

August 15, 1990

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

Dear Ms. Mendonca:

I am employed by the City of Providence's Department of Planning and Development as an Assistant Supervisor of Engineering. My job responsibilities are engineering descriptions and surveys for road construction. My mother, Rose Diaz would like to apply for an Elderly and Handicapped Homeowner's Paint Program loan to improve her property located at 18 Wayne Street, Providence, Rhode Island.

In conformance with the Conflict of Interest provision of Section 570.611, I hereby notify you of my intention to apply for a Conflict of Interest waiver which would allow my mother to participate in the above program.

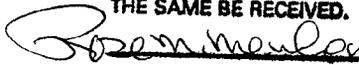
Sincerely,



Clinton Goins

IN CITY COUNCIL  
SEP 20 1990

READ  
WHEREUPON IT IS ORDERED THAT  
THE SAME BE RECEIVED.



CLERK

FILED

SEP 6 9 56 AM '90

DEPT. OF CITY CLERK  
PROVIDENCE, R.I.



## Department of Planning and Development

*"Building Pride In Providence"*

August 15, 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.

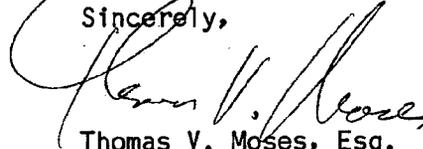
1. Mrs. Diaz of Providence, Rhode Island has applied for assistance through the Elderly and Handicapped Homeowner's Paint Program, administered through the Department of Planning and Development.
2. Mr. Goins, the applicant's son is employed by the City of Providence's Department of Planning and Development.
3. Mr. Goins whose job title is Assistant Supervisor of Engineering is primarily responsible for engineering descriptions and surveys for road construction.
4. Mr. Goins duties and responsibilities within the department are exclusive of any decision making policies or administrative functions relating to the said Elderly and Handicapped Homeowner's Paint Program.
5. Mr. Goins 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  
August 15, 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,



Thomas V. Moses, Esq.  
Director

TWM:p

Enclosures

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

billated 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 decisionmaking 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 43568, 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-

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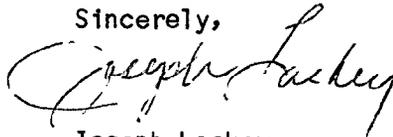
Ms. Rose Mendonca  
City Clerk  
City Hall  
Providence, RI 02903

Dear Ms. Mendonca:

I am employed by the City of Providence's Department of Planning and Development in the capacity of Senior Research Assistant. I am primarily responsible for collecting and maintaining all official records for the City of Providence. My mother, Anna Lackey would like to apply for an Elderly and Handicapped Homeowner's Paint Program loan to improve her property located at 256 Douglas Avenue, Providence, Rhode Island.

In conformance with the Conflict of Interest provision of Section 570.611, I hereby notify you of my intention to apply for a Conflict of Interest waiver which would allow my mother to participate in the above program.

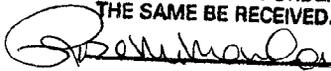
Sincerely,



Joseph Lackey

IN CITY COUNCIL  
SEP 20 1990

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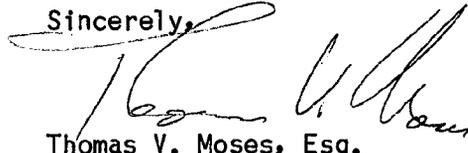
1. Mrs. Lackey of Providence, Rhode Island has applied for assistance through the Elderly and Handicapped Homeowner's Paint Program, administered through the Department of Planning and Development.
2. Mr. Lackey, the applicant's son is employed by the City of Providence's Department of Planning and Development.
3. Mr. Lackey whose job title is Senior Research Assistant is primarily responsible for collecting and maintaining all official records for the City of Providence.
4. Mr. Lackey duties and responsibilities within the department are exclusive of any decision making policies or administrative functions relating to the said Elderly and Handicapped Homeowner's Paint Program.
5. Mr. Lackey 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  
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(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.

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(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 decisionmaking process with respect to the specific assisted activity in question;

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