

**MEMORANDUM IN SUPPORT OF COMPLAINT  
AGAINST BRETT SMILEY**

**POTENTIAL VIOLATION:** Brett Smiley violated Regulation 1.4.4 (36-14-5011) by soliciting a campaign contribution from a state vendor. Smiley is the R.I. Director of Administration and is planning to be a Providence mayoral candidate. Colin Kane is a partner of the Peregrine Group LLC. The Peregrine Group received \$279,797 from the Department of Administration for its work on alternative hospital sites during the pandemic. Smiley solicited and received a \$500 campaign contribution from Mr. Kane. Smiley has also received campaign contributions from employees of other state vendors who have received state contracts through the R.I. Department of the Administration. If Smiley solicited campaign donations from these individuals, it would also constitute a violation of Regulation 1.4.4 (36-14-5011).

**FACTUAL BACKGROUND:** Brett Smiley is the R.I. Director of Administration and is planning to be a candidate for mayor of Providence.<sup>1</sup> In the past, Smiley was a campaign finance consultant.<sup>2</sup> In 2020, Smiley sought an advisory opinion from the Ethics Commission in relation to him soliciting campaign donations for his mayoral campaign while holding the position of Director of Administration. Smiley promised the Ethics Commission that he would “not solicit or accept campaign contributions from any state vendors.”<sup>3</sup> Subsequently, Smiley called Colin Kane to solicit a campaign donation, and received a donation of \$500 donation.<sup>4</sup> Kane is a partner of the Peregrine Group LLC. The Peregrine Group received \$279,797 from the Department of Administration for its work on alternative hospital sites during the pandemic.<sup>5</sup> There are no records of Kane ever donating to Smiley prior to December 2020.<sup>6</sup>

Smiley received donations from employees of other entities that do business with the State of Rhode Island. For example, Smiley received a \$1000 donation from Jonathan Savage, a partner at the law firm Shechtman, Halperin and Savage LLP, who works on multiple state contracts. Smiley received a \$1000 donation from Anthony Dematteo, vice president of business development at Dimeo Construction Company, which was selected by the R.I. State Properties Committee, a division of the Department of Administration, to build the state’s field hospitals.<sup>7</sup> Smiley also received \$1,000 contributions from Joseph Vinagro, owner of the J.R. Vinagro Corp., Thomas Guerra, owner of the Foundry Association, John Galvin of AAA Northeast, and a \$500 donation from Edward Handy, Washington Trust CEO.<sup>8</sup> After being exposed by the media, Smiley returned some contributions, but not all the contributions he received from state vendors.<sup>9</sup> Smiley has not resigned his position as Director of Administration and continues to plan to run for mayor.

---

<sup>1</sup> “Smiley returns some campaign donations tied to state contractors, defends others” WPRI 12 (2/2/21)

<sup>2</sup> Id.

<sup>3</sup> A.O. 2020-45

<sup>4</sup> “Smiley returns some campaign donations tied to state contractors, defends others” WPRI 12 (2/2/21)

<sup>5</sup> Id.

<sup>6</sup> R.I. Board of Elections website.

<sup>7</sup> “Smiley returns some campaign donations tied to state contractors, defends others” WPRI 12 (2/2/21)

<sup>8</sup> “RI ethics commissioner resigns amid controversy over role in Smiley campaign,” Providence Journal (2/5/21)

<sup>9</sup> “RI GOP calls on Providence mayoral candidate Smiley to resign his state job over campaign contributions” Providence Journal (2/8/21)

## **RELEVANT LAW:**

### **Regulation 520-RICR-00-00-1.4.4 Transactions with Subordinates (36-14-5011)**

“B. No person subject to the Code of Ethics shall solicit or request, directly or through a surrogate, political contributions, from a subordinate for whom, in the official’s or employee’s official duties and responsibilities, he or she exercises supervisory responsibilities. ...”

“C. For purposes of this regulation, “subordinate” means an employee, contractor, consultant, or appointed official of the official’s or employee’s agency.”

## **LEGAL ARGUMENT:**

Smiley solicited Kane to donate to his campaign. Specifically, Kane “told Target 12 that Smiley had called him a few weeks ago to solicit the donation.”<sup>10</sup> This is a clear violation of Regulation 1.4.4(36-14-5011). Kane is a partner at the Peregrine Group LLC, which received \$279,797 from the Department of Administration. Smiley is the Director of Administration. Smiley requested a donation from a contractor of the Department of Administration. Although Kane has known Smiley before he went into politics, there is no record that Kane donated to Smiley in his previous run for mayor in 2014.

The Ethics Commission should not limit its investigation to the one donation made by Kane. The Commission must launch a comprehensive investigation into all the donations Smiley received from individuals employed by state vendors to determine if he solicited donations from these individuals. The Ethics Commission has the power to compel production of documents and testimony from witnesses through the use of subpoena.<sup>11</sup> The Ethics Commission should require all donors, who are associated with state vendors, to describe under oath any conversation they had with Smiley related to a campaign donation. Specifically, these donors should be asked under oath whether Smiley promised or threatened them in any way.<sup>12</sup>

A full investigation of Smiley’s fundraising activities with the employees of state vendors is justified. Smiley promised the Ethics Commission he would “not solicit or accept campaign contributions from any state vendors.” Smiley flagrantly failed to honor his promise not to solicit or accept donations from state vendors. He solicited at least one donation from a state vendor and accepted a number of other donations from employees of state vendors.

Smiley was at one-time a campaign finance consultant. He has been the Director of Administration for about a year. He cannot claim ignorance of campaign finance laws or of who does business with the state. Smiley **lied** to the Ethics Commission. The Ethics Commission must conduct a sweeping investigation of Smiley’s fundraising practices and fine him.

---

<sup>10</sup> “Smiley returns some campaign donations tied to state contractors, defends others” WPRI 12 (2/2/21)

<sup>11</sup> 520-RICR-00-00-3.14; R.I.G.L. §36-14-12(a).

<sup>12</sup> In the past, Smiley, as Governor Raimondo’s Chief of Staff, allegedly threatened Twin River, a state vendor, with consequences if it opposed Raimondo’s proposed twenty year no-bid contract extension with International Game Technology (IGT). “Twin River: Raimondo’s Chief of Staff threatened ‘consequences’ for opposing IGT deal” Providence Journal (10/30/19).