

## 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

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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

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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><br><br>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.<br><br>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)