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March 1, 2021

VIA FIRST CLASS MAIL AND EMAIL

Corey Lang, PhD
University of Rhode Island
214 Coastal Institute
1 Greenhouse Dr.
Kingston, RI 02881
clang@uri.edu

Re: *Natick Avenue Solar – Preliminary Plan – Major Land Development*

Dear Dr. Lang:

I write as counsel to Revity Energy LLC (“Revity”) in connection with the Preliminary Plan application pending before the Cranston Planning Commission to construct and operate a commercial solar development at Natick Avenue in Cranston, Rhode Island. We have been informed by Attorney Patrick Dougherty, legal counsel to various abutters of the Natick Avenue property (and copied here), that you intend to provide expert testimony during the next Commission meeting scheduled for March 2, 2021. We assume that your testimony will be related to your September 29, 2020 report titled “Property Value Impacts of Commercial-Scale Solar Energy in Massachusetts and Rhode Island.” As you may know, Revity’s application has been pending since 2018 and Revity has invested hundreds of hours and significant financial resources working with the City of Cranston and our professionals to develop this project. For the last two years, Revity and the City of Cranston have been defending a lawsuit brought by Attorney Dougherty’s abutter clients in the Rhode Island Superior Court challenging the City’s granting Revity master plan approval for this project. *See Daniel Zevon, et al. v. Ronald Rossi, et al.*, PC-2019-6129.

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Insofar as Revity has made a significant investment in this project and in light of the legal challenges that have already been raised to prior approvals in this process, Revity has an acute interest in ensuring that every step in the process is entirely above legal reproach. To that end, I write to confirm that you, as a state employee, have provided all legally required disclosures to the University of Rhode Island's Division of Research and Economic Development and the University's Board of Trustees and have requested an exemption from the Rhode Island Code of Ethics pursuant to the Rhode Island Public Private Partnership Act (PPA) of 2003 (R.I. GEN. LAWS § 16-59-26).

While the Rhode Island Code of Ethics generally prohibits an employee of a public institution from maintaining relationships (financial or otherwise) with individuals or entities that have an interest in the research being performed by the employee, the PPA allows for exemptions from the Code of Ethics provided certain disclosures are made and approvals obtained. Upon disclosure of a qualifying conflict, the PPA requires that the Rhode Island Board of Governors for Higher Education impose certain restrictions (where necessary) to manage, reduce or eliminate any actual or potential conflict. Under the PPA, disclosure for the purpose of seeking an exemption from the Code of Ethics is required where a public university employee intends to use his or her public position (which presumably would include any research utilizing state funds and resources) to obtain a private financial benefit primarily for themselves or a business associate. Such exemptions can only be authorized in advance pursuant to the formal procedures implemented in 2005 in consultation with the Rhode Island Ethics Commission. University of Rhode Island employees are thus permitted to maintain otherwise improper business relationships provided that they make prior disclosure to and receive the approval of the University of Rhode Island Conflict of Interest Management Committee, the Institution President and the University's Board of Trustees (and thereafter give notice to the Rhode Island State Ethics Commission). The University of Rhode Island is uniquely familiar with this procedure as the University has brought nearly a dozen requests for PPA exemption review and approval to the State Ethics Commission since 2012.

A business association is broadly defined as a relationship between "a person joined together with another person to achieve a common financial objective." R.I. GEN. LAWS § 36-14-2(3). To the extent that you have been hired to provide testimony for the abutters who seek to defeat the proposed solar project under consideration at Natick Avenue, there would certainly be a business association between yourself and the abutters. To the extent that you are not being compensated, one may still reasonably conclude that a common business association exists since you are joining in the abutters' purported financial objective to preserve the property value of their real estate by providing expert testimony intended to influence the decision of a municipal agency in furtherance of that objective. Again, you may have already endeavored to attend to these legal requirements (and, if you have, you are to be commended for doing so as these technical requirements on state employees are not always known and can be innocently overlooked); but given Revity's financial investment in the project, we must take every step to ensure that the City's public proceedings and actions will withstand any future legal challenge.

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Should you have any further questions about these legal requirements, please feel free to contact me.

Regards.



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