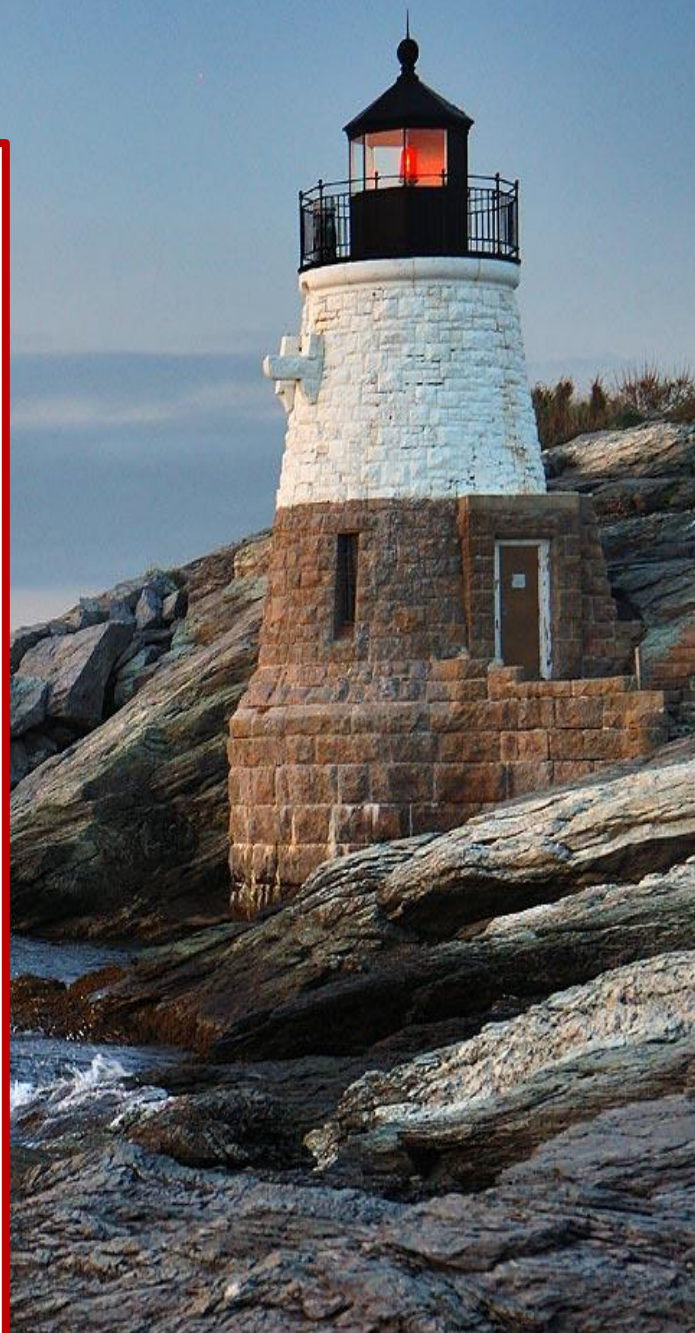


# **RHODE ISLAND ETHICS COMMISSION**

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## **2023 ADVISORY OPINION DIGEST**



# Rhode Island Ethics Commission

## 2023 Advisory Opinion Digest



### INTRODUCTION

This digest contains brief summaries of the advisory opinions that were issued in calendar year 2023 by the Rhode Island Ethics Commission. The full-length opinions can be found on the Ethics Commission's website, along with all of the opinions issued since 1995.

An advisory opinion is a legal interpretation of the Rhode Island Code of Ethics, rendered by the Ethics Commission, which provides specific guidance to a person subject to the Code of Ethics about a particular and pending circumstance in which he or she is involved. It is based upon the specific facts represented by, or on behalf of, the person making the request and is not the result of adversarial or investigative proceedings. An advisory opinion is only applicable to the situation on which it was based and, therefore, may only be relied upon by the person for whom it was issued.

A request for an advisory opinion should be made before taking any official action on the matter in question. An advisory opinion does not address past conduct. To request an advisory opinion, you must contact the Ethics Commission with a letter containing the following information: your name, telephone number and email address; the name, jurisdiction and powers of your entity; your official position and a description of your duties; the nature of the potential conflict; a summary of relevant facts; and any time constraints. Draft advisory opinions are reviewed by the Ethics Commission at a public hearing, which you are strongly encouraged to attend, and require an affirmative vote by a majority of the members of the Ethics Commission to be approved and issued. Both the advisory opinion issued and the written request seeking it are public records.

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No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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<b>No.</b>	<b>Name</b>	<b>Government Agency</b>	<b>Position</b>	<b>Substantive Issue(s)</b>	<b>Code Citations</b>
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<a href="#">2023-45</a>	Gordon McNally	Scituate Housing Authority Board of Commissioners Candidate	Municipal Appointed	Employment from Own Board Hardship Exception	<a href="#">§ 36-14-6</a> <a href="#">520-RICR-00-00-1.5.1 (36-14-5006)</a> <a href="#">520-RICR-00-00-1.5.4 (36-14-5014)</a>
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### ADVISORY OPINION 2023-1

Re: The Honorable Donald R. Grebien

#### **SUMMARY**

The employment of the daughter of the Mayor of the City of Pawtucket in the position of Residential Service Coordinator with the Pawtucket Housing Authority would not present a conflict of interest for the mayor under the Code of Ethics.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); [520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism \(36-14-5004\)](#)

### ADVISORY OPINION 2023-2

Re: Edward P. Morrone

#### **SUMMARY**

A member of the Westerly Town Council was not prohibited by the Code of Ethics from participating in Town Council discussions and decision-making relative to certain matters that were expected to be submitted by Winn Properties, LLC, notwithstanding that the principals of Winn Properties, LLC were the Petitioner's neighbors and friends.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#)

### ADVISORY OPINION 2023-3

Re: Mark H. Trimmer

#### **SUMMARY**

The President of the Richmond Town Council, who in his private capacity was a customer of the Town of Richmond's water supply system, could participate in the Town Council's discussions and voting regarding whether the Town should use funds made available to the Town under the American Rescue Plan Act to offset some of the cost associated with the installation of a chlorination system to the Town's water supply system or, alternatively, whether such cost should be borne entirely by the Town's water customers. In accordance with the Code of Ethics' class exception, the Petitioner would be affected by the Town Council's discussions and voting on the matter to no greater extent than the significant and definable class of all water customers.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#)

## ADVISORY OPINION 2023-4

Re: Douglas Duford

### **SUMMARY**

The Associate Director of the Quality Management Unit for the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities & Hospitals was prohibited by the Code of Ethics from representing himself or others, including his private employer, and/or from acting as an expert witness, before the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities & Hospitals, or any of its departments, offices, sections, programs or divisions, until the expiration of one year following the date of the severance from his state employment there. The Petitioner was further prohibited from using or disclosing any confidential information he obtained while working as Associate Director of the Quality Management Unit to financially benefit himself or his private employer.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(c\)](#); [36-14-5\(e\)](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#)

## ADVISORY OPINION 2023-5

Re: Thomas E. Brun

### **SUMMARY**

A member of the East Providence Economic Development Commission, who in his private capacity owned and operated the Indoor Tennis Court, was prohibited by the Code of Ethics from pursuing federal grant funding through the Storefront Improvement Program administered through the East Providence Department of Planning and Economic Development; however, the Petitioner qualified for a hardship exception to the Code of Ethics' prohibition against representing himself before the municipal agency of which he was a member for purposes of pursuing the grant funding, subject to the conditions outlined in the advisory opinion.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(e\)](#); [36-14-6](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#)

## ADVISORY OPINION 2023-6

Re: The Honorable George Nardone

### **SUMMARY**

A member of the Rhode Island House of Representatives was not prohibited by the Code of Ethics from submitting, discussing, and voting on legislation that would relieve members of Homeowner Associations from the financial responsibility for the upkeep and maintenance of water pumping stations that were not physically located on Homeowner Association property, notwithstanding that the Petitioner belonged to a Homeowner Association, the members of which would be impacted by such legislation, given that the circumstances as represented by the Petitioner justified the application of the class exception as set forth in Rhode Island General Laws § 36-14-7(b).

### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#)

## ADVISORY OPINION 2023-7

Re: The Honorable Tina Spears

### **SUMMARY**

A member of the Rhode Island House of Representatives was required to recuse from participation in matters before the Rhode Island General Assembly that would have a direct financial impact upon her employer, the Community Provider Network of Rhode Island, and/or its membership of private providers of services and supports to people with developmental and intellectual disabilities. However, consistent with the guidance set forth in the advisory opinion, the Petitioner could participate in such matters pursuant to application of the class exception of R.I. Gen. Laws § 36-14-7(b), provided that the Community Provider Network of Rhode Island and/or its member providers would be directly financially impacted to no greater extent than similarly situated providers of such supports and services.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#)

## ADVISORY OPINION 2023-8

Re: Steven G. Bois

### **SUMMARY**

A member of the Jamestown Harbor Commission was not prohibited by the Code of Ethics from accepting, if offered, the position of Jamestown Harbormaster.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.5.1 Employment from Own Board \(36-14-5006\)](#)

### **ADVISORY OPINION 2023-9**

Re: The Honorable Stephen M. Casey

## **SUMMARY**

A member of the Rhode Island House of Representatives was allowed to participate in the House Municipal Government and Housing Committee's discussions and votes on proposed legislation that would impact firefighters, notwithstanding the Petitioner's employment as a full-time professional firefighter in the City of Woonsocket, given that the circumstances represented by the Petitioner justified the application of the class exception set forth in R.I. Gen. Laws § 36-14-7(b).

## **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#)

### **ADVISORY OPINION 2023-10**

Re: Deborah Ruggiero

## **SUMMARY**

A former legislator who served as a member of the Rhode House of Representatives was not prohibited by the Code of Ethics from accepting, if offered, an appointment by the Speaker of the House of Representatives to the Broadband Advisory Council prior to the expiration of one year after leaving her legislative office.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(2\)](#); [36-14-2\(7\)](#); [36-14-5\(e\)](#); [36-14-5\(n\)](#); and [520-RICR-00-00-1.5.1 Employment from Own Board \(36-14-5006\)](#); [520-RICR-00-00-1.5.2 Prohibition on State Employment \(36-14-5007\)](#)

### **ADVISORY OPINION 2023-11**

Re: Garrett S. Mancieri

## **SUMMARY**

A member of the Woonsocket City Council, who in his private capacity was a non-voting, *ex officio* member of the Board of Directors of the Downtown Woonsocket Collaborative, a private

non-profit organization, was not prohibited by the Code of Ethics from participating in the City Council’s discussions and decision-making relative to the Downtown Woonsocket Collaborative.

**Code Citations**

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#)

**ADVISORY OPINION 2023-12**

Re: Garrett S. Mancieri

**SUMMARY**

A member of the Woonsocket City Council, who in his private capacity was a member of the Board of Sponsors of Autumnfest, a private non-profit organization, was not prohibited by the Code of Ethics from participating in the City Council’s discussions and decision-making relative to Autumnfest because the limited responsibilities of the Board of Sponsors did not allow it to affect the financial objectives of the organization.

**Code Citations**

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#)

**ADVISORY OPINION 2023-13**

Re: Mark A. Vieira

**SUMMARY**

The established alternate supervisory chain of command, as modified in this advisory opinion, was sufficient to insulate the Petitioner, the Chief of the Johnston Police Department, from conflicts of interest arising out of his position, given that his spouse was employed by the Johnston Police Department as its Administrative and Payroll Clerk.

**Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism \(36-14-5004\)](#)



## ADVISORY OPINION 2023-14

Re: John Preiss

### **SUMMARY**

A member of the Coventry Planning Commission was not prohibited by the Code of Ethics from participating in Planning Commission discussions and decision-making relative to a proposed plan for the mixed-use development of real property, notwithstanding that: 1) the development was to be located on land that was in close proximity to the Petitioner's personal residence; and 2) representatives of a private neighborhood association to which the Petitioner belonged were expected to appear before the Planning Commission to provide public comment about the development.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#)

## ADVISORY OPINION 2023-15

Re: Robert S. DeGregorio

### **SUMMARY**

A member of the Warwick Zoning Board of Review was prohibited by the Code of Ethics from participating in the consideration of appeals filed by parties aggrieved by a decision of the Warwick Planning Board in which the Petitioner's employer, who served as a member of the Warwick Planning Board, participated.

### **Code Citations**

R.I. Gen. Laws § [36-14-6](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); [520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism \(36-14-5004\)](#)

## ADVISORY OPINION 2023-16

Re: Kimberly Shockley

### **SUMMARY**

A member of the Coventry Town Council was not prohibited by the Code of Ethics from participating in Town Council discussions and decision-making relative to a petition seeking a zoning change of a vacant lot, notwithstanding that: 1) the lot was in close proximity to the Petitioner's personal residence; and 2) the person requesting the zoning change was the President of a private neighborhood association of which the Petitioner was a member.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#)

### **ADVISORY OPINION 2023-17**

Re: Anthony J. Melillo

## **SUMMARY**

A member of the Cranston School Committee was not prohibited by the Code of Ethics from participating in collective bargaining negotiations between the Cranston School Committee and/or its subcommittee and the local teachers' union, notwithstanding that his former spouse was a teacher employed by the Cranston School Department and a member of the local teachers' union.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism \(36-14-5004\)](#)

### **ADVISORY OPINION 2023-18**

Re: The Honorable Carol Hagan McEntee

## **SUMMARY**

A legislator serving in the Rhode Island House of Representatives was not prohibited by the Code of Ethics from participating in legislative activities concerning legislation that would enable the Bonnet Shores Fire District to hold an election whereby qualified voters would decide whether to approve or reject amendments to the Fire District Charter proposed by the Fire District Charter Commission, notwithstanding that the Petitioner was an eligible voter in the Fire District.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#)

### **ADVISORY OPINION 2023-19**

Re: Mark Aramli

## **SUMMARY**

The advisory opinion issued last year to the Petitioner did not restrict, or address, the Petitioner's participation in the City Council's appointment of persons to the Newport Historic District

Commission. However, based on additional facts provided by the Petitioner, the instant advisory opinion provided further guidance and conditions relative to the Petitioner’s pending appeal from a decision of the Historic District Commission.

**Code Citations**

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#)

**ADVISORY OPINION 2023-20**

Re: James M. Callaghan, Esq.

**SUMMARY**

The former Solicitor for the Town of Narragansett, who was also an attorney in private practice, was prohibited by the Code of Ethics from representing private clients before the Narragansett Zoning Board of Review until the expiration of one year following his last appearance before that board. However, the Code of Ethics did not prohibit the Petitioner from representing private clients before the Narragansett Planning Board, given that he did not provide legal counsel to that board during his tenure as Solicitor.

**Code Citations**

R.I. Gen. Laws § [36-14-5\(e\)](#) and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

**ADVISORY OPINION 2023-21**

Re: Edward P. Marrone

**SUMMARY**

A member of the Westerly Town Council was not prohibited by the Code of Ethics from participating in Town Council discussions and decision-making relative to matters pertaining to Fort Road, of which the Watch Hill Fire District claimed ownership, notwithstanding that he previously provided consulting services to the Watch Hill Fire District.

**Code Citations**

R.I. Gen. Laws §§ [36-14-2\(2\)](#); [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#)

## ADVISORY OPINION 2023-22

Re: Leslie S. Dunn

### **SUMMARY**

A member of the Westerly School Committee, who in her private capacity was the founder and a member of the Steering Committee of the Westerly Anti-Racism Coalition (ARC), an advocacy group whose mission was to address racism in the Town of Westerly, was generally not prohibited by the Code of Ethics from participating in School Committee discussions and/or voting on matters relating to the topics of diversity, equity, multiculturalism, and other similar topics, notwithstanding that those topics were among those advanced by ARC as part of its mission, provided, however, that there were otherwise no grounds for recusal.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#)

## ADVISORY OPINION 2023-23

Re: Mark Aramli

### **SUMMARY**

A member of the Newport City Council was prohibited by the Code of Ethics from participating as a member of a City Council subcommittee tasked with drafting proposed revisions to the Newport Zoning Code pertaining to historic district overlays, given that it was unclear from the outset whether and how he might be directly financially impacted by that participation. The Ethics Commission was not able to opine whether the Petitioner could participate in the City Council's discussions and voting on the proposed revisions which had yet to be drafted and submitted by the subcommittee.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); and [520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#)

## ADVISORY OPINION 2023-24

Re: Stephen A. Lombardi

### **SUMMARY**

The Director of Continuing Education for the Rhode Island Municipal Police Training Academy was not prohibited by the Code of Ethics from working in his private capacity and on his own time as an independent contractor and course instructor for KFD Training and Consultation, LLC,

consistent with the provisions in the advisory opinion, notwithstanding that KFD was a vendor for the State of Rhode Island who provided services to the Training Academy.

**Code Citations**

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#)

**ADVISORY OPINION 2023-25**

Re: Jonathan Womer

**SUMMARY**

The proposed supervisory chain of command was sufficient to insulate the Petitioner from conflicts of interest arising out of his anticipated appointment to the position of Director of the Rhode Island Department of Administration, given that his spouse was employed by the same state agency as an analyst in the Office of Regulatory Reform.

**Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism \(36-14-5004\)](#)

**ADVISORY OPINION 2023-26**

Re: The Honorable Michelle McGaw

**SUMMARY**

A member of the Rhode Island House of Representatives was allowed to participate in General Assembly discussions and voting on proposed legislation that would limit the renewal fee for a pharmacist license to \$250 biennially, notwithstanding that the Petitioner was a pharmacist who would be impacted by the legislation, given that the circumstances described by the Petitioner justified the application of the class exception set forth in R.I. Gen. Laws § 36-14-7(b).

**Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#)

**ADVISORY OPINION 2023-27**

Re: The Honorable Michael B. Forte, Jr.

**SUMMARY**

The Municipal Court Judge for the Town of Tiverton was not prohibited by the Code of Ethics from presiding over and adjudicating a complaint alleging violations of the Tiverton Home Rule

Charter by members of the Tiverton Town Council, notwithstanding that he had been appointed to his then current position by the Town Council.

**Code Citations**

R.I. Gen. Laws §§ [36-14-2\(2\)](#); [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#)

**ADVISORY OPINION 2023-28**

Re: Josh Hyman

**SUMMARY**

An Engineering Technician at the Rhode Island Department of Transportation was prohibited by the Code of Ethics from representing himself or others, including his private employer, and/or from acting as an expert witness, before the Department of Transportation until the expiration of one year following the date of severance from his state employment. The Petitioner was further prohibited by the Code of Ethics from using or disclosing any confidential information that he obtained while working as an Engineering Technician to financially benefit himself or his new private employer.

**Code Citations**

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(c\)](#); [36-14-5\(e\)](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#)

**ADVISORY OPINION 2023-29**

Re: Timothy E. Sweeny

**SUMMARY**

A member of the Bristol Town Council qualified for a hardship exception to the Code of Ethics' prohibition against representing himself before the Bristol Historic District Commission, over which the Bristol Town Council had appointing authority in order to seek review and approval of proposed renovations to his primary residence.

**Code Citations**

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#)

### ADVISORY OPINION 2023-30

Re: J. Clement Cicilline, M.S.

#### **SUMMARY**

A member of the Newport Canvassing Authority, who in his private capacity was a member of the Democratic 13<sup>th</sup> Senatorial District Committee, a private organization, was not prohibited by the Code of Ethics from simultaneously serving in both positions.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#)

### ADVISORY OPINION 2023-31

Re: Matthew McGeorge, AIA, LEED AP

#### **SUMMARY**

A member of the East Greenwich Historic District Commission, who in his private capacity was an architect, qualified for a hardship exception pursuant to General Commission Advisory 2010-1 allowing him to represent a private client before the Historic District Commission at an upcoming meeting.

#### **Code Citations**

R.I. Gen. Laws § [36-14-5\(e\)](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#)

### ADVISORY OPINION 2023-32

Re: Catherine Lynn

#### **SUMMARY**

A member of the Smithfield Planning Board was not prohibited by the Code of Ethics from participating in Planning Board discussions and decision-making relative to matters in which Timothy Kane appeared or presented evidence or arguments, notwithstanding that Mr. Kane served as the closing attorney for the buyer of a house that had recently been sold by the Petitioner.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#)



### ADVISORY OPINION 2023-33

Re: Wayne Zina

#### **SUMMARY**

A Correctional Officer for the Rhode Island Department of Corrections, who in his private capacity owned and operated WSZ Plowing LLC, was not prohibited by the Code of Ethics from bidding in his private capacity on a winter vendor contract to provide snow plowing services to the State of Rhode Island, provided that the contract was awarded through an open and public bidding process.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(b\)](#); [36-14-5\(h\)](#)

### ADVISORY OPINION 2023-34

Re: Anthony DeSisto, Esq.

#### **SUMMARY**

The Town Solicitor for the Town of Little Compton, a municipal appointed position, who was also legal counsel to the Rhode Island Coastal Resources Management Council, an independent contractor position, was not prohibited by the Code of Ethics from simultaneously serving in both capacities.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#)

### ADVISORY OPINION 2023-35

Re: Shaun P. Galligan

#### **SUMMARY**

A member of the Warwick School Committee was prohibited by the Code of Ethics from participating in collective bargaining negotiations with the Warwick Teachers' Union, given that his brother was a principal within the Warwick School Department, notwithstanding that the brother was not a member of the Warwick Teachers' Union and had his own employment contract separate from the Union contract, because the brother's salary percentage increase was based on the annual teachers' salary percentage increase negotiated under the Warwick Teachers' Union contract. The Petitioner could, however, participate in the decision to accept or reject the Union contract as a whole, provided that his brother would be impacted by the contract as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

## **Code Citations**

R.I. Gen. Laws § [36-14-6](#) and [520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism \(36-14-5004\)](#)

### **ADVISORY OPINION 2023-36**

Re: Karen D. Pinch

## **SUMMARY**

The Town Administrator for the Town of Richmond was not prohibited by the Code of Ethics from hiring JN Jordan Plumbing to perform the plumbing and mechanical work on a home that she and her spouse were planning to build in the Town of South Kingstown, notwithstanding that the owner of JN Jordan Plumbing was employed by the Town of Richmond as the Zoning Official and as the Plumbing and Mechanical Inspector.

## **Code Citations**

[520-RICR-00-00-1.4.4 Transactions with Subordinates \(36-14-5011\)](#)

### **ADVISORY OPINION 2023-37**

Re: Cynthia A. Coyne

## **SUMMARY**

A former member of the Rhode Island Senate, who was at that time the Executive Director of the Senior Agenda Coalition of Rhode Island, was not prohibited by the Code of Ethics from serving, prior to the expiration of one year after leaving legislative office, on a special legislative commission created by a Resolution of the Rhode Island House of Representatives, because her service on the special legislative commission did not amount to representation of her private employer before the General Assembly.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(a\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#)

### **ADVISORY OPINION 2023-38**

Re: David M. D'Agostino

## **SUMMARY**

The Scituate Town Moderator was not prohibited by the Code of Ethics from accepting, if offered, appointment by the Scituate Town Council to serve the remainder of his late father's term as a member of the Town Council, provided that the Petitioner resigned as the Town Moderator, effective concurrent to that appointment.

## **Code Citations**

R.I. Gen. Laws § [36-14-2\(4\)](#) and [520-RICR-00-00-1.5.4 Municipal Official Revolving Door \(36-14-5014\)](#)

### **ADVISORY OPINION 2023-39**

Re: Robert Shaw

## **SUMMARY**

The Petitioner's simultaneous service as a member of the Cumberland Town Council and as the Interim President and Registrar for the Cumberland Youth Soccer Association, a nonprofit organization, did not constitute an inherent conflict of interest under the Code of Ethics.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(a\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#)

### **ADVISORY OPINION 2023-40**

Re: Yesenia Rubio

## **SUMMARY**

A member of the Pawtucket City Council, who in her private capacity co-owned Notes Coffee Co. in the City of Pawtucket, was not prohibited by the Code of Ethics from applying for and potentially receiving in her private capacity loan funds from the Pawtucket Business Development Corporation, a private entity, and/or American Rescue Plan Act funds from the City of Pawtucket, notwithstanding that the Pawtucket Business Development Corporation was funded, at least in part, by Pawtucket Community Development Block Grants and American Rescue Plan Act funds were awarded by the City of Pawtucket

## **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#)

### **ADVISORY OPINION 2023-41**

Re: Mark Nimiroski

## **SUMMARY**

A member of the Tiverton Wastewater District Board of Directors could accept an offer of employment by that Board of Directors to become the Executive Director of the Tiverton

Wastewater District, provided that he resigned from the Board of Directors upon accepting the position. This opinion was based upon a finding by the Ethics Commission that the facts as represented indicated that the denial of such employment would have created a substantial hardship for the Tiverton Wastewater District.

**Code Citations**

[520-RICR-00-00-1.5.1 Employment from Own Board \(36-14-5006\)](#)

**ADVISORY OPINION 2023-42**

Re: Joseph Lang

**SUMMARY**

A member of the North Scituate Village Overlay Committee qualified for a hardship exception to the Code of Ethics' prohibition against representing himself before his own agency in order to seek a permit to build an attached addition to his primary residence.

**Code Citations**

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#)

**ADVISORY OPINION 2023-43**

Re: William J. Connell

**SUMMARY**

A member of the North Smithfield School Committee would not be prohibited by the Code of Ethics, if hired as an Assistant Solicitor for the City of Woonsocket, from participating in the North Smithfield School Committee's voting to pay invoices submitted by the City of Woonsocket for tuition costs associated with North Smithfield students attending Woonsocket Public Schools under the Career and Technical Education program.

**Code Citations**

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#)

**ADVISORY OPINION 2023-44**

Re: Joy Cordio

**SUMMARY**

A member of the Westerly Town Council was not prohibited by the Code of Ethics from continuing to participate in Town Council discussions and decision-making relative to a proposed plan for the

reuse of the former Tower Street School, notwithstanding that the Tower Street School property was located in close proximity to the Petitioner’s personal residence.

**Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#)

**ADVISORY OPINION 2023-45**

Re: Gordon McNally

**SUMMARY**

The Petitioner, who was one of two candidates to become the resident commissioner on the Scituate Housing Authority Board of Commissioners could, if appointed, continue to clear entrances and sidewalks of snow and ice during snowstorms where he lived at Rockland Oaks, notwithstanding that he was compensated for that activity by the Scituate Housing Authority which owned Rockland Oaks, consistent with the provisions described in the advisory opinion.

**Code Citations**

R.I. Gen. Laws § [36-14-6](#); and [520-RICR-00-00-1.5.1 Employment from Own Board \(36-14-5006\)](#); [520-RICR-00-00-1.5.4 Municipal Official Revolving Door \(36-14-5014\)](#)

**ADVISORY OPINION 2023-46**

Re: James Richard

**SUMMARY**

A member of the Pascoag Fire District Board of Fire Commissioners, who in his private capacity owned and operated the Rhode Island Community Training Center, could provide through the Training Center an Advanced EMT – Cardiac training course to a Fire District firefighter whose tuition for the training would be paid for by the Fire District following a discussion and vote of the Board of Fire Commissioners from which the Petitioner would recuse.

**Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [520-RICR-00-00-1.4.4 Transactions with Subordinates \(36-14-5011\)](#)

### ADVISORY OPINION 2023-47

Re: The Honorable Michael W. Chippendale

#### **SUMMARY**

A legislator serving in the Rhode Island House of Representatives was not prohibited by the Code of Ethics from accepting a gift valued at greater than twenty-five dollars from a person who had no direct financial interest in the Petitioner's official decision-making.

#### **Code Citations**

[520-RICR-00-00-1.4.2 Gifts \(36-14-5009\)](#)

### ADVISORY OPINION 2023-48

Re: Gregory A. Mancini

#### **SUMMARY**

A member of the North Kingstown Town Council, who in his private capacity was employed by BuildRI, a non-profit trade organization that promoted the union construction industry, was permitted by the Code of Ethics to participate in Town Council discussions and decision-making concerning the Town Council's anticipated request of the General Assembly to pass legislation authorizing the Town Council to place one or more bond questions on a ballot relating to potential municipal construction projects in North Kingstown; participate in the drafting or approval of the draft of any bond question(s) that may result from that authorization; and publicly advocate in his private capacity for the passage of any or all bond questions related to those potential municipal construction projects.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#)