



Employees' Retirement System of Rhode Island

ERSRI Board:

November 9, 2015

Seth Magaziner
General Treasurer
Chair

VIA EMAIL ONLY [REDACTED]

William B. Finelli
Vice Chair

Gary R. Alger

[REDACTED]
Cumberland, RI 02864

Daniel L. Beardsley

RE: Public Records Request

Roger P. Boudreau

Dear [REDACTED]:

Michael R. Boyce

Mark A. Carruolo

We write in response to your October 26, 2015 request for information pursuant to the Rhode Island Access to Public Records Act (APRA). Your specific request is noted below along with our corresponding response.

Michael DiBiase

John P. Maguire

John J. Meehan

Marianne F. Monte

Thomas A. Mullaney

Claire M. Newell

Louis M. Prata

Jean Rondeau

§ 42-149-3.1 Assessment on state expenditures for non-state employee services. – Whenever a department, commission, board, council, agency or public corporation incurs expenditures through contracts or agreements by which a nongovernmental person or entity agrees to provide services which are substantially similar to and in lieu of services hereto fore provided, in whole or in part, by regular employees of the department, commission, board, council, agency or public corporation covered by chapter 36-8, those expenditures shall be subject to an assessment equal to five and one-half percent (5.5%) of the cost of the service. That assessment shall be paid to the retirement system on a quarterly basis in accordance with subsection 36-10-2(e).

Frank J. Karpinski
Executive Director

I have included a copy of the state statute referring to the taxation of non-state employees providing services that could be performed in whole or in part by regular state employees.

In my opinion, the DOT, RIDE, Treasurer's Office, Governor's Office, State Legislature etc. all have state employees who can provide "in whole or in part" many of the services that have been contracted out. As such, the contracted attorneys, engineers, finance consultants etc. should have been taxed 5.5% of their fees.

I would like to be provided with a list of the individuals and/or entities that have paid the tax to the state retirement system. Additionally, I would like to know the dollar amount paid.

Treasury does not have nor maintain the requested documents. The information you seek may be maintained by the Department of Administration (DOA). The website for the DOA is <http://www.admin.ri.gov/>.

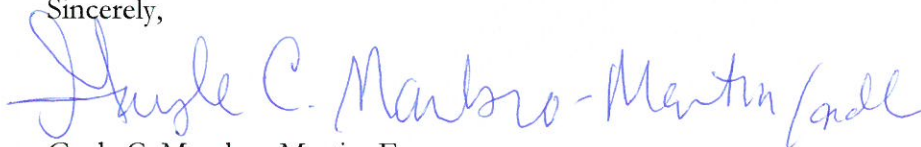
If you contend you have been denied access to public records, pursuant to RIGL §38-2-8, you may appeal this decision to Frank J. Karpinski, Executive Director of the Employees' Retirement System of Rhode Island, 50 Service Avenue, 2nd Floor,

Warwick, RI 02886. You may also file a complaint with the Department of the Attorney General, 150 South Main Street, Providence, RI 02903 or the Rhode Island Superior Court of the county where the records are maintained.

Additional information regarding the Access to Public Records Act may be found at <http://www.riag.ri.gov/civil/opengovernment>.

Thank you for your interest in keeping government open and accountable to the public.

Sincerely,

A handwritten signature in blue ink that reads "Gayle C. Mambro-Martin" followed by a flourish that looks like "end".

Gayle C. Mambro-Martin, Esq.
Public Records Officer