

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-56

Approved: October 21, 2025

Re: Jim Palmisciano

QUESTION PRESENTED:

The Petitioner, a member of the Richmond Town Council, a municipal elected position, who in his public capacity is also a member of the Richmond town administrator search committee, requests an advisory opinion regarding whether he may, consistent with the Code of Ethics, participate in the committee's and the town council's interviews of a particular candidate for the position of town administrator, given that the candidate is a customer of the Petitioner's spouse's online soap business and that the business participated in a one-day, farm festival market organized by a local farm by which the candidate is employed.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Richmond Town Council, a municipal elected position, who is also a member of the Richmond town administrator search committee may participate in the committee's and the town council's interviews of a particular candidate for town administrator, notwithstanding that the candidate is a customer of the Petitioner's spouse's online soap business and that the business participated in a one-day, farm festival market, organized by a local farm by which the candidate is employed.

The Petitioner is a member of the Richmond Town Council, having served in that position since his election in November 2024. He represents that he currently also serves as the town council's liaison to the Richmond town administrator search committee. The search committee was formed because the former town administrator retired. The Petitioner states that the search committee is comprised of seven members and includes, in addition to the Petitioner, the police chief, the town treasurer, and four Richmond residents. The Petitioner further states that, at the close of the application period, the town had received 95 resumes. He explains that the resumes were initially received solely by the town treasurer who redacted the personal information of the applicants in order to protect their identity. The treasurer then assigned a letter code to each candidate. The Petitioner informs that the redacted resumes were then forwarded to the other search committee members for review. He represents that the committee then determined that eight applicants were qualified to

advance to the face-to-face interviews with the full search committee. The Petitioner explains that following the completion of all interviews, the committee will forward the names of three or four candidates to the town council for further interviews and selection of the successful candidate for town administrator.

The Petitioner represents that one of the candidates withdrew their name from consideration. He further represents that the first three interviews were conducted on October 1, 2025; another one was conducted on October 2, 2025; and the final three interviews were scheduled for October 16, 2025. The Petitioner explains that the committee members learn the names of the candidates before they are interviewed. The Petitioner notes that one of the candidates scheduled for the last round of interviews is a customer of the Petitioner's spouse's online soap business. The Petitioner notes that the purchases by this customer are made in the ordinary course of business and that there is no ongoing contractual agreement between this customer and his spouse or her business. Additionally, the Petitioner represents that he is not a co-owner or an officer of his spouse's business. The Petitioner states that recently, his spouse and her business participated as a vendor at a seasonal, one-day, farm festival market organized by a local farm by which the customer is employed but of which the customer is not an owner. The Petitioner explains that his spouse's business had never previously participated in the festival and was asked to participate because the farm's regular soap vendor was not able to attend. The Petitioner further explains that his spouse does not have a contractual agreement with the farm.

Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether he may participate in the committee's interview of the customer and, further, if the customer's name is forwarded to the town council, whether he may participate in the town council's interviews, discussions, and decision-making relative to the selection of the new town administrator. The Petitioner represents that the customer's interview has been postponed until the receipt of the instant advisory opinion.

The Code of Ethics provides that a public official 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 his duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A public official has an interest which is in substantial conflict with the proper discharge of his duties in the public interest if he has reason to believe or expect that he or 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 or suffer a direct monetary loss by reason of his official activity. R.I. Gen. Laws § 36-14-7(a). A public official has reason to believe or expect a conflict of interest exists when it is "reasonably foreseeable," specifically, when the probability is greater than "conceivably," but the conflict of interest need not be certain to occur. 520-RICR-00-00-1.1.5 Reasonable Foreseeability (36-14-7001).

A public official is further prohibited by the Code of Ethics from using his public office or confidential information received through his holding any public office to obtain financial gain, other than that provided by law, for himself, his business associate, his employer, or his family member. § 36-14-5(d). Additionally, a public official is required to recuse himself from participation when any person within his family or his business associate appears or presents evidence or arguments before his public agency or authorizes another person, on his behalf, to appear or present evidence or arguments before his public agency. 520-RICR-00-00-1.2.1(A) Additional Circumstances Warranting Recusal (36-14-5002). The Code of Ethics also provides that a public official shall not participate in any matter as part of his public duties if he has reason to believe or expect that any person within his family is a party to or a participant in such matter, or will derive a direct monetary gain or suffer a direct monetary loss, or obtain an employment advantage, as the case may be. 520-RICR-00-00-1.3.1(B)(1) Prohibited Activities – Nepotism (36-14-5004) (Regulation 1.3.1). The definition of any person within his family specifically includes “spouse.” Regulation 1.3.1(A)(2). 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).

Applying these provisions of the Code of Ethics, it is clear that the Petitioner must recuse in his public capacity from any matter that involves or financially impacts himself, any member of his family, or his current business associates. See, e.g., A.O. 2016-45 (opining that a member of the Tiverton Planning Board was prohibited from participating in the planning board’s discussions and voting relative to a matter in which her business associate appeared as an expert witness, given that they had worked together professionally in the past on projects, often referred work and clients to each other, and would continue to refer work and clients to each other).

Here, the Petitioner is not a business associate of his spouse’s customer. The Petitioner’s spouse is likewise not a business associate of her customer, given that the customer purchases the soaps in the ordinary course of a commercial business and not pursuant to any contractual agreement. See, e.g., A.O. 2015-19 (opining that absent some direct and ongoing contractual relationship, the normal commercial dealings between the petitioner and the customers of his auto parts store did not constitute a business associate relationship under the Code of Ethics); A.O. 2002-28 (opining that the normal commercial dealings between Arnold Lumber and a building contractor for the provision of building supplies, in the absence of existing contracts or a specific business relationship with that contractor, did not rise to the level of a business associate relationship as defined in the Code of Ethics); A.O. 2001-7 (opining that a Westerly Town Council member was not prohibited by the Code of Ethics from participating in town council matters involving the customers of his haircutting business, where he provided haircutting services in the ordinary course of business and there was no indication that his business would be financially impacted by the town council’s decisions on matters involving his customers). Further, the Petitioner’s spouse’s participation in the one-day farm festival does not constitute a business associate relationship with the customer, who is not an owner of the farm.

Furthermore, even assuming *arguendo* that the Petitioner's spouse and the customer are business associates, the Code of Ethics does not generally require a public official to recuse from participating in matters that involve or financially impact a family member's business associate, unless there is also a corresponding benefit flowing to that family member. See, e.g., A.O. 2019-40 (opining that a member of the Smithfield School Committee who was also a member of the Smithfield School Building Committee was not prohibited by the Code of Ethics from participating in the review of a request for proposal for, and the selection of, a construction manager for an elementary school reconfiguration project, and from all other building committee matters concerning the selected construction manager, notwithstanding that his daughter was employed by a company that was expected to bid on the project, since his daughter would not be financially impacted by the building committee's decision); A.O. 2008-69 (opining that a member of the Woonsocket Zoning Board of Review was permitted to participate in discussion and voting on a petition for a variance brought by CVS, notwithstanding that the petitioner's sister was employed as an accounting analyst with CVS, since his sister would not be financially impacted by the zoning board's decision regarding the petition).

Finally, there is no indication that the Petitioner's spouse would be financially impacted by the selection of the customer as a town administrator. Based on all of the Petitioner's representations, the applicable provisions of the Code of Ethics, and a review of prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is not prohibited from participating in the committee's or the town council's interviews of his spouse's customer and in the respective discussions and decision-making relative to the successful candidate for town administrator.

This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. An advisory opinion rendered by the Commission, until amended or revoked by a majority vote of the Commission, is binding on the Commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. 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)

§ 36-14-5(a)

§ 36-14-5(d)

§ 36-14-7(a)

520-RICR-00-00-1.1.5 Reasonable Foreseeability (36-14-7001)

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)

Related Advisory Opinions:

A.O. 2019-40

A.O. 2016-45

A.O. 2015-19

A.O. 2008-69

A.O. 2002-28

A.O. 2001-7

Keywords:

Business Associate