



STATE OF RHODE ISLAND
RHODE ISLAND ETHICS COMMISSION
40 Fountain Street
Providence, RI 02903
(401) 222-3790 (Voice/TT)
Email: ethics.email@ethics.ri.gov
Website: <https://ethics.ri.gov>

NOTICE OF OPEN MEETING

AGENDA

11th Meeting

DATE: Tuesday, July 29, 2025

TIME: 9:00 a.m.

PLACE: Rhode Island Ethics Commission
Hearing Room - 8th Floor
40 Fountain Street
Providence, RI 02903

LIVESTREAM: The Open Session portions of this meeting will be livestreamed at:
<https://us02web.zoom.us/j/89031500737>

1. Call to Order.
2. Motion to approve minutes of Open Session held on July 1, 2025.
3. Director's Report: Status report and updates regarding:
 - a.) Complaints and investigations pending;
 - b.) Advisory opinions pending;
 - c.) Access to Public Records Act requests since last meeting;
 - d.) Financial disclosure; and
 - e.) General office administration;
4. Advisory Opinions:
 - a.) Molly Moran-Ogren, an environmental policy analyst with the Rhode Island

Department of Environmental Management, who in that capacity also serves as the chairperson of the Seafood Marketing Collaborative, requests an advisory opinion regarding whether the Code of Ethics prohibits her from starting a private business to offer and provide marketing and business development services to seafood businesses outside of Rhode Island. [Staff Attorney Papa]

- b.) Joseph A. Balducci, the chief financial officer for the Cranston Public Schools, requests an advisory opinion regarding whether the Code of Ethics prohibits him from accepting, in his private capacity, an appointment to the board of directors of AccessPoint RI, a parent entity to Cornerstone School, a private learning facility attended by several Cranston students which is compensated for the services provided to those students by the City of Cranston. [Staff Attorney Papa]
- c.) Christopher E. Buonanno, a member of the Cranston City Council, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from participating in the city council's discussion and voting to accept or reject as a whole the collective bargaining agreement reached between the Cranston School Committee and the Cranston teachers' union, given that his spouse is employed by the Cranston School District and is a member of the union. [Staff Attorney Radiches]

5. Education Update [Staff Attorney Radiches]

6. Motion to go into Executive Session, to wit:

- a.) Motion to approve minutes of Executive Session held on July 1, 2025, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- b.) In re: Jason E. Licciardi, Sr., Complaint No. 2025-1, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- c.) In re: James Durkin, Complaint No. 2025-4, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- d.) In re: Robert L. Lombardo, Complaint No. 2025-5, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- e.) Motion to return to Open Session.

7. Motion to seal minutes of Executive Session held on July 29, 2025.

8. Report on actions taken in Executive Session.
9. New Business proposed for future Commission agendas and general comments from the Commission.
10. Motion to adjourn.

ANYONE WISHING TO ATTEND THIS MEETING WHO MAY HAVE SPECIAL NEEDS FOR ACCESS OR SERVICES SUCH AS A SIGN LANGUAGE INTERPRETER, PLEASE CONTACT THE COMMISSION BY TELEPHONE AT 222-3790, 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. THE COMMISSION ALSO MAY BE CONTACTED THROUGH RHODE ISLAND RELAY, A TELECOMMUNICATIONS RELAY SERVICE, AT 1-800-RI5-5555.

Posted on July 24, 2025

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: July 29, 2025

Re: Molly Moran-Ogren

QUESTION PRESENTED:

The Petitioner, an environmental policy analyst with the Rhode Island Department of Environmental Management, a state employee position, who in that capacity also serves as the chairperson of the Seafood Marketing Collaborative, requests an advisory opinion regarding whether the Code of Ethics prohibits her from starting a private business to offer and provide marketing and business development services to seafood businesses outside of Rhode Island.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, an environmental policy analyst with the Rhode Island Department of Environmental Management, a state employee position, who in that capacity also serves as the chairperson of the Seafood Marketing Collaborative, is not prohibited by the Code of Ethics from starting a private business to offer and provide marketing and business development services to seafood businesses outside of Rhode Island.

The Petitioner is an environmental policy analyst with the Rhode Island Department of Environmental Management (RIDEM), a position she has held since 2023.¹ She represents that her regular work hours are 8:30 a.m. – 4:00 p.m., Monday through Friday. The Petitioner explains that her duties include, but are not limited to, oversight of the state's seafood marketing initiative. The Petitioner represents that in November 2022, she was appointed chairperson of the Seafood Marketing Collaborative (collaborative) as the RIDEM director's designee. According to its website, the collaborative was established by the Rhode Island General Assembly in 2011 and is chaired by the RIDEM.² Its main goal and objective are to support local fishermen and small businesses and to increase

¹ The Petitioner represents that she began her employment with the RIDEM in 2021 as the Chief Program Development.

² See <https://seafood.ri.gov/about-us> (last visited June 16, 2025).

awareness, sale, and consumption of Rhode Island seafood in Rhode Island.³ The Petitioner states that the collaborative meets quarterly between the hours of 2:00 p.m. and 4:00 p.m. The Petitioner further states that, as chairperson, she oversees the Rhode Island Seafood program, manages the collaborative's meetings, works with state partners to further the collaborative's mission and goals, and works with the more than 150 partner businesses of the collaborative in order to market locally caught and landed seafood to consumers. The Petitioner represents that she also advocates for a state budget to support the collaborative's mission, manages the collaborative's seasonal employees and one full-time seafood marketing consultant, works with the collaborative's partners on initiatives, and oversees the marketing initiatives of the consultant. The Petitioner notes that she works closely with the Massachusetts and Maine Marketing Collaboratives, which generally includes information-sharing efforts.

In order to increase the sale and consumption of Rhode Island seafood in Rhode Island, the collaborative partners with businesses that sell seafood.⁴ The Petitioner represents that the collaborative provides small business support to its partner businesses, including marketing, grants, and sponsoring attendance at the annual Seafood Expo North America. The Petitioner explains that the collaborative has created a Rhode Island seafood logo that may be used by the collaborative's partner businesses to identify and promote seafood grown and caught in Rhode Island. The collaborative has also created a comprehensive website containing an interactive map of Rhode Island featuring the collaborative's partner businesses where local seafood can be purchased. According to the collaborative's website, the businesses that join the Rhode Island Seafood Marketing campaign are featured on the collaborative's social media channels and have access to a social media toolkit created to help those businesses when crafting seafood marketing posts on their own social media platforms.

The Petitioner explains that her family has been in the seafood industry for four generations in Alaska and has built strong relationships with other members in the industry in states such as California and Washington. Given her background and experience, the Petitioner represents that, in her private capacity, she would like to start a private consulting company in order to provide marketing and business development services to private seafood businesses outside of the State of Rhode Island. The Petitioner states that she would conduct her private business outside of her regular work hours with the RIDEM and without the use of public resources or confidential information received through the performance of her public duties. The Petitioner notes that, because she does not intend her

³ See <https://seafood.ri.gov/about-us> (last visited June 16, 2025).

⁴ The partner businesses listed on the collaborative's website are all Rhode Island restaurants, seafood markets and grocers, and direct sellers and farmers, with the exception of Tony's Seafood and Sea Well Seafood which are located over the state's border in Seekonk, MA and Pawcatuck, CT, respectively.

private business to conflict with her public duties in any way, she would screen each client before entering into an agreement to ensure that the client does not do business in Rhode Island or with Rhode Island businesses, and/or is not intending to target Rhode Island seafood businesses or consumers in its marketing efforts. The Petitioner represents that her marketing services may vary and range from simply taking pictures to be used by the client in their marketing effort to creating a full plan regarding how to achieve the client's desired result. By way of example, the Petitioner explains that if a seafood business would like restaurants in a specific area to purchase its seafood, that business may hire the Petitioner to create a marketing plan to achieve that goal. The marketing plan might include recommendations for the business to identify the restaurants it would like to target and specific ways for the business to attract those restaurants (e.g., offering facility tours, product demonstrations, etc.), simply taking new pictures for their website, and the like. The Petitioner acknowledges that a case-by-case determination would be required regarding her ability to take on a specific out-of-state client.

The Petitioner notes that, in her public capacity, she promotes the Rhode Island seafood industry as a whole and works toward increasing the consumption of locally sourced seafood in Rhode Island. She clarifies that neither she nor the collaborative provides specific marketing services to individual Rhode Island seafood businesses. In contrast, in her private capacity, the Petitioner would be working with specific seafood businesses to achieve their various specific goals through improved marketing. The Petitioner states that she does not expect that any of her private clients would be appearing before the collaborative, given that those clients would be out-of-state entities. The Petitioner further states that in the unlikely event that one of her private clients were to expand their business to Rhode Island, she would be prepared to sever her business relationship with that client. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether the Code of Ethics prohibits her from starting a private business to offer and provide marketing and business development services to seafood businesses outside of Rhode Island.⁵

The Code of Ethics provides that a public official or employee shall not accept other employment which will either impair her independence of judgment as to her official duties, or require or induce her to disclose confidential information acquired by her in the course of, and by reason of, her official duties. R.I. Gen. Laws § 36-14-5(b). The Code of Ethics further provides that a public official or employee shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction, or professional activity which is in substantial conflict with the proper discharge of her duties in the public interest. § 36-14-5(a). A public official or employee

⁵ The Petitioner states that she has consulted with and received approval from her immediate supervisor relative to her proposed secondary employment, and that the Petitioner has been working with the RIDEM's legal department to obtain the instant advisory opinion.

has an interest which is in substantial conflict with the proper discharge of her duties in the public interest if she has reason to believe or expect that she, any person within her family, her business associate, or any business by which she is employed or which she represents will derive a direct monetary gain or suffer a direct monetary loss by reason of her official activity. R.I. Gen. Laws § 36-14-7(a). Additionally, the Code of Ethics provides that a public official or employee shall not use her office or confidential information received through her public office to obtain financial gain for herself, any person within her family, her business associate, or any business by which she is employed or which she represents. § 36-14-5(d).

The Ethics Commission has consistently opined that public officials and employees are not inherently prohibited from holding employment that is secondary to their primary public positions, provided that the private employment would neither impair their independence of judgment nor create an interest in substantial conflict with their public duties, and subject to certain other restrictions. The Ethics Commission examines several factors when considering potential conflicts regarding secondary employment. These factors include, but are not limited to, the nexus between the official's public duties and private employment; whether the employee completes such work outside of her normal working hours and without the use of public resources; whether the employee is to appear before, or her work product is to be presented to, her own agency; whether such work is to be conducted outside of the areas over which the person has decision-making jurisdiction; and whether the employee uses her position to solicit business or customers. See General Commission Advisory No. 2009-4.

Although the Ethics Commission has previously opined that certain public officials and employees could not hold secondary private employment within the same jurisdiction in which they publicly served because of a substantial conflict of interest between their public and private employment, the Ethics Commission has consistently allowed public officials and employees to engage in secondary employment that was outside of their official public jurisdiction. In Advisory Opinion 2016-16, for example, the Ethics Commission opined that an environmental health food specialist for the Rhode Island Department of Health, Office of Food Protection was not prohibited by the Code of Ethics from working as a food safety consultant for food establishments in Connecticut and/or Massachusetts, provided that the owners of those establishments did not also own food establishments within her assigned region of public employment in Rhode Island; she performed such work on her own time and without the use of public resources or equipment; and she did not use her public employment to recruit or obtain potential clients.

Also, in Advisory Opinion 2021-51, the Ethics Commission opined that the supervising forensic scientist for the Rhode Island Department of Health (RIDOH) was not prohibited by the Code of Ethics from working as a private consultant on matters outside of, and with no relation to, the State of Rhode Island, provided that all of the work was performed on his own time and without the use of public resources or confidential information obtained

as part of his employment at the RIDOH. Nor could that petitioner use his public employment to recruit or obtain potential clients or advertise or promote his private work. See also A.O. 2015-36 (opining that an assistant medical examiner for the State of Rhode Island was not prohibited by the Code of Ethics from working as a private consultant medical examiner and/or expert witness on cases outside of Rhode Island, provided that she performed that work on her own time and without the use of state resources or equipment, and did not work on cases that were subject to the jurisdiction of any state or federal court in Rhode Island or involved decedents who were residents of Rhode Island at the time of their death, or in which Rhode Island residents were parties to the lawsuit or criminal complaint); A.O. 2009-31 (opining that the chief plumbing investigator for the Rhode Island Department of Labor and Training, who was also licensed as a master plumber and pipefitter, was prohibited by the Code of Ethics from working as a plumber and pipefitter in the State of Rhode Island, but was not prohibited from performing such work outside of the State of Rhode Island, provided that it was performed on his own time and without the use of public resources and that he did not use his state position to recruit potential clients); A.O. 2001-46 (opining that a Bristol police officer assigned to the detective division was not prohibited by the Code of Ethics from assisting a private investigator in reviewing a criminal matter under the jurisdiction of the Massachusetts District Attorney's Office, provided that the petitioner had no involvement with matters subject to the Bristol Police Department's official jurisdiction).

Here, the Petitioner's public duties are limited to promoting the increased consumption in Rhode Island of locally grown and/or caught seafood. Her proposed private duties would include the marketing of out-of-state seafood businesses to consumers or other business entities outside of Rhode Island. She notes that she would screen each potential client and would not accept clients that do business in Rhode Island, work with Rhode Island businesses, or target Rhode Island consumers. The Petitioner states that she would perform her private work outside of her regular work hours and without the use of public resources or confidential information received through her public office.

Based upon the facts as represented by the Petitioner, including the limitations she would impose on her private duties, there is no evidence to suggest that her proposed private endeavor would impair her independence of judgment or create an interest that is in substantial conflict with her public duties at the RIDEM and the collaborative. Accordingly, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from starting a private business in order to offer and provide marketing and business development services to seafood businesses outside of Rhode Island, consistent with her representations set forth herein, and provided that all of the work is performed on her own time and without the use of public resources or confidential information obtained as part of her state employment and, further provided, that the Petitioner does not use her public employment to advertise or promote her private work or to recruit or obtain potential clients for her private business. This includes, but is not limited

to, identifying her public position on her private business cards and marketing materials, or soliciting clients while performing her public duties.

This advisory opinion cannot anticipate every possible situation in which a conflict of interest might arise for the Petitioner and, thus, provides only general guidance as to the application of the Code of Ethics based upon the facts represented herein. The Petitioner is encouraged to seek additional advice from the Ethics Commission in the future should more specific questions regarding potential conflicts of interest arise.

This Draft Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, agency policy, ordinance, constitutional provision, charter provision, or canon of judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-5(a)

§ 36-14-5(b)

§ 36-14-5(d)

§ 36-14-7(a)

Related Advisory Opinions:

A.O. 2021-51

A.O. 2016-16

A.O. 2015-36

A.O. 2009-31

A.O. 2001-46

G.C.A. 2009-4

Keywords:

Secondary Employment

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: July 29, 2025

Re: Joseph A. Balducci

QUESTION PRESENTED:

The Petitioner, the chief financial officer for the Cranston Public Schools, a municipal employee position, requests an advisory opinion regarding whether the Code of Ethics prohibits him from accepting, in his private capacity, an appointment to the board of directors of AccessPoint RI, a parent entity to Cornerstone School, a private learning facility attended by several Cranston students which is compensated for the services provided to those students by the City of Cranston.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, the chief financial officer for the Cranston Public Schools, a municipal employee position, is not prohibited by the Code of Ethics from accepting, in his private capacity, an appointment to the board of directors of AccessPoint RI, a parent entity to Cornerstone School, a private learning facility attended by several Cranston students which is compensated for the services provided to those students by the City of Cranston.

The Petitioner is the chief financial officer for the Cranston Public Schools. He represents that, as such, he is responsible for the financial oversight of all revenue received by the school district and the payment of all operational expenses. The Petitioner states that, in his private capacity, he has been offered appointment to the board of directors of AccessPoint RI, “a non-profit human services organization established in 1965 to provide children and adults with developmental disabilities the means to lead full and productive lives.”¹ The Petitioner explains that AccessPoint RI is the parent entity to Cornerstone School (Cornerstone), which is a private special education school. The Petitioner notes that the board position does not carry any remuneration.

¹ <https://accesspointri.org/about-accesspoint-ri/> (last visited July 18, 2025).

The Petitioner explains that there are Cranston students with certain education needs who are currently attending Cornerstone.² The Petitioner represents that the Cranston school district contracts with Cornerstone for the provision of services each time a student is referred to it. The Petitioner further represents that he does not participate in the decision-making regarding which students are being referred to which specific private schools. He notes that such decisions are made by a special education committee in consultation with the family members of the student. Nor does he participate in the school district's contractual negotiations with Cornerstone or the establishment of the fees paid to Cornerstone.

The Petitioner states that his public duties do include the oversight of the timely payment of tuition to private schools such as Cornerstone. He explains that if an invoice does not display the signature of the Cranston executive director of Pupil Personnel confirming that the services have been provided and that the bill can be paid, he contacts the executive director to confirm that the information contained in the private school's invoice is correct. Upon confirmation that the invoice is accurate, the Petitioner ensures that the invoice is paid in a timely fashion. The Petitioner states that he does not sign the checks to schools such as Cornerstone. He notes that the checks are signed by the city treasurer. The Petitioner further notes that if any discrepancies occur between a private school's invoices and the actual services provided, such discrepancies are resolved by the executive director of Pupil Personnel without the Petitioner's participation. Additionally, the Petitioner explains that during the preparation of the school district's budget, he confirms whether Cranston students will continue to attend private schools outside of the district, including Cornerstone, and the tuition amount expected to be paid to those schools. He then inputs the numbers as line items in the budget and forwards the information to the superintendent of schools.

The Petitioner reiterates that he does not have any decision-making authority relative to the contracts between the Cranston school district and private schools, the tuition amounts paid to private schools, or the payment of such tuition amounts. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether he may accept appointment to the board of directors of AccessPoint RI.

Under the Code of Ethics, a public official or employee shall not have an interest or engage in any business, employment, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest exists if a public official or employee has reason to believe or expect that he, any person within his family, his business associate, or any business by which he is employed or which he represents will derive a direct monetary gain

² The Petitioner further explains that Cornerstone is one of several private schools that are attended by Cranston special education students.

or suffer a direct monetary loss by reason of his official activity. R.I. Gen. Laws § 36-14-7(a).

The Code of Ethics also provides that a public official or employee may not use his office to obtain financial gain for himself, any person within his family, his business associate, or any business by which he is employed or which he represents. § 36-14-5(d). A public official or employee may not represent himself or any other person, or act as an expert witness, before any municipal agency of which he is a member or by which he is employed. § 36-14-5(e)(1)-(3). Furthermore, a public official or employee must recuse himself from participation when his business associate, or any person authorized by his business associate to appear on behalf of the business associate, appears or presents evidence or arguments before the public official or employee's municipal agency. 520-RICR-00-00-1.2.1(A)(2) & (3) Additional Circumstances Warranting Recusal (36-14-5002). A business associate is defined as "a person joined together with another person to achieve a common financial objective." R.I. Gen. Laws § 36-14-2(3). A person is defined as "an individual or a business entity." § 36-14-2(7).

The Ethics Commission has consistently concluded that persons are "business associates" of the entities, including non-profit organizations, for which they serve as either officers or members of a board of directors, or in some other leadership position that permits them to direct and affect the financial objectives of that organization. See, e.g., A.O. 2021-6 (opining that a member of the North Smithfield Planning Board was a business associate of the North Smithfield Heritage Association, a private non-profit organization of which he served as a member of the board of directors and as its president and, therefore, was required to recuse from participating in planning board matters when the heritage association appeared or presented evidence or arguments); A.O. 2014-14 (opining that the director of the Rhode Island Department of Environmental Management (RIDEM), who was also a director of the Rhode Island Boy Scouts (Boy Scouts), was a business associate of the Boy Scouts and was, thus, required to recuse from participating in any RIDEM decisions that would financially impact the Boy Scouts, as well as from any matters in which a Boy Scouts representative appeared to represent the organization's interests).

In the instant matter, the Petitioner would become a business associate of AccessPoint RI upon his appointment to its board of directors. The Petitioner would likewise become a business associate of Cornerstone, given that AccessPoint RI is the parent entity of that school and, as a board member, the Petitioner could affect the financial objectives of the school. See, e.g., A.O. 97-91 (opining, among other things, that the president of the Rhode Island Laborers' District Council, the umbrella organization of several local laborers' unions, was in a position to affect the financial objectives of those local unions and, therefore, was a business associate not only of the district council, but also of the local unions that comprised the organization).

None of the above provisions of the Code of Ethics prohibit the Petitioner's simultaneous service as chief financial officer for the Cranston Public Schools and as a member of the board of directors of AccessPoint RI. See, e.g., A.O. 2025-42 (opining that the grants administrator and unhoused coordinator for the City of Pawtucket was not prohibited by the Code of Ethics from accepting an appointment to the board of directors of the Blackstone Valley Advocacy Center, a private domestic violence center, notwithstanding that the center sought and received Emergency Solutions Grants funding from the City of Pawtucket); A.O. 2019-44 (opining that the Secretary of Commerce for the State of Rhode Island, who by statute also served as the chief executive officer for the Rhode Island Commerce Corporation, was not prohibited by the Code of Ethics from simultaneously serving as a member of the board of directors of the Rhode Island Chapter of the American Red Cross); A.O. 2017-29 (opining that a member of the Providence Historic District Commission was not prohibited by the Code of Ethics from simultaneously serving as a member of the board of directors of the Providence Preservation Society). Additionally, based on the facts as represented, there is no indication that serving as a member of the board of directors of AccessPoint RI would impair the Petitioner's independence of judgment in his public capacity.

However, such simultaneous public and private service requires the Petitioner to remain vigilant in identifying and managing any conflicts of interest that may arise between his public and private duties. Specifically, the Code of Ethics prohibits him from sharing any confidential information with his business associates, or from representing the interests of AccessPoint RI and/or Cornerstone before the school district. The Petitioner is required to recuse from participating in his public capacity in discussions or decision-making, if any, that financially impact AccessPoint RI and/or Cornerstone, as well as from any matters in which representatives of AccessPoint RI or Cornerstone appear or present evidence or arguments before the Petitioner on behalf of these two entities. Notwithstanding these prohibitions, the Petitioner may continue to perform his above-described duties relative to the oversight of payments of tuition invoices submitted by Cornerstone and the collection of financial data relative to the anticipated tuition amounts for services provided by private schools to be included in the school district's budget, given that these duties are ministerial rather than substantive.

For all of these reasons, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from serving as a member of the board of directors of AccessPoint RI, provided that he remains vigilant in identifying and managing any conflicts of interest that may arise between his public and private duties. Recusals, if any, must be filed consistent with the provisions of R.I. Gen. Laws § 36-14-6. The Petitioner is advised to seek further guidance from the Ethics Commission when faced with a specific situation not covered by this general advisory opinion, and if there are any changes to his public or private duties.

This Draft Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, agency policy, ordinance, constitutional provision, charter provision, or canon of judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-2(3)

§ 36-14-2(7)

§ 36-14-5(a)

§ 36-14-5(b)

§ 36-14-5(d)

§ 36-14-5(e)

§ 36-14-6

§ 36-14-7(a)

520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal (36-14-5002)

Related Advisory Opinions:

A.O. 2025-42

A.O. 2021-6

A.O. 2019-44

A.O. 2017-29

A.O. 2014-14

A.O. 97-91

Keywords:

Business Associate

Memberships

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: July 29, 2025

Re: Christopher E. Buonanno

QUESTION PRESENTED:

The Petitioner, a member of the Cranston City Council, a municipal elected position, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from participating in the city council's discussion and voting to accept or reject as a whole the collective bargaining agreement reached between the Cranston School Committee and the Cranston teachers' union, given that his spouse is employed by the Cranston School District and is a member of the union.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Cranston City Council, a municipal elected position, is not prohibited by the Code of Ethics from participating in the city council's discussion and voting to accept or reject as a whole the collective bargaining agreement reached between the Cranston School Committee and the Cranston teachers' union, notwithstanding that his spouse is employed by the Cranston School District and is a member of the union, provided that his spouse is impacted by the agreement 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.

The Petitioner is a member of the Cranston City Council, having been elected to that position in November 2024. He represents that his spouse is employed as a teacher in the Cranston School District and is a member of the Cranston teacher's union. The Petitioner states that the Cranston School Committee recently approved a collective bargaining agreement with the Cranston teachers' union. He informs that he had no role in negotiating that agreement and that the city council will soon meet to decide whether to ratify it. The Petitioner explains that the members of the city council will vote "yea" or "nay" as to the ratification proposal and not discuss, or entertain suggestions for, potential edits or amendments to the agreement. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether he may participate in the city council's vote to accept or reject as a whole the collective bargaining agreement.

Under the Code of Ethics, a public official may not participate in any matter in which he has an interest, financial or otherwise, that is in substantial conflict with the proper discharge of his duties or employment in the public interest. R.I. Gen. Laws § 36-14-5(a). A public official will have an interest that is in substantial conflict with his official duties if he has reason to believe or expect that a direct monetary gain or a direct monetary loss will accrue, by virtue of his public activity, to the public official, any person within his family, his business associate, or any business by which he is employed or which he represents. R.I. Gen. Laws § 36-14-7(a). Further, § 36-14-5(d) prohibits a public official from using his public position or confidential information received through his public position to obtain financial gain, other than that provided by law, for himself, any person within his family, his business associate, or any business by which he is employed or which he represents.

Additionally, 520-RICR-00-00-1.3.1 Prohibited Activities-Nepotism (36-14-5004) (Regulation 1.3.1) contains specific regulations aimed at curbing nepotism. Regulation 1.3.1(B)(4)(a) specifically addresses participation in collective bargaining/employee agreements and provides that “[n]o person subject to the Code of Ethics shall participate in negotiations relative to an employee contract or collective bargaining which addresses or affects the employment, compensation or benefits of any person within his [] family or a household member.” This blanket prohibition against involvement in contract negotiations is based on an understanding that, during negotiations, the impact of decisions as to individual components of a contract can be difficult to predict. For that reason, a public official’s participation in a contract issue that is seemingly unrelated to a family member can have a resulting impact on other areas of the contract that would directly affect the family member.

However, Regulation 1.3.1(B)(4)(b) provides that a person subject to the Code of Ethics may participate in a decision to accept or reject an entire employee contract or collective bargaining agreement that has been negotiated by others, provided that the person within his or her family or household member is impacted by the contract or agreement 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. The basis for allowing such participation is an assumption that a vote on an entire contract, once negotiated by others, is sufficiently remote from individual contract issues impacting a family member so as not to constitute a substantial conflict of interest in violation of the Code of Ethics.

The Ethics Commission has issued numerous advisory opinions interpreting Regulation 1.3.1. For example, in Advisory Opinion 2019-19, the Ethics Commission opined that a member of the Warwick School Committee was prohibited from participating in the negotiation of the teachers’ union contract, given that his mother was a member and officer of the teachers’ union. However, that petitioner could participate in the school committee’s discussion and decision-making relative to approving or rejecting the contract in its entirety once it had been negotiated by others. See also A.O. 2018-49 (opining that a member of

the Cumberland School Committee was prohibited from participating in the negotiation of the teachers' union contract, given that his spouse was a teacher with the Cumberland School Department and a member of the local teachers' union, but could participate in the vote to ratify the contract in its entirety, provided that his spouse 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).

Here, the Petitioner's spouse is a "person within his . . . family," as that term is defined in Regulation 1.3.1(A)(2), and a member of the Cranston teachers' union that is a party to the collective bargaining agreement. For that reason, the Petitioner would have been prohibited from participating in the negotiation of that agreement. As the Petitioner states, however, the collective bargaining agreement was negotiated by the Cranston School Committee and the Cranston teachers' union without the involvement of the city council. Accordingly, based on the facts as represented, the relevant provisions of the Code of Ethics, and prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from participating in the city council's discussion and voting to accept or reject as a whole the collective bargaining agreement reached between the Cranston School Committee and the Cranston teachers' union, provided that his spouse is impacted by the agreement 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.

Finally, although the Petitioner is permitted to participate in the discussion to approve or reject as a whole the collective bargaining agreement, the Ethics Commission is aware that a general discussion can quickly devolve into a more narrow review of specific contractual provisions. The Petitioner must be vigilant to identify such instances where a general discussion to approve the agreement begins to focus on individual agreement provisions that are likely to financially impact his spouse. In such circumstances, the Petitioner must recuse from participating in such discussion consistent with the provisions of R.I. Gen. Laws § 36-14-6 of the Code of Ethics or seek further guidance from the Ethics Commission.

This Draft Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, agency policy, ordinance, constitutional provision, charter provision, or canon of judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-5(a)

§ 36-14-5(d)

§ 36-14-6

§ 36-14-7(a)

520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism (35-14-5004)

Related Advisory Opinions:

A.O. 2019-19

A.O. 2018-49

Keywords:

Collective Bargaining

Negotiations

Nepotism

DRAFT

RHODE ISLAND ETHICS COMMISSION



ANNUAL EDUCATION REPORT July 29, 2025

Respectfully submitted,
Lynne M. Radiches
Staff Attorney/Education Coordinator

LIVE ETHICS TRAINING – FY2025

SUMMARY

Totals:

Number of Trainings	Number of Training Hours	Number of Attendees
56	54.5	2,324

Breakdown by Month

Month	Trainings	Training Hours	Attendees	In-Person	ZOOM (Other)	Hybrid (In-Person & Zoom/Other)
July 2024	6	6.5	302	3	2	1
August 2024	3	2.5	123	1	2	0
September 2024	2	1.5	132	0	1	1
October 2024	1	.5	29	0	1	0
November 2024	5	5	186	4	1	0
December 2024	3	2.5	134	2	1	0
January 2025	10	10.5	486	9	1	0
February 2025	9	9.5	287	5	3	1
March 2025	7	7.5	224	5	1	1
April 2025	6	5.5	229	1	5	0
May 2025	2	1.5	75	1	1	0
June 2025	2	1.5	117	1	1	0

Breakdown by Category

Category	Number of Trainings	Number of Attendees
Municipalities	29	1,072
State	9	406
New State Employees	12	524
Other	6	322

**Alphabetical Listing by Category of the Groups that Received
Live Ethics Training During FY2025**

Municipal

Bristol County Water Authority (2)*
Bristol Elected & Appointed Officials
Bristol Police Department (2)*
Chariho School Committee
Coventry Elected & Appointed Officials
Cranston City Council
Cumberland Elected & Appointed Officials
East Greenwich Elected & Appointed Officials
East Providence Elected & Appointed Officials
East Providence Employees (2)*
Glocester Elected & Appointed Officials
Jamestown Elected & Appointed Officials
Lincoln Elected & Appointed Officials
Middletown Elected & Appointed Officials
Narragansett Elected & Appointed Officials
Newport Elected & Appointed Officials
North Smithfield Elected & Appointed Officials
Pawtucket Housing Authority
Providence Employees
Providence Housing Authority
Solicitors (2)*
Tiverton Elected & Appointed Officials
Warren Employees
Warwick Elected & Appointed Officials
Westerly Elected & Appointed Officials

State

Board of Medical Licensure and Discipline
Cannabis Control Commission
Commerce Corporation
Department of Children, Youth, and Families – Finance & Budget Office
Department of Revenue
Ethics in Action Incentive Course (2)*
New State Employees (12)*
Rhode Island House of Representatives
Rhode Island Senate

**Alphabetical Listing by Category of the Groups that Received
Live Ethics Training During FY2025
{continued}**

Other

Bonnet Shores Fire District

Defense Institute of International Legal Studies

J&WU Ethics in Public Life class

Rhode Island Association of School Committees

Rhode Island League of Cities and Towns

Rhode Island League of Cities and Towns Annual Convention

* indicates number of trainings presented to a particular group

PRERECORDED TRAINING
STATE EMPLOYEES & MEMBERS OF BOARDS/COMMISSIONS/AGENCIES
FY2025
(July 1, 2025 – June 30, 2025)

AGENCY	NUMBER OF EMPLOYEES WHO COMPLETED TRAINING
Commerce Corporation	75
Department of Administration	4
<i>Accounts and Control</i>	
<i>Budget Office</i>	
<i>Capital Asset Management and Maintenance</i>	
<i>Director's Office</i>	
<i>Employee Benefits</i>	
<i>Health Source RI</i>	
<i>Human Resources</i>	
<i>Information Technology</i>	
<i>Internal Audits</i>	
<i>Legal Services</i>	
<i>Library & Information Services</i>	
<i>Division of Equity, Diversity and Inclusion</i>	
<i>Office of Management and Budget</i>	
<i>Office of Public Affairs</i>	
<i>Purchases</i>	
<i>State Employees Workers' Compensation</i>	
<i>Statewide Planning</i>	
Department of Corrections	2
Department of Education	
Department of Environmental Management	1
Department of Housing	1
Department of Labor and Training	
Department of Public Safety	2
<i>Rhode Island State Police</i>	
<i>E 9-1-1 Uniform Emergency Telephone System</i>	
<i>Rhode Island Capitol Police</i>	
<i>Rhode Island Municipal Police Training Academy</i>	
<i>Rhode Island Division of Sheriffs</i>	
<i>Public Safety Grants Administrative Offices</i>	
<i>Central Management Office</i>	
<i>Legal Personnel</i>	

AGENCY	NUMBER OF EMPLOYEES WHO COMPLETED TRAINING
Department of Revenue	5
<i>Central Collections Unit</i>	
<i>Division of Motor Vehicles</i>	
<i>Division of Municipal Finance</i>	
<i>Division of Taxation</i>	
<i>Office of Revenue Analysis</i>	
<i>Rhode Island Lottery</i>	
Department of Transportation	158
<i>LTAP (Local Technical Assistance Program)</i>	
Executive Office of Health and Human Services (OHHS)	195
<i>Department of Children, Youth and Families (DCYF)</i>	
<i>Department of Health (DOH)</i>	
<i>Department of Human Services (DHS)</i>	
<i>Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH)</i>	
Office of the Attorney General	1
Office of the General Treasurer	14
Office of the Lieutenant Governor	1
Rhode Island General Assembly	
OTHER (Boards/Commissions Agencies)	2
<i>1195 District Commission</i>	
<i>RI Ethics Commission</i>	
OTHER (Miscellaneous)	
<i>US Maritime Resource Center</i>	
TOTAL:	461

PRERECORDED TRAINING – MUNICIPALITIES

FY2025

(July 1, 2024 – June 30, 2025)

Municipality	Requests	Completed
Barrington	0	0
Bristol	11	6
Burrillville	5	5
Central Falls	1	0
Charlestown	0	0
Coventry	1	1
Cranston	1	0
Cumberland	1	0
East Greenwich	3	2
East Providence	102	77
Exeter	6	1
Foster	0	0
Glocester	3	0
Hopkinton	0	0
Jamestown	0	0
Johnston	0	0
Lincoln	0	0
Little Compton	0	0
Middletown	0	0
Narragansett	110	19
New Shoreham	53	25
Newport	1	0
North Kingstown	1	0
North Providence	0	0
North Smithfield	13	3
Pawtucket	6	1
Portsmouth	7	1
Providence	2	0
Richmond	36	21
Scituate	0	0
Smithfield	0	0
South Kingstown	0	0
Tiverton	0	0
Warren	27	5
Warwick	6	3
West Greenwich	0	0
West Warwick	0	0
Westerly	0	0
Woonsocket	1	1
Other (House of Hope)	12	7
TOTALS	409	178