's comments as being more like a threat.

Lopes-Metcalfe advised that her scope of work email was disregarded by Afonso. She believed that the ultimate scope of work was written by someone with an educational background due to its detail. She did not think that Afonso wrote it. Magee and Rafal-Baer were the only two individuals Lopes-Metcalfe knew in McKee's circle who could have drafted it. Lopes-Metcalfe believed that Magee wrote it.

Lopes-Metcalfe advised that Magee never provided any favors or offers to Metcalfe. Rafal-Baer also never offered any favors to Lopes-Metcalfe.

Lopes-Metcalfe was asked about any communications that she had with Magee prior to the education consulting contract being awarded. She acknowledged that she did have phone calls with Magee in April and May of 2021, but they did not speak about the RFP. She believed it was permissible to speak with Magee as he was an unpaid advisor to McKee.

Lopes-Metcalf also acknowledged that she had phone conversation with Magee and Rafal-Baer around the time that ILO submitted their bid on the RFP. Lopes-Metcalf stated that she did not speak with either of them about the RFP.

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Daniel Majcher  
First Middle Last DOB

ADDRESS: \_\_\_\_\_  
Street City Telephone #

PLACE INTERVIEWED: [REDACTED]

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: State of RI  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 7-26-22 TIME: 12:30 pm

REPORT:

On July 26, 2022, at 12:30 PM, [REDACTED] RI Assistant Attorneys General John Moreira and Peter Roklan, [REDACTED] and I (Rhode Island State Police Sergeant Michael Brock) met with Mr. Daniel Majcher, Esq., Assistant Legal Counsel for the RI Department of Purchasing to continue to discuss his involvement in the "Reopening Schools Contract". This was a continuation of an interview begun on March 24, 2022. Mr. Majcher was accompanied by his attorney, John Calcagni.

[REDACTED] presented Majcher with a draft memo that was obtained from his email indicating that West Ed won the contract. Majcher advised he did not recall writing that particular draft, however, he does recall writing a draft and discussing it with Nancy McIntyre, Jim Thorsen and Fred Stolle. He advised he did not recall giving the draft to Thorsen. He advised that he did receive the 'best and final' cost proposals and prepared a draft memo and later had a meeting with McIntyre and Thorsen. He advised he believed he relayed the costs to McIntyre and Thorsen in a meeting and did not share a memo. He believes this meeting was on May 7, 2021. He did not recall if this meeting was in person, a conference call or a 'Teams' meeting. He advised this meeting

was focused on cost scores, but he still needed to do a few things including minority business enterprise scores and reread the actual proposals.

Majcher advised he was unaware that Thorsen gave the draft memo to Governor McKee. He advised he was unaware of any communication between Thorsen and McKee regarding the costs. He further advised that he did not know if he gave the memo to Thorsen or if Stolle gave it to him. He advised he did not recall what Thorsen or McIntyre had to say about his draft memo.

Majcher advised that after Thorsen had the draft memo, Thorsen reviewed it with Stolle and read the submissions from the vendors. Majcher advised that Thorsen made it clear that the vendors didn't know what was being asked of them by the RFP.

Majcher advised that Stolle told him that Stolle had spoken to Tony Afonso regarding the draft memo.

Majcher advised that he suggested cancelling the bidding because of the flaws in the RFP. He suggested that the Governor's Office could try for a sole source or emergency contract to do whatever the Governor wants.

Majcher advised that in response to a May 10, 2021, email, he shared a folder with all of his communications regarding this matter with Fred Stolle. Stolle informed Majcher that cancelling the bidding is not an option.

When presented with documentation showing that the bullet points obtained from McKee's text messages are almost exactly the same as the bullet points used to justify converting this RFP to an MPA, Majcher advised he was not aware of whether he got that information from Thorsen. He advised he may have gotten the information from Stolle.

Majcher advised that he did not write anything in the draft memo that indicated there were additional review steps to be taken.

Majcher advised there was a lot of urgency around this project, so he met with Thorsen and Stolle once he completed the draft memo.

Majcher advised that he did not see a need for the review committee to keep things separate from McIntyre and Thorsen and that he would 'bounce things off my boss'.

Majcher was presented with text messages between Thorsen and McKee which indicate that Thorsen told McKee that Majcher made the decision to award the contract to WestEd and drew up the memo of award. Majcher replied that Thorsen didn't know what he was doing.

Majcher advised that he gave all of his records regarding this contract to Stolle and assumed he was sharing that with Afonso.

Majcher confirmed that all of his documents regarding this contract were still confidential at the time because no final award had been made. He advised that his documents should have stayed inside DOA and not been shared with the Governor's Office.

Majcher advised that he did not recall if he or Stolle came up with the notion that West Ed's lower cost was related to West Ed using 'lower level' employees.

Majcher advised that MLC's were not a major part of any proposal but were important to McKee. He advised that he spoke with Stolle about MLC's and Stolle noted how many hours were dedicated to MLC's in the best and final cost submissions.

Majcher determined that WestEd did not know what MLC's were. He advised he did not know what a MLC was until he had been involved in this project.

Majcher advised that Stolle was upset with McIntyre for telling the Governor's Office that this contract had to go out to bid in the first place. He advised Stolle was now trying to find an answer that would keep everyone happy. He advised that he alone came up with the idea of converting this to an MPA as a way out of the predicament. He advised it would give the schools and municipalities options on which company to work with also.

Majcher advised that when applying the normal formula for awarding the contract, he came up with West Ed, however there was more to this than the normal formula.

Majcher advised that Stolle brought his MPA idea to Tony Afonso and the governor. He believes this was a few days after he told Stolle about the MPA option. He was unsure if Stolle wanted to cancel the entire process or do a sole source due to an emergency need.

Majcher reiterated that he was absolutely sure that he alone came up with the MPA idea and that he shared it with Nancy and she agreed it was a good idea and would give the towns a choice of who to work with for MLCs.

Majcher advised there were no text messages between he and Stolle regarding this matter.

Majcher advised he did not have direct communication with the governor, but did have direct communication with Afonso and Lopes Metcalf.

Majcher advised that he explained the MPA process to Afonso, he believes he did this while on a conference call with Afonso and Stolle, but not certain. He recalled a conference call with Thorsen and Afonso, a later phone call from Afonso looking for an update in which he explained how the process works. He advised he had separate and ongoing talks with Nina and McIntyre regarding the process.

Majcher advised he did not know of any reasons why the Governor did not want WestEd.

Majcher advised that the main point of contact between the Governor's office and DOA for this project was Stolle.

Majcher advised that he was aware that the Governor wanted a certain company for this because McIntyre told him of the early meeting with McIntyre and Rafal-Baer.

Majcher advised that he knew there was a lot of urgency about this contract but was not aware of why it took three weeks between the May 7 memo and the May 28 MPA. He believed there were a lot of other things happening at the time.

Majcher was not aware of why there was no cap placed on the MPA. He advised that is a topic for McIntyre.

End of interview 2:03 PM

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE

**Connors, Kelley (DOA)**

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**From:** Amanda Rivers <[REDACTED]>  
**Sent:** Wednesday, May 12, 2021 2:45 PM  
**To:** McIntyre, Nancy (DOA); Thorsen, Jim (DOA)  
**Subject:** [EXTERNAL] : RE: Discussion w/ Governor McKee - For Awareness/Next Steps

Good Afternoon,

Please allow this communication to provide a memorialization and update as to my telephone conversation with Governor McKee this afternoon, both for awareness purposes and to identify the best course of action for next steps as needed.

The Governor raised some targeted questions regarding a pending RFP for an education services/school reopening project that originated from his office; specifically, Governor McKee is looking to determine whether there is any flexibility or option at this point in the process (which I understand to be that the committee has reviewed and scored both the technical and cost proposals, but that tentative award notices have not yet been issued) to award separate contracts to the two vendors with the highest qualifying scores and split the scope of work according to their original proposals. We discussed fiscal/budget considerations related to next steps as an aside, but my primary understanding is that the Governor is not sure whether the technical review committee picked up on a significant difference between the number of hours that the two vendors quoted to complete the scope of work as stated in the RFP while scoring the technical proposals. For future projects, I mentioned the option to add advisor/non-scoring members to a technical review committee that would benefit from additional insight and expertise in an appropriate capacity.

The Governor also inquired as to whether there is any opportunity during a competitive bid process to perhaps interview or query vendors in an effort to ensure that they fully understand the specific goals of the project and have the requisite capacity to complete those tasks. I have participated in RFP development where vendors were asked to prepare presentations to the technical review committee as part of the evaluation process, but that requirement had been clearly set forth up front in the RFP itself. I wanted to run this question by you both due to the critical and sensitive nature of an open bid process in order to guarantee adherence to the correct procedures and avoid any potential legal complications or exposure.

Finally, Governor McKee mentioned that he would like his team to be aware of new solicitations going forward (particularly those relating to specific projects and/or funding thresholds as a potential benchmark for collaboration), and to gain a deeper understanding of the competitive bid process/timelines overall. We discussed potentially convening regular meetings between designated staff from the Governor's Office and the Division of Purchases as one option to achieve this goal. The Governor plans on having a member of his team reach out to me as a point of contact for this effort, but of course, I defer to you both as to how you wish to proceed.

Please advise if I can provide any additional information or clarification as to these items; I look forward to speaking with you both further regarding the above, as well as to develop a strong entrance/transition plan for the Deputy Purchasing Agent position.

Very Truly Yours,



RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Amanda Rivers █-85  
First Middle Last DOB

ADDRESS: █  
Street City Telephone #

PLACE INTERVIEWED: █

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: State of RI, Division of Purchasing  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 7-27-22 TIME: 10:00 am

REPORT:

On 7-27-22, I responded to █ to interview Amanda Rivers regarding the ILO Contract investigation. Present at the interview was █ Rhode Island Assistant Attorney General Peter Roklan. █. This is a brief summary of the interview, █.

Rivers advised she is currently employed as the Deputy Purchasing Agent, State of Rhode Island. Rivers has held this position since June 1, 2022. She advised that during the hiring process for this position, she had been told by both Thorsen and McIntyre that Governor Daniel McKee would like to have a conversation, not a final interview, with Rivers and provide an informal welcome to the position. Rivers viewed her interaction with Governor McKee as a fourth interview. Rivers first became aware of an RFP regarding Education from the Rhode Island Governor's office during her telephone call with Governor McKee on May 12, 2021.

Rivers advised that during this call it was evident to her that Governor McKee was not interviewing her for a position but asking for her advice on the education RFP. She advised that he did not mention vendors by name and did not appear to have a preference for one vendor over another. She advised he asked many questions which she did not have the capacity to answer to include questions regarding changing from an RFP to an MPA.

Based on the unusual nature of this phone call, Rivers decided to let McIntyre know that the phone call did not happen the way it was supposed to happen. She communicated this in an email to Thorsen and McIntyre.

Rivers also advised that during the phone call Governor McKee referenced the hours needed in the RFP and mentioned that only the review committee should be aware of vendor proposals at this time. She did not know how the Governor had this information.

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE

Ref: 21-2-IV

**WITNESS STATEMENT****DATE:** July 27, 2022**TIME:** 10:02 a.m.**INTERVIEW OF:** Amanda Rivers, DOB: [REDACTED]/1985  
Deputy Purchasing Agent / State of Rhode Island  
Cell #: [REDACTED]**INTERVIEW BY:** Detective Sergeant Michael Brock  
Rhode Island State Police Financial Crimes Unit**PRESENT:** [REDACTED]Special Asst. Attorney General Peter Roklan  
Rhode Island Office of the Attorney General**LOCATION:** [REDACTED]

Providence, Rhode Island 02903

**SUBJECT:** 21-2-IV (F.C.U.)**DETECTIVE SERGEANT BROCK:** Today is Wednesday, July 27<sup>th</sup>. The time is 10:02. We areat [REDACTED] for an interview of Amanda Rivers by Sergeant Mike  
Brock, [REDACTED] and ...**SAAG ROKLAN:** Assistant.**DETECTIVE SERGEANT BROCK:** -- Assistant Attorney General Peter Roklan.  
[REDACTED]

1. **Q.** Ms. Rivers, thank you again for coming in today. I think we were just going over your personal identifiers. So we had your date of birth; if you don't mind correcting me, it was [REDACTED]

1995?

**A. Eighty-five.**

2. **Q.** Nineteen eighty-five. I have a cellular telephone number for you. I was going to make you ten years younger.

**A. I - I**

3. **Q.** You should have - You should have -

**A.** (indiscernible)

4. **Q.** -- took that.

(laughter)

5. **Q.** And I have a cellular telephone number for you of [REDACTED].

**A. Correct.**

6. **Q.** Is that accurate?

**A. Yes.**

7. **Q.** Could you just p--, provide your current employment that you have right now?

**A. Yes. I'm the Deputy Purchasing Agent for the State of Rhode Island.**

8. **Q.** And - and how long have you had that position?

**A. Since June 1<sup>st</sup> of 2021.**

9. **Q.** (speaking softly) June 1<sup>st</sup> of 2021. Okay. And what were you doing prior to that?

**A. I was an Assistant Administrator of Financial Management at the Rhode Island**

**Department of Health.**

10. **Q.** Department of Health.

A. Yes.

11. Q. And how long were you there for?

A. **I started at the Department of Health in May of 2014. I had been in that particular position for a little over two years.**

12. Q. Okay. So you had been for the Department of Health since May 2014.

A. **Correct.**

13. Q. You were the Assistant Administrator of Financial Management --

A. **Yes.**

14. Q. -- for two years.

A. **Yes. And prior to that I had a different position --**

15. Q. Okay.

A. **-- in The Center for Drinking Water Quality. The same agency.**

16. Q. All right. So at some point you transitioned from the Department of Health to the Purchasing Agent. Can you just go and give us a background as far as how that transpired?

A. **Yes. I noticed a posting for the position of the Deputy Purchasing Agent I believe in March of 2021.**

17. Q. Okay.

A. **The incumbent was retiring in April of 2021, and I applied for the position. I was initially interviewed in early April 2021. I had, depending on how you think about it, three or four interview rounds for that position. And I was ultimately hired the second week of May; I believe they extended the offer, and I started on June 1<sup>st</sup>.**

Ref: 21-2-IV

18. Q. All right. So you said there were like three or four rounds. What --

A. Mm.

19. Q. -- were those -- those rounds?

A. The first round was with the incumbent Deputy Purchasing Agent, Michael

Mitchell. The --

20. Q. Michael Mitchell?

A. Yes.

21. Q. Okay.

A. The Minority Business Enterprise Administrator at the time, Dorinda Keene, was

the second member of the panel. And there was a third member of the panel, and I could not tell you who it was if I tried, I'd have to go back.

22. Q. Okay.

A. I -- I don't have ...

23. Q. So there was a panel for this ...

A. It was panel. Yeah, a three-person panel for the first one. The second round

interview was maybe two weeks after that. It was with Director Thorsen, --

24. Q. Okay.

A. -- Fred Stolle from DOA Legal Services, and Daniel Majcher, also from DOA Legal

Services. And --

25. Q. Okay.

A. -- after that I met kind of informally with Nancy McIntyre, the State Purchasing

**Agent.**

26. Q. Okay.

A. And then after that, Nancy and Director Thorsen indicated that I was to have not a final interview but a conversation with Governor McKee, kind of I considered it a final round interview. But their intent that they shared was more that he would be just getting some information about my background and almost informally welcoming me to the position. I didn't have a formal offer at that point, but that was my understanding.

27. Q. Okay.

A. And after I spoke to Governor McKee, I spoke to Director Thorsen and Nancy again kind of informally and separately.

28. Q. Separately?

A. Yes.

29. Q. For that (indiscernible)...

A. Mm hmm.

**DETECTIVE SERGEANT BROCK:**

30. Q. That's quite a process.

31. Q. Yeah.

A. It was a very long process, yes.

(laughter)

A. Yes.

**DETECTIVE SERGEANT BROCK:**

32. Q. Yes.

33. Q. But at least it ended up well, right, you got the job--

A. It did end up --

34. Q. -- so.

A. -- well, --

**DETECTIVE SERGEANT BROCK:**

35. Q. Yeah.

A. -- yes. Yes. Very good.

36. Q. So at some point during...? At some point do you become aware of a pending RP for education services or a school re-opening that was ...?

A. Yes. I first became aware of that project during my telephone call with Governor McKee.

37. Q. Okay.

A. And he asked for my opinion on a current project that his office had facilitated through the Division of Purchases. He shared some concerns at that point the project was still under evaluation. The committee had evaluated technical and costs to my recollection, they had not yet tentatively selected a vendor for award. And the governor indicated he had been having conversations with, I believe, others in the Division of Purchases; although I don't recall if he named any specific names. And he had some questions and wanted some kind of



**informal recommendations about how to proceed at that point.**

38. Q. Okay. Did he provide any names of the vendors during the conversation at all?

A. No.

39. Q. Okay. Any like, preferences for any of the vendors?

A. No.

40. Q. No. What was his concern that – that you took away from?

A. **My understanding was that he felt that both vendors had capabilities and could**

**make a significant contribution to the program. So at that point, one of his targeted questions was whether there was any consideration or opportunity to make two awards under solicitation of that nature.**

41. Q. So I – I think you had stated that they had already done the scoring, right, for the --

A. **That was my under- --**

42. Q. -- technical --

A. -- **-standing.**

43. Q. -- and the costs, --

A. **Mm hmm.**

44. Q. -- but nothing was awarded yet, and he was trying to see if they could make t--, like award it to two. A w-, Like --

A. **S...**

45. Q. -- did – did he indicate that at this time it was going to be awarded to one vendor? Like how ...?

**A. He did not confirm. My impression was that although the technical and scoring had already taken place, the committee had not yet made a recommendation.**

**46. Q. But was your take-away that he believed that maybe only one vendor was going to get selected with him mentioning --**

**A. He asked (voices overlapping) ...**

**47. Q. -- (indiscernible) award two?**

**A. —if that was standard practice.**

**48. Q. He asked that what was standard practice?**

**A. If one vendor was typically awarded a – through a solicitation of that nature.**

**DETECTIVE SERGEANT BROCK:**

**49. Q. And what's your answer to that?**

**A. Typically, yes. The solicitation can be written any particular way. If there is an intent to award to one vendor, sometimes solicitations state that. Sometimes it's very clear up front that there are potential to award to multiple vendors, and the regulations permit for that as well. So I wasn't yet as familiar with our regulations, of course, as I am now. So my conversation with the governor was really limited to experience I had had at the Department of Health in RFPs that I had been involved in. I would also like to share that my understanding going into the conversation was that it was an interview. It became quickly apparent to me that the governor was not perhaps aware that it was intended to be an interview by our side or by the State's side. I was under the impression fairly quickly that he thought he was speaking to someone who was in the Division of Purchases already, perhaps even the deputy. I did not correct him during our conversation because I – I wasn't entirely sure. But that was the**

**impression I walked away with that he wasn't aware that it had just been an introductory and almost final interview conversation.**

**SAAG ROKLAN:**

**50. Q.** How – how did the phone call come about? Like did – did he call you, you call him, or?

**A.** I heard from Director Thorsen that that would be the next step in the interview process. An interview with the governor was typical for this position. And the governor's office reached out to me through Outlook to schedule an appointment.

**51. Q.** And then for a telephone call, did you like have a number to call in, or did he ...?

**A.** He called me. I provided my cell phone number.

**52. Q.** Okay.

**A.** Mm hmm.

**53. Q.** Do you know what number? Like was it like a blocked number? Was it a work number? Was it a cell phone number? If you know.

**A.** I don't remember. I don't remember it being blocked. I believe there was a phone number. But I – I couldn't tell you what type of a phone number it was. It sounded like he was in the car when we spoke.

**54. Q.** And d--, And like in the beginning of the phone call, was it like – You said he seemed confused about what it wa-, Like h-, how did it start like ...?

**A.** Not that he seemed confused. I – I don't think that he was aware that he was speaking to a candidate for a position. He was asking my opinion about this project as if I was already familiar with it and as if I were already in the Division of Purchases. And I – I did tell him I wasn't familiar with the project. But I – I didn't clarify that I was a candidate, and I was

understanding this to be an interview. It was a bit awkward when I made that realization, so I just ...

55. Q. Was there small like chit chat first or was it like right in, boom, like into this conversation?

A. I think there was some chit chat. He introduced himself, because we had never spoken previously. And he asked a little bit about myself, and he told me a little bit about how he – he was relatively new at the time, he had just come into office. And then I believe he went fairly quickly into that education is one of his priorities and that he had a project pending. And that was how that conversation started.

SAAG ROKLAN: Sorry if I (indiscernible)...

[REDACTED] Oh no, you're – you're fine.

56. Q. And he called on your cell phone number. Would that have been your current cell phone number that you have that ends in [REDACTED]--

A. Yes.

57. Q. -- [REDACTED]?

A. Yes.

58. Q. Do you remember – I, I know you – we're talking about over a year later – do you happen to remember what day of the week it was? Morning?

A. It was --

59. Q. Afternoon?

A. -- a Wednesday.

60. Q. A Wednesday. Okay.

**A. It was Wednesday, May 12<sup>th</sup>. And the call was scheduled for 1 p.m. I think he was fairly prompt with his call. I don't remember waiting or worrying or anything like that.**

**61. Q. Okay. And is this the first ...? I know you said he introduced himself.**

**A. Mm hmm.**

**62. Q. This is the first time you spoke with Governor McKee?**

**A. Yes.**

**63. Q. Okay.**

**A. Mm hmm.**

**64. Q. Did you know him before then?**

**A. No.**

**65. Q. So you get off the telephone call with him; what are you thinking at that moment?**

**A. I was thinking he didn't realize he wasn't speaking with a staff person at the Division of Purchases and that he perhaps had not been informed that this was considered an interview. So I wrote an email to Director Thorsen and to Nancy McIntyre just to memorialize the concerns the governor had shared to make sure that they were aware of them as the Purchasing Agent and the Chief Purchasing Officer. I wasn't sure at that point if there were some action items that needed to be addressed by them, so I wanted to make sure that they were aware. And I did also – I wanted for my own edification to clarify that it was in fact an interview, and I wanted – I, I wasn't sure if the governor – even by the end of the call had been aware of that. So if there had been any feedback after that point, I wanted to make sure that Nancy and Director Thorsen communicated to him that perhaps there had been a misunderstanding and – and I was still a candidate for the position and didn't have any type of**

**a commitment at that point to hire.**

**66. Q.** What did you feel ...? So with that call, like you said, that you were just a candidate, you weren't hired, what did you feel he was asking you to do if you were with the Division of Purchase at the time, like what did you take away ...?

**A.** I didn't take away any – as if there were any direct action items for myself. I did realize that he was asking for some guidance, and I thought perhaps the Purchasing Agent and the Chief Purchasing Officer needed to provide some guidance. And I needed them to just review what I had said to make sure it adhered to the process that was typically followed. Because like I mentioned, I was giving advice based on my experience to date, and at that time, I was not formally in a procurement role, I had been involved in procurement in my past offices, but I wanted to make sure that my guidance aligned with what they would offer so if there was action they needed to take, that they were aware of it.

**67. Q.** What guidance do you think he was asking for though in regards to that RFP?

**A.** Whether there was a potential to make more than one award if so warranted and if so determined by the committee.

**68. Q.** Did he indicate what the scoring was --

**A.** No.

**69. Q.** -- at that time?

**A.** Nn nn.

**DETECTIVE SERGEANT BROCK:**

**70. Q.** Did you know what the scoring was at that time?

**A.** No.

71. Q. No.

72. Q. Had you heard of the RFP at all prior to this conversation?

A. **Not at all.**

73. Q. Okay.

A. **No.**

74. Q. So you emailed Director Thorsen and Nancy McIntyre. Do you get a response from them? What --

A. I --

75. Q. What happens there?

A. **I spoke verbally to Director Thorsen perhaps the next day or within two days, and Director Thorsen confirmed what I had thought, that the governor wasn't aware it was an kind of informal final interview and that he extended his apologies and -- and that was the end of that.**

76. Q. Who extended apologies, the governor or Thorsen?

A. **I only spoke to Director Thorsen after that.**

77. Q. What was he saying though?

A. **I think he was saying that the governor was apologetic and --**

78. Q. Yeah.

A. **-- didn't realize he was speaking to a candidate for a position.**

79. Q. I guess you did alright.

**A. I think so. I think it went alright (laughs).**

**80. Q.** In – in your email, you – there’s a line: ‘I wanted to run this question by you both due to the critical and sensitive nature of an open bid process --

**A. Mm hmm.**

**81. Q.** -- in order to guarantee adherence to the correct procedures and avoid any potential legal complications or --

**A. Mm hmm.**

**82. Q.** -- or exposure.’

**A. Mm hmm.**

**83. Q.** What – What were the – What were the potential complications or exposure, or – What – what were you – What were you ...?

**A. I was concerned that my guidance perhaps did not align with the standard procedure and practice of any solicitation. It wasn’t tailored to this one.**

**84. Q.** Mm hmm.

**A. So I wanted to make sure that my – relay to the governor that there was potential to make two awards if warranted, and if – if the committee recommended, I wanted to make sure that that was appropriate, and if it wasn’t, I needed them to catch that right then and there and correct any --**

**85. Q.** Mm hmm.

**A. -- any assumptions that I had made.**

**86. Q.** All right. Was there any concern about him – about the governor calling you and asking



you about an ongoing bid process?

**A. None that was shared with me, no.**

**87. Q.** And did -- Did you have concerned -- concerns about it then, or do you now looking back?

**A. No, I don't have any concerns about the substantive discussion that we had. The only concerns I had at the time were about my candidacy and whether the interview process had gone off the rails, --**

**88. Q.** Mm hmm.

**A. -- and if I'd have to talk to him again, --**

**89. Q.** Mm hmm.

**A. -- which I -- I didn't want to do because it was so stressful.**

**90. Q.** (Laughs)

**A. (Laughs)**

**91. Q.** During the telephone call did the governor indicate that he had spoken to anyone else in regards to these concerns, or ...?

**A. I believe he had spoken to parties prior to the solicitation being posted. He had been informed of the process. So I don't know regarding a timeline when and with whom he spoke. But.**

**92. Q.** But in regards to his concerns in that point that he was talking to you about --

**A. Mm hmm.**

93. Q. -- as far as if there -- two vendors could be awarded, did he express if he had talked to anyone else about that --

A. He did not.

94. Q. -- previously?

A. No.

95. Q. I'm going to be -- Yeah, just to kind of just to look at it real quick. I think this the email that you may have sent to Nancy McIntyre and -- and Director Thorsen --

A. Mm hmm.

96. Q. Does that look ...?

A. Yes.

97. Q. That's the email?

A. Yes.

98. Q. And it looks like you memorialized this shortly after I think in the -- the first sentence there you said you had your telephone conversation with him that afternoon, --

A. Mm hmm.

99. Q. -- and that lines up with your -- your May 12<sup>th</sup>. How did -- how did that date -- how do you remember that date?

A. It was ... that I spoke to the governor. It's just always --

100. Q. ... stuck out.

A. -- just stuck out in my head. Yeah. Yeah, it was a -- a big part of that interview process.

**101. Q.** I think in point in that second paragraph there, you know, like you said, 'if there's any flexibility at this point in the process to award separate contracts.' But later, it goes, 'But my primary understanding is that the governor is not sure whether the Technical Review Committee picked up on a significant difference between the number of hours that the two vendors quoted to complete the scope of work as stated in the RFP --

**A. Mm hmm.**

**102. Q.** -- while scoring the technical proposals.' Do -- do you remember anything more as far as what he stated surrounding that on -- on the actual call itself?

**A. No, that was just a comment that he made --**

**103. Q.** (indiscernible)

**A. -- when he was -- Yeah, there w--, there was no more information shared on that concern.**

**104. Q.** So did you take it as one company was go--, had a lot more hours that they were going to spend on the project where another one wasn't? Is that what you took away is that understanding, or what did you take it as?

**A. I think at the time I didn't give that much thought, the -- the hour differential, I -- It didn't really stand out to me at the time.**

**105. Q.** Do you know how he knew like the number of hours?

**A. He didn't share that with me, no.**

**106. Q.** He didn't share. Okay.

**A. Nn nn.**

**107. Q.** Are you familiar with like RFP? Have you ever been a part of a RFP process or anything

like that in the past?

**A. I had at the agency level when I was at the Department of Health. I served on several technical committees throughout my years there. I'm far more familiar with it now than I was at this point.**

**108. Q.** I've never served on an RFP, so I think you might have a little bit more experience than I do on that. So it seems like this RFP was sent out by the governor's office, --

**A. Mm hmm.**

**109. Q.** -- right, for a project for the education. It's not out yet. Would it be -- Would he --? Would the governor's office know what the proposals were? Like, d--, should they be able to see the proposals at this point --

**A. At --**

**110. Q.** -- in your understanding?

**A. My understanding at this point was that the Evaluation Committee had already seen the proposal, so only the Evaluation Committee members would have seen them at that point.**

**111. Q.** Okay. Which the governor is not --

**A. I don't --**

**112. Q.** -- familiar which ...

**A. I don't know the identity of the --**

**113. Q.** Okay.

**A. -- the members.**

Ref: 21-2-IV

114. Q. So at this point only the members should see --

A. Should have --

115. Q. -- the --

A. -- seen the actual proposals. Correct.


**SAAG ROKLAN:**

116. Q. Why is that?

A. The evaluation process is -- it's a closely guarded process that we -- we keep confidential to ensure that everything is transparent; that any members who review the committee are made known, identified; they all execute conflict of interest forms, and we try to keep it almost a contained process to ensure the integrity of the process. So if that was the point at which they were when we had this conversation, that was still in place, we wouldn't allow committee members to share any information with anyone other than the Division of Purchases until at least a tentative award is made.

117. Q. So is it fair to say it was improper for the governor to be able to see these proposals at this point -- point in time?

A. I don't know that he had seen them personally. I don't think it's uncommon for an agency leader or a leadership to ask a committee for a high profile project to a status, where are you in the process, and that's certainly fine. We would certainly allow committee members to say: We're still reviewing technical, we're still reviewing costs, we've prepared a memo, we're working with the Division of Purchases. Communications about the process are fine and the status of the process are fine.



**118. Q.** But do you think like um this isn't really the status, right? I feel like some of the information on here is like the number of hours. Like, it – To me it's clear that the – the governor is aware that ... a significant difference between the number of hours that the two vendors quoted to become – to complete the scope of work as stated in the RFP while scoring – So he – Like he makes it sound like he's almost reviewed the proposal and that there's a large difference in hours. So it's not really like the status of we're reviewing it, but it seems like he actually has some content, right, like?

**A.** Again, I don't know if he had seen the proposals or if perhaps somebody on the committee had shared that there was maybe a discrepancy, and they were trying to resolve that.

**119. Q.** But is that outside like the status? Like you were making it sound like, you know, it would be normal ...

**A.** I think if there was some – a concern or something had cropped up during the review, if it was causing a delay or if there was any substantive concern at any point in the process, I don't think it's unusual to share again, with agency leadership who are overseeing the team or – or the solicitation itself to say there are some discrepancies that we --

**120. Q.** Okay.

**A.** -- need to address. So I think still at that point if you're saying that the two proposals had different number of hours, that wouldn't raise any concerns to me.

**121. Q.** Okay. Let me just give you a complete scenario. At some point if like a draft, a final evaluation or anything would have been provided to someone outside the Evaluation Committee before it was finalized with everything, would that be appropriate?

**A.** I would not consider that appropriate, no. The recommendation (indiscernible) all

should come to the Division of Purchases first. And then when it's approved and a tentative award letter is issued, then there are transparency rules that we can – we can share it.

**SAAG ROKLAN:**

**122. Q.** So just to follow up. I mean clearly, like you just said, drafts shouldn't go out and cost proposals or any of the paperwork that the committee gets shouldn't be shared with others, is that fair to say?

**A.** It's fair to say. There – there are other rules in an evaluation committee. There are the scoring members of a technical evaluation committee, and then non-scoring technical advisor roles. The technical advisors also complete conflict of interest forms. They're held to the same standards as the scoring members. But if those were identified say, here, those members could also properly have access to the proposals. So it's – it's not terribly unusual to hear out of context.

**DETECTIVE SERGEANT BROCK:**

**123. Q.** You mentioned that the review committee tries to say i--, I forget the exact word you said, but isolated or – or contained.

**A.** Correct.

**124. Q.** Does a phone call like this where you're having specific conversations about specific proposals in specific numbers in the proposal, is that – does that kind of pierce that containment? Do you see it now as an attempt to pierce that containment or uh ...?

**A.** No, I view this conversation even now through, you know, the lens that I have now, I would still look at this as procedural guidance with respect to the process. A lot of agencies, they don't conduct RFPs every day.

125. Q. Right.

A. A lot of committee members are new to the process. It's not uncommon for us to be giving guidance throughout the process.

126. Q. Have you had conversations with anyone else since this regarding the RFP, that R--, that particular RFP?

A. That particular RFP? No.

127. Q. No. Okay.

A. No.

128. Q. Have you heard anything in regards to that particular RFP?

A. I haven't – Other than just normal file-related matters in our office. I was aware that there was a new story published, maybe in September I became aware of it.

129. Q. Okay.

A. I was aware that Nancy McIntyre, Director Thorsen, and Dan Majcher testified before the Senate Oversight Committee in October. I was on vacation that week.

130. Q. Okay.

A. But I was aware that it happened. And we have received some document requests, some Access to Public Records Act Requests and some media requests. So, if I was copied on correspondence, which sometimes I am in my role, I provided responses to that. So I was aware that there was an investigation pending.

131. Q. Can I ask you a question just in regards to like the MPA process.



**A. Mm hmm.**

**132. Q.** So just in general, an MPA get awarded. How does -- Like how does the Division of Purch--, Is there a cap as far as how is that awarded? Is it fifty--? Like, how does that process work to determine once -- once like a NPA goes out, how do you determine what amount of money is awarded to the two --

**A. Are -- Are you asking about a master price agreement?**

**133. Q.** Yes.

**A. -- or a --**

**134. Q.** A master price agreement ...

**A. -- an RFP?**

**135. Q.** No, a Master P...

**A. About a master price agreement.**

**136. Q.** MPA.

**A. So it depends on the type of master price agreement. There are some master price agreements that are based on time and effort. So we would get a qualified vendor list that may or may not have included hourly rates; say an electrician or a plumber. Some skilled trade like that might have hourly rates associated with their work. So if that were the case, we would put a cap on the MPA according to the type of commodity. We have policy that establishes MPA thresholds or caps according to commodity. When you're talking about a project like this where there was a specific solicitation attached to it, the cap on the master price agreement would have aligned with the cost proposals that were submitted.**

**137. Q.** All right. So there's a specific solicitation, the cap would align to the cost proposals.

**A. If there – Yes, if it’s for a specific finite scope of work. If it’s, like I said, just a vendor list because it’s a statewide commodity and any agency might need to use it, the examples that I gave, the – the plumbers, or the electricians, those would just have a cap according to our – our policy. And we have a three-tiered policy for those types of master price agreements. But yes, if it was a specific solicitation for a finite scope of work, it would align with the costs.**

**138. Q. And who would – Like in this scenario I think there was two vendors, --**

**A. Mm hmm.**

**139. Q. -- for the MPA, who decides where the scope of work is?**

**A. How the scope is divided?**

**140. Q. Yeah, how the scope’s divided.**

**A. In this scenario, it would depend on – So, when it was established as a master – a master price agreement, any agency could then utilize it within the scope of work that was published in the RFP. So the user agency would determine their need when they’re utilizing the MPA in this regard.**

**141. Q. Okay.**

(pause)

SAAG ROKLAN:

**142. Q. So in this specific one, wasn’t there supposed to be a cap put in place that wasn’t?**

**A. I wasn’t involved in how this was established. I – My understanding was that it was in alignment with the cost proposals. The caps that we have, the policy caps wouldn’t have applied to a project like this.**

143. Q. You were present when we interviewed Nancy back in October.

A. Yes.

144. Q. Do you remember she was saying that towards the end of the interview there should have been a cap that wasn't put in place. Do you recall that?

A. **I don't recall her statements on that, no, I'm not sure what her intent would have been.**

145. Q. Is there typically caps on consultants, or does that fall?

A. **Well, I would say it depends on how it's solicited. So we have say a – a – when you're saying 'consultants,' we have a temporary employment MPA, --**

146. Q. Mm hmm.

A. **-- and we don't put caps on that because they have set hourly rates, not to exceed hourly rates. And often those individuals are employed for years at the time. So we don't have a cap on that MPA, it would just be a logistical nightmare. I – Again – I'm sorry, I don't recall Nancy's comments on the cap for this one.**

**DETECTIVE SERGEANT BROCK:**

147. Q. So she – she – I'm sorry, I'm just reviewing my notes from that interview. She tells us then that's when she was going out for surgery or going out for something, --

A. **Mm hmm.**

148. Q. -- she wasn't paying as close attention as she should have, and Nina Lennon is usually the one that does those – prepares those caps and that for some reason she didn't, and for some reason Nancy missed them. Does that refresh your memory at all?

Ref: 21-2-IV

A. It does.

149. Q. Yup.

A. It – I just don't have a number that Nancy would have liked see imposed on this particular project.

150. Q. But a number should have been imposed or no?

A. I – I – If I saw this come across my desk just fresh and originally, I would have the control value for the MPA award aligned with their cost proposals. Just because ...

151. Q. But d - Does that mean with the vendor's cost proposal ...?

A. Yes. Mm hmm.

152. Q. So, the state wouldn't set a budget, essentially the – we let the vendors set the budget?

A. When a vendor responds to a competitive sol-, solicitation that includes a cost component, if their cost is accepted by the committee and there would be budget considerations at that point from the agency level. But that is typically what the award is for of any type of competitive solicitation.

153. Q. And I guess just because the limit is there, the agency is still going to decide how much

--

A. Correct.

154. Q. -- (indiscernible).

A. Yeah. And they'll make those budget considerations at that point, the individual agency would.

SAAG ROKLAN:

**155. Q.** Jumping back to your conversation with the governor and he's asking is there a way to award it to two vendors. What is the mechanism to award it to two vendors?

**A.** **The mechanism, meaning how would we justify an award to two vendors?**

**156. Q.** Yeah. Or like what – Is it just a master price agreement basically is how you would award it to two - two vendors, or is there another way?

**A.** **You could make a – a dual award or a multiple award under a standard solicitation, it doesn't necessarily need to be structured as an MPA.**

**157. Q.** Does that have to be in the original RFP though?

**A.** **We prefer to see that type of language in a solicitation if that's the intent. There are provisions in our regulations that permit the State the discretion to make multiple awards if it's deemed in the best interest of the State. And that – those general conditions of purchase, those are all regulations, so it's applied to any project that we facilitate through our office.**

**158. Q.** Did you ever get a sense on why the governor was trying to get two for this?

**A.** **My understanding during that conversation was just that he thought that both vendors were qualified to do the work and that the potential scope of work was so broad because it was a state-wide effort and involved all education institutions that perhaps having two vendors would be beneficial from a timeline perspective. And based on the evaluation committees findings, I assumed.**

**DETECTIVE SERGEANT BROCK:**

**159. Q.** If – If it's okay to just take what everyone assumes is going to be a single award, and we have regs – rules and regs that it's standard and easy to just change it to two awards, why all the

finagling and figuring and consummation and back and forth between everyone about how to award it to two people or how to, you know, cancel the project or, you know, talking to people and everyone was bouncing around cancel Sole Source emergency --

**A. Mm.**

**160. Q.** -- and then someone came up with the great idea of the MPA --

**A. Mm.**

**161. Q.** -- if -- if you're saying that like to just do it standard procedure following the rules and regs just award it to two, then why -- why wouldn't they just award it two?

**A. I don't know that it's a standard procedure. There is a provision or rights that permits it if the determination is made. It's not something that we -- that I've seen done very often. We prefer that if the intent is to make a multiple award that it's stated very transparently in the solicitation. I can't speak to the conversations that were happening here, I wasn't -- I started I think the week before the award was ultimately issued.**

**162. Q.** What was the governor's like tone I guess when he was speaking about the -- I know you did an intro kind of in the beginning.

**A. Mm.**

**163. Q.** Like did you hear he was very frustrated? Was this just like a casual conversation, or?

**A. No, it was very casual.**

**164. Q.** Casual. Okay.

**A. Yeah.**

**SAAG ROKLAN:**

165. Q. Now you – you emailed this to Nancy and Jim. Did you get any emails back from them?

A. No.

166. Q. And then did ...

A. Not that I recall.

167. Q. You said you spoke to Director Thorsen.

A. Mm hmm.

168. Q. Did he address this what you said in the email, or just the interview?

A. To the extent that he confirmed that the governor wasn't aware that it was supposed to be an interview. We didn't talk about the substantive project here.

169. Q. Th--, So there was no mention at all about awarding it to two vendors or --

A. No.

170. Q. -- if your advice was correct or anything like that?

A. No. I think Nancy had said that she would follow up and provide if there was clarification required or anything like that. But we didn't discuss my recommendations in detail, no.

171. Q. What was your discussions with Nancy in regard to – to this email?

A. Just echoed what Director Thorsen had said; that Director Thorsen had spoken to the governor or – or someone on the governor's team perhaps after, and that there was a misunderstanding about who the governor was speaking to.

(pause)

172. Q. Okay. Okay. Does anyone know you're here today?

**A. Our administrative assistant Kelly Connors, I told her. Just because I had to leave the office. And that's it. Nancy's on vacation this week. I haven't spoken to her.**

**173. Q. Have you spoken to Director Thorsen?**

**A. No.**

**174. Q. Do you report directly to him, or?**

**A. I – I report to Nancy.**

**175. Q. Okay.**

**A. Mm hmm.**

**DETECTIVE SERGEANT BROCK:**

**176. Q. Do you have anything else you want to add? Do you have any thoughts on this whole process and how it's kind of played out?**

**A. No. (chuckles)**

**177. Q. Are you sure?**

**A. I hope it never happens again.**

**178. Q. All right. I should have said, 'any thoughts you want to share,' right?**

(laughing)

**179. Q. That's probably ...**

**A. No, I don't.**

**180. Q. All right.**

**A. Thank you.**

**DETECTIVE SERGEANT BROCK: That concludes this interview. The time now is**



WITNESS STATEMENT OF RIVERS, AMANDA

Ref: 21-2-IV

10:41.

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STATEMENT TAKEN BY:

---

WITNESSED BY:

---



procurements needed to stop while weighing the needs of people including those of children that have missed learning opportunities.

Stolle advised that during the meeting Magee had with Thorsen and McIntyre, Stolle believed McIntyre told him that Magee had stated something to the effect of, I'm sure you are going to tell us it has to go through a bidding process, but it doesn't have to. He Stolle advised that McIntyre was upset with his statements and aggressive demeanor.

Stolle advised he was surprised that Daniel Majcher, who he described as the subject matter expert in procurements, was assigned to the review committee. The review committee generally consist of people who were part of the user agency. These would be the people who knew what they wanted, etc. Stolle advised the governor's office rarely gets involved in procurements. He advised the governor's office doesn't have people who write RFPs.

Stolle advised he first heard of awarding the RFP by means of a MPA from Majcher. He advised the review committee was jammed up and Majcher said an approach to take was an MPA. Stolle recalls questioning where that language was in the RFP. Stolle stated that he told Majcher that if the language wasn't in the RFP, it wouldn't be fair to the bidder as they may not get all the work. Stolle stated that it was not a viable approach to him if the language wasn't in the RFP. Stolle advised that Majcher told him that the language was in there. Stolle does not know if he looked for the language, but he held Majcher in the highest regard and if Majcher said it was there, it was there. Stolle stated that it was an unusual approach for award.

Stolle advised his only interaction with the Governor's office regarding the Education RFP, was a telephone call or a meeting with Antonio Afonso. The discussion was regarding the use of an MPA. Stolle advised that Afonso asked a couple questions. The first question was if it was legally permissible. Stolle responded stating it was.

Stolle advised that while the review team is not sequestered; it is a collective thought process amongst the group. Influence from the outside is not okay.

Stolle advised that he had no other conversations with the Governor's office regarding this matter other than the meeting with Afonso. Stolle was not aware of anyone under pressure to select a certain vendor. Stolle advised he thinks the pressure was regarding time. There was an inability to get a scope of work and the governor's office continued to have an urgency throughout the process.

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Devon Puglia █-86  
First Middle Last DOB

ADDRESS: █ █ █  
Street City Telephone #

PLACE INTERVIEWED: █

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: SKDK █ █  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 12-20-22 TIME: 9:30 am

REPORT:

On 12-20-22, I responded to █ Providence to interview Devon Puglia. Puglia is a communications consultant for SKDK. Present for the interview was █ Rhode Island Assistant Attorneys General Peter Roklan and John Moreira, █ Attorney William Connolly and his assistant represented Puglia. This is a brief summary of this interview.

Puglia advised that SKDK is a national public affairs firm that specializes in press media communication, political campaigns, advertising, and direct mail, along with working for political and advocacy groups.

Puglia advised that in 2020, he was hired by Chiefs for Change (CFC) to help coordinate a communications response to the introduction of Charter Schools in RI. He advised he helped CFC prepare for public blow back against charter schools. The contract was between SKDK and CFC for \$35,000 a month. The funding for the contract came from CITY FUND.

Puglia advised that around June or July 2020, he was introduced to Julia Rafal-Baer while working at SKDK. Puglia advised his wife had a working relationship with Rafal-Baer and he was introduced through that relationship. He advised that he began working for Rafal-Baer by helping her with the introduction of Charter Schools in Providence. This contract was due to expire in December 2020.

Puglia stated that a few days prior to the contract ending, Rafal-Baer told him that there was a huge new project about school reopening that CFC was going to be a part of. Puglia advised he didn't fully understand what the project was. The price point was \$35,000 per month.

Puglia advised that in the middle of January 2021, he recalled stating how under budget they were and how crazy Rafal-Baer and her team were. The SKDK staff were starting to complain about the demands of this contract. Puglia advised he told Rafal-Baer that they needed more money and suggested \$50,000 a month for three months. Puglia advised that Rafal-Baer said no problem and they decided that they would re-evaluate the contract after three months. Puglia advised he did not know who was funding the contract.

Puglia advised that in late December 2020, Rafal-Baer called him and told him that Daniel McKee was going to be Governor. He advised that Rafal-Baer told him that McKee was Michael Magee's best friend. Rafal-Baer had previously introduced him to Magee. He advised that Rafal-Baer told him that Magee and McKee were like brothers and that Magee wanted Puglia's help.

Puglia advised he joined a call with Magee, Joe Rodio and McKee to discuss communications. The remainder of the call, approximately thirty minutes, was discussing if legislature would allow McKee to pick his Lieutenant Governor. Puglia stated that he thought it was odd that they were discussing the Lieutenant Governor position as it was during the COVID pandemic. The call ended with Puglia agreeing to write a memo concerning communications of things to work through and how to coordinate with Governor Raimondo during the transition, to include what McKee should do and say with the new spotlight being on him.

Puglia advised there was a call around January 3rd or 4th, 2021, which confirmed Raimondo was leaving the Rhode Island Governor's Office. Attendees for this call were Rafal-Baer, Tony Silva, Magee, and possibly Rodio. Puglia advised he was tasked with contacting Mike Trainor (McKee's campaign manager) and Andrea Palagi, McKee's communications person in the Lt. Governor's Office.

Puglia advised that Magee liked the memo he wrote. McKee's team started to form itself and they had regular daily check-ins. There was no discussion about payment for Puglia's work. Puglia never spoke to Trainor about payment. The transition was a couple weeks and Puglia thought it was fun as he was out on Paternity Leave and enjoyed the distraction. Puglia felt that McKee's team needed help and he wanted to help them.

Puglia advised he viewed his work for McKee as a new business opportunity. He believed CFC would pay to help McKee in the long term because McKee is an education leader and the 'Godfather' of charter schools in Cumberland, RI.

Puglia advised that in 2021 he was still being paid by CFC to provide communications support to RIDE via Rafal-Baer. His work with the transition team seemed to be a natural extension of that because McKee was big on education. Additionally, he advised he was attempting to get the McKee Campaign as a client going forward. He advised that he negotiated with Rafal-Baer to provide support to McKee during the transition. However, he advised that he was also doing work for McKee the candidate. He advised that this may have been blurring the lines and expressed his concerns to Rafal-Baer. Puglia advised that Rafal-Baer told him that the scope of work in the contract could be different than the actual work that is performed. Puglia advised that ultimately, they signed a contract for \$15,000 per month for 5 months with CFC to provide support to RIDE.

Puglia advised that he was able to sign the McKee Campaign to a contract in May 2021. He advised the contract was based on future media buys and he and SKDK were not compensated for the campaign work done prior to the scheduled media buys. Puglia advised that this is standard practice in the industry.

Puglia advised that in July of 2021 he learned that Rafal-Baer was ILO. He advised he was speaking to Rafal-Baer regarding additional work in RI and was signing a contract with ILO. He advised that when he received the contract from Cerena Parker, the contract was with CFC. He advised that Rafal-Baer was asking

for campaign type material from him. He advised this was strange because he generally dealt with Trainor for campaign type material. Puglia's impression was that ILO was a sub-contractor for CFC.

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: James Thorsen █-59  
First Middle Last DOB

ADDRESS: █ █ █  
Street City Telephone #

PLACE INTERVIEWED: █

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: State of RI, Dept. of Administration  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 2-6-23 TIME: 1:30 pm

REPORT:

On February 6, 2023, at 1:30 PM, █ RI Assistant AGs John Moreira and Peter Roklan, █ and I (RISP Sgt. Michael Brock) met with Mr. James Thorsen, Director of Administration for Governor Daniel McKee and Thorsen's attorney, Mr. Kevin Bristow for a voluntary interview regarding the procurement of the services of ILO Group, LLC.

█  
█ He advised that McKee wished to get a copy of the memo for review. Thorsen advised that he got a copy of the memo handed to him by Dan Majcher. Thorsen advised that the memo did award the contract to WestEd. He advised that he did not have a positive or negative reaction to the awarding of the contract to WestEd. Thorsen did not closely follow the process, but he knew McKee wanted ILO. Thorsen advised he was a little disappointed. He advised that he called Tony Alfonso and offered him a copy of the memo. Thorsen advised that he gave a hard copy of the memo to Alfonso, but he did not recall if it was the next day or the next week.

Thorsen advised that he did discuss the memo with Majcher. Thorsen does not recall why Majcher picked WestEd, but he recalls it was a tough decision. He advised that everyone was confused about the detail

of the RFP and evaluation process. He advised there is a lack of clarity in the scope of services to be provided. [REDACTED] pointed out the level of effort and hour discrepancy is addressed on page 4 of the memo.

[REDACTED]

Thorsen advised that he did not recall speaking to McKee, but he did recall talking to Alfonso. He advised that Alfonso wanted a copy of the memo and expressed concern about the company selected. He advised that Alfonso was disappointed he provided a hard copy of the memo to Alfonso.

Thorsen advised that Stolle, Majcher, Nina Lennon, and possibly Nancy McIntyre knew that the memo awarded the contract to West Ed. Thorsen then advised that he was just speculating about McIntyre and did not know if she was aware. He advised Stolle was in the office when Majcher delivered the hardcopy of the memo. He advised that Majcher did not appear concerned about selecting WestEd over ILO.

[REDACTED]

Thorsen advised that when he dropped off the memo to McKee on Saturday morning, he did not recall any of the conversation he had with McKee. He advised he has dropped things to McKee's residence 4-5 times, but did not recall this one specifically. He recalled he had to wait 15-20 minutes for McKee to finish a phone call then they interacted.

When asked if delivering the memo to McKee protected the integrity of the process, Thorsen advised that in every RFP the requesting agency has interest in driving value for taxpayers.

Thorsen reiterated that this RFP was poorly written, and McKee could not effectively convey his point regarding Municipal Learning Centers (MLC). He advised that McKee asked about an emergency contract, but Thorsen said it would not apply because there is no 'emergency'.

Thorsen corrected himself and advised that when he dropped off the memo, he recalled speaking to McKee about the RFP. He advised that McKee seemed frustrated with the process, not with the award going to WestEd over ILO. Thorsen then stated that McKee was not happy that the award went to WestEd over ILO.

Thorsen advised that Majcher and Stolle probably did not know he was dropping off the memo to McKee. He advised that he was certain that McIntyre did not know he was there. He later advised interviewers that he told Majcher and Stolle that he dropped it off but did not recall their reaction to this news.

[REDACTED]

[REDACTED] Thorsen advised that notices would not go out at this point because the memo is labelled as draft and not final, therefore no notices could go out until everything is finalized. Thorsen advised that he does not approve memos or awards. Thorsen advised that on Monday, he met with Majcher and Stolle and told Majcher not to send out any notices.

Thorsen advised that he was not sure what affect McKee had on the process. He advised he did not recall talking to McKee about an MPA. He advised that he did meet with Majcher and Stolle regarding the concerns provided by McKee in his 9:09 PM text. He advised he does not recall the specific conversation.

Thorsen advised that he was aware of the interview with Amanda Rivers on Wednesday, May 12, 2021. He advised that McKee 'yelled at her' for 15 minutes. He advised that someone, not himself, spoke to McKee about an MPA prior to May 12. He believes someone spoke with Alfonso and Alfonso told McKee.

[REDACTED] pointed out that the decision to go to an MPA was made between May 10-12, but award notices did not go out for three weeks after that. Thorsen advised he did not know why there was such a delay and that no one expressed any concern over the MPA during that time.

Thorsen advised that he does not recall speaking to Brenna McCabe about this process.

Thorsen advised that McKee did mention Julia Rafal Baer but only as a name and did not know 'who or what she was'.

Thorsen advised that McKee also spoke of Magee. Thorsen found Magee to be very pushy.



████████ stated that McKee had some influence on the process. Thorsen advised that it 'looks like' McKee had an impact on the contract award process but that he would not agree to the statement.

████████ asked Thorsen about the RFP process. Thorsen advised that a proposal is written, it goes through the bidding process, the review committee scores the costs and technical review (70/30). The review committee then takes the final score and sends out the award memo. ██████ pointed out that that process did not happen in this instance, Thorsen advised that department heads may be allowed to comment on awards, but he was not sure.

Thorsen advised that McKee did have influence on final outcome of this award. He believes McKee felt WestEd was not qualified.

Thorsen was advised that he provided contradictory answers regarding McKee's influence on this process. Thorsen stated that McKee did influence this process.

End 2:56 PM

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE

Me

Hi Dan! Do you have interest in talking to Amanda Rivers, finalist for Deputy Purchasing Agent, before we offer her the job?

7:41 AM

D

Dan McKee

Yes

7:59 AM

Me

When are you available?

8:16 AM

Me

For just 15 minutes or so?

8:16 AM

D

Dan McKee

Late this afternoon ?

9:49 AM

Me

Ok

10:01 AM

D

Dan McKee

Who made the final decision ?  
I would like to speak to whoever made the final decision .....

6:05 PM

Me



The decision was made by compiling scores. There is a Technical review and a cost review. I can get you the write-up, of which I received a hard copy. It was prepared by Dan Majcher.

7:57 PM

D

Dan McKee

Get me the write-up  
Thank you

8:20 PM

Me



I will drop it at your house in the morning.

10:07 PM

D

Dan McKee

Thanks Jim

10:20 PM

---

Saturday, May 8, 2021

---

Me



5 mins

11:21 AM

D

Dan McKee

Description of Services	2012-13	2013-14	2014-15	2015-16	2016-17
Project Management	1,500	1,500	1,500	1,500	1,500
Data Analysis	1,500	1,500	1,500	1,500	1,500
Professional Development	1,500	1,500	1,500	1,500	1,500
Technical Assistance	1,500	1,500	1,500	1,500	1,500
Support Services	1,500	1,500	1,500	1,500	1,500
Travel	1,500	1,500	1,500	1,500	1,500
Other	1,500	1,500	1,500	1,500	1,500
Total	7,500	7,500	7,500	7,500	7,500

Hi Jim

Thanks for you time today .  
After reading the memo a few things stick out .

1. The description of the project in the header only represents k-12 and higher Ed .....it does not even mention municipal education departments .....and does not mention anywhere that the consulting team selected would be directly accountable to the Governor's office . It looks like the review team thinks the consultant would be working with RIDE and not my office . This is a problem .

2. The only reference to municipal education departments in the entire memo is in the ILO summaries . This is the most important part of the entire project

3. The cost analysis is flawed This is the last cost structure by WestEd with a project with RIDE .....there is not one position that is even close to the average \$123 that WestEd is quoting .....we are obviously not

9:09 PM

Read

**D** Dan McKee  
getting there very best  
staff.....we will be assigned low  
level entry level staff to address  
a complicated never before done  
education project

4. The WestEd section on work  
plan does not mention Municipal  
Education Departments .....most  
likely because they as well as most  
education experts have no idea  
what I am trying to do


Let's talk before any notices are  
sent out

Thanks for your help


Dan


9:09 PM

Read

Me   
Not sending notices.  
11:16 PM

----- Saturday, May 22, 2021 -----

Me   
Need to catch you up sometime  
this weekend.  
11:42 AM

**D** Dan McKee  
  
12:29 PM

----- Sunday, May 23, 2021 -----



STATE OF RHODE ISLAND  
Department of Administration  
DIVISION OF LEGAL SERVICES  
One Capitol Hill, 4<sup>th</sup> Floor  
Providence, RI 02908-5890

Tel: (401) 222-8880  
Fax: (401) 222-8244

To: Nina Lennon, Interdepartmental Project Manager  
Division of Purchases, K-

From: Daniel W. Majcher, Assistant Director, Special Projects, Department of  
Administration, on behalf of the Review Team

Date: May 7, 2021

Re: Final Evaluation Memo (Technical & Cost) for RFP 21000563 - K-12 School and  
Higher Education Reopening Plan Consulting Services

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## **I. Introduction**

The Rhode Island Department of Administration Division of Purchases, on behalf of the State of Rhode Island, issued a request for proposals ("RFP") from potential vendors/consultants with respect to K-12 School and Higher Education Reopening Plan Consulting Services. The RFP was issued on or about March 23, 2021, with a submission date of April 13, 2021.

By way of background, the RFP stated as follows:

### ***Priorities – Health and Recovery***

The proposed Fiscal Year 2022 budget focuses on two urgent and critical issues: protecting Rhode Islanders amid the most daunting public health crisis in a century and laying the foundation for an enduring recovery after the pandemic. The recovery is not only about gaining back the jobs Rhode Island has lost, but also working to alleviate the full scope of hardships inflicted upon our citizens, businesses, and cities and towns. The burdens of this crisis have fallen disproportionately on the most vulnerable citizens of our state: small business owners, students and teachers, those with mental and physical illnesses, minority communities, and the economically disadvantaged. The Administration's budgetary priorities reflect the belief that equity must be a guiding principle as the state drives forward.

### ***COVID-19 Pandemic Response***

Since the pandemic emerged in 2020, the State of Rhode Island continues to employ an aggressive and targeted response to address the wide array of impacts the pandemic

has had on individuals, municipalities, school districts, institutions of higher education, small businesses, nonprofit organizations, and many others. Mitigating the effects of the pandemic requires a coordinated effort that controls the spread of the virus, addresses its impacts on individuals and businesses, and builds on the existing infrastructure to sustain the response as long as it is needed. The State must oversee the efficient use of all available resources - including multiple sources of federal funds - to accelerate and sustain the recovery. In addition to vaccinations, testing, contact tracing, alternative hospital sites and other support for Rhode Islanders, COVID-19-related spending has included funding for programs, including business inspections, communications, data, government readiness, health system support, legal, supplies, and tech enablement.

### **COVID-19 Funding**

Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the State received \$1.25 billion through the Coronavirus Relief Fund. The State can use these funds for necessary expenses related to the pandemic that were incurred between March 1, 2020 and December 30, 2020 and were not accounted for in the state budget as of March 27, 2020. The State is also eligible for Federal Emergency Management Agency (FEMA) funding for certain expenses incurred because of the public health emergency. Also, the State is receiving at least \$300 million in additional federal funding that is allocated to various state agencies to provide grants and fund initiatives during this pandemic.

There are 66 public Local Education Agencies (LEAs) or districts in Rhode Island. These include, but are not limited to:

- 32 regular school districts (single municipalities)
- 4 regional school districts (more than one municipality)
- 4 state-operated schools (statewide)
- 1 regional collaborative LEA
- 23 charters

The Rhode Island public elementary and secondary education system:

- provides education to approximately 143,000 students each year.
- has a cumulative annual budget of \$ 2.2 billion
- employs approximately 21,000 teachers, administrators and staff.

The Rhode Island Department of Education (RIDE), Rhode Island Department of Health (RIDOH), and the public Local Education Agencies (LEAs) – which include public school districts, charter schools/collaboratives, and state-run schools – worked hard to ensure delivering on the promise of a high-quality education in the 2020-2021 school year.

RIDE provided the LEAs with planning guidance and asked that each prepare for a full range of scenarios – from full in-person to distance learning. RIDE developed reopening

metrics to determine which scenario could be most safely implemented and stood up an Education Operations Center to support school communities in real time as issues arise.

Moving to the recovery phase of the pandemic, assistance is needed to consolidate oversight and coordination of School related recovery activities.

In response, five proposals were received from the following vendors on or before the submittal deadline:

- Direct Safety Solutions
- Empower Schools, Inc.
- ILO Group
- MGT of America Consulting LLC
- WestEd

A "Review Team," with significant, diverse experience was assembled to conduct a comprehensive evaluation of the above-mentioned proposals. The review team consisted of the following members:

The Honorable Charles A. Lombardi, Mayor of North Providence  
Kristen Danusis, Director of the Education Operations Center, Rhode Island Department of Education  
Tom McCarthy, Executive Director, Covid Response, Rhode Island Department of Health  
Daniel W. Majcher, Esq., Assistant Director, Special Projects, Department of Administration

## **II. Review Process**

As stated in the RFP, the technical evaluation of each vendor was performed by using the following criteria:

<b><u>Criteria</u></b>	<b><u>Points</u></b>
Staff Qualifications	20 Points
Capability, Capacity, and Qualifications of the Vendor	20 Points
Work Plan	15 Points
Approach/Methodology	15 Points
<b>Total Possible Technical Points</b>	<b>70 Points</b>



As required by the RFP, any technical proposals scoring less than 50 points (out of 70 points) would not have the cost component either opened or evaluated and the proposal would be dropped in its entirety from further consideration.

The Review Team was provided each of the proposals by the Division of Purchase. Each member of Review Team reviewed the proposals and met as a group on April 16, 2021. The team meeting was to discuss and score the proposals on a consensus basis. All members were in attendance. A full and comprehensive evaluation of the written proposals took place. Additionally, the Review Team contacted three (3) references for each vendor and there were no red flags identified.

After this initial evaluation, because of the high level, important nature of this project, the Review Team decided to conduct interviews of the vendors who submitted responsive written proposals. The purpose of the interview was to look beyond the written proposals and hear from each of the vendors.

The Review Team contacted the Division of Purchases, who reached out to each of the three qualifying proposals (WestEd, MGT Consulting and ILO Group) and arranged for a remote presentation on Zoom on April 26, 2021. Each vendor was given approximately one hour to present its proposal and answer questions from the Review Team.

After completion of the interviews, the Review Team met to finalize the technical scoring. This final technical consensus scoring is reflected in the technical evaluation memo and is repeated here below. Based on the technical evaluation, the team is requested and received cost proposals for three of the five vendors (ILO, WestEd and MGT Consulting).

Upon review of the three cost proposals, it was determined that the level of effort proposed by the three (3) vendors was so different, with one vendor proposing approximately 3,500 hours and another one 35,700 hours.<sup>1</sup> With such a wide disparity among the cost proposals, there was no way for the Review Team to equalize the cost proposals and compare apples-to-apples. Even comparing a blended average rate with such a wide disparity in proposed level effort would not be based on each vendors understanding of size of the project. Therefore, the Review Team met and discussed the situation.

The Review Team determined the best way to proceed was:

1. To review the required components of the project provided in the RFP, and estimate the level of effort anticipated by the State to complete this project.
2. Create a spreadsheet with the range of estimated level of effort hours for each component and send to the finalist vendors to resubmit best and final pricing based on a common understanding of the size of the project.

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<sup>1</sup> This wide disparity may have been caused a lack of clarity and detail in the original RFP as to the State's expectations.

- Clarify and confirm with the finalist vendors that the vendor could deliver the level of effort estimated by the State and confirm that the work plan and approach provided in the technical proposal would not change based on the expected level of effort.

The Review Team contacted the Division of Purchases to work through this process for resubmission of the cost proposals. On May 5, 2021, Nina Lennon on behalf of the Division of Purchases, emailed the vendors with the required spreadsheet, attached as **Appendix A**. The deadline for resubmission of pricing was on May 7, 2021 at 1PM.

The final cost responses from the three vendors were submitted and sent to the Review Team for review and consideration. Section V below provides the cost evaluation based on these final responses.

### III. Technical Evaluation Summary and Scores

For the technical evaluation, the Review Team scored the proposals on a consensus basis as follows:

Vendor	Staff Qualifications	Capability, Capacity, Qualifications	Work Plan	Approach/Methodology	Total
ILO Group, LLC	19	16	14	14	63
WestEd	19	18	13	12	62
MGT Consulting	18	14	11	8	51
Education Safety Solutions	5	5	9	3	16
Empower Schools	0	3	3	3	9

Below is a summary of the Review Team's comments and technical scores for each vendor by category:

#### A. ILO Group, LLC

- Staff Qualifications** (Consensus Score = 19 points) – Significant experience in education, public health and all ancillary areas. Provided a detailed organizational chart addressing all aspects of the project with a very strong team. Proposed staff appears to have an understanding of Rhode Island education and health systems and have worked in Rhode Island. Staff also has significant national experience. The RIDE representative on the evaluation team was very familiar with the education work of Dr. Avossa and spoke highly. However, Dr. Avossa did not appear as part of the interview. Additionally, unlike one of the other vendors, ILO Group did not have a pediatrician/medical doctor as part of the team (not required by the RFP, but a nice feature.) Overall a very strong team of individuals. The review team weighed the local presence of this vendor heavily.

2. **Capability, Capacity, Qualifications** (Consensus Score = 16) – While the individuals on the team have significant experience, on paper, as a group it appears this team has been only together for a short time and recently incorporated. However, as part of the interview, ILO Group addressed this concern and stated that the team has worked together for the past decade, albeit with other entities. The proposal put forth strong examples of prior work and many good references. Therefore, while the Review Team acknowledges the national experience and past work performed, there was some hesitation because this vendor does not have a long-term track record delivering as a single organization. On the other hand, the individuals on the team appear to be Rhode Island based (which was important to the Review Team) and have a familiarity with the local situation that would provide an advantage and enhances the capability of this vendor. Therefore, the Review Team weighed the pros and cons stated above in this category and deducted 4 points accordingly.
3. **Work Plan** (Consensus Score = 14 Points) – Very strong and detailed workplan addressing all aspects of the RFP. Very detailed around municipal learning plans and the strongest proposal in that area. Appear to have a good understanding of the work already done and how to move forward. Also, stated will partner with Nail Communications (local firm) and proposed a subject matter expert in communications (Jeremy Crisp). During the interview, portrayed a high level of energy as well and a passion for Rhode Island. A little high level in in a couple of spots, so 1 point was deducted accordingly.
4. **Approach/Methodology** (Consensus Score = 14) Despite being a less mature organization, this vendor put together a thoughtful and detailed approach and methodology.

**Total Consensus Score – 63 Points**

**B. WestEd**

1. **Staff Qualifications** (Consensus Score = 19 points) – Proposed team represents a partnership between WestEd, the Public Health Institute (PHI) and the National Institute on Out-of-School Time (NIOST). This combined team is very qualified in all areas required by the RFP. This team has also completed work in Rhode Island and directly for RIDE and includes a team member who previously worked for RIDE. Moreover, the proposed staff includes a pediatrician. Deducted a point because appears to be missing some communications expertise.
2. **Capability, Capacity, Qualifications** (Consensus Score = 18) – Significant experience in both education and public health. Have done work in Rhode Island, including work directly for RIDE. Strong references, especially from RIDE.

This vendor has done work in all states and, along with its partners, appears to be fully capable, qualified and has the capacity to perform this engagement. Just like ILO Group, this vendor represents a new partnership between WestED and the Public Health Institute. The Review Team scored this vendor a strong 18 in this category.

3. **Work Plan (Consensus Score = 13 Points)** – A detailed workplan addressing all aspects of the RFP except for a communications plan. Accordingly, because the communications in this project is so important for the entire State, 2 points were deducted.
4. **Approach/Methodology (Consensus Score = 12)** – Overall good, but have some high level, generic language and deducted accordingly.

**Total Consensus Score – 62 Points**

**C. MGT Consulting**

1. **Staff Qualifications (Consensus Score = 18)** Staff has substantial experience in education field. MGT is partnering with Public Works Consulting. While Public Works appears to have significant general consulting experience, it is not clear that this firm has significant public health consulting experience. Thus, a couple of points were deducted.
2. **Capability, Capacity, Qualifications (Consensus Score = 14)** – MGT has relevant experience in other states, but has little or no experience related to the education system in Rhode Island. MGT, through its partner Public Works, relied heavily on its experience with the Department of Labor and Training (DLT) to complete a legislatively mandated strategic plan. While the reference related to the DLT provided positive comments about this work and specifically Mr. Schnurer, it was not in the area of education (with RIDE) or in Public Health (with RIDOH).
3. **Work Plan (Consensus Score = 11)** – MGT combined its workplan and approach/methodology for each category for the RFP. As a result, each category was methodically addressed, albeit high level and generic in some places. In the interview, the MGT team admitted that they did not have a firm handle on what the State was looking for in RFP and proposed gathering information to assess the needs of the State. While information gathering is an important step, the State was not confident that MGT could hit the ground running. Several places in this category were generic, vague and high level. Thus, the Review Team deducted accordingly.
4. **Approach/Methodology (Consensus Score = 8)**

Same comments as #3 (these two categories were combined for each area of the RFP). Approach/methodology was generic, vague and high level in places. Thus, the Review Team deducted accordingly.

**Total Consensus Score – 51 points**

**D. Education Safety Solutions**

5. **Staff Qualifications** (Consensus Score = 5 points) – Limited information and high level. The proposed team is not well-rounded in the areas required by the RFP. Seems like this company may be focused on other areas including healthcare and not specifically education. Therefore, significant points deducted.
6. **Capability, Capacity, Qualifications** (Consensus Score = 5 Points) – Experience and references seems to be limited to smaller engagements with individual schools (not school districts). No direct experience in Rhode Island schools. Not confident that this vendor has the capacity to handle this engagement involving the entire State of Rhode Island and all of its districts.
7. **Work Plan** (Consensus Score = 3 Points) -- Very high level and generic. Does not really identify and challenges or hurdles. Focuses on work already completed in Rhode Island. Therefore, significant points were deducted accordingly.
8. **Approach/Methodology** (Consensus Score = 3) – Very high level and generic.

**Total Consensus Score – Non-responsive (16 Points)**

**E. Empower Schools**

1. **Staff Qualifications** (Consensus Score = 0) – Non-responsive. Did not attach resumes as stated in the proposal. Contacted the Division of Purchases in case the attachment was unintentionally not provided, but apparently this attachment was not submitted.
2. **Capability, Capacity, Qualifications** (Consensus Score = 3 points) Non-Responsive. Did not provide reference and contact information for references. Extremely high level.
3. **Work Plan** (Consensus Score = 3 points). Only focused on one aspect of the RFP related to learning loss, but did not address the other required elements of the RFP.

4. **Approach/Methodology** (Consensus Score = 3 points) – High level and limited focus to only one aspect.

**Preliminary Total Consensus Score – Non-responsive (9 points)**

**IV. Technical Review Recommendation**

The Review Team provided the preliminary consensus technical scores to the Division of Purchases as follows:

<u>Vendor</u>	<u>Total</u>
ILO Group, LLC	63
WestEd	62
MGT Consulting	51
Education Safety Solutions	16(non-responsive)
Empower Schools	9(non-responsive)

Both ILO Group and WestEd appear to be well-qualified from a technical standpoint while MGT Consulting barely passed the threshold to have the cost considered. After the technical evaluation and interviews, ILO Group has a slight one-point advantage.

Based on this comprehensive technical evaluation, the Review Team requested that the Division of Purchases forward the cost proposals for the three (3) vendors who have achieved the 50 point threshold out of 70 technical points in order for the Review Team to complete its evaluation.

**V. Cost Evaluation**

As described in Section III above, the Division of Purchases requested best and final pricing based on the State's anticipated level of effort for the project. Each of the vendors submitted itemized costs for each component of the RFP as provided in the spreadsheet attached as Appendix A.

To compare the cost equally, the Review Team took an average rate (Total Cost/Total Hours) for each vendor in order to calculate the cost scores. The standard formula was applied and is as follows:  $((\text{lowest average rate}/\text{vendors proposed average rate}) \times 30 \text{ cost points})$ . In other words, the lowest costing vendor received 30 points, while the other two vendors were proportionally awarded cost points based on the proportional difference in cost.

Based on this calculation, the vendor's costs points were allocated as follows:

<b>Vendor</b>	<b>Total Hours</b>	<b>Total Cost</b>	<b>Average Blended Rate (cost/hours)</b>	<b>Cost Points (lowest average rate/vendor average rate) x 30 points)</b>
<b>WestEd</b>	27,135	\$3,349,909	\$123.45	<b>30.0</b>
<b>ILO, Group</b>	28,669	\$6,532,038	\$227.84	<b>16.3</b>
<b>MGT Consulting</b>	23,650	\$5,435,940	\$229.85	<b>16.1</b>

As seen above, the cost submitted by WestEd, in partnership with PHI, was significantly lower than the other two vendors.

### **VI. Total Score and Recommendation**

Simply adding the technical points to the cost points results in the following:

<b>Vendor</b>	<b>Technical Points</b>	<b>Cost Points</b>	<b>Total Points (not including ISBE)</b>
<b>WestEd</b>	62	30.0	<b>92.0</b>
<b>ILO, Group</b>	63	16.3	<b>79.3</b>
<b>MGT Consulting</b>	51	16.1	<b>67.1</b>

Based on the State's standard RFP process, the Review Team recommends tentative selection to WestEd, the highest overall scoring vendor, with a significantly lower cost.

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Michael Trainor ████████ 48  
First Middle Last DOB

ADDRESS: ████████████████████ ████████ ██████████  
Street City Telephone #

PLACE INTERVIEWED: ████████████████████

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: Self Employed Consultant  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 2-13-23 TIME: 8:00 am

REPORT:

On February 13, 2023, ██████████ I responded to ██████████  
██████████ to interview Michael Trainor. ██████████ This report is a brief summary of this  
interview. ██████████

Trainor advised that when McKee became aware that he would be appointed Governor he put together a transition team. Trainor volunteered to be the spokesperson. Trainor was told by McKee that SKDK, the communications firm retained by Michael Magee's employer, Chiefs for Change (CFC), was going to volunteer to help with communications. Magee, who was the CEO of CFC, an education reform organization, retained SKDK to provide communications council for CFC.

Trainor advised that McKee and Magee are longtime associates around the topic of education reform. Trainor believed that McKee had not been awarded any budget whatsoever for the transition and thought that was odd. Trainor's belief was that Governor Raimondo never cared for McKee and did not provide anything from her budget for the transition. The transition period was very short, approximately five to six weeks and was completely on a volunteer basis. The transition team did not use any paid assistance but did use the firm from Magee to provide support during this time.



Trainor advised he was the liaison coordinator between the transition team and SKDK. Trainor would use SKDK as a resource to prepare press statements along with providing media training to McKee.

Trainor believed he was contacted regarding the transition team in the second or third week of February 2021. There was speculation that former Governor Raimondo was going to be accepting a position with the Biden Administration. Before the official announcement was made by Raimondo that she was accepting the position, the transition team was beginning to form. Within a week or two of the transition team forming, Trainor had a conversation with McKee. McKee told him that Magee had some PR people that he would like to provide for the transition, some volunteer assistance. Trainor briefly spoke with Magee, who spoke of SKDK being good guys who are pros. Magee realized that the transition team was all volunteer, with no paid help, and asked Trainor if he wanted them. Trainor advised he did as they were being engulfed with a new administration.

Trainor's contacts with SKDK during the transition were Devon Puglia and Alex Bloom. They mainly provided steering and guidance messaging during the transition along with media training for McKee. Trainor's contact with SKDK during the transition period was frequent, not daily but almost every other day.

The transition team was very small, it consisted of Trainor, Joe Rodio, Jerry Sahagian, and former Cumberland Mayor Murray. Trainor was not aware of Magee or CFC providing any other assistance during the transition. Trainor did not have a lot of contact with Magee during this period. Magee was not involved regarding the communication team but instead had a role regarding covid preparedness.

Trainor advised that he believes McKee appreciated SKDK's help. The governor thought SKDK did a really good job with the media training. McKee was also on several calls with Trainor and SKDK leading up to the inauguration.

Trainor advised that when the transition ended, he became chairman of McKee's election team on a volunteer basis. Within a week of the transition team ending, they knew they had 15 or 16 months before the election. SKDK was brought along as part of the campaign team until they learned that SKDK had a contract with ILO, at which time they dismissed them. Trainor happened to learn in conversation with SKDK staff that they had a contract with ILO. Trainor did not know the specifics of their contract and didn't want to know because of the controversy. Trainor advised he brought this to the attention of McKee and Tony Afonso, at which time a decision was made to dismiss SKDK immediately. Trainor did not believe there was any paid relationship with SKDK and McKee's election campaign at this time.

Trainor explained that they had created a campaign structure and interviewed several political campaign firms including SKDK. SKDK was selected because they were good, and they already had a deep familiarity with McKee and RI. Trainor wasn't sure if they ever signed a contract at this point and described it as very fluid. SKDK had made a proposal, but Trainor was not sure if they had agreed to it prior to learning about SKDK's contract with ILO, which they felt was not appropriate.

Trainor's assumption in the one time he spoke to Magee was that he was volunteering SKDK to the transition team as part of his existing contract with SKDK. As to whether they were paid a separate fee or asked to help within their existing relationship with SKDK, Trainor doesn't know. Trainor advised he was relieved that someone was coming to help the transition team. Trainor's assumption was that SKDK wasn't really volunteering but instead were being paid by Magee. Trainor stated that Magee could clarify.

Trainor knew nothing about CFC and ILO until the media coverage. Trainor never viewed Magee as being part of ILO. Trainor remembers being outraged at the time because he didn't figure Magee would try to double dip like that. Trainor advised that McKee is honest as the day is long. Trainor thinks that the whole ILO thing was a combination of sloppy staff work and rushing. Trainor stated that was how mistakes get made in administration.

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE

# RECORDED CONVERSATION

**DATE:** February 13, 2023

**TIME:**

**INTERVIEW WITH:** Michael Trainor

**INTERVIEW BY:** Detective Michael Brock  
Rhode Island State Police Financial Crimes Unit

**LOCATION:** Home of Michael Trainor

**SUBJECT:**

**DETECTIVE BROCK:** That was perfect timing.

(pause)

[REDACTED]

1. **Q.** Michael Trainor?  
**A.** (indiscernible) Yeah. How are you?
2. **Q.** Good. Nice to meet you.

**DETECTIVE SERGEANT BROCK:**

3. **Q.** How are you sir?  
**A.** Detective? (indiscernible)
4. **Q.** Yup. Mike Brock with the State Police. How are you? Nice to meet ...

[REDACTED]

5. **Q.** Show you some ID too. So.  
**A.** Come on in. Oh, okay. Yup. Okay.

DETECTIVE SERGEANT BROCK:

6. Q. That's me if you need me.

A. **All right. Thanks. Come on in. We'll sit at the kitchen table guys, --**

7. Q. All right.

A. **-- okay.**

8. Q. Thank you.

[REDACTED]

9. Q. ... Thank you for uh – Thank you for letting us come by.

A. **That's fine.**

DETECTIVE SERGEANT BROCK:

10. Q. Oh, that's nice. Look at that.

A. (indiscernible) All right.

11. Q. You got a beautiful home.

A. **Thank you.**

12. Q. Are you from [REDACTED] originally?

A. **My wife is.**

13. Q. Okay.

A. **And actually, she grew up in this house.**

14. Q. Really?

A. **And we – we took over it when her mom passed away.**

15. Q. Yeah.

A. **So, we – we ended up taking care of her mom for a few years --**

16. Q. Okay.

DETECTIVE SERGEANT BROCK:

17. Q. Yup.

A. -- before she passed, and um -- We raised our family in Barrington.

[REDACTED]

18. Q. Okay.

A. Then we came down here.

19. Q. That's awesome.

A. Yeah.

20. Q. Well again, thank you for letting us come by.

A. Yeah. Let me just uh ... (indiscernible).

21. Q. Sure.

(TV in background) (pause)

22. Q. Today is the 13<sup>th</sup>. Valentine's is tomorrow.

A. Tomorrow. Are you ready?

23. Q. What was that?

A. Are you ready for Valentine's Day?

24. Q. Is anyone ever –

DETECTIVE SERGEANT BROCK:

25. Q. I'm always ready.

[REDACTED]

26. Q. -- for Valentine's Day?

A. I'm never ready.

27. Q. (laughs)

- A. So, can I just establish: the purpose of the interview is --**
28. **Q.** Yup.
- A. -- to ...?**
29. **Q.** To talk to you about – I know you had a role on the transition team --
- A. Right.**
30. **Q.** -- for McKee, and also regarding the ILO. So, we wanted to talk to you about kind of both things if that --
- A. Okay.**
31. **Q.** -- is okay.
- A. Yeah. I want to make clear I d--, had nothing to do – no contact whatsoever with ILO.**
32. **Q.** Okay.
- A. And – Would it be helpful if I just sort of began by telling you how I was involved, or do you want to just ask questions?**
33. **Q.** If you want to go ahead and start, that --
- A. Yeah, it might --**
34. **Q.** -- that'd be helpful.
- A. Yeah, let me clarify.**
35. **Q.** Then if – if you --
- A. It might help.**
36. **Q.** Okay.

DETECTIVE SERGEANT BROCK: Yeah.

**A. I'm a long time political advisor to the governor. Ran his first statewide campaign in 2014. Was chairman of his election campaign this past year. When he ... became aware that he would be appointed governor a couple of years ago, he put together a transition team, and I volunteered on that as his spokesperson. As part of that, I was told by McKee that SKDK, which was a communications firm retained by Michael Magee at his ... employer, was basically going to volunteer to help out with communications.**

**37. Q. Can you just backup. You said McKee told you that, or Magee?**

**A. McKee.**

**38. Q. McKee --**

**A. Yes.**

**39. Q. -- told you that Michael Magee was obtaining SKDK through his employer? Or ...?**

**A. SKDK was um -- M--, Magee was, may--, maybe still is CEO of Chiefs for Change --**

**40. Q. Okay.**

**A. -- which is an education reform organization. That organization had retained SKDK to provide communications counsel.**

**DETECTIVE SERGEANT BROCK:**

**41. Q. For who? For ...?**

**A. For Chiefs for Change. So they were in place as the Chiefs for Change communications counsel.**



42. Q. Chiefs for Change communication counsel. Okay.

A. As you may or may not know, McKee and Magee are long term associates around the topic of education reform. McKee had not been awarded any budget whatsoever for transition. Which is the normal course in our typical elections, so ...

43. Q. Is that odd for ...?

A. That was very odd. And it was --

44. Q. Why was that? Do you know why that was?

A. My belief is that Gina Raimondo just never appeared for McKee and did not provide anything from her budget to support. So, the -- the transition was a) very short, about five-and-a-half / six weeks, and b) completely volunteer. And because of that, because we could not ... you know, use any paid assistance, okay, the thought was that h-, well here's ... basically a -- a firm who is ... employed by a friend of the governor's who is willing to come in and -- and provide communication support during ... the transition period. At that time I then became the liaison or the coordinator between the transition team and SKDK. And that coordina--, It wasn't really that they were directing anything, is I would use them as a resource to prepare, you know, press statements, you know, do media training for the governor.

45. Q. Okay.

A. Things like -- of, of that nature. I at no time had any inkling that ... the ILO thing was going to occur. That occurred after the end of the transition when he was sworn in. So that was the extent of my role in it.

46. Q. Okay. When did SKDK ...? Looking back, do you remember when you got like the call to help with the transition team?

A. It was in probably the third week in February.

47. Q. Third week of February?

A. Yup. There had been speculation that she was, -- you know, Raimondo was going to accept this position.

48. Q. Yeah.

A. And it's the second or third week of February, and even before the official announcement was made by Raimondo, we had begun to form a volunteer --

49. Q. Okay. Before that.

A. -- crew. Yeah.

50. Q. Okay. And how soon after when you were kind of starting to look at forming a crew was SKDK in -- in ...?

A. Pretty soon. I think within a week or so of when we got going. I was in a conversation with the governor. The governor said: Oh, you know, Mike Magee is going to -- you know, got some PR people that, you know, --

51. Q. Mm.

A. -- he would like to provide the transition and some volunteer assistance. I said fine. I had a brief conversation with Mike Magee, who said, yeah, these are good guys, they are pros. We know that it's an all-volunteer record over there, you don't really have any paid help, so if you want them, here



**they are. And I certainly did because, you know, we were about to be engulfed with --**

**52. Q. It's a lot.**

**A. -- a -- a wave of, you know, a new administration and ... all that kind of stuff. So.**

**53. Q. So, who -- who was it at SKDK that you worked with?**

**A. Oh God. (pause) Let me see if I still got her contact ... (pause) There were two principal people. And um, let's -- let's see if I've still got their names in my phone. I don't know that I do. I had no reason to keep them.**

**54. Q. If I were to say their names, would it --**

**A. Yes.**

**55. Q. -- would it be --**

**A. Yeah, it would be helpful, yeah.**

**56. Q. -- [Indiscernible]?**

**A. Yeah, help an old guy, would you.**

**57. Q. Would one of them have been Devon -- I'm probably going to mispronounce the last name -- Devon Puglia (phonetic)?**

**A. Pu-lia (phonetic). Yeah, Devon was one.**

**58. Q. How do you pronounce his name?**

**A. Pu-lia (phonetic).**

**59. Q. Pu-lia. And then would the other one be Alex Bloom?**

**A. Correct. (indiscernible) even two.**

**60. Q.** And how – how were they? I know you referenced that you – you talked to Mike Magee and he said these are good guys, they're pros. Were – were they beneficial? Were ...?

**A.** Yeah. They both had political backgrounds. They both had worked on ... both inside and -- government and outside as political consultants. And they mainly provided, you know, steering guidance for you know messaging during the transition, ... helped with providing media training to the governor, the incumbent – the – the incoming governor. He never really had formal media training before this.

**61. Q.** Okay.

**A.** And that was seen as important. I agree with that. And so the types of services they provided were – They did some writing of press material. They did some writing for the transition website. They did not put up that website or create it, but they did some writing for that. And they did the media training, like I said, and they did basically helped with statements to the press on questions that I did not feel comfortable answering.

**62. Q.** How much were you in communication with them?

**A.** Quite frequently. I would say not quite daily, but almost daily. And sometimes multiple times on a – on a – on a given day. It was quite busy.

**DETECTIVE SERGEANT BROCK:**

**63. Q.** And is this during the lead up to the governor's appointment--

**A.** This was --

**64. Q.** -- or is this ...?

**A. -- prior to him being sworn in.**

**65. Q.** Yup.

**A. Okay.**

[REDACTED]

**66. Q.** Did you use the material that was provided by SKDK, like their writings and...?

**A. Some. Not all, but some we did.**

**67. Q.** And I guess – I know Mike Magee said they're pros. Did you feel like they were professionals; like they – they were --

**A. Very.**

**68. Q.** -- profess...

**A. They were both very professional.**

**69. Q.** Very professional. Would you say they were helpful to the transition, or no?

**A. Oh yeah.**

**70. Q.** Yeah.

**A. They were. I – Again, in the context of an all-volunteer small –**

**DETECTIVE SERGEANT BROCK:**

**71. Q.** Yeah.

**A. -- for – Yeah.**

[REDACTED]

**72. Q.** Yeah.

**A. -- we needed – we needed the kind of help that they gave us.**

73. Q. Who else was part of this team? Like I know you said the help that they gave us. So it would have been like, you ... Like, so was it – was this – Would you say this was like the communication team? I think that's how ...

A. (clears throat)

74. Q. Was that your position on the ...?

A. That was my position. But their uh – the transition team itself was quite small. It was myself, Joe Rodio, who is an attorney and a long time, friend of the governor. Jerry Sahagian.

75. Q. What's Jerry's last name?

A. Sahagian. S-A-G-A-G-I-A-N [sic]. Who else? Um ... Former Cumberland Mayor, Marie. Again, a longtime friend of the – of the, at that time, the incoming governor.

76. Q. And then you were – I think – Like, I saw an article that came out where you were listed as being a volunteer on the communication team. And I think you were on the team; Andrea was on the team.

A. Andrea, -- Yeah, from the – Yeah, I see what you're saying.

77. Q. Is that like a separate ...?

A. Yeah. Well we tried to really um, not involve Andrea and the other members of the – the – of the then lieutenant governor's communication staff too much --

78. Q. Okay.

A. -- because they had so much to do to get ready --

79. Q. Sure.

A. -- (indiscernible). But yeah, I – I think she was listed. And I spoke occasionally to her during the --

80. Q. O –

A. -- transition period.

81. Q. Okay. So when you would have like um, your contact with SKDK, would it just be you and SKDK or was there a group that was in those meetings (indiscernible) ...?

A. Almost all the time it was me and SKDK.

82. Q. You and SKDK? Okay.

A. Yeah.

(pause)

83. Q. And you believe timewise, once you guys were aware of the former governor possibly being called down to Washington and McKee being called potentially being the next governor, you guys were kind of talking about a transition team. And --

A. Yes.

84. Q. -- soon after that is when Michael Magee brought SKDK in, right, around that timeframe.

A. Again, I think it's important, in context of we had no budget. It was

--

85. Q. Yup.

**A. -- a small volunteer corps; we needed help, and they were there.**

**They were offered. So we said --**

**86. Q. Yeah.**

**A. -- fine.**

**87. Q. Okay. Was anyone else ever offered, or was – that you were aware of?**

**A. You mean in terms of a professional?**

**88. Q. Yeah. Like I know SKDK was offered. Because like you said, this is a time when there's – there's no money.**

**A. There was another fellow who was in communications business. I can't – I'm blanking on his name too. He's probably on some of the emails. A fellow from I think Massachusetts.**

**89. Q. Okay.**

**A. I can't think of his name right now.**

**90. Q. And was he for the communications?**

**A. Yes.**

**91. Q. How was ...?**

**A. In fact, it was he – It was him who led the development of the website for the transition team.**

**92. Q. Okay.**

**A. And I'll be ding-donged if I can remember his name right now.**

**93. Q. And who brought him on the team, do you know?**

**A. I believe he had helped on the governor's 2018 campaign.**

**94. Q. Okay.**

**A. And he stepped forward I think during February to say, look it, I'm around to help. I met him during the 2018 campaign. And, you know, he's a – he's a communications professional. He did – Again, he did the website, the majority of the content on the website, participated in some of the discussions with SKDK --**

**95. Q. Okay.**

**A. -- around um, communications, priorities, and content.**

**96. Q. Sure. Sure. Are you aware of Chiefs for Change? I know they were – It was Mike Magee and Chiefs for Change who kind of brought SKDK to assist during this transition and didn't have a budget. Did Chiefs for Change and Mike Magee bring any other resources on?**

**A. No.**

**97. Q. No.**

**A. In fact, I didn't really – I never talked to Mike after he introduced SKDK to me, it was just sort of ... And I had not really been in touch with Mike at all. I had met him a few times over the years, but ... during that period, I – And, and Mike was not involved in the communications part of the transition. I think he had a role around some of the Covid – I think his dad was a doctor or something, his --**

**98. Q. Okay.**

**A. -- his – Yeah, he – But Mike had a role in the transition – the overall transition team around the subject of Covid preparedness.**

**99. Q.** Now we know um – How did – How did Governor McKee feel about SKDK?

**A.** Yeah, I mean he appreciated their help, thought they did a – a really good job with the media training. He was on several conference calls that I arranged with SKDK and him, you know, around certain key issues leading up to the inauguration. And the s--, And also before that, the media training.

**100. Q.** Okay. And what was the media training? Was this – Was it (indiscernible) --

**A.** Media training --

**101. Q.** -- an all-day media training?

**A.** -- was a – it was a half-day session --

**102. Q.** Okay.

**A.** -- where the two gentlemen from SKDK played the roles of journalists, --

**103. Q.** Wow.

**A.** -- and they would ask questions of the governor. The governor would answer. Then would pause and say, 'Well you might have said it this way instead.' You know that sort of ...

**104. Q.** Sure.

**A.** -- to help him with his delivery and so on and so forth.



**105. Q.** Okay. (pause) Now at some point do you – I know you were on the transition team – do you become part of the campaign team too, or are you just with the transition team?

**A.** **When – Okay. When the campaign ended, I became basically the chairman of his election [sic] campaign.**

**106. Q.** Election. Okay. Yup.

**A.** **That was (indiscernible) ...**

**DETECTIVE SERGEANT BROCK:**

**107. Q.** Yeah, you just said ‘When the campaign ended’ --

**A.** **I’m sorry, the --**

**108. Q.** -- when you said be...

**A.** **-- trans-- when the transition --**

[REDACTED]

**109. Q.** Transition.

**A.** **-- ended. I misspoke. Sorry.**

**DETECTIVE SERGEANT BROCK:**

**110. Q.** Okay.

**A.** **The transition ends and within a week we knew we had I think it was 15 or 16 months before the election, so we geared up the campaign apparatus.**

[REDACTED]

**111. Q.** And what was your position there?

**A.** **Chairman.**

112. Q. Chairman.


**DETECTIVE SERGEANT BROCK:**

113. Q. And does that transition team end on inauguration day?

**A. Yes. There was no further activity.**

114. Q. And that chair, the campaign team, does that – is that a paid position?

**A. Volunteer. (pause) Yup. And I remained chairman right thr--, you know, right through the election.**

  
115. Q. Okay. Now as part of now being on the campaign, I know at some point in April there's an article and SKDK is hired, LB Strategies, and David Binder. So at some point you realize you guys need to bring in outside help for the campaign team, is that --

**A. Yeah, --**

116. Q. -- fair?

**A. -- let me -- Yeah, let me explain. SKDK, we brought them along as part of the campaign team until we learned that they had a contract with ILO, at which point we immediately dismissed them.**

117. Q. So at one point you learned that SKDK had a contract with ILO.

**A. They happened to mention it during conversation, and I reported this to the governor and to Tony Afonso, and we -- we said we can't have this. So we um, dismissed them.**

118. Q. When was that? Do you know approximately?

**A. Oh gosh, um ... It was either May or June I think.**

119. Q. May or June.

**DETECTIVE SERGEANT BROCK:**

120. Q. Of '21?

A. Yup.

121. Q. How did you learn that they had a contract together?

A. **One of their people just happened to bring it up during a conversation.**

122. Q. SKDK?

A. **SK – You know -- It was an SKDK person.**

123. Q. And do you know what their contract was?

A. **I had no idea. I w--, you--**

124. Q. You didn't know.

A. **-- know, didn't want to know anything about it because of the controversy. So, you know, talked to the governor, talked to Tony Afonso. A decision was made to dismiss them immediately. Although at that point they had no – It wasn't a paid relationship at that point in time. See what - what happened is, we created the campaign structure. We interviewed several political campaign firms, including SKDK. We selected them, a) because they were good, and b) because they already had a pretty deep familiarity with you know, the governor and Rhode Island. I don't know that we ever signed a contract with them. Things were sort of very fluid. You know. They had made a**

**proposal. I do not believe we had agreed to it yet. We had s-, if I recall, some questions. And then we learned that they had a contract with ILO.**

**125. Q.** Okay.

**A.** **And we said that's not appropriate.**

**126. Q.** How many – How many other companies had put in for this position.

How many ...?

**A.** **Three.**

**127. Q.** Three?

**A.** **Yeah.**

**128. Q.** So it was them and two others, or them--

**A.** **Three others.**

**129. Q.** -- and three others?

**A.** **Them and three others.**

**130. Q.** How did SKDK take it when you guys let them know that you were going to discontinue their...?

**A.** **I think they were disappointed, but they u--, at the same time, being political people and stuff, they understood completely, you know, the a--, the appearance of ... some kind of impropriety. You know, it just looked like it would be, by the media would sew it together as a sweet deal --**

**131. Q.** Sure.

**A.** **-- all around. You know, so.**

**132. Q.** Okay.

**DETECTIVE SERGEANT BROCK:**

133. Q. And then the ILO controversy didn't really come up in May and June of '21, wasn't that more in like September --

A. Hmm.

134. Q. -- of '21? Was that -- Was this a reaction to internal --

A. No, there was initial --

135. Q. -- things or external?

A. There was initial -- if I recall correctly. And maybe I've got a um, -- Well maybe I got the timetable wrong in my head, okay. But we actually knew that ILO had been in the paper, okay, as having been awarded the contract with certain size. I believe Channel 12 at that point had already --

136. Q. Okay.

A. -- run, you know, some quote / unquote ex--, ex--, 'exposes.' And, you know, without ... And maybe it was later in the summer. I -- I just can't remember. I --

137. Q. Okay.

A. -- can go back and try and --

138. Q. No, it was after --

A. -- find out.

139. Q. No, it was after the fact though.

A. Oh. Yeah.

140. Q. So, --

A. Yeah.

141. Q. Okay.

A. It was –

**DETECTIVE SERGEANT BROCK:**

142. Q. I'm sorry, I'm just trying to –

[REDACTED]

143. Q. Yeah.

**DETECTIVE SERGEANT BROCK:**

144. Q. -- do the timeline side of things.

A. I'm just trying to avoid [REDACTED] Prison.

145. Q. (laughs)

[REDACTED]

146. Q. (indiscernible)

**DETECTIVE SERGEANT BROCK:**

147. Q. No, I think --

A. Or I should be.

(laughter)

A. (indiscernible)

(laughter)

148. Q. You know. All right.

A. You're a detective, Mike, in the uh--?

149. Q. Yeah. Yup. Yup.

A. How long?

150. Q. Twenty-three years in – in ...

**A. What, did they recruit you at recess? What happened?**

 (laughs)


**A. Hey. Good for you.**

**151. Q.** Hey, I got more gray hair than you.

**A. Yeah. Well, I don't know about that.**

(laughter)

**A.** 

**152. Q.** 

**A. Very good.**

**153. Q.** So.

**A. Interesting.**

**154. Q.** Time goes by fast.

**A. It does.**

**155. Q.** That's for sure.

**A. (indiscernible) tell you; it goes by faster the older you get.**

**156. Q.** That's what everyone says. And I start believing it. Every year just keeps --

**A. Yeah.**

**157. Q.** -- going faster and faster. So um, it's scary. Scary how that happens. So.

**A. Um, ...**

**158. Q.** Did you know anything about ILO? Like, in the midst --? I know you said you didn't have any involvement. But what did -- Like, what was ILO? Do you ...?

**A. No. As soon as we went into, and we inserted this very strictly. As soon as we went from tr--, transition into campaign mode, --**

**159. Q. Mm hmm.**

**A. -- we erected on both si--, There was a stone wall between --**

**160. Q. So, --**

**A. -- the campaign and the office.**

**161. Q. Okay.**

**A. We had no communication, you know, with the people in the office about anything to do with policy or decision-making.**

**162. Q. And do you know or did you ever learn or do you know now who Julia Rafal-baer is?**

**A. I believe I recall correctly from the publicity; I think she was the former ILO executive who became head of ILO.**

**163. Q. The former ILO executive who became --**

**A. No, former uh, Ch- Former Chiefs for Change executive who became an ILO executive.**

**164. Q. Okay.**

**A. And I just remember that from the paper.**

**165. Q. You've never met her?**

**A. Never. No.**

**(pause)**

**166. Q. Were -- I know earlier on when you said it was kind of um -- So, SKDK had worked with Chiefs for Change and they were coming on to help, because like**



you said, this was transition, there was no budgets. Were you ever aware if they were compensated by Chiefs for Change or Mike Magee or Julia for their work?

**A. My – My assumption in the one time I talked to Magee, Mike Magee is I'm volunteering them to you as part of my existing contract with SKDK. So as to whether they were ... paid, you know, a separate fee for this or whether it was just sort of: okay, we got this relationship with ... SKDK and we're going to ask them to help out, I d--, I don't know. I can't tell you.**

167. Q. You don't know.

**A. No.**

168. Q. Did you interpret it one way or another like with what he said to you?

**A. I interpreted it as a – as, as just a relief. I - I mean, --**

169. Q. Yeah.

**A. -- somebody available to come in and help --**

170. Q. Okay.

**A. -- on – on that basis.**

171. Q. But with that statement it kind of seems like y--, it was no charge that was going to be – like, they were going to do work, but he may have been volunteering them for the time that they were working with Chiefs for Change to – to help with the transition. Could you have interpreted it that way?

**A. I interpreted that Magee and McKee had a – a – a long-term relationship / friendship, and that M-, Magee – I'm surmising some of this, --**

172. Q. Uh huh.

**A. -- when he became aware there was no budget for the transition whatsoever and there was this little band of volunteers offered to McKee, you know, I can have my guys help out the transition team, and it went from there.**

**173. Q. Okay.**

**(pause)**

**DETECTIVE SERGEANT BROCK:**

**174. Q. They – But they weren't really volunteers though, they were paid through Magee to perform these --**

**A. That was my --**

**175. Q. -- like --**

**A. -- assumption.**

**176. Q. -- the coaching or – or --**

**A. You'd have to --**

**177. Q. -- whatever it was.**

**A. -- ask – Yeah, you'd have to ask Magee.**

**178. Q. I'm just trying to think of the volunteer of how – Like, you know, we were all kids, we all got volunteered by our parents and we volunteer our kids to do things.**

**A. Mm hmm. A similar --**

**179. Q. But they're not --**

**A. That's a good analogy.**

**180. Q. -- really – They're not really being – They're not really volunteering; we're telling them that's what they need to do. All right.**

**A. You'd have to ask Magee. I mean --**

181. Q. Yeah.

A. -- I – I just don't have --

182. Q. Yeah.

A. -- details on it, other that we were very relieved and happy that they were made available to us, those two guys.

183. Q. Mm hmm.

A. Yeah. I know I provided some emails for I guess Discovery or something. You may have some of those emails there that I was back and forth with

184. Q. Mm hmm.

A. -- SKDK on it. But --

185. Q. Mm hmm.

[REDACTED]

186. Q. Okay. (pause) [Aside: Do you have anything else?]

**DETECTIVE SERGEANT BROCK:**

187. Q. You've never met Julia. Or are you aware of the relationship between Magee and Julia?

A. No. I know nothing about I – And I knew nothing about Chiefs for Change.

188. Q. Yup.

A. Or ILO until ...

189. Q. (indiscernible)

A. -- this happened.

190. Q. Some of those initial media stories painted Magee as part of ILO. Was that your assumption that he was part of ILO?

A. **No, that was actually a – a factual error on the part of the media.**

191. Q. Right.

A. **He never had any role in ILO. He didn't --**

192. Q. Yup.

A. **-- receive money from it as I – as --**

193. Q. Yeah.

A. **-- far as I know.**

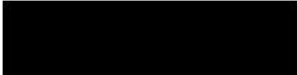
194. Q. Yup. And - And do you know that from the follow-up media stories? So eventually that ...?

A. **Eventually it came out that, you know – I just remember being outraged, okay, at the time because I didn't figure Magee would be trying to double-dip like that, you know. So. Anyway. And I really think on this t--, editorial comment, okay, --**

195. Q. Mm hmm.

A. **-- I mean, Dan Magee [sic] is – McKee is honest as the day is long.**

196. Q. We have the same problem.

  
197. Q. Yeah, I know.

A. **Oh, which one?**

198. Q. (laughs) It's too close.

A. **McKee is –**

**DETECTIVE SERGEANT BROCK:**

**199. Q.** And there's a lot of – There's a lot of Mikes out there too, so.

[REDACTED]

**200. Q.** There – There is. I know.

**A.** Oh yeah.

**201. Q.** I know. Right?

**A.** The – I really think what happened is the uh – the whole ILO thing went down, it was, you know, sloppy staff work, rushed, okay, that's how mistakes get made in an administration, and that, you know, it has one appearance that is, in my mind, totally incorrect, okay. But that's for you guys to figure out.

**DETECTIVE SERGEANT BROCK:**

**202. Q.** Lucky us.

**A.** (laughs) How far along is this investigation can I ask? I mean, it's –

[REDACTED]

**203. Q.** Unfortunately, I know we sit here and we asked you all these questions. But that's the thing is we can't really provide much. You know, when we have an open case, --

**A.** Okay.

**204. Q.** -- we can't --

**A.** You can't say anything.

**205. Q.** Yeah.

**A.** Yeah.

**206. Q.** You know, we ask a lot --

**A.** You could offer me a cook--

**207. Q.** -- but we --

**A.** You could give me a cookie (laughs).

**208. Q.** (laughs) I know Girl Scout cookies are out now.

**A.** Yes --

**209. Q.** So, --

**A.** -- they are.

**210. Q.** Do you mind if I just read a couple of things to you in regards to things that SKDK may have provided, for instance, like in – in January of 2021, and will you tell me if these things do sound familiar or now?

**A.** Sure.

**211. Q.** So I have, 'SKDK joined daily commu--, communication calls with Lieutenant Governor Dan McKee, his transition team and his communication advisors who ... discussed pressing stories and planned ways to strategically outline priorities.' Is that something they would have done?

**A.** Yeah. Yeah.

**212. Q.** 'SKDK regularly provided input and edits to press releases, statements, talking points, and remarks prepared by the lieutenant governor's communication director, Andrea ... '

**A.** Palagi.

**213. Q.** Thank you. Is that something they would have done?

**A.** Yes.

**214. Q.** Yeah. 'Did SKDK prepare an initial memo for the lieutenant governor's team with a focus on the communication steps to take for the pending selection of Governor Raimondo as Commerce Secretary?'

**A.** I don't recall.

**215. Q.** You don't recall?

**A.** No.

**216. Q.** 'SKDK developed st--, developed holding statements, remarks for lu--, Lieutenant Governor McKee to use in the days following the announce of Governor Raimondo as sec--, of Commerce Secretary?'

**A.** Yup. They were actively involved in helping draft press statements, yeah.

**217. Q.** 'SKDK created a script for Lieutenant Governor McKee's first video message to Rhode Island families that recognized he would soon be governor?'

**A.** Correct.

**218. Q.** 'SKDK prepared a strategy memo for the lieutenant governor's team that outline important steps in communication moments that needed to be considered as he managed the transitioned and prepared for day one as governor.'

**A.** Yeah, I think it's a pretty flowery description if --

**219. Q.** (indiscernible)

**A.** -- it's what they did, yeah.

**220. Q.** -- what they did. Media training. We talked about.

**A.** Yeah.

**221. Q.** Did SKDK, do you have a recollection or were you involved with them working with Connecticut Governor Ned Lamont's staff to coordinate a call between McKee --

**A.** **They did set --**

**222. Q.** -- and Lamont?

**A.** -- **that up, yes.**

**223. Q.** They shared information in regards to Covid 19 vaccination news, things like that? Did they ...?

**A.** **They did. Yeah, they had a uh -- Their -- their firm had a p--, a pretty robust clipping service, and they would provide us with relevant clips from around the country on that topic and any -- a couple of others. I forget.**

**224. Q.** And did SKDK, did they connect the lieutenant's governor's team with representatives from Twitter to help the team get his account verified or --

**A.** **I am not --**

**225. Q.** -- set up?

**A.** **I'm not aware of that, --**

**226. Q.** Okay.

**A.** -- **no.**

**227. Q.** Okay.

**DETECTIVE SERGEANT BROCK:**

**228. Q.** And SKDK in -- on the campaign side of things, once -- once the transi-, transition's over, w-, you start talking about bringing SKDK on as campaign political consultants.



**A. Yeah. We needed to hire --**

**229. Q. Yeah.**

**A. -- a campaign consultant --**

**230. Q. Yup.**

**A. -- just given the amount of preparation that is taken in a --**

**231. Q. And --**

**A. -- campaign like that.**

**232. Q. why -- why isn't that you? Why --? Are -- Isn't that what your business is? Isn't that what you do?**

**A. W--, Well, I mean at one point in time, yeah, I would do that on a -- on a paid basis. But I'm semi-retired right now, --**

**233. Q. Oh, okay.**

**A. -- I didn't want to get involved that deeply, was happy to volunteer as chairman.**

**234. Q. Yup.**

**A. And I just thought that, you know, bringing on a -- a seasoned -- The only persons we interviewed was seasoned political consulting firms from around the country. We interviewed four and we selected SKDK, a) because they are good, had a great track record, and b) because they knew the governor and our situation very well.**

**235. Q. And the governor -- you and the governor appreciated what they did during the --**

**A. I did, yeah.**

236. Q. -- transition?

A. I'm sure the governor did too. I can't --

237. Q. Yeah.

A. -- speak for him, but I --

238. Q. They -- They brought value to the transition and you figure they're going to be valuable for --

A. Well they were --

239. Q. -- the campaign.

A. -- val--, you know, in their own right, --

240. Q. Yeah.

A. -- they are a political consulting communications firm, --

241. Q. Yup.

A. -- and they do other kinds of things like Chiefs for Change. But their main gig is political campaigns. So, they were qualified without doubt in -- in that arena, and then also based on their -- their knowledge of, you know, McKee and the state generally, far surpassed any of the other competitors. And given that we had to gear up very quickly, that was seen as a very key advantage that they have. So we made the decision and brought them on. I simply cannot remember if we executed a contract with them. I know I saw a contract at some point in time. And then again, we -- we left their service when we found out that they had taken on ILO as a client.

242. Q. All right. And but prior to signing the cont--, if you didn't sign a contract, was that contract dated back to in and about the swearing in or was it --

**A. Oh, no --**

**243. Q. -- kind of started --**

**A. -- it would have been --**

**244. Q. -- going forward.**

**A. It took us at least four to six weeks before we -- at least six -- four to six weeks before we completed the initial organization of the campaign itself, and you know, screening consultants, interviewing --**

**245. Q. Yeah.**

**A. -- consultants and then making a decision.**

**246. Q. So for that four to six weeks, are you silent with SKDK? Are they out of the picture or are they still ...**

**A. That's a good --**

**247. Q. -- with you?**

**A. -- question. Not on a active basis. I think --**

**248. Q. Yeah.**

**A. -- you know, we probably talked a few times. I had to talk to them because I was lining up the different firms to --**

**249. Q. Right. Right.**

**A. -- you know, to be ...**

**250. Q. But as -- as far as like the daily pressers or the daily uh --**

**A. No --**

**251. Q. -- media type things, were there any media training --**

**A. No. Because --**

252. Q. -- during that time?

A. **Not that I remember.**

253. Q. Yup.

A. **Because as soon as the governor became governor, his – he was able to hire a complete communications team, okay. And so the need for --**

254. Q. Oh, under --

A. **-- for them --**

255. Q. Under --

A. **Yeah.**

256. Q. -- the --

A. **-- on the governor's —**

257. Q. -- governor's office.

A. **-- on the office or --**

258. Q. Yeah.

A. **-- on the office, or --**

259. Q. Mm hmm.

A. **-- okay, so they brought in like five or six people --**

260. Q. Mm hmm.

A. **-- almost immediately, --**

261. Q. Okay.

A. **... no longer needed, in my view, help from SKDK.**

262. Q. All right.

**A.** And I think – I can't swear to this. But I – I think we probably – and my mind was saying, I don't want to keep them involved, that would give them an unfair advantage over the other contenders. So I think, -- You know, for the campaign accounts. So I think it was just – I probably talked to them two or three times --

**263. Q.** Yup.

**A.** -- between inaug--, inauguration and the selection of the campaign team. (indiscernible)

**264. Q.** Was there any – Was there any campaign money used during the transition? Do you know if he fund--, if the governor funded, or the campaign fund was used to fund any of the transition?

**A.** (Pause) That's a damn good question.

**265. Q.** You got think if there's no budget and here's a pile of money that could be – You know, is it campaigning?

**A.** I think --

**266. Q.** Is it transition? Is it --

**A.** You know, I – I'd have to --

**267. Q.** -- (indiscernible)?

**A.** -- ask --

**268. Q.** Yup.

**A.** -- you know, our campaign accountant, you know, --

**269. Q.** Yeah.

A. -- who I think could tell you that. It may have been that the campaign side paid for part of the -- No, I think the -- I think the arrangement, if I recall correctly, was if you donate something -- If you do something, it provides more than just your time, like a hard purchase of something, --



270. Q. Yeah.

A. -- the government will reimburse you post inauguration. I think that's the way it was. So I don't think we ...

**DETECTIVE SERGEANT BROCK:**

271. Q. Oh, for volunteers. Okay.

A. Not -- Not -- You know, I think -- I'm thinking mainly in terms of the website there were some hard costs asso-- Most of this was just volunteer time and --

272. Q. Mm hmm.

A. -- s--, you know, strategy and communications advices. But the -- there was a hard cost associated with the website. This fellow whose name I cannot remember, the guy from Massachusetts, handled that. And I remember he s--, he told me he got -- actually he volunteered in anticipation of being repaid by the lieutenant -- the -- by the governor's office once the inauguration happened.

273. Q. Okay.

A. Because it would have been seen --, All along McKee's positioned was hell, every one of my predecessors have been given an ample budget to

prepare to become governor. And um, you know, so he was confident that he would pay pretty hard. I mean, I was a volunteer, I wasn't interested in getting any money, so.

274. Q. Sure. Who was the team that made the decision like to hire like, SKDK out of the four, you know, how did they verify four?

A. Mys--, You know, myself, Jerry Sahagian, ... and Chris Ferrell.

275. Q. Okay.

A. Chris Ferrell was in between ... if I recall correctly, a private law practice and becoming a member of the governor's staff. And so the three us conducted the interviews and made the recommendation to the governor to interview two of the four. He did. And then from that, selected SKDK at our recommendation.

276. Q. So he interviewed the last two.

A. Yes.

277. Q. Do you know who the other one was?

A. It's -- You're testing these brain cells. I'm sorry.

278. Q. (Laughs)

A. I didn't keep anything. I wish I could tell you. I can't remember their names. I -- I know one --

279. Q. (indiscernible)

A. -- was out of Philadelphia. But I can't remember their names.

280. Q. Jerry, what was his position?

**A. Jerry um, --**

**281. Q.** Like, or his title? Like what was ...?

**A. He became the fundraise--, the – the – the head of fundraising for the --**

**282. Q.** Okay.

**A. -- campaign. And he had been a, you know, a friend and admirer of McKee before that. So, he – he jumped in.**

**283. Q.** Okay.

**(pause)**

**284. Q.** I'm good. But um, ...

**A. Mm hmm.**

**285. Q.** -- you know us, we always have questions afterwards sometimes. If we – If we do, do you mind if we reach back out to you?

**A. Yeah. I mean, I uh - ... I went – Yeah, thank you. It went through my head as to whether I should have, you know, private legal counsel today. I don't think I was involved with anything that you guys are interested in. I'm happy to give you background information.**

**286. Q.** Okay. No, I know --

**A. So.**

**287. Q.** -- it was – it was very helpful though. So, --

**A. Yup.**

**288. Q.** -- thank you.

**A. My wife was afraid I was going to leave here in handcuffs, so.**



289. Q. No. No. No.

(End of recorded conversation)

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STATEMENT TAKEN BY:

---

WITNESSED BY:

---

## INTERVIEW OF JESSICA PENA

On March 22, 2023, the investigative team met with Jessica Pena (Pena) [REDACTED] in Providence, RI. Present for the investigative team were [REDACTED] RI AAG Peter Roklan, RI AAG John Moreira, [REDACTED]. Pena was represented by attorney Margaret Krawiec.

Pena served as a partner at City Fund. She asserted that City Fund has an objective to improve education for poor and vulnerable students, and City Fund provides support to local leaders in order to achieve this goal. Pena stated that it was not atypical for philanthropies, such as City Fund, to provide grant money to another national organization for a state governmental body. Pena was sure there were other examples of City Fund using this funding structure besides RI. But, she could not recall any other cities within her assigned territory. Pena explained that City Fund also provided funding for consultant Kitamba (unrelated to this investigation) to work for RIDE. Kevin Huffman was her colleague at City Fund that worked with her on RI projects. Pena stated that City Fund provided funding to support education in Camden, NJ.

City Fund's projects in RI included funding to renovate buildings for charter schools.

Pena identified the concept of City Fund utilizing an "Education Champion" in other states. An Education Champion usually consists of a non-profit organization comprised of 10-20 people. The Education Champion serves as a liaison with state Departments of Education. This local partner would then execute the work for City Fund. Pena stated that there was not an organization in RI that filled the role of Education Champion and that, instead, Julia Rafal-Baer (Rafal-Baer) fulfilled this role for City Fund in RI.

Pena stated that City Fund paid Rafal-Baer in her capacity an employee of Chiefs for Change and Hope Street Consulting. Rafal-Baer also served on the Hope Street Development Board, but this was not a paid position.

Pena recounted a lunch that she had with Commissioner Angelica Infante-Green (Infante-Green) in New York City in June or July of 2022. Infante-Green told Pena that Rafal-Baer had contacted Infante-Green and requested that Infante-Green delete her communications with Rafal-Baer. Pena could not recall if Infante-Green stated that the request was for texts or emails to be deleted. In any event, Infante-Green did not comply with the request. Victor Capellan, a RIDE employee, was also present for this lunch meeting.

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Nancy McIntyre DOB: █-█-59  
First Middle Last DOB

ADDRESS: \_\_\_\_\_  
Street City Telephone #

PLACE INTERVIEWED: █

WAS PERSON PREVIOUSLY INTERVIEWED? Y FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: State of Rhode Island, Department of Administration  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: Lt. Ptaszek

DATE: 5-17-23 TIME: 1:30 pm

REPORT:

On May 17, 2023, █ RIAG Roklan, █ and I interviewed Nancy McIntyre at █ in Providence. Present with Ms. McIntyre was her attorney, Lisa Holley.

Ms. McIntyre was previously interviewed twice. █

█ The notes here do not encapsulate everything that was reported at this interview, but only facts and statements that were not captured in the previous interviews. █

McIntyre stated the procurement process is kept confidential, and discussions should be kept within the committee.

McIntyre advised that Dan Majcher had signed a Conflict of Interest form and was permitted to speak with James Thorsen or McIntyre about the procurement process. Thorsen was to follow the same rules as Majcher and not share committee information outside of the committee. It was the policy of the Division of Purchases to emphasize the strictness of the procurement process.

McIntyre was asked when this RFP turned into a Master Price Agreement (MPA) and she responded that it was after the cost proposal was reviewed and the committee was trying to normalize the RFP's, and the vendors were asked for their best and final proposals. McIntyre advised that changing the bid from an RFP to an

MPA and awarding the contract to two firms made sense to the Committee and the Chairman. McIntyre's understanding was that the MPA made sense due to the municipality component of the contract. McIntyre advised that Majcher was the one who told her about the switch to the MPA.

McIntyre stated that on or about April 27, 2021, the Technical Evaluation had been completed, costs had been reviewed, interviews had been done and the vendors had submitted their best and final proposals. The deadline for the Committee to provide the Draft Memo Final Eval Memo was May 7, 2022. McIntyre was shown a document dated May 7, 2021, with a DRAFT watermark, RE: Final Evaluation Memo.

McIntyre stated that it was at that time Majcher was discussing the MPA. The Committee felt the hourly rate West Ed provided was not inclusive of all rates for service. West Ed's proposal had more hours than ILO did. West Ed was also stronger than ILO in one of the RFP areas. McIntyre believed the Committee and Majcher felt that both West Ed and ILO were the best fit for the project. ██████████ directed McIntyre's attention to the last paragraph in the document. After reviewing the last paragraph, McIntyre stated that she may have not seen the document she was being shown. McIntyre did not recall seeing or being provided the memo she was shown. McIntyre believed that she would have asked questions if the Draft Final Eval Memo only listed the RFP being awarded to West Ed. McIntyre only recalled discussions that involved the project being awarded to ILO and West Ed.

██████████. McIntyre did not have any knowledge that Thorsen dropped off a copy of the memo to McKee on Saturday. ██████████.

McIntyre found it concerning that Thorsen would share the draft document. McIntyre said it was incomprehensible that Thorsen shared the draft document. McIntyre does not remember if she had known or seen the Draft Final Eval Memo. She advised that members of the committee should not have shared the draft memo as a matter of ethics and to protect the process from outside influence and added it is inappropriate to share the draft with anyone at the agency, as the agency gave the Division of Purchases power to act on the agency's behalf.

McIntyre advised that Majcher should have shared the information and numbers for the project with the committee for collective discussion and evaluation of the proposals. McIntyre does not recall when she first discussed the MPA. However, the information provided to her at the time of the discussions about the MPA had her conclude that the contract should be awarded to both West Ed and ILO. Awarding the contract to both vendors would address the discrete needs of the municipalities.

McIntyre stated that had she been aware of the conversations between Majcher and Thorsen and McKee she may not have felt the same about awarding both vendors the contract. McIntyre now felt that the Committee was flawed and there was influence that affected the outcome of the award. McIntyre was shown an email dated May 12, 2022. McIntyre stated that in the email McKee was asking for the feasibility of the project being awarded to two vendors, in order to address the specific goals of the project. She advised in the email that it would be okay to award the contract to one or multiple vendors.

McIntyre stated that after re-reading the email, she now believes without a doubt the McKee was trying to influence the RFP process. McIntyre does not recall if this email came to her before or after the discussion about the MPA. McIntyre was never told that the idea to award the contract to two vendors did not come from the Committee's review of the RFPs. McIntyre advised that Majcher expressed that the idea came from the Committee's review of the Technical Evaluation.

McIntyre advised that all members of the review committee should be part of the decision-making process, discussions and making vendor recommendations. The Committee should look at the cost, and best value, then make a final decision together.

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DETECTIVE'S SIGNATURE

---

SUPERVISOR'S SIGNATURE

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Edward Galvin █ -56  
First Middle Last DOB

ADDRESS: █ █ █  
Street City Telephone #

PLACE INTERVIEWED: One Park Row, Suite 5, Providence, RI

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: Galvin and Associates, LLC  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: \_\_\_\_\_

DATE: 10-31-23 TIME: \_\_\_\_\_

REPORT:

On 10-31-23, I responded to Lynch & Pine located at 1 Park Row, Fifth Floor, Providence, Rhode Island, to interview Edward Galvin (Galvin), owner of Galvin & Associates, LLC. Present for the interview were Assistant Attorneys General John Moreira and Jeffrey Morin, █ and Attorney Jeffrey Pine, representing Galvin. This report is a brief summary of this interview. █

Galvin advised he was appointed Treasurer of Daniel McKee's campaign right after McKee won the Lieutenant Governor election in 2015.

Upon being appointed Treasurer of the campaign, Galvin, Galvin's son, Brandon Galvin (Brandon), and three or four other staff members began to provide a variety of functions.

Galvin advised he typically opens a bank account and lists himself as the treasurer. Other duties include recording income and expenses for the Board of Elections (BOE) reports. In most campaigns Galvin and his team pay bills for the campaign and make their deposits. Galvin and his team reconcile bill statements within QuickBooks. The team also joins phone calls to provide the campaign with updates. The candidates themselves typically are not present for the phone calls. Galvin advised that it is typically Brandon that does more of the filings.

Galvin was not able to recall one person or campaign manager for McKee. Galvin advised that in 2021 Michael Trainor was heavily involved. Tony Silva is the current fundraiser for McKee, while Jerry Sahagian was a prior fundraiser. Brexton Isaacs was ultimately hired as McKee's campaign manager.

During this portion of the interview Brandon entered the room to assist his father with some of the details of the interactions with the McKee campaign. Galvin advised that he has had a diminishing role at Galvin and Associates and Brandon has taken a more active role and is more familiar with the day-to-day functions.

Galvin advised that in 2021, Galvin signed a media contract as Treasurer of McKee's campaign with SKDKickerbocker LLC (SKDK). Brandon advised that this signed contract was ultimately not used as AL Media was paid as the media consultant. There was one payment made to SKDK for website design. Galvin didn't know anything further and advised that Brandon was more familiar with the McKee account. Brandon advised he was not aware of any other invoices received from SKDK other than one for \$6,200 for a website. Brandon advised he was not aware of any other payments to SKDK. Neither Brandon nor Galvin recalled any conversations with McKee's campaign regarding inquiries about services provided that would need to be reported.

Brandon explained that there was a risk assumed with Media contracts, as while services may have been provided, the media consultant isn't going to get paid unless their ads go on tv. Brandon explained that this was industry-wide, and it was standard procedure for media firms to not get paid even if services were provided if they were no longer working for the campaign when it came time for their ads to be placed within media outlets. Brandon said there was no reporting requirements that he was aware of for this situation and that it was just an industry standard.

Galvin advised that in-kind contributions are not sophisticated and are basic. Galvin advised that neither Brandon nor Galvin did not have any conversations with McKee's campaign team concerning services provided by SKDK and whether they needed to be reported. Galvin advised the campaign finance reports are only as good as the information received by the campaign.

Brandon advised that if someone else is paying for an expense outside of the campaign, then it would be problem. If the campaign isn't paying for the service, they are avoiding a reporting requirement. Brandon also stated that if the intent is to deceive the public, it's a problem and it's probably wrong. If the campaign benefits from something that has value, it should be reported. At the same time an individual can volunteer services to a campaign and that does not have to be reported.

Brandon advised that if a third party paid for services that benefited a campaign and those services were not reported it is a problem. Third party payment is avoiding the reporting requirement. To resolve this, the campaign would have to pay back the third party.

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Alex Bloom 85  
First Middle Last DOB

ADDRESS: \_\_\_\_\_  
Street City Telephone #

PLACE INTERVIEWED: \_\_\_\_\_

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: SKDK  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: \_\_\_\_\_

DATE: 11-16-23 TIME: \_\_\_\_\_

REPORT:

On November 16, 2023, I responded to \_\_\_\_\_  
\_\_\_\_\_ to interview Alex Bloom, Executive Vice President, SKD Knickerbocker (SKDK). Present for the interview were Rhode Island Assistant Attorneys General John Moreira and Jeffrey Morin, \_\_\_\_\_ and Attorney Brian Svoboda, representing Bloom. This report is intended to be a brief summary of the interview. \_\_\_\_\_

Bloom advised that around the first or second week of January 2021, Devon Puglia contacted him and stated that they might be able to work with Lt. Governor Dan McKee, who most likely will become the Rhode Island Governor very soon. Bloom advised that at this point he and Puglia joined conference calls and put memos together for McKee. Bloom advised they assisted with trying to figure out what to prepare for with Governor Raimondo leaving office and McKee being elevated to Governor.

Bloom advised that SKDK was involved in questions such as how to make McKee look like a leader. SKDK also worked on McKee's public profile. At this point, vaccines for COVID were finally arriving and there were lots of questions about who was going to get vaccinated first. Bloom was concerned that if Rhode Island fumbled this under McKee's leadership, reelection in 2022 would be difficult.

Michael Trainor was SKDK's point of contact for the McKee campaign. Bloom advised the conference calls with Trainor and others, which were about every other day, were like group think. He advised the 2022 election was always in focus. In the beginning these calls consisted of SKDK, Trainor, Brian Jancunas and Andrea Palagi. He advised these calls later included the parties named above to include Tony Silva and Joe Rodio.

Bloom advised that SKDK was not getting paid for their work with McKee. He described their work was kind of an audition with the idea of being part of the Governor's reelection team. He advised Puglia has experience getting small state governors elected. SKDK was hoping to obtain the media contract for the campaign and be the ad maker. Bloom advised that SKDK tries to be helpful in multiple areas and get paid through their ads.

Bloom advised that he and Puglia talked about trying to get paid for the work they were doing for McKee. He advised Puglia seemed to think and hope that they would get paid. Bloom described these conversations as unserious. If they were paid it would have been \$15,000 a month, however, they were not ultimately paid for their work.

Bloom advised SKDK was trying to put McKee in the best place to be a leader and to provide information that would be useful. Bloom advised he was not familiar with a Rhode Island Communications Contract with Chiefs for Change (CFC). [REDACTED]

Bloom advised that he and Puglia would produce an SKDK Action Report for CFC. He advised the January 2021 report had both campaign work for McKee and communications work detailed in the same report. He advised that it should have been separate reports. Bloom advised that Julia Rafal-Baer introduced SKDK to McKee's campaign through Michael Magee.

Bloom stated that SKDK was trying to keep Rafal-Baer updated on their work for McKee. He advised that the February 2021 SKDK Action Report also combined the McKee campaign work with the other contracted work with CFC. Bloom advised that that they made a mistake. He again advised that SKDK was having some unserious conversations about getting paid by the McKee campaign. Bloom advised that in January 2021, SKDK's only goal was for McKee to get re-elected in 2022.

Bloom advised that much of the media training that Bloom provided for McKee was virtual. He estimated that he met with McKee in person maybe two times. McKee was not on most of the calls before he became Governor. He advised there were lots of calls and McKee joined some of them. He advised that once McKee became governor it was about the same.

Bloom advised that before McKee became governor, his contact with was mostly with Trainor, Palagi and Jancunas and after McKee became governor, his contact was mostly with Trainor and Palagi.

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE





Trainor advised he was appointed the communications spoke person. He approximated that he spent hundreds of hours with others volunteering to get McKee ready. Trainor advised that McKee called him in January 2021 or early February 2021, and amongst other things mentioned that his friend Michael Magee, who worked at Chiefs for Change, had an existing contract with SKDK and would loan them to McKee. Trainor advised he called Magee at McKee's request.

Trainor advised that Magee stated the SKDK personnel were "good guys" and that he would make Devon Puglia and Alex Bloom available for the transition. Trainor advised that Magee was part of the transition team and so was his father who assisted with COVID matters. Trainor advised that both McKee and Magee referenced that SKDK was obtained under a retainer with CFC. Trainor advised that he was not told any details of the loaning of SKDK. He advised the McKee team was under pressure and there was no budget. He advised there was no way that they would have been able to pay for SKDK.

Trainor advised that SKDK's assistance was immediate. He spoke to Puglia the same day he spoke to Magee about SKDK's assistance. The transition was very intense, and they were off to the races for a several week period.

Trainor advised that he was not thinking about McKee's campaign at this point as they had such a short period of time to get him ready to take office. Trainor stated that the team was designing a template for McKee's transition to office. There was public curiosity as to what he was all about.

Trainor stated that they wanted to create a wall between the transition team and LT governors' office. He advised that McKee didn't want the transition to take away from what he was doing as LT governor, as there were still things they were doing. He advised McKee didn't want to tie up all his staff with the transition. Silva was actively involved in the transition as well as Rodio and Palagi. Trainor advised that Rodio and Silva were always part of McKee's political campaigns.

Trainor advised that the campaign chairman is not paid. Other staff is paid but the campaign chairman is not. He advised that everyone who was on the transition team moved over to the campaign team after McKee's inauguration. As for Silva and Palagi, they were able to work on campaign matters in the evenings and on their personal time. Trainor advised that SKDK expressed an interest that they would like to bid on McKee's campaign as a consultant within one or two days of inauguration. He stated that Puglia and Bloom felt invested and would like to work on McKee's campaign.

[REDACTED]

Trainor advised he was introduced by Puglia to Oren Shur in March 2021. Trainor advised that Shur is the creative advertising person at SKDK. Trainor advised that at the end of March 2021, he called Puglia to let him know that SKDK won the bidding process for McKee's campaign team. Trainor advised that SKDK's duties as the media consultant for the campaign was assisting with a campaign plan, strategy, poll work, competitor intelligence and messaging.

Trainor advised that after the press had made inquiries about the ILO contract and the media attention was getting extensive, he recalled being on the phone with Shur discussing a poll when Shur mentioned that SKDK had a contract with ILO. Trainor advised he thought it was "B.S". SKDK should have had political sense to stay away from ILO. Trainor advised that he spoke to McKee and Tony Afonso, and they decided to fire SKDK. SKDK never had the opportunity to produce ads.

Trainor was asked if he felt obligated to tell people, such as campaign finance, the provisions of the free services provided by SKDK to the campaign. Trainor advised that he doesn't remember thinking in those terms but stated that maybe he should have. Trainor advised that he assumed that SKDK was paid for their assistance post McKee's inauguration but didn't discuss it as he didn't feel it was his business.

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE



RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Oren Shur [REDACTED]-81  
First Middle Last DOB

ADDRESS: [REDACTED]  
Street City Telephone #

PLACE INTERVIEWED: [REDACTED]

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: SKDK  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: \_\_\_\_\_

DATE: 11-30-23 TIME: \_\_\_\_\_

REPORT:

On November 30, 2023, I, along with Rhode Island Assistant Attorneys General John Moreira and Jeffrey Morin [REDACTED] interviewed Oren Shur, Partner at SKDK, via a Microsoft Teams conference. [REDACTED] re Attorneys Brian Svoboda and Barak Cohen representing Shur. This report is a brief summary of the interview. [REDACTED]

Shur advised he is currently a Partner at SKDK. While Shur has been promoted since his initial hire in 2017, his role to oversee political advertising hasn't really changed. Shur stated that upon SKDK being hired by a candidate for their media campaign, SKDK helps with several steps prior to placing ads. Typically, SKDK will strategize with the campaign team on broader meetings. SKDK typically focuses on communication strategy and message development to include the campaign pitch. SKDK will help with preparations for a debate along with media training. This assistance is part of the media contract. The ads come at the end and the early participation puts the firm in a better position to make the ads. Most media firms don't ask for money from the campaign up front but get paid a percentage of the media buys toward the end of a campaign. He advised that this is an industry standard.

Shur advised that in late 2020 and early 2021, Devon Puglia was not assigned to the SKDK's political team. Shur advised that he was told that Puglia facilitated a conference call with Shur, Puglia and certain

members from Chiefs for Change (CFC). Shur advised that he knew CFC existed and he was aware SKDK did work for CFC but he didn't know what the work was. Shur advised he had never done work for CFC. The call was scheduled as a potential opportunity for SKDK to work for the RI Governor's campaign.

Shur advised that Puglia was doing work with someone who was close to the incoming RI Governor and the call was an introduction to a close associate to obtain advice on how to approach working on the campaign team. Shur didn't recall the timeframe of this call but stated that it was likely several weeks before SKDK made the campaign pitch. SKDK knew they would want to be part of his campaign re-election two years later.

Shur advised that Michael Magee was the CFC party on the call. Shur did not remember what advice Magee provided. Shur advised that his interest in being present for the call was to express interest and to seek advice on how to pitch for the campaign from someone close to McKee. Shur advised that he did not know what work SKDK was already doing for CFC. Shur advised he never met Julia Rafal-Baer and is only familiar with her and ILO through the media and investigative process.

Shur advised that once SKDK was awarded the campaign work in late March 2021, they began being part of weekly calls that continued through the summer of 2021. SKDK would also have one offs with Trainor. Shur advised that his only interaction with McKee was the SKDK campaign pitch meeting.

[REDACTED]

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**RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857**

**CASE #:** 21-2-IV  
**LEAD #:** \_\_\_\_\_

***CONTACT REPORT***

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Andrea Palagi █ 94  
First Middle Last DOB

ADDRESS: █ █ █  
Street City Telephone #

PLACE INTERVIEWED: RI Attorney General's Office, Providence, RI

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: State of RI, Governor's Office  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: \_\_\_\_\_

DATE: 12-8-23 TIME: \_\_\_\_\_

**REPORT:**

On December 8, 2023, at 9:00 AM, John Moreira (RIAG), █ and I (Sergeant Brock, RISP) interviewed Andrea Palagi, Communications Director for The Office of Governor Dan McKee. Present with Ms. Palagi was attorney Claire Richards. This interview was regarding the ongoing investigation into the award of the "School Reopening Contract" to ILO and other matters that have been found in relation to this investigation. Particularly, the possibility of illegal in-kind campaign donations made to the McKee campaign.

Palagi advised she is the Communication Director for Governor McKee. She advised that she previously served in the same role for Lt. Governor Dan McKee from 2017 to 2018. She advised she was a Policy Aide in the Lt. Governor's Office in 2016.

Palagi advised that she did event planning, constituent calls or whatever else was needed in the Lt. Governor's Office.

Palagi advised she knew of Michael MaGee through Blackstone Valley Prep School. She does not recall exactly how they met, but believes it was a school event at BSVP. She got to know him better during the transition period because he was volunteering a lot of time. He was brought into the transition because of his knowledge of schools and vaccinations. She does not know specifically how he was brought into the transition team.

Palagi advised that she met Julia Rafal Baer when McKee was transitioning from Lt. Gov. to Gov. She did not recall any prior contact with Rafal Baer. Palagi was not sure of Rafal Baer's role with the transition.

Palagi advised she has known Michael Trainor since she was an intern in the Lt. Gov. Office. She knew that he was a volunteer for the communications team during the transition period. She believed he stayed on the transition team then moved to the campaign after McKee was made Governor.

Palagi advised she met Devon Puglia during the transition period through a Zoom meeting. She believed his role with SKDK was to help with communications as they were experts in the field.

[REDACTED]

Palagi believes that SKDK was brought in as consultants for communications on a volunteer basis. She advised a video was produced to introduce McKee as the new Governor. She advised that it made sense for McGee to weigh in on the video, she did not know why Rafal Baer was included in the email. She advised that she knew SKDK was familiar with Magee through Chiefs for Change (CFC) and that SKDK worked for CFC.

[REDACTED]

Moreira showed Exhibit 1, which was an email from Magee to McKee which contained a draft Communications Plan. Palagi advised she was aware of the plan and was happy to have it because SKDK was providing a lot of assistance which she needed. There was a lot happening at the time.

[REDACTED]

Palagi advised she had daily calls with McKee regularly, she was unsure how often Magee was on the calls, Alex Bloom (SKDK) and Puglia became regular participants on the calls. She did not recall if Rafal Baer was ever on any of the calls.

[REDACTED]

Moreira presented Exhibit 10, dated 2-1-21 which was an email from SKDK to Magee and Rafal Baer. She believed that email was regarding media training but did not recall specifics.

Moreira presented Exhibit 12, dated 2-8-21 which was an SKDK proposal email. Palagi advised she was aware that SKDK was getting hired by the campaign.

Palagi advised that SKDK was very helpful during January 2021. She advised that SKDK did not talk to her about getting hired by the campaign. She advised that she did not recall any talk of SKDK getting paid for their services.

[REDACTED]

[REDACTED]

[REDACTED] She advised she was familiar with the press release announcement of the Lt. Governor to Trainor, Puglia and Bloom. She advised that she had occasional contact with Oren Shur (SKDK), but Bloom and Puglia were the main contacts.

[REDACTED]

[REDACTED]

[REDACTED]

The interview concluded at 11:27 AM.

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SUPERVISOR'S SIGNATURE



RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Michael Magee █-71  
First Middle Last DOB

ADDRESS: █ █ █  
Street City Telephone #

PLACE INTERVIEWED: RI Attorney General's Office, Providence, RI

WAS PERSON PREVIOUSLY INTERVIEWED? N FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: Chiefs for Change / Minerva University  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: \_\_\_\_\_

DATE: 1-5-24 TIME: \_\_\_\_\_

REPORT:

On 1-5-24, I responded to the Rhode Island Attorney General's office in Providence to interview Michael Magee. Present for the interview were Assistant Attorneys General John Moreira and Jeffrey Morin, █ and Attorney Charles Tamuleviz, representing Magee. This is a brief summary of this interview. █

Please note that Magee agreed to speak to investigators only about his dealings with SKDK and would not discuss anything involving ILO.

Magee advised that in early January 2021, he was the Chief Executing Officer (CEO) of Chiefs for Change (CFC). CFC is a nonprofit 501c (3) company that was incorporated in 2015. CFC's mission is to support major education leaders throughout the country and develop future education leaders. Magee advised that CFC obtains fundraising support from large US Philanthropic Foundations such as the Bill and Melinda Gates Foundation, City Fund and Emerson Collective. CFC is a virtual organization with a PO Box in Washington, DC.

Magee advised that Julia Rafal-Baer was the Chief Operating Officer (COO) of CFC and oversaw the technical assistance and future chiefs' programs.

Magee advised that projects supported by CFC were driven by their members. A CFC member would ask for support on a new initiative and CFC would find funding and a consultant who could support the initiative. Magee explained that if an initiative was regarding early reading, CFC would do research to find a foundation that supported early reading. As COO, Rafal-Baer signed agreements with consultants. Sometimes Magee and Rafal-Baer would discuss these contracts, other times they would not.

Magee advised that in 2003, he moved to Cumberland, RI. In 2006, Daniel McKee ran for Mayor. At the time Magee did not like the current Mayor so he walked into McKee's campaign office and asked if there was anything he could do to be helpful. He advised that both he and McKee were interested in Education Policy. Upon becoming elected, McKee wanted to start a Mayors Education Office.

Magee advised that in 2002 [Magee misspoke about this date, publicly available data shows it was created in 2007], McKee created the Office of Children Youth and Learning and asked Magee to be the first Director. In 2008, McKee inquired on starting new buildings and schools, but the law was not in favor of it. Magee stated that McKee gathered a group of mayors in attempt to change RI law to start new schools. In 2008 the new law passed which allowed mayors to sponsor schools through a nonprofit. McKee created the RI Mayoral Academies and he appointed Magee the CEO, and McKee was the chair of its board of directors.

Magee advised he has never had a formal role in any of McKee's campaigns. He advised he has donated and always tried to be helpful to the campaign.

Magee advised that he and McKee had a friendly relationship and saw eye to eye regarding their ideas to improve RI education. Magee advised that between 2016 to 2020, after he stopped working for the RI organization, he only saw McKee once a month or every two months. Magee and McKee saw each other more frequently once McKee created a gubernatorial transition team in January 2021.

Magee advised that during COVID, McKee called him approximately once a week to discuss education policy. Magee advised that he was one of a small few McKee trusted regarding education policy. Prior to COVID, McKee did not inquire or task Magee with non-education policy.

Magee advised that in 2020, CFC received a large grant and built a technical assistance operation to include a Tool Kit on how schools can respond to COVID. This tool kit was shared with members of school districts and included Governor Raimondo's administration. Magee advised that by the time Magee heard that Raimondo may be leaving, CFC already had this tool kit built.

Magee advised that CFC provided COVID testing support in RI and throughout the country. He advised that CFC also supported Angelica Infante Greene with the state takeover of Providence Schools. He advised CFC received a grant through City Fund (CF) to assist with Providence Schools. CFC also had other grants with other funders to support RIDE.

Magee advised that Rafal-Baer worked directly with Kevin Gallagher, Raimondo's Senior Deputy Chief of Staff, regarding anything related to the Providence Schools. He advised Rafal-Baer kept him up to date on the work in Providence.

[REDACTED]

Magee advised that in early January 2021, McKee told him that he was pretty sure Raimondo was leaving and that he needed to put together a transition team. Magee's impression was that McKee's team was not prepared to run the state as a Governor. He advised that McKee was asking for help. Magee joined and recruited his father, Dr. Michael Magee, MD, to join the transition team as a health policy advisor.

Magee advised he was familiar with Tony Silva and Tony Afonso from McKee's time as Mayor of Cumberland. He advised McKee soon started calling meetings with an informal group prior to the transition team. This small group consisted of Afonso, Silva, Rosa Delaria, Pastor Chris, and later Michael Trainor. Magee started that during this time is when McKee began inviting him to things that were out of scope of his work at CFC.

Magee advised that he did not recall the 2022 Campaign coming up during the transition. Magee stated that it wasn't impossible that it came up, but he doesn't recall. Magee advised that SKDK may have been introduced by CFC to McKee's transition team. SKDK provided COVID assistance and assistance in keeping RIDE and the Governors' office on the same page which was well within the contract. Magee advised that he could have asked Rafal-Baer to reach out to SKDK for help.

Magee advised that SKDK was already working for RIDE on CFC's behalf and believed that they would be within the scope of their contract if SKDK took a more active role with the transition team because messaging about COVID was so important.

Magee advised that at some point Trainor had a conversation with SKDK about supporting the gubernational leadership. Magee advised that expressed concern with that, but Puglia ensured he was familiar with the topic and talked about SKDK creating a "Chinese wall".

Magee advised that SKDK was only doing work paid for by CFC to support communications between the transition team and RIDE. He advised that any work the SKDK was doing for McKee's campaign was not part of the scope and would not be paid for by CFC.

Magee advised that he was involved in talking about the selection of the Lieutenant Governor with McKee and SKDK. He advised this was appropriate for CFC because picking the LG was essential to keep the education messaging clear with RIDE. Magee advised that any work with McKee to make him appear strong was important to CFC because any misstep could undo the good education work being done.

Magee was shown an email in which McKee and SKDK are discussing campaign finance accounts of McKee's possible competitors in 2022. Magee advised that CFC would have seen the long-term benefit of keeping McKee in office.

Magee was shown an email that referenced "big donor fundraising". Magee advised that was a reference to education initiatives, not campaign accounts.

Magee was shown a series of emails [REDACTED] between SKDK, McKee, Magee and Rafal-Baer, which appeared to be more campaign related than transition related. Magee advised that CFC only paid for transition messaging and any other topics were not being paid for by CFC. Magee advised that CFC is a 401c(3) not-for-profit organization, which doesn't allow them to support political campaigns or legislative lobbying.

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DETECTIVE'S SIGNATURE

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Magge advised that he felt SKDK media training for McKee was an acceptable expenditure for the transition because it would keep him in line with RIDE and was not a campaign related expenditure.

Magee advised that the use of personal email accounts, rather than Government email accounts seemed consistent with CFC's mission. He felt that was an attempt to create separation from the LG office and the transition team.

Magee advised that SKDK did consulting work with McKee's office past the transition. The funding for communication consulting was for the transition and for the Governor's office once McKee was Governor.

Magee advised that the support of McKee and his transition was well in alignment with the goals and mission of CFC. Magee felt CFC could and should support that. CFC saw a real opportunity to work with a sitting Governor regarding education policies.

Magee advised that he hadn't heard that McKee was going to build up his communications team upon becoming Governor. CFC was providing support to McKee's communications team regarding issues CFC cared about. CFC members, Infante Green and Peters communicated and expressed concerns regarding McKee's transition as Governor. Magee recalled Peters contacting him to tell Magee that he was committed to RI and excited to work together. There had been concerns that there could be changes to leadership positions. There was a collateral benefit for CFC to support the Governor's office with all the work they were doing with RIDE.

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE

RHODE ISLAND STATE POLICE  
DETECTIVE BUREAU  
311 DANIELSON PIKE  
NORTH SCITUATE, RI 02857

CASE #: 21-2-IV  
LEAD #: \_\_\_\_\_

**CONTACT REPORT**

CASE IDENTIFICATION (NAME/OFFENSE): ILO / 21-2-IV

PERSON INTERVIEWED: Michael Magee █-71  
First Middle Last DOB

ADDRESS: █ █ █  
Street City Telephone #

PLACE INTERVIEWED: RI Attorney General's Office, Providence, RI

WAS PERSON PREVIOUSLY INTERVIEWED? Y FORMAL STATEMENT TO BE TAKEN N  
(Y/N) (Y/N)

JUVENILE OR ADULT? Adult PARENT OR GUARDIAN PRESENT IF JUVENILE? NA  
(Y/N) (Y/N)

PLACE OF EMPLOYMENT: Chiefs for Change / Minerva University  
Address Telephone #

ASSIGNMENT:

DETECTIVE: Sgt. Brock SUPERVISOR: \_\_\_\_\_

DATE: 2-1-24 TIME: \_\_\_\_\_

REPORT:

On 2-1-24, I responded to the Rhode Island Attorney General's office in Providence to interview Michael Magee. Present for the interview were Assistant Attorneys General John Moreira and Jeffrey Morin, █ and Attorney Charles Tamuleviz, representing Magee. This is Magee's third and final interview. This is a brief summary of this interview. █

Please note that Magee agreed to speak to investigators only about his dealings with SKDK and would not discuss anything involving ILO.

Magee advised he was not doing any independent consulting work while he was at CFC.

Magee reiterated that the work CFC was paying SKDK to do in RI was just communications work for the transition and RIDE. CFC was not paying SKDK for any campaign work.

Magee advised that he did not read most contracts in detail. He advised that he relies on Rafal-Baer to let him know if the contracts are ready for his signature.

█. He advised that Rafal-Baer had spoken to City Fund about the need to keep going. At the time, during the pandemic, priorities could change

fast, so they were dealing one quarter at a time. Magee advised that he had been told by a variety of people to include Infante Green and McKee that they wanted to continue working together and asked if CFC could support it. Philanthropy doesn't take away from state tax dollars. McKee and Infante Green expressed that they would like the support from CFC to keep coming. No one made a distinction between CFC and SKDK.

[REDACTED]. Magee didn't recall if he had a conversation with McKee about securing additional funds. Magee did have a conversation with McKee about there being a need for continued support. Magee was told by Rafal-Baer and Palagi that McKee's office wanted their support with SKDK to continue.

Magee advised that he didn't know Oren Shur or Amber Gantt from SKDK. [REDACTED]

[REDACTED]. He advised that either Rafal-Baer or Trainor had told him that SKDK was interested in running McKee's campaign. Magee was told that SKDK does this regularly and that they set up a "Chinese wall".

Magee advised he never had a conversation with Alex Bloom. He advised he never had a conversation with Puglia regarding SKDK working on McKee's campaign. Magee didn't recall a specific conversation with Rafal-Baer regarding SKDK wanting to work on McKee's campaign. [REDACTED]

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DETECTIVE'S SIGNATURE

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SUPERVISOR'S SIGNATURE