EXHIBIT C
In The Matter Of:
Davidson vs
City of Cranston

Mayor Allan Fung, 30(b)(6)
February 24, 2015
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1. constituents on matters related to city business?
2. A. Any other ways than what we've described?
3. Q. Yes.
4. A. Who knows? It could be other communication
5. forms that I'm not aware of. But, I think that
6. all of it describes fit what I see as part of my
7. duties as mayor.
8. Q. So, at this time, is it fair to say that you're
9. not aware of any other ways in which you've become
10. aware of your constituents' views?
11. MR. BENOIT: Objection.
12. A. I can't think of any.
13. Q. Okay. And do you consider the views of your
14. constituents when you're making decisions related
15. to city business?
16. MR. BENOIT: Objection.
17. A. When I make decisions about it, I try to
18. balance what's in the best interest of all the
19. residents in Cranston, all 80,000. And there's a
20. lot of factors that weigh into the actions that I
21. take and that my employees take.
22. Q. Can you give me an example of the time when the
23. views of the residents of Cranston played a
24. particularly important role in your
25. decision-making?

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1. MR. BENOIT: Objection.
2. A. I think any of the decision-makings that I
3. make impact the residents. The most recent one
4. that I can think about is just how we handle the
5. snowstorm or the multiple snowstorms, and that's,
6. I think, a highlight example of where we have to
7. get together and make sure that our resources are
8. available. We're doing it in the most efficient
9. manner possible to ensure the roadways are safe
10. and passable for residents. And any of those
11. decisions that I make are in the best interest of
12. all of the residents.
13. Q. So, is it fair to say that you regularly consider
14. the views of Cranston residents when conducting
15. city business?
16. MR. BENOIT: Objection.
17. A. It's part of the calculation that -- as mayor,
18. it's my responsibility to weigh a lot of those
19. factors.
20. Q. You mentioned that you have a constituent affairs
21. person; is that correct?
22. MR. BENOIT: Objection.
23. A. Yes.
24. Q. Who is currently serving that position?
25. MR. BENOIT: Objection.

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1. A. A person by the name of Jeffrey Barone?
2. Q. Jeffrey?
3. A. Barone (B-a-r-o-n-e).
4. Q. And is that a full-time or part-time position?
5. MR. BENOIT: Objection.
6. A. Full-time position.
7. Q. How long has Mr. Barone been in that position?
8. A. I want to say about, maybe, one year.
9. Q. And have you always had a constituent affairs
10. person as long as you've been the mayor of
11. Cranston?
12. MR. BENOIT: Objection.
13. A. Yes, I have.
14. Q. And who served in that position previous to Mr.
15. Barone?
16. MR. BENOIT: Objection.
17. A. I'm trying to think of who was immediately
18. before him. I believe it was Carlos Lopez
19. Estrada.
20. Q. And what are the responsibilities of the
21. constituent affairs staff person?
22. MR. BENOIT: Objection.
23. A. They can respond to the constituent calls,
24. contacts that come into the mayor's office.
25. Q. Is there a university or college with facilities

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1. located in the City of Cranston?
2. A. Yes, there is.
3. Q. And what is the name of that university or
4. college?
5. A. Johnson & Wales.
6. Q. Is there a Johnson & Wales dorm or residential
7. facility where students live located in the City
8. of Cranston?
9. A. Yes, there is.
10. Q. What are those facilities called, are you aware?
11. A. I'm not sure.
12. Q. Okay. What ward are those facilities located in?
14. Q. And do any Johnson & Wales students live
15. off-campus but within the City of Cranston?
16. A. Yes.
17. Q. And as mayor, what are your responsibilities with
18. respect to the students who attend Johnson & Wales
19. and live in Cranston?
20. A. Provide them with similar services that we
21. provide all the residents of Cranston.
22. Q. Do students at Johnson & Wales ever intern for
23. city government?
24. A. I don't know specifically whether anyone has,
25. but we do take interns within the city, whether
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1 Q. I'm sorry, did you say "runs"?
2 A. Runs, like rescue runs that go up. Fire
3 service runs. It's just the terminology that we
4 use. Police calls that go up into -- you know,
5 the facility calls for assistance that might go
6 on. On top of that, they utilize our sewer
7 services. So there is an agreement with the
8 facilities for that where we get reimbursed for
9 the service that we provide there.
10 There's also been partnerships with them, too,
11 where our senior center utilizes some of the work
12 release inmates that help out in the kitchen. I'm
13 not sure how often they do, but I know that there
14 is that partnership that's there with them.
15 Q. And how many times have you visited the ACI since
16 you've been mayor?
17 A. I can recall one.
18 Q. And when was that?
19 A. It was in or around May of 2014, and I visited
20 and toured the facility as part of their Family
21 and Friends Day.
22 Q. Do you recall ever visiting the ACI when you were
23 an at-large city councilor?
24 A. I don't recall. I've been on the grounds of
25 the ACI on numerous occasions, but in different

1 capacities as well. I just don't remember the
2 exact time frame when I was there and in what
3 capacity I was there.
4 Q. Do you recall a time when you were there to
5 interact with persons who were incarcerated at the
6 ACI specifically?
7 A. What's your time frame, because that's from
8 the time that I served on the council as mayor, to
9 the time that I was a prosecutor, to the time --
10 so I think you've got to set that time frame.
11 Q. When you were serving as an at-large city
12 counselor, were you ever at the ACI for the
13 specific purpose of interacting with the persons
14 incarcerated there?
15 A. I'll answer maybe, because I don't remember
16 the exact time frame. In or around that same time
17 frame, I couldn't remember if it was while I was
18 on the city council or just before I had done
19 another tour of the facility through Leadership
20 Rhode Island, and we had the opportunity to speak
21 with inmates while we were there.
22 Q. When you were there through the Leadership of
23 Rhode Island -- Leadership Rhode Island, I'm sorry
24 -- were you acting in your official capacity as a
25 city councilor?
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1 Q. Have you ever received any written correspondence from a person incarcerated at the ACI, other than this letter that we've been discussing?
2 A. I think I mentioned earlier, just today, I received -- I read a letter that I think my office received yesterday from another inmate. I didn't get a chance to read the letter. I saw that it was correspondence, and I'm going to turn that over to my counsel. It wasn't directed directly to me, though; it was copied.
3 Q. Who --
4 A. President Barack Obama was one, and then Governor Gina Raimondo. I was copied on the letter.
5 Q. And other than this Exhibit 2 and the letter you just described, have you received any written correspondence from anyone incarcerated at the ACI?
6 A. No. During the time I've been mayor, whatever I've received, I've identified.
7 Q. And the person who served as mayor prior to you, has that person received any correspondence from the ACI? Written correspondence from a person incarcerated at the ACI?
8 A. MR. BENOT: Objection.

1 A. I would have no idea.
2 Q. Would that person -- what is the name of the person who served as mayor prior to you?
3 A. Michael Napolitano.
4 Q. And if Mr. Napolitano had received such a letter, would that be in the files of the Cranston city government?
5 A. I have no idea what Mr. Napolitano did or didn't do, whether he kept correspondence or not.
6 Q. Have you ever received a telephone call related to city business from any person incarcerated at the ACI?
7 A. I don't remember. I don't think so, but I don't remember specifically.
8 Q. Have you ever had an in-person interaction related to city business with any person incarcerated at the ACI?
9 A. Well, I've also interacted with those ACI inmates at the senior center. When I go there, they're identifiable. They also recognize who I am. So, yes, I have interacted with them when I've been there.
10 Q. And how many times since you've been there have you gone to the senior center and seen incarcerated people there?
11 A. Too many to count because they are part of -- they work in the kitchen, and I visit the senior center often. So, I always make it a point to interact with not only the residents that ask for those services, but also the people that work there. I'm always friendly to them. I ask them how their day is going, what's going on. So, included in that are those work release inmates.
12 Q. And do you visit the senior center on any regular schedule?
13 A. No. It depends on if there's events that are ongoing, any special occasions, but sometimes I also just pop in to the senior center, just like sometimes I pop in to any other city department, too.
14 Q. In the last month, how many times have you visited the senior center?
15 A. We're in February. Past couple of weeks at least two times, maybe more.
16 Q. And is that typical for a given month?
17 A. It varies. It varies. It really depends on my schedule, when there's any events that are ongoing there.
18 Q. And in your interactions with the persons who are incarcerated at the ACI but serving at the senior center, have you ever discussed any city business?
19 A. Well, as far as what they're doing there, I consider that part of the city business because they're serving mainly the seniors that come through our doors every single day. I also talk to them about how they're doing, what's on their minds. Sometimes they'll come up to me and just chat with me, too.
20 Q. Is there any particular topic related to city business other than their service at the senior center that you can recall talking with an incarcerated person about?
21 A. Sure. They've even asked me about my campaign and how things were going with my campaign.
22 Q. Has anyone at the -- has anyone who is incarcerated at the ACI, who you've encountered at the senior center, made any particular requests of you in your official capacity as mayor?
23 A. I don't remember. I don't remember, so I don't want to guess.
24 Q. Are there any ways other than written correspondence, telephone calls and these in-person interactions in which you've interacted with persons incarcerated at the ACI?
25 A. I believe that's it. The one thing I can't
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1. Q. So the persons who are staying at Harrington House, would you describe those persons as incarcerated?

2. A. Some -- no, no. It's basically a homeless shelter, but they are transitioned out from the ACLU if they have no place to go. I think probation and parole provides a list of some of the shelters that -- not only in Cranston, but surrounding shelters that they may go to.

10. Q. Okay. So, is there -- can you point to a specific example or situation in which you've considered the views or the circumstances of a person who is actually incarcerated at the ACLU in making a decision related to city business?

15. A. Do you mean whether they've contacted me, and then I considered their views? I'm not sure what you mean.

18. Q. Either as a result of them contacting you, or in general as a result of you being aware of their views, and that factored into your decision-making as a mayor.

22. A. Well, I can tell you that not being necessarily a prisoner itself, but I think the facility itself, the ACLU, around budget time is always a big issue. Because it's always a request

1. Q. This former prisoner that you just mentioned, was he residing in Cranston when he asked for help?

13. A. Yes, he was.

14. Q. And this sex offender issue that you mentioned, the folks who were registering as sex offenders at the address within the complex, what facility was that specifically?

18. A. It was called Harrington Hall.

19. Q. Harrington Hall. And is that a prison facility or halfway house, or what?

21. A. It's a shelter.

22. Q. Shelter, okay.

23. A. It's now being run by a nonprofit organization. I forget the name of the nonprofit that runs it.

1. Getting released. So you have to balance their rights as well as the city's concerns, and do the right thing as you're setting forth your policy decisions in your actions or interactions.

5. The other interaction that I can also recall specifically, but it was someone post -- you know, after his release from prison -- was a former prisoner who had asked for some help from our office. But this was after he was released from prison.

11. Q. This former prisoner that you just mentioned, was he residing in Cranston when he asked for help?

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1 persons."
2 Q. So, earlier, we talked about students at Johnson &
3 Wales. We talked about people who are
4 non-citizens. We talked about folks who live in
5 the various wards. Is there any group of people
6 that are part of what you consider to be the
7 Cranston community who, in general, you've had
8 less contact either in person or written than with
9 the folks at the ACI?
10 A. We try as best we can to treat everyone
11 fairly. Anyone that is within our city, like I
12 mentioned before, deserves fair treatment. If
13 they're asking for services, we provide the
14 services to the best we can, help them if we can.
15 Acknowledge their requests that come in or, if we
16 can't help them, try to let them know that we
17 can't, too. There are times that we might not be
18 able to.
19 Q. What about in terms of specific contacts that
20 you've received or engaged in with various
21 categories of persons? Is there any category that
22 you've had less specific contact with than the
23 persons who are incarcerated at the ACI?
24 A. Again, we try to treat everyone or respond to
25 the best that we can to anyone that reaches out to

1 us.
2 Q. And is there any category of persons who's reached
3 out to you less, to your dollars, than the folks
4 who are incarcerated at the ACI?
5 A. Less?
6 Q. Less often.
7 A. Well, there's a large population that probably
8 doesn't contact city government at all that are
9 satisfied, but most of the time that we get
10 contacted, it's usually in response to either some
11 type of request for service or some type of
12 complaint about something. You know, sometimes we
13 do get the positive response that comes in but
14 usually in government, you get more of the
15 complaints than you get the pats on the back for
16 the service. So, in response to that question,
17 I'm sure there are people that don't contact us as
18 well.
19 Q. Does the City of Cranston maintain, or has the
20 City of Cranston ever maintained any contracts
21 with the Rhode Island Department of Corrections
22 related to the ACI?
23 A. There is that agreement that was entered in by
24 a former mayor. I believe it was Mayor Taft over
25 our sewer use and the sewer agreement.

1 from this agreement, there's basically two bases
2 for the structure, the usage, but also the
3 infrastructure, you know, percentage that we
4 receive from the services that are rendered to
5 that Pastore Complex.
6 Q. Is there any sewage-related expense that the City
7 incurs related to the ACI that's not contemplated
8 or covered in this agreement or contract?
9 A. I believe it would be all part of what's in
10 there, because it relates to -- anything that is
11 part of the ACI would be part of that Pastore
12 Complex.
13 Q. So this contract covers the City's full cost with
14 respect to sewage and the ACI?
15 A. I'm not sure if it covers the full cost,
16 because I'm not sure, like, all of the intricacies
17 of our sewer system. So to say "full cost," I
18 can't give you a definite "that covers all of our
19 expenses." But what I can say is it pertains to
20 the agreement that was made from back in -- you
21 know, that is attached as part of this document
22 from Mayor Taft, and they get billed in accordance
23 with this agreement.
24 Q. Are you aware of any specific costs the City
25 incurs with respect to sewage that are not covered
1. Q. So, other than sewage payments, is there any other reason for the City to bill the Rhode Island Department of Corrections?

2. A. Not that I'm aware of. I'm not aware of any other agreements or contracts, but, if we find any during the course of discovery, we'll supplement.

3. Q. Okay. Does the City of Cranston receive compensation from the Rhode Island Department of Corrections for any of the services it provides to the ACI, other than the sewage contracts we just discussed?

4. A. Not from the Department of Corrections because they're a state facility, and they're exempt from taxes. But we do receive as compensation for all the state properties, which includes the ACI, what we call PILOT money, Payment in Lieu of Taxes, that we receive from the State of Rhode Island. There is a statutory formula that is set as to the amount that we're supposed to get, but, obviously, that's up to the General Assembly to allocate those dollars into the PILOT payments, and we receive what we get from the state.

5. That's why I had indicated earlier in the deposition why it's important that I constantly make a push for increased funding because we never, in my opinion get sufficient dollars for the amount of resources that we provide.

6. Q. And you said there's a statutory formula that is supposed to govern the funding you get from the PILOT program?

7. A. That is correct.

8. Q. What is that formula based on?

9. A. Well, what we do is, we provide -- the statute outlines the amount of dollars that we can receive for properties within the city that are in essence, tax exempt. Educational institutions are listed under that formula, prisons, medical facilities. A lot of those state buildings that are at that Pastore Complex, which includes the ACI, are part of that formula.

10. I forgot the exact percentage. It's either 23 or 27 percent -- and when we provide that assessed value number, the state, under the statute, is supposed to compensate us because we cannot tax for that, you know, the large pieces of the property that are non-tax exempt. It's either 23 or 27 percent under the statute. I forget the exact formula.

11. But, in reality what happens, and why I say that we don't get enough back is, obviously, the state budget is within the General Assembly's control. The dollars that come in are subject year-to-year to the discretion of the General Assembly members upon recommendation of the governor into the General Assembly. You know, whatever is allocated into all the different budgetary amounts, including the Payment in Lieu of Tax monies.

12. So, whatever they put in, it's allocated not just for Cranston, but for any of the properties throughout the state that are subject to that tax.

13. So we might not get the full 27 percent, or whatever that percentage amount is, on the statute, but we do annually provide that list of the properties that fall within the statute up to the state.

14. We make the argument and pitch for the funding that we can get from the state, and that's why it's always important, as the mayor, to continue to press our General Assembly members and the governor's office to give us our appropriate share.

15. Q. Okay. And that PILOT assessment, is that based on the assessed value of the property itself?

16. A. It's based on -- well, first of all, it's not an assessment; it's dollars that we receive. So it's not like we're paying on the bill. We provide the assessed value of those exempt properties under the statute up to them, and the formula is designated by the statute that we're supposed to get whatever percentage of that exempt property.

17. Q. The information that you provide to the state is based on the assessed value of the property?

18. A. I believe so, yes.

19. Q. And is there any relationship to the number of people that are present on the property to the assessed value of the property?

20. A. We don't operate that way, because whether even -- well, it's the prison or a home, we don't ask whether it's 100 people that live in the house or one person that lives in the house. That's not how we do assessed values.

21. Q. What is the criteria to assess the value of a property?

22. A. Well, right now, we're going through a revaluation process, which is also mandated by state law, but you take a look at the past sale price of the home. You take a look at corresponding sales of similar type homes within...
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1. The area. You take a look at any type of
2. improvements that that individual may have made to
3. that home that would make it increase its value or
4. even potentially decrease its value.
5. So we have an outside company that does those
6. revaluations, provides the assessments in
7. accordance with the statutes. Right now, we're
8. going through it. Vision Appraisal is the one
9. that does it, and they provide us the values on
10. both the residential/commercial, and all of the
11. properties within the City of Cranston. And
12. that's how we do the re-valuations process.
13. Q. And when you're dealing with a public property
14. like the school, the Johnson & Wales -- strike
15. that. When you're dealing with public property,
16. such as the ACI, where there's really no
17. comparable purchase values, how does Vision
18. Appraisal decide what the value of that property
19. is?
20. A. I don't know. I would have to defer to -- not
21. only Vision, if they're the ones that do it, or
22. even my tax assessor.
23. Q. And who's the tax assessor?
24. A. A gentleman by the name of Sal Saccoccia.
25. Q. And when the General Assembly is determining how

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1. to divide up the limited PILOT fund, what kinds of
2. factors are they using to determine how much
3. Cranston gets of that limited pile?
4. A. I have no idea.
5. Q. Has the General Assembly ever asked you about the
6. population of the ACI when determining how much
7. money to give you?
8. A. The population -- you're talking about how
9. many people are --
10. Q. How many people are incarcerated at the ACI.
11. A. I don't remember. You're asking what they --
12. you know, what goes into their calculus. I'm not
13. sure what goes in their calculus.
14. Q. Have you ever -- when you were requesting funds to
15. be compensated for the property value of the ACI,
16. have you ever included the number of persons
17. incarcerated there as part of the information you
18. provide to the legislature?
19. A. I haven't specifically included, like, the
20. total population, but what I have done is talked
21. about the drains on the services with the services
22. that we provide up there, and show that there is a
23. traumatic burden with not getting adequately
24. compensated. For instance, the extra compliance
25. checks that we're doing with the sex offender

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1. situation going into that Pastore Complex at
2. Harrington Hall, the rescue runs that go in, or
3. even situations that happen to some personnel that
4. go in there.
5. Like, I know on one of the rescue runs that
6. went in there, the driver was -- not the driver,
7. the rescue personnel that was going in there got
8. assaulted by one of the individuals. I don't know
9. if they took a swing. You know, it's a very
10. difficult situation when -- especially when we're
11. not getting fully compensated in tax value.
12. Someone is subsidizing it throughout the city,
13. and that's where it's important for me to continue
14. to make that push for them, and provide examples
15. to our legislative delegation as to the governor's
16. office about the services -- the impact of not
17. getting fully compensated for that because
18. everyone in there gets services, whether it's
19. directly or indirectly.
20. MR. LIOZ: I'm going to ask for your
21. indulgence one more time. I just need two
22. minutes. I'll be back.
23. THE WITNESS: Sure.
24. (A SHORT RECESS WAS TAKEN AT 2:42 P.M.)
25. (TESTIMONY RESUMED AT 2:44 P.M.)