

July 19, 1990

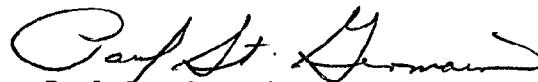
Ms. Rose Mendonca  
City Clerk  
City Hall  
Providence, RI 02903

Dear Ms. Mendonca:

I am employed by the City of Providence in the capacity of Chief Lending Officer for the Department of Planning and Development. My mother, Edwilda St. Germain would like to apply for an Elderly and Handicapped Homeowner's Paint Program loan to improve her property located at 88 Andem Street, Providence, Rhode Island.

In conformance with the Conflict of Interest provision of Section 570.611, I hereby withdraw from any duties and responsibilities relating to my mother's application with the Elderly and Handicapped Homeowner's Paint Program.

Sincerely,



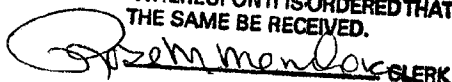
Paul St. Germain  
Chief Lending Officer

PSG

IN CITY COUNCIL

SEP 6 1990

READ  
WHEREUPON IT IS ORDERED THAT  
THE SAME BE RECEIVED.



CLERK

THE COMMITTEE ON  
FINANCE

Recommends

*Be Received*

*Rose M. Mendon*  
Clerk

*August 30, 1990*

DEPT. OF CLERK  
PROVIDENCE, R.I.  
Aug 9 11 28 AM '90

FILED

July 19, 1990

Ms. Rose Mendonca  
City Clerk  
City Hall  
Providence, RI 02903

Dear Ms. Mendonca:

I am employed by the City of Providence in the capacity of Chief Lending Officer for the Department of Planning and Development. My mother, Edwilda St. Germain would like to apply for an Elderly and Handicapped Homeowner's Paint Program loan to improve her property located at 88 Andem Street, Providence, Rhode Island.

In conformance with the Conflict of Interest provision of Section 570.611, I hereby withdraw from any duties and responsibilities relating to the subject Elderly and Handicapped Homeowner's Paint Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul St. Germain". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

Paul St. Germain  
Chief Lending Officer

PSG

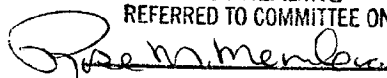
**FILED**

JUL 26 9 26 AM '90

DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

IN CITY COUNCIL  
AUG 2 - 1990  
FIRST READING  
REFERRED TO COMMITTEE ON

**FINANCE**

 **CLERK**



## Department of Planning and Development

*"Building Pride In Providence"*

July 19, 1990

Ms. Rose Mendonca  
City Clerk  
City Hall  
Providence, RI 02903

Dear Rose:

The purpose of this letter is to formally give public notice and disclosure, pursuant to 24 CFR 570.611 (conflict of interest), of the following facts.

1. Mrs. Edwilda St. Germain of Providence, Rhode Island has applied for assistance through the Elderly and Handicapped Homeowner's Paint Program, administered through the Department of Planning and Development.
2. Mr. Paul St. Germain, the applicant's son is employed by the City of Providence's Department of Planning and Development.
3. Mr. St. Germain whose job title is Chief Lending Officer is primarily responsible for handling contract signings for the Department's housing programs.
4. Mr. St. Germain has withdrawn from any duties and responsibilities relating to the Elderly and Handicapped Homeowner's Paint Program for the property his mother owns.
5. Mr. St. Germain does not have a financial interest directly relating to this specific project.
6. It is the opinion of the Assistant Chief, Division of Legal Services, Joseph A. Bevilacqua, Jr., that no conflict of interest exists in this particular instance (see attached).

Ms. Mendonca  
July 19, 1990  
Page 2

Enclosed is the applicable section of the Federal Code as well as my request to the Department of Housing and Urban Development as related to this section.

Should you need any further information, please do not hesitate to call me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom", with a stylized flourish above the "m".

Thomas V. Moses, Esq.  
Director

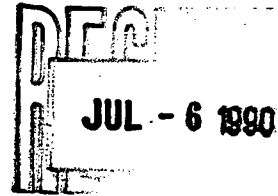
TWM:p

Enclosures

cc: Frank DelVecchio  
James Phieffer  
Joseph A. Bevilacqua, Esq.  
Arthur L. Hanson, Jr.

*Joseph A. Bevilacqua, Jr.*

Attorney - at - Law  
380 Broadway  
Providence, Rhode Island 02909  
(401) 274-7444



June 29, 1990

Thomas V. Moses, Esquire  
Director  
Department of Planning and Development  
44 Washington Street  
Providence, Rhode Island 02903

RE: Paul St. Germaine  
Conflict of Interest Waiver

Dear Mr. Moses:

Please be advised that pursuant to a request for a conflict of interest waiver relative to the above captioned individual should be granted for the following reasons:

1. Disclosure was made public pursuant to 24 CFR Section 511.11E, by posting the same in the Providence City Hall and the City Council Docket.
2. No conflict of interest exists with respect to the State conflict of interest laws since the concerned party has withdrawn from any decisions effecting said program.
3. The recipient was in a position to be eligible before said program became in effect.
4. Undue hardship will result if Mr. St. Germaine's mother is not allowed to participate in the program, which would benefit both her and the neighborhood by allowing said repairs to be made to her premises, where otherwise the property would not be improved and its appearance would not be an asset to the community.

In effect, the public and the recipient would be benefiting by the granting of the exception to the conflict rule since the property would improve and become an asset to all concerned.

Very truly yours,

JOSEPH A. BEVILACQUA, JR.

kc



## Department of Planning and Development

"Building Pride In Providence"

July 19, 1990

Mr. Robert Paquin  
Deputy Director  
Office of Community Planning & Development  
US Department of Housing & Urban Development  
Boston Regional Office, Region I  
Thomas P. O'Neill Jr. Federal Office Building  
10 Causeway Street  
Boston, Massachusetts 02222-1092

Dear Mr. Paquin: *Bob,*

The purpose of this letter is to formally request an exception of 24 CFR 570.611 (conflict of interest), as provided for in subsection (d).

Specifically, this exception relates to an applicant of the Elderly and Handicapped Homeowner's Paint Program, administered through the City of Providence's Department of Planning and Development. The applicant, Edwilda St. Germain, is the parent of Paul St. Germain who is employed by the City of Providence, Department of Planning and Development. Mr. St. Germain serves as the Chief Lending Officer and is primarily responsible for handling contracts signings for the Department's housing programs. Mr. St. Germain does not have any financial interest, directly or indirectly relating to this specific project.

As requested under Section 570.611 (d)(1), a public disclosure of this matter has been made through the office of the City Clerk of Providence. Also in accordance with Section 570.611 (d)(2) you will find enclosed an opinion of the City Solicitor as related to State and local law.

Should you need any further information or have any questions regarding this matter, please contact me.

Sincerely,

*Tom*  
Thomas V. Moses, Esq.  
Director

TVM:p

Enclosure

cc: James Phieffer  
Joseph Bevilacqua, Esq.  
Arthur L. Hanson, Jr.



billitated with assistance provided under this part.

**§ 570.609 Use of debarred, suspended, or ineligible contractors or subrecipients.**

CDBG funds shall not be used directly or indirectly to employ, award contracts to, or otherwise engage the services of, or fund any contractor or subrecipient during any period of debarment, suspension, or placement in ineligibility status under the provisions of 24 CFR Part 24.

**§ 570.610 Uniform administrative requirements and cost principles.**

The recipient, its agencies or instrumentalities, and subrecipients shall comply with the policies, guidelines, and requirements of OMB Circular Nos. A-102, Revised, A-110, A-87, and A-122, as applicable, as they relate to the acceptance and use of Federal funds under this part.

**§ 570.611 Conflict of interest.**

(a) *Applicability.* (1) In the procurement of supplies, equipment, construction, and services by recipients, and by subrecipients (including those specified at § 570.204(c)), the conflict of interest provisions in Attachment O of OMB Circulars A-102, and A-110, respectively, shall apply.

(2) In all cases not governed by Attachment O of OMB Circulars, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient, by its subrecipients, or to individuals, businesses and other private entities under eligible activities which authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties of facilities pursuant to § 570.202, or grants, loans and other assistance to businesses, individuals and other private entities pursuant to § 570.203, § 570.204 or § 570.455).

(b) *Conflicts prohibited.* Except for approved eligible administrative or personnel cost, the general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities

assisted under this Part or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, sub-contract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such interest or benefit during, or at any time after, such person's tenure.

(c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or subrecipients under § 570.204, which are receiving funds under this part.

(d) *Exceptions: threshold requirements.* Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it determines that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project. An exception may be considered only after the recipient has provided the following:

(1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(2) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(e) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d) of this section, HUD shall consider the cumulative effect of the following factors, where applicable:

(1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;

(2) Whether an opportunity was provided for open competitive bidding or negotiation;

(3) Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(4) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;

(5) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(6) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(7) Any other relevant considerations.

[48 FR 43588, Sept. 23, 1983; 48 FR 46778, Oct. 14, 1983]

**§ 570.612 Displacement.**

(a) *Definition.* "Displacement" means the involuntary movement, except temporary relocation, of a household from a dwelling unit resulting from its acquisition, rehabilitation, or demolition when: (1) Funded in whole or in part with CDBG funds; or (2) funded with non-CDBG funds where the acquisition, rehabilitation, or demolition is a prerequisite for an activity carried out with CDBG funds (e.g. acquisition of land with local funds for a neighborhood facility to be constructed with CDBG funds). "Displacement" also means the involuntary movement, except temporary relocation, of a household from a dwelling unit necessitated by CDBG assisted code enforcement.

(b) *General policy.* Section 902 of the Housing and Community Develop-