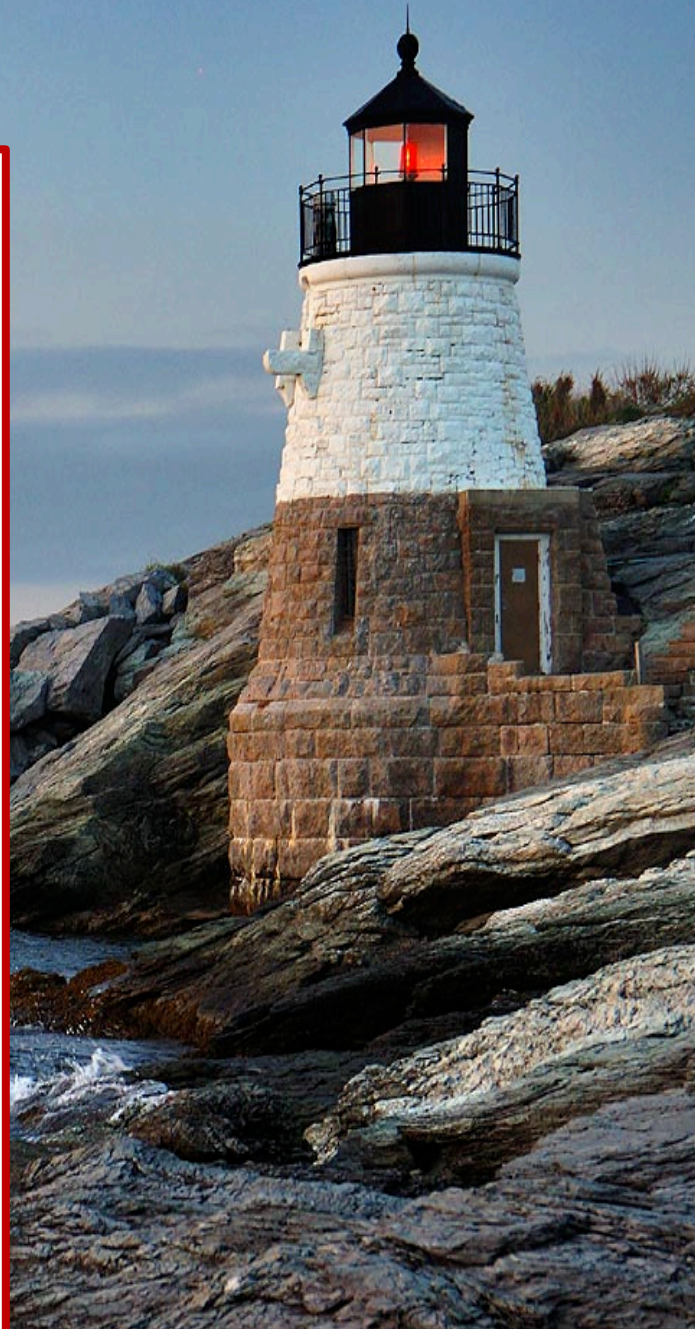


# **RHODE ISLAND ETHICS COMMISSION**

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## **2019 ADVISORY OPINION DIGEST**



# Rhode Island Ethics Commission

## 2019 Advisory Opinion Digest



### INTRODUCTION

This digest contains brief summaries of the advisory opinions that were issued in calendar year 2019 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. 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. 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 at least five (5) of the Commissioners in attendance. Both the advisory opinion and the written request seeking it are public records.

**Rhode Island Ethics Commission ■ 40 Fountain Street, 8<sup>th</sup> Floor ■ Providence, RI 02903**  
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**Office Hours: Monday through Friday 8:30 am – 4:30 pm**

## 2019 Digest Index

No.	Name	Government Agency	Position	Substantive Issue	Code Citations
<a href="#">2019-1</a>	Archambault, Stephen R.	RI Senate	State Elected	Dual Public Roles	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(b)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a>
<a href="#">2019-2</a>	McCormick, Timothy	Scituate Town Council	Municipal Elected	Family Member Nepotism Recusal	<a href="#">§ 36-14-2(1)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-3</a>	Markey, Sarah	South Kingstown School Committee	Municipal Elected	Union - Bargaining Units	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a>
<a href="#">2019-4</a>	Anderson, Larry	Little Compton Town Council	Municipal Elected	Litigation Recusal	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.5 (36-14-7001)</a>
<a href="#">2019-5</a>	Piva, Jr., William J.	Jamestown Town Council	Municipal Elected	Class Exception	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">§ 36-14-7(b)</a>

<b>No.</b>	<b>Name</b>	<b>Government Agency</b>	<b>Position</b>	<b>Substantive Issue</b>	<b>Code Citations</b>
<a href="#">2019-6</a>	Beye, Nancy A.	Jamestown Town Council	Municipal Elected	Class Exception	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> § <a href="#">36-14-7(b)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-7</a>	Przybyla, Theodore J.	Scituate Home Rule Charter Commission	Municipal Elected	Dual Public Roles	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a>
<a href="#">2019-8</a>	DiGregorio, Francis	Exeter Town Council	Municipal Elected	Conflict of Interest Financial Interest	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.5 (36-14-7001)</a>
<a href="#">2019-9</a>	Gizzarelli, Albert S., Jr.	Smithfield Planning Board	Municipal Appointed	Political Activity	§ <a href="#">36-14-2(3)</a> § <a href="#">36-14-2(7)</a> § <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(g)</a> § <a href="#">36-14-7(a)</a>
<a href="#">2019-10</a>	Katz, Justin	Tiverton Town Council	Municipal Elected	Litigation Recusal	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(c)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a>
<a href="#">2019-11</a>	Driggs, Nancy L.	Tiverton Town Council	Municipal Elected	Litigation Recusal	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(c)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a>

No.	Name	Government Agency	Position	Substantive Issue	Code Citations
<a href="#">2019-12</a>	Coulter, Robert	Tiverton Town Council	Municipal Elected	Litigation Recusal	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(c)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a>
<a href="#">2019-13</a>	Manning-Morse, Mary	Scituate Home Rule Charter Commission & School Committee	Municipal Elected	Conflict of Interest Employment Family Member Recusal	<a href="#">§ 36-14-2(1)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(b)</a> <a href="#">§ 36-14-5(c)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-14</a>	McCormick, Erika	Scituate Home Rule Charter Commission School Committee	Municipal Elected	Family Member Nepotism Recusal Business Associate	<a href="#">§ 36-14-2(1)</a> <a href="#">§ 36-14-2(2)</a> <a href="#">§ 36-14-2(3)</a> <a href="#">§ 36-14-2(7)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-5(e)</a> <a href="#">§ 36-14-5(f)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-15</a>	Brady, James H., Jr.	Scituate Town Council	Municipal Elected	Private Employment Nepotism	<a href="#">§ 36-14-2(2)</a> <a href="#">§ 36-14-2(3)</a> <a href="#">§ 36-14-2(7)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-5(f)</a> <a href="#">§ 36-14-6</a>

No.	Name	Government Agency	Position	Substantive Issue	Code Citations
					<a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a> <a href="#">520-RICR-00-00-1.5.4 (36-14-5014)</a>
<a href="#">2019-16</a>	Strach, Ruth	Scituate Home Rule Charter Commission	Municipal Elected	Conflict of Interest Nepotism	<a href="#">§ 36-14-2(1)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-17</a>	Busam, S. James	Smithfield School Building Committee	Municipal Appointed	Conflict of Interest Family Member Nepotism	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.5 (36-14-7001)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-18</a>	Beye, Nancy A.	Jamestown Town Council	Municipal Elected	Budgets Family: Public Employment Recusal Nepotism	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-19</a>	Adams, Kyle	Warwick School Committee	Municipal Elected	Nepotism Collective Bargaining Negotiations Budget Line Item Recusal	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.5 (36-14-7001)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>

<b>No.</b>	<b>Name</b>	<b>Government Agency</b>	<b>Position</b>	<b>Substantive Issue</b>	<b>Code Citations</b>
<a href="#">2019-20</a>	Cicccone, Frank A. III	RI Senate	State Elected	Legislator Private Employment Recusal	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a>
<a href="#">2019-21</a>	Fox, Donald	Burrillville Town Council	Municipal Elected	Lobbying	§ <a href="#">36-14-2(7)</a> § <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(b)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-5(e)</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a>
<a href="#">2019-22</a>	Desjardins, Sherri L.	Town of Hopkinton	Municipal Employee	Appointing Authority Conflict of Interest	§ <a href="#">36-14-2(1)</a> § <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-5(e)</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a>
<a href="#">2019-23</a>	Corsini, Arthur	North Providence School Committee	Municipal Elected	Financial Interest	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.5 (36-14-7001)</a>
<a href="#">2019-24</a>	Morris, Kelley	Town of Cumberland	Municipal Appointed	Nepotism Recusal	§ <a href="#">36-14-6</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-25</a>	Brady, Edward J.	Cranston City Council	Municipal Elected	Recusal	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.5 (36-14-7001)</a>

<b>No.</b>	<b>Name</b>	<b>Government Agency</b>	<b>Position</b>	<b>Substantive Issue</b>	<b>Code Citations</b>
<a href="#">2019-26</a>	Burbank, Edward	Manville Fire District Board of Wardens	Municipal Elected	Family Member Nepotism Recusal	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-27</a>	Loiselle, Andrew	RI Division of Motor Vehicles	State Employee	Secondary Employment	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(b)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-7(a)</a>
<a href="#">2019-28</a>	Anthony, Helen	Providence City Council	Municipal Elected	Private Employment Business Associate	§ <a href="#">36-14-2(3)</a> § <a href="#">36-14-2(7)</a> § <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-5(f)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a>
<a href="#">2019-29</a>	Tunney, Arlene	Historic District Commission	Municipal Appointed	Hardship Exception Historic Architect	§ <a href="#">36-14-5</a> § <a href="#">36-14-6</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a>
<a href="#">2019-30</a>	Ross, Richard	Little Compton Planning Board	Municipal Appointed	Hardship Exception	§ <a href="#">36-14-5(e)</a> § <a href="#">36-14-6</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a>
<a href="#">2019-31</a>	McGuirk, Brian J.	RI Department of Administration, Division of Information Technology	State Employee	Business Associate Recusal	§ <a href="#">36-14-2(3)</a> § <a href="#">36-14-2(7)</a> § <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-5(e)</a> § <a href="#">36-14-7(a)</a>



No.	Name	Government Agency	Position	Substantive Issue	Code Citations
					<a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a>
<a href="#">2019-32</a>	Adams, Mary	Westerly School Committee	Municipal Elected	Contracts Private Employment Revolving Door Transactions with Subordinates Vendor	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-5(h)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.4.4 (36-14-5011)</a> <a href="#">520-RICR-00-00-1.5.4 (36-14-5014)</a>
<a href="#">2019-33</a>	Ezovski, Gary S. PE	North Smithfield Town	Municipal Elected	Business Associate Conflict of Interest	§ <a href="#">36-14-2(3)</a> § <a href="#">36-14-2(7)</a> § <a href="#">36-14-2(12)</a> § <a href="#">36-14-2(13)</a> § <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-5(e)</a> § <a href="#">36-14-5(f)</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a>
<a href="#">2019-34</a>	Fung, Allan W.	City of Cranston	Municipal Elected	Secondary Employment	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(b)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-7(a)</a>
<a href="#">2019-35</a>	Ruggieri, Janice	Cranston School Committee	Municipal Elected	Private Employment Recusal	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> § <a href="#">36-14-7(b)</a>
<a href="#">2019-36</a>	Williams, Anastasia P.	RI House of Representatives	State Elected	Government Loans	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a>

No.	Name	Government Agency	Position	Substantive Issue	Code Citations
					<a href="#">§ 36-14-5(e)</a> <a href="#">§ 36-14-7(a)</a>
<a href="#">2019-37</a>	Ward, John F.	Town of Lincoln	Municipal Appointed	Family Financial Interest	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-38</a>	Carson, Lauren	RI House of Representatives	State Elected	Private Employment	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(b)</a> <a href="#">§ 36-14-5(c)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">520-RICR-00-00-1.4.1 (36-14-5008)</a>
<a href="#">2019-39</a>	Rayner-Russell, Kimberlie, J.	Town of Westerly	Municipal Appointed	Membership Business Associate	<a href="#">§ 36-14-2(3)</a> <a href="#">§ 36-14-2(7)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-7(a)</a>
<a href="#">2019-40</a>	Iannitelli, Richard B.	Smithfield School Committee	Municipal Elected	Conflict of Interest Family Member Nepotism	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.5 (36-14-7001)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-41</a>	Santos, M. Theresa	Middletown Town Council	Municipal Elected	Public Forum Exception Property Interest	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-5(e)</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a> <a href="#">520-RICR-00-00-1.2.3 (36-14-7003)</a>

No.	Name	Government Agency	Position	Substantive Issue	Code Citations
<a href="#">2019-42</a>	Zarella, Michael	East Greenwich Town Council	Municipal Elected	Business Associate	<a href="#">§ 36-14-2(3)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-5(f)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a>
<a href="#">2019-43</a>	McGeorge, Matthew AIA, KEED, AP	East Greenwich Historic District Commission	Municipal Appointed	Hardship Exception Historic Architect	<a href="#">§ 36-14-5(e)</a> <a href="#">§ 36-14-6</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a>
<a href="#">2019-44</a>	Pryor, Stefan	RI Commerce Corporation	State Appointed	Business Associate Memberships Non-profit Boards	<a href="#">§ 36-14-2(3)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(b)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-5(e)</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a> <a href="#">§ 42-64.8(d)</a> <a href="#">§ 42-64.19-4</a>
<a href="#">2019-45</a>	O'Neil, Daniel	RI State Police	State Employee	Conflict of Interest Family Member	<a href="#">§ 36-14-2(1)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-46</a>	Gromada, Edward	Jamestown Zoning Board of Review	Municipal Appointed	Business Associate Family Member	<a href="#">§ 36-14-2(1)</a> <a href="#">§ 36-14-2(3)</a> <a href="#">§ 36-14-2(7)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-5(f)</a> <a href="#">§ 36-14-7(a)</a>

No.	Name	Government Agency	Position	Substantive Issue	Code Citations
					<a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-47</a>	Daft, Lisa	Barrington Committee on Appropriations	Municipal Elected	Budgets Nepotism	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-48</a>	Enright, Rosemary	Jamestown Planning Commission	Municipal Appointed	Business Associate Recusal Property Interest	§ <a href="#">36-14-2(3)</a> § <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-5(f)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a>
<a href="#">2019-49</a>	McElroy, James W.	Warwick City/Town Council	Municipal Elected	Family: Public Employment Nepotism	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-50</a>	Dann-Messier, Brenda	RI Postsecondary Education Commission	State Appointed	Post-Employment Private Employment Revolving Door	§ <a href="#">36-14-2(12)</a> § <a href="#">36-14-5(c)</a> § <a href="#">36-14-5(e)</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5006)</a>
<a href="#">2019-51</a>	Carroll, Michael W.	Barrington City/Town Council	Municipal Elected	Hardship Exception Property Interest Public Forum Exception	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-5(e)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a> <a href="#">520-RICR-00-00-1.2.3 (36-14-7003)</a>

No.	Name	Government Agency	Position	Substantive Issue	Code Citations
<a href="#">2019-52</a>	Richardson, Alisa	RI Department of Transportation in the Office of Stormwater Development	State Employee	Secondary Employment	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(b)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-7(a)</a>
<a href="#">2019-53</a>	Champagne, Elizabeth	RI Department of Human Services, Office of Rehabilitation Service	State Employee	Secondary Employment	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(b)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-7(a)</a>
<a href="#">2019-54</a>	Grebien, Donald R.	City of Pawtucket	Municipal Elected	Conflict of Interest Family Member Nepotism	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.5 (36-14-7001)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-55</a>	Grebien, Donald R.	City of Pawtucket	Municipal Elected	Conflict of Interest Family Member Nepotism	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.5 (36-14-7001)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-56</a>	Yurdin, Seth	Providence City Council	Municipal Elected	Class Exception Property Interest	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> § <a href="#">36-14-7(b)</a>
<a href="#">2019-57</a>	Medina, Carolyn P.	Bristol Board of Tax Assessment Review	Municipal Appointed	Hardship Exception Property Interest	§ <a href="#">35-14-5(e)</a> § <a href="#">36-14-6</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a>

No.	Name	Government Agency	Position	Substantive Issue	Code Citations
<a href="#">2019-58</a>	Bell, Samuel W.	RI Senator	State Elected	Conflict of Interest Family Member Nepotism	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00 1.1.5 (36-14-7001)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a>
<a href="#">2019-59</a>	Borden, Samantha	RI Department of Behavioral Healthcare, Developmental Disabilities and Hospitals	State Employee	Business Associate Dual Public Roles	<a href="#">§ 36-14-2(2)</a> <a href="#">§ 36-14-2(3)</a> <a href="#">§ 36-14-2(7)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(b)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a>
<a href="#">2019-60</a>	Tillson, Marc A.	Town of New Shoreham	Municipal Appointed	Business Associate	<a href="#">§ 36-14-2(2)</a> <a href="#">§ 36-14-2(3)</a> <a href="#">§ 36-14-2(7)</a> <a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a>
<a href="#">2019-61</a>	Carroccia, Julie	Charlestown Town Council	Municipal Elected	Class Exception	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-7(a)</a> <a href="#">§ 36-14-7(b)</a> <a href="#">520-RICR-00-00-1.3.1 (36-14-5004)</a> <a href="#">Re: Valarie Lawson, Complaint No. 2019-7</a>

<b>No.</b>	<b>Name</b>	<b>Government Agency</b>	<b>Position</b>	<b>Substantive Issue</b>	<b>Code Citations</b>
<a href="#">2019-62</a>	Epstein, Richard	RI Real Estate Commission	State Appointed	Employer Competitor Licensing	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a>
<a href="#">2019-63</a>	Epstein, Richard	RI Real Estate Commission	State Appointed	Private Employment	§ <a href="#">36-14-2(12)</a> § <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(b)</a> § <a href="#">36-14-5(c)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-5(e)</a> § <a href="#">36-14-6</a> § <a href="#">36-14-7(a)</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a> <a href="#">520-RICR-00-00-1.2.1 (36-14-5002)</a>
<a href="#">2019-64</a>	Vadenais, Paul E.	North Smithfield Town Council	Municipal Elected	Hardship Exception Property Interest	§ <a href="#">36-14-5(e)</a> § <a href="#">36-14-6</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a>
<a href="#">2019-65</a>	O'Brien, Margie	RI Capitol Television	State Employee	Secondary Employment	§ <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(b)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-7(a)</a>
<a href="#">2019-66</a>	Barone, Jeffrey	Cranston Department of Senior Services	Municipal Employee	Business Associate Private Employment	§ <a href="#">36-14-2(3)</a> § <a href="#">36-14-2(7)</a> § <a href="#">36-14-5(a)</a> § <a href="#">36-14-5(b)</a> § <a href="#">36-14-5(d)</a> § <a href="#">36-14-7(a)</a>
<a href="#">2019-67</a>	Zeitountzian, Sarkis	RI Family Court	State Employee	Secondary Employment	§ <a href="#">36-14-2(3)</a> § <a href="#">36-14-2(7)</a> § <a href="#">36-14-5(a)</a>

No.	Name	Government Agency	Position	Substantive Issue	Code Citations
					<a href="#">§ 36-14-5(b)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a>
<a href="#">2019-68</a>	Anderson, Larry	Little Compton Town Council	Municipal Elected	Litigation Recusal	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(c)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-6</a> <a href="#">§ 36-14-7(a)</a>
<a href="#">2019-69</a>	Rabbitt, Kevin J.	RI Department of Revenue, Division of Motor Vehicles, Dealer Licensing Office	State Employee	Revolving Door Private Employment Post-Employment	<a href="#">§ 36-14-2</a> <a href="#">§ 36-14-5(b)</a> <a href="#">§ 36-14-5(c)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-5(e)</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a>
<a href="#">2019-70</a>	Pinch, Karen D.	Town of Richmond	Municipal Appointed	Gifts	<a href="#">§ 36-14-5(a)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-7(a)</a> <a href="#">520-RICR-00-00-1.4.2 (36-14-5009)</a>
<a href="#">2019-71</a>	Elder, Cynthia	RI DEM - Division of Parks and Recreation	State Employee	Gifts Interested Person	<a href="#">520-RICR-00-00-1.4.2 (36-14-5009)</a>
<a href="#">2019-72</a>	DiBiase, Michael	RI Department of Administration	State Appointed	Post-Employment Revolving Door	<a href="#">§ 36-14-2(12)</a> <a href="#">§ 36-14-2(13)</a> <a href="#">§ 36-14-5(b)</a> <a href="#">§ 36-14-5(c)</a> <a href="#">§ 36-14-5(d)</a> <a href="#">§ 36-14-5(e)</a> <a href="#">520-RICR-00-00-1.5.5 (36-14-5015)</a> <a href="#">520-RICR-00-00-1.1.4 (36-14-5016)</a>



### ADVISORY OPINION 2019-1

Re: The Honorable Stephen R. Archambault

#### **SUMMARY**

A legislator serving in the Rhode Island Senate, who was recently selected by the Smithfield Town Council to serve as the Town of Smithfield's Assistant Solicitor for criminal prosecutions, was not prohibited by the Code of Ethics from simultaneously serving in both positions.

#### **Code Citations**

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

### ADVISORY OPINION 2019-2

Re: Timothy J. McCormick

#### **SUMMARY**

A member-elect of the Scituate Town Council was not prohibited by the Code of Ethics from participating in the Town Council's discussions and decision making relative to matters involving the Scituate School Committee, notwithstanding that his wife was a member-elect of the School Committee, provided that all requirements of [Regulation 520-RICR-00-00-1.2.1\(B\)\(1\) \[Additional Circumstances Warranting Recusal \(36-14-5002\)\]](#) were satisfied.

However, the Petitioner was prohibited by the Code of Ethics from participating in discussions and decision-making relative to matters involving the Scituate Prevention Partnership, given that his wife was the Director of that coalition.

The Petitioner was further prohibited by the Code of Ethics from participating in discussions and decision-making relative to the payment of invoices submitted to the Town of Scituate by his wife as an independent contractor.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(1\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.2.1](#); and [Commission Regulation 520-RICR-00-00-1.3.1](#).

### ADVISORY OPINION 2019-3

Re: Sarah Markey

#### **SUMMARY**

A member of the South Kingstown School Committee, who was employed by the National Education Association of Rhode Island ("NEARI"), was prohibited by the Code of Ethics from participating in School Committee matters relating to the negotiation and approval of school department contracts with NEARI local bargaining units, and also had to recuse from participation in grievance hearings involving NEARI members.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1](#).

## **ADVISORY OPINION 2019-4**

Re: Larry Anderson

### **SUMMARY**

A member of the Little Compton Town Council was prohibited by the Code of Ethics from participating in the Town Council's discussions and decision-making relative to a pending litigation matter, given that it was reasonably foreseeable that he could be financially impacted by it, even though he was currently neither a party nor participant to the litigation.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.1.5](#).

## **ADVISORY OPINION 2019-5**

Re: William J. Piva, Jr.

### **SUMMARY**

A member of the Jamestown Town Council was allowed to participate in the Town Council's discussions and decision-making relative to increasing the amount of a tax benefit presently available to veterans, notwithstanding that he was a veteran who was eligible for and received the existing tax benefit. The Petitioner would have been affected by an increase in the tax benefit under discussion to no greater or lesser extent than the significant and definable class of 291 veterans who were eligible for and/or received the current tax benefit.

### **Code Citations**

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

## **ADVISORY OPINION 2019-6**

Re: Nancy A. Beye

### **SUMMARY**

A member of the Jamestown Town Council was allowed to participate in the Town Council's discussions and decision-making relative to increasing the amount of a tax benefit presently available to veterans, notwithstanding that her spouse was a veteran who was eligible for the existing tax benefit, because the Petitioner's spouse would have been affected by any increase in the amount

of the tax benefit to no greater or lesser extent than the significant and definable class of all currently eligible veterans.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); [Commission Regulation 520-RICR-00-00-1.3.1\(B\)\(1\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1\(A\)\(2\)](#).

## **ADVISORY OPINION 2019-7**

Re: Theodore J. Przybyla

### **SUMMARY**

The Treasurer for the Town of Scituate, who was also a member of the Scituate Home Rule Charter Commission, was not prohibited by the Code of Ethics from simultaneously serving in both positions.

### **Code Citations**

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

## **ADVISORY OPINION 2019-8**

Re: Francis DiGregorio

### **SUMMARY**

A member of the Exeter Town Council was not prohibited from participation in discussions and decision-making regarding an ordinance involving the zoning and regulation of utility-scale solar power stations, notwithstanding that the Petitioner was a party to pending litigation in which a developer of utility-scale solar power stations had intervened, provided neither the Petitioner, nor any person within his family, a business associate or an employer would have derived a direct monetary gain or suffered a direct monetary loss by reason of his official activity.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.1.5](#).

## **ADVISORY OPINION 2019-9**

Re: Albert S. Gizzarelli, Jr.

### **SUMMARY**

A member of the Smithfield Planning Board was not prohibited by the Code of Ethics from participating in discussions and decision-making relative to a proposed development of property

owned by a friend whose son, also a friend, had contributed to the Petitioner's political campaign for the Smithfield Town Council.

**Code Citations**

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

**ADVISORY OPINION 2019-10**

Re: Justin Katz

**SUMMARY**

A member of the Tiverton Town Council was required by the Code of Ethics to recuse from participating in the Town Council's discussions and voting relative to pending Superior Court litigation that he and two other Town Council members individually initiated against the Town of Tiverton.

**Code Citations**

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

**ADVISORY OPINION 2019-11**

Re: Nancy L. Driggs

**SUMMARY**

A member of the Tiverton Town Council was required by the Code of Ethics to recuse from participating in the Town Council's discussions and voting relative to pending Superior Court litigation that she and two other Town Council members individually initiated against the Town of Tiverton.

**Code Citations**

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

**ADVISORY OPINION 2019-12**

Re: Robert Coulter

**SUMMARY**

A member of the Tiverton Town Council was required by the Code of Ethics to recuse from participating in the Town Council's discussions and voting relative to pending Superior Court litigation that he and two other Town Council members individually initiated against the Town of Tiverton.

## **Code Citations**

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

### **ADVISORY OPINION 2019-13**

Re: Mary Manning-Morse

## **SUMMARY**

A member of the Scituate Home Rule Charter Commission and the Scituate School Committee was not prohibited by the Code of Ethics from simultaneously serving on both the Charter Commission and the School Committee, provided she recused from participating in Charter Commission discussions and decision-making regarding compensation for members of the School Committee. The Petitioner was not prohibited by the Code of Ethics from serving on the Charter Commission, notwithstanding that her husband was a member of the Hope Village Overlay District Review Committee in Scituate, provided that she recused from participation in any potential Charter Commission discussions and decision-making regarding compensation for members of the Hope Village Overlay District Review Committee to be implemented prior to the end of her husband's present term. Finally, the Petitioner was not prohibited from tutoring a Scituate High School student, notwithstanding the Petitioner's membership on the School Committee.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(1\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7](#); and [Commission Regulation 520-RICR-00-00-1.3.1](#).

### **ADVISORY OPINION 2019-14**

Re: Erika McCormick

## **SUMMARY**

A member of the Scituate Home Rule Charter Commission and the Scituate School Committee, who in her private capacity was the coordinator of a federal grant that funded her work to further the initiatives of the Scituate Prevention Partnership, of which she was a member, was not prohibited by the Code of Ethics from simultaneously serving on both the Charter Commission and the School Committee, provided that she recused from participating in Charter Commission discussions and decision-making regarding compensation for members of the School Committee, and for members of the Scituate Town Council, given that her husband was a member, unless said compensation was not to be implemented until after the next election cycle or end of term of office for either or both of them.

The Petitioner was not prohibited by the Code of Ethics from participating in the School Committee's discussions and decision-making relative to matters involving the Town Council, provided that all requirements of [Regulation 520-RICR-00-00-1.2.1\(B\)\(1\)](#) were satisfied.

The Petitioner was prohibited by the Code of Ethics from appearing before the School Committee on behalf of the Scituate Prevention Partnership and must recuse from participating in any matter for which a member or representative of that coalition appears on its behalf.

The Petitioner was required to further recuse from discussions and decision-making regarding matters involving the Scituate Prevention Partnership for as long as she continues to be a member.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(1\)](#); [36-14-2\(2\)](#); [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-5\(f\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.2.1](#); and [Commission Regulation 520-RICR-00-00-1.3.1](#).

### **ADVISORY OPINION 2019-15**

Re: James H. Brady, Jr.

#### **SUMMARY**

A member of the Scituate Town Council and a retired member of the Scituate Police Department could continue to serve on the Scituate Police Department's road detail list, notwithstanding his position on the Town Council.

The Petitioner was prohibited by the Code of Ethics from participating in any Town Council matters relative to the Scituate Police Department in which he or his son would be financially impacted, however the Petitioner was permitted to participate in the Town Council's discussion and decision-making relative to approving or rejecting the entire Police Department budget as a whole.

The Petitioner was not prohibited by the Code of Ethics from serving as a Town Council President, Vice President, or President Pro Tempore.

#### **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\(d\)](#); [36-14-5\(f\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-00-00-1.2.1](#); [Commission Regulation 520-00-00-1.3.1](#); and [Commission Regulation 520-00-00-1.5.4](#).

## ADVISORY OPINION 2019-16

Re: Ruth Strach

### **SUMMARY**

A member of the Scituate Home Rule Charter Commission was not prohibited by the Code of Ethics from participating in matters involving the Scituate Land Trust and/or the Scituate Conservation Commission, notwithstanding that the Petitioner was a member of the Land Trust and her husband was a member of the Conservation Committee, because it was not reasonably foreseeable that either the Petitioner or her husband would be directly financially impacted by reason of her official activity.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(1\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1](#).

## ADVISORY OPINION 2019-17

Re: S. James Busam

### **SUMMARY**

A member of the Smithfield School Building Committee was prohibited by the Code of Ethics from participating in the Smithfield Building Committee's selection of a construction manager for the elementary school reconfiguration project, given the reasonable foreseeability of financial impact upon his son, who was employed by a company that was expected to bid on the project.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.5](#); [Commission Regulation 520-RICR-00-00-1.2.1](#); and [Commission Regulation 520-RICR-00-00-1.3.1](#).

## ADVISORY OPINION 2019-18

Re: Nancy A. Beye

### **SUMMARY**

A member of the Jamestown Town Council was prohibited by the Code of Ethics from participating in Town Council discussions and decision-making relative to line items in the budgets for the Jamestown Fire Department, the Police Department and the Town that would have financially impacted the Petitioner or her son. However, the Petitioner need not recuse from budgetary line items that did not financially impact her or her son, even though they may have impacted other police and fire department operations or personnel, and could participate in the Town Council's vote

to approve or reject as a whole the budgets for the Fire Department, the Police Department and/or the Town.

**Code Citations**

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

**ADVISORY OPINION 2019-19**

Re: Kyle Adams

**SUMMARY**

A member of the Warwick School Committee was prohibited by the Code of Ethics from participating in any School Committee matter in which his mother was a party or participant, or in which she would have been financially impacted or received an employment advantage. The Petitioner was also prohibited from participating in the supervision, evaluation, appointment, classification, promotion, transfer or discipline of his mother. Further, the Petitioner was prohibited from participating in contract negotiations with the Union, given that his mother was a member and an officer thereof. Lastly, the Petitioner was prohibited from participating in discussions and decision-making relative to any budget line items that addressed or affected the employment, compensation or benefits of his mother. However, the Petitioner was allowed to participate in the School Committee’s discussion and decision making relative to approving or rejecting the entire budget or the Union contract as a whole.

**Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.5](#); and [Commission Regulation 520-RICR-00-00-1.3.1](#).

**ADVISORY OPINION 2019-20**

Re: The Honorable Frank A. Ciccone, III

**SUMMARY**

The Petitioner was not prohibited from serving as the Chairperson of the Senate Committee on Labor, notwithstanding that he presently worked as a consultant for the Rhode Island Judicial, Professional and Technical Employees’ Local Union 808, and was previously employed as a Field Representative for the Rhode Island Laborers’ District Council and as Business Manager for Local Union 808.

**Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1](#).



## ADVISORY OPINION 2019-21

Re: Donald Fox

### **SUMMARY**

A member of the Burrillville Town Council was not prohibited by the Code of Ethics from lobbying on behalf of the Rhode Island Firearm Owners' League, provided that he did not lobby the Burrillville Town Council or any other agency for which he was the appointing authority.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4](#).

## ADVISORY OPINION 2019-22

Re: Sherri L. Desjardins

### **SUMMARY**

The spouse of Deputy Zoning Official and E911 Coordinator for the Town of Hopkinton was not prohibited by the Code of Ethics from petitioning the Hopkinton Town Council for an amendment to the Zoning Ordinance District Use Regulations that would have allowed the Petitioner to open and operate an art studio and gallery on her spouse's property.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(1\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4](#).

## ADVISORY OPINION 2019-23

Re: Arthur Corsini

### **SUMMARY**

A member of the North Providence School Committee was not prohibited by the Code of Ethics from participating, as the Chairperson of the Teacher Negotiations Subcommittee, in the collective bargaining negotiations between the North Providence School Committee and the North Providence Teachers' Association, notwithstanding that he was a retired member of the North Providence School Department who received continuing health care benefits from the School Department, since the Petitioner would not be financially impacted by such negotiations.

### **Code Citations**

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

## ADVISORY OPINION 2019-24

Re: Kelley Morris

### **SUMMARY**

The Solicitor for the Town of Cumberland was prohibited by the Code of Ethics from participating in the Cumberland Board of Licenses' consideration of her fiancé/household member's request for a Victualling House License

### **Code Citations**

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

## ADVISORY OPINION 2019-25

Re: Edward J. Brady

### **SUMMARY**

A member of the Cranston City Council could participate in the City Council's discussions and voting relative to enacting an ordinance that would ban the use of plastic carryout bags by Cranston business establishments, notwithstanding the fact that the Petitioner owned and operated a restaurant in Cranston.

### **Code Citations**

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

## ADVISORY OPINION 2019-26

Re: Edward Burbank

### **SUMMARY**

A member of the Manville Fire District of Wardens was not prohibited by the Code of Ethics from continuing his service if the Manville Fire District Charter was amended to convert the position of Tax Collector/Treasurer from elected to appointed, notwithstanding that his spouse currently held the position of Tax Collector/Treasurer and could potentially have been appointed to the position. However, the Petitioner was required to remain mindful of the limitations that the Code of Ethics places upon him.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism \(36-14-5004\)](#).

### ADVISORY OPINION 2019-27

Re: Andrew Loiselle

#### **SUMMARY**

A Motor Vehicle Operator Examiner for the Division of Motor Vehicles was not prohibited by the Code of Ethics from working, on his own time, as a part-time Driver Retraining Course Administrator for the Driving Retraining Program at the Community College of Rhode Island.

#### **Code Citations**

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

### ADVISORY OPINION 2019-28

Re: Helen Anthony

#### **SUMMARY**

A member of the Providence City Council, who in her private capacity was an attorney with Handy Law, LLC, was prohibited by the Code of Ethics from participating in City Council matters in which her employer, her business associate, and/or any representative of her business associate appeared, and was further prohibited from participating in City Council matters which financially impacted her employer and/or her business associate.

#### **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\(f\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

### ADVISORY OPINION 2019-29

Re: Arlene Tunney

#### **SUMMARY**

A member of the New Shoreham Historic District Commission, who in her private capacity was an architect, qualified for a hardship exception to the Code of Ethics' prohibition on representing her client before her own board in accordance with [General Commission Advisory 2010-1](#), provided that she recused from participation in all Historic District Commission matters involving her client.

#### **Code Citations**

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

### ADVISORY OPINION 2019-30

Re: Richard Ross

#### **SUMMARY**

A member of the Little Compton Planning Board qualified for a hardship exception to the Code of Ethics' prohibition on appearing before his own board to seek approval for the administrative subdivision of lots adjacent to his primary residence.

#### **Code Citations**

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

### ADVISORY OPINION 2019-31

Re: Brian J. McGuirk

#### **SUMMARY**

An Administrator, Operations Management with the Department of Administration, Division of Information Technology, was not prohibited by the Code of Ethics from accepting an appointment to the Board of Directors for Greenwood Credit Union, notwithstanding his assignment as the Information Technology Manager at the Department of Business Regulation, which regulated the Greenwood Credit Union.

#### **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\(e\)](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

### ADVISORY OPINION 2019-32

Re: Mary Adams

#### **SUMMARY**

A member of the Westerly School Committee, who in her private capacity owned and operated J. Mack Studios, LLC, was allowed to continue selling custom decorated apparel and promotional products to various individuals and groups associated with the Westerly Public Schools, provided that such transactions were paid for by the individuals and groups directly and were not paid from the Westerly Public Schools' funds. Further, the Code of Ethics did not prohibit the Petitioner's business from providing its products to both the Westerly Public Schools and the Town of Westerly, or any of their departments, provided that any such transactions were subject to an open and public process as required by R.I. Gen. Laws § [36-14-5\(h\)](#).

## **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(h\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-00-00-1.4.4](#); and [Commission Regulation 520-00-00-1.5.4](#).

## **ADVISORY OPINION 2019-33**

Re: Gary S. Ezovski

### **SUMMARY**

The Code of Ethics did not prohibit the Petitioner's business associate, Econox Renewables, from petitioning the North Smithfield Planning and Zoning Boards for a special use permit to install and operate a solar power generator station on land that was owned by the Petitioner.

Although the Petitioner and Econox were business associates under the Code of Ethics, the Petitioner was neither a member of nor employed by the Planning or Zoning Boards and did not have a role in their decision-making regarding applications for special use permits. Further, the Petitioner was not appearing or representing himself before either the Planning or Zoning Boards.

### **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\(d\)](#); [36-14-5\(e\)](#); [36-14-5\(f\)](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

## **ADVISORY OPINION 2019-34**

Re: The Honorable Allan W. Fung

### **SUMMARY**

The Mayor of the City of Cranston was not prohibited by the Code of Ethics from filling in as a talk show host at a local radio station.

### **Code Citations**

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

## **ADVISORY OPINION 2019-35**

Re: Janice Ruggieri

### **SUMMARY**

A member of the Cranston School Committee was prohibited by the Code of Ethics from participating in teachers' negotiations, given that in her private capacity she was employed at a child daycare facility owned by two teachers in the Cranston public school system.

## **Code Citations**

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

### **ADVISORY OPINION 2019-36**

Re: The Honorable Anastasia P. Williams

## **SUMMARY**

A legislator serving in the House of Representatives, who was also employed as a Compliance Officer at First Source Providence, was not prohibited by the Code of Ethics from applying for and receiving a loan made through the Providence Business Loan Fund.

## **Code Citations**

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

### **ADVISORY OPINION 2019-37**

Re: John F. Ward

## **SUMMARY**

The Finance Director for the Town of Lincoln was allowed to carry out his current duties without running afoul of the Code of Ethics, notwithstanding the fact that the Town has a customer relationship with The Valley Breeze newspaper, for which his brother worked as an independent contractor, given the Petitioner's representation that he had no discretionary decision-making authority as Finance Director that would have allowed him to use his position to benefit his brother's financial interests.

## **Code Citations**

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

## **Related Statutory Provisions**

[Article VII, § C7-5 of the Town Charter for the Town of Lincoln](#).

### **ADVISORY OPINION 2019-38**

Re: The Honorable Lauren H. Carson

## **SUMMARY**

A legislator serving in the Rhode Island House of Representatives was not prohibited from working, through her private employment with the Town of Warren, on a project that was funded through a grant administered by the Rhode Island Department of Environmental Management.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); and [Commission Regulation 520-RICR-00-00-1.4.1 Acting as Agent or Attorney for Other than State or Municipality \(36-14-5008\)](#).

### **ADVISORY OPINION 2019-39**

Re: Kimberlie J. Rayner-Russell

## **SUMMARY**

The Assistant Harbor Master for the Town of Westerly was not prohibited by the Code of Ethics from serving in the position of Assistant Harbor Master while she and her spouse were members of the Watch Hill Yacht Club.

## **Code Citations**

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

### **ADVISORY OPINION 2019-40**

Re: Richard Iannitelli

## **SUMMARY**

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.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#); [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

### **ADVISORY OPINION 2019-41**

Re: M. Theresa Santos

## **SUMMARY**

A member of the Middletown Town Council could attend and speak at public hearings before the Middletown Planning Board and/or, potentially, the Zoning Board regarding a proposed development of property located across the street from her personal residence.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); and [520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#).

## **ADVISORY OPINION 2019-42**

Re: Michael Zarrella

### **SUMMARY**

A member of the East Greenwich Town Council was not prohibited by the Code of Ethics from participating in Town Council matters relative to a grievance filed by an East Greenwich firefighter who was formerly represented by the Petitioner's business associate.

### **Code Citations**

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

## **ADVISORY OPINION 2019-43**

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 to the Code of Ethics' prohibition on representing his client before his own board, in accordance with the [General Commission Advisory 2020-1](#), provided that he recused from participation in all Historic District Commission matters involving his client.

### **Code Citations**

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

## **ADVISORY OPINION 2019-44**

Re: Stefan Pryor

### **SUMMARY**

The Secretary of Commerce for the State of Rhode Island, who by statute also served as 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.



### **Code Citations**

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

### **Other Citations**

§ [42-64.8\(d\)](#); and [42-64.19-4](#).

## **ADVISORY OPINION 2019-45**

Re: Daniel O’Neil

### **SUMMARY**

A Trooper with the Rhode Island State Police was not prohibited by the Code of Ethics from participating on his own time and without compensation, as a consultant for a Netflix movie based on events in his life, including the rescue of a missing teenage boy by him and his K-9 partner, notwithstanding that his wife would be paid for her recollection of certain events depicted in the movie.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(1\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

## **ADVISORY OPINION 2019-46**

Re: Edward Gromada

### **SUMMARY**

A member of the Jamestown Board of Review was not prohibited by the Code of Ethics from participating in the Zoning Board’s discussions and decision-making relative to a matter involving the Jamestown Historical Society, notwithstanding that his wife was a member of the Board of Trustees for that entity.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(1\)](#); [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(f\)](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

### ADVISORY OPINION 2019-47

Re: Lisa Daft

#### **SUMMARY**

A member of the Barrington Committee on Appropriations was not prohibited by the Code of Ethics from continuing to serve in that capacity, notwithstanding that her spouse was an employee of the Barrington School Department. Although the Petitioner was prohibited under the Code of Ethics from participating in discussions or decision-making relative to budgetary line items that would address or affect the employment, compensation or benefits of her spouse, she was not prohibited from participating in discussions or decision-making relative to approving or rejecting the School Department budget as a whole.

#### **Code Citations**

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

### ADVISORY OPINION 2019-48

Re: Rosemary Enright

#### **SUMMARY**

A member of the Jamestown Planning Commission was not prohibited by the Code of Ethics from participating in the Planning Commission's discussions and decision-making relative to a proposed development located on property that abutted a building rented by the Jamestown Historical Society, for which the Petitioner was the Treasurer.

#### **Code Citations**

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

### ADVISORY OPINION 2019-49

Re: James W. McElroy

#### **SUMMARY**

A member of the Warwick City Council was prohibited by the Code of Ethics from participating in the City Council's advice and consent relative to his daughter's nomination to the position of municipal court judge, and from discussions and decision-making that would impact his daughter's finances or terms of employment, such as her re-appointment or compensation.

## **Code Citations**

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

### **ADVISORY OPINION 2019-50**

Re: Brenda Dann-Messier

## **SUMMARY**

The former Postsecondary Education Commissioner was not prohibited by the Code of Ethics from providing coaching services to representatives from Rhode Island agencies on behalf of her private employer. However, the Petitioner was prohibited by the Code of Ethics from using any confidential information she obtained during her public employment to financially benefit herself or her private employer.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(12\)](#); [36-14-5\(c\)](#); [36-14-5\(e\)](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5006\)](#).

### **ADVISORY OPINION 2019-51**

Re: Michael W. Carroll

## **SUMMARY**

A member of the Barrington Town Council or his spouse could appear before the Barrington Zoning Board of Review, and potentially the Barrington Town Council, to oppose the proposed subdivision and/or development of a vacant lot directly abutting property that the Petitioner and his spouse jointly owned, based upon a finding that the unique facts as represented justified the application of the hardship exception as provided in R.I. Gen. Laws § [36-14-5\(e\)\(1\)](#) and the public forum exception as provided in [Commission Regulation 520-RICR-00-00-1.2.3](#).

## **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); and [520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#).

### **ADVISORY OPINION 2019-52**

Re: Alisa Richardson

#### **SUMMARY**

A Project Manager in the Office of Stormwater Development at Rhode Island Department of Transportation was not prohibited by the Code of Ethics from continuing to appear, in her private capacity and on her own time, at various municipal planning and zoning board meetings on behalf of neighborhood associations concerned with stormwater practices and water quality treatments.

#### **Code Citations**

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

### **ADVISORY OPINION 2019-53**

Re: Elizabeth Champagne, MA, CSEP

#### **SUMMARY**

A Vocational Rehabilitation Counselor for the Rhode Island Department of Human Services, Office of Rehabilitation Services was not prohibited by the Code of Ethics from working, on her own time, as a certified yoga instructor for young children and/or adults with disabilities.

#### **Code Citations**

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

### **ADVISORY OPINION 2019-54**

Re: The Honorable Donald R. Grebien

#### **SUMMARY**

The Mayor of the City of Pawtucket was not prohibited by the Code of Ethics from taking official actions regarding the approval or disapproval of the YMCA of Pawtucket, Inc.'s application for Community Development Block Grant funds, notwithstanding that his daughter was employed by the YMCA of Pawtucket, Inc.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#); [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

### ADVISORY OPINION 2019-55

Re: The Honorable Donald R. Grebien

#### **SUMMARY**

The Mayor of the City of Pawtucket was not prohibited by the Code of Ethics from taking official actions regarding the approval or disapproval of the Pawtucket Soup Kitchen's application for Community Development Block Grant funds, notwithstanding that his spouse was a member of the Pawtucket Soup Kitchen's Board of Directors.

#### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#); [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

### ADVISORY OPINION 2019-56

Re: Seth Yurdin

#### **SUMMARY**

The Code of Ethics did not prohibit the Petitioner, a member of the Providence City Council, from: (i) responding to the request of the City Plan Commission for support in his capacity as City Councilman of an application by the Providence Preservation Society expanding the Providence Historic District Zoning Overlay in the district he represented; and (ii) participating in the City Council's discussions and decision-making relative to the reaffirmation of the existing Zoning Overlay and its proposed expansion, notwithstanding that the Petitioner would have been one of the affected residents within the proposed extension, given that the circumstances herein 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\(a\)](#); and [36-14-7\(b\)](#).

### ADVISORY OPINION 2019-57

Re: Carolyn Medina

#### **SUMMARY**

A member of the Bristol Board of Tax Assessment Review could represent herself before her own board in order to appeal the tax assessment of her personal residence, based upon a finding of hardship in accordance with the Rhode Island General Laws § [35-14-5\(e\)](#).

## **Code Citations**

R.I. Gen. Laws §§ [35-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

### **ADVISORY OPINION 2019-58**

Re: The Honorable Samuel W. Bell

## **SUMMARY**

A legislator serving as a member of the Rhode Island Senate was not prohibited by the Code of Ethics from participating in Senate discussions and decision-making concerning legislation that would have extended an existing state lottery contract, and/or amended legislation that would allow for open bidding on a new lottery contract, notwithstanding that his spouse was employed by a company that had a business association with another company that was expected to bid on the lottery contract if open bidding was allowed.

## **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00 1.1.5 Reasonable Foreseeability \(36-14-7001\)](#); [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

### **ADVISORY OPINION 2019-59**

Re: Samantha Borden, PhD, MPH

## **SUMMARY**

A Public Health Epidemiologist in the Division of Behavioral Healthcare at the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals was not prohibited by the Code of Ethics from accepting a position as an adjunct faculty member at the University of Rhode Island.

## **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\(b\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#).

### ADVISORY OPINION 2019-60

Re: Marc A. Tillson

#### **SUMMARY**

The Building Official for the Town of New Shoreham, who in his private capacity owned and operated a house watch service there, had to recuse from any matters before his agency that involved or financially impacted his current business associates. The Petitioner was not required to recuse from matters that involved or financially impacted his former business associates, provided that there were no specific future business relationship anticipated.

#### **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\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

### ADVISORY OPINION 2019-61

Re: Julie Carroccia

#### **SUMMARY**

A member of the Charlestown Town Council was not prohibited from participating in discussions and decision-making related to litigation which challenged a state law affecting certified schoolteachers and municipal employees, notwithstanding that her spouse was a public-school teacher.

#### **Code Citations**

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

#### **Other Citations**

[Re: Valarie Lawson, Complaint No. 2019-7](#)

### ADVISORY OPINION 2019-62

Re: Richard Epstein

#### **SUMMARY**

The Vice-Chairman of the Rhode Island Real Estate Commission was prohibited by the Code of Ethics from participating in the Real Estate Commission's discussions and/or vote relative to Residential Properties Ltd.'s school license application, and in matters involving the establishment of real estate school license caps, since any official action taken by the Petitioner in such matters would have a direct financial impact on his employer.

The Petitioner was not prohibited from participating in the review and/or vote on applications for real estate school licenses from other entities, as long as such participation would not have a financial impact upon his employer or his employer's direct competitors located in close proximity, in which circumstances he would be required to recuse.

#### **Code Citations**

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

### **ADVISORY OPINION 2019-63**

Re: Richard Epstein

#### **SUMMARY**

The Vice-Chairman of the Rhode Island Real Estate Commission was not prohibited by the Code of Ethics from becoming a qualified school instructor, notwithstanding that his School Instructor Application, along with his resume, would be reviewed by the Rhode Island Real Estate Commission as part of his private employer's Real Estate Course Application. Further, the Petitioner was not required to recuse from matters involving the approval of Real Estate Course Applications submitted by other schools which were not in close proximity to the public official or his employer's business, or where the two businesses were not in competition.

#### **Code Citations**

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

### **ADVISORY OPINION 2019-64**

Re: Paul E. Vadenais

#### **SUMMARY**

The President of the North Smithfield Town Council qualified for a hardship exception to the Code of Ethics' prohibition against representing himself before the North Smithfield Zoning Board of Review, over which the Town Council had appointing authority, in order to seek a dimensional variance for his personal residence.

#### **Code Citations**

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



### ADVISORY OPINION 2019-65

Re: Margie O'Brien

#### **SUMMARY**

The Director of Capitol Television was not prohibited by the Code of Ethics from hosting, in her private capacity and on her own time, a television special aimed at de-stigmatizing mental illness and addiction in Rhode Island.

#### **Code Citations**

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

### ADVISORY OPINION 2019-66

Re: Jeffrey Barone

#### **SUMMARY**

The Executive Director of the Cranston Department of Senior Services was prohibited by the Code of Ethics from working in his private capacity as an independent broker for Medicare and supplemental insurance plans and from answering his subordinates' questions regarding Medicare and various supplemental insurance plans while a business associate relationship existed between the Petitioner and the insurance providers.

#### **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\(d\)](#); and [36-14-7\(a\)](#).

### ADVISORY OPINION 2019-67

Re: Sarkis Zeitountzian

#### **SUMMARY**

A Rhode Island Family Court Investigator was not prohibited by the Code of Ethics from owning and operating a private investigation firm that would provide background checks for private corporate clients and investigative services to private attorneys that do not involve Family Court matters.

#### **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\(d\)](#); [36-14-6](#); and [36-14-7\(a\)](#).

## ADVISORY OPINION 2019-68

Re: Larry Anderson

### **SUMMARY**

A member of the Little Compton Town Council was not prohibited by the Code of Ethics from participating in discussions and decision-making relative to the potential amendment of the existing Disturbing the Peace zoning ordinance section, and/or the drafting of a Farm Promotion Accessory Uses zoning ordinance section, notwithstanding that said discussions and decision-making would incorporate the results of a litigation matter about which the Ethics Commission previously opined that the Petitioner was prohibited from discussing and making decisions about, because the litigation has since been dismissed with prejudice.

### **Code Citations**

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

## ADVISORY OPINION 2019-69

Re: Kevin J. Rabbitt

### **SUMMARY**

A former Deputy Chief within the Rhode Island Department of Revenue, Division of Motor Vehicles, Dealer Licensing Office, who retired on September 13, 2019, was not prohibited by the Code of Ethics from working as a private consultant to a local attorney who represented consumers and dealers before the Motor Vehicle Dealers License and Hearing Board subject, however, to the revolving door provisions of the Code of Ethics.

### **Code Citations**

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

## ADVISORY OPINION 2019-70

Re: Karen D. Pinch

### **SUMMARY**

The Town of Richmond was not prohibited by the Code of Ethics from accepting a financial contribution from the Beaver River Valley Community Association to be used solely for funding, or partially funding, the videotaping of Planning Board and Zoning Board of Review meetings held in the Town of Richmond, given that the contribution would not have gone to an individual person subject to the Code of Ethics, but instead would be used to promote transparency within the municipality for the benefit of all residents.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.4.2 Gifts \(36-14-5009\)](#).

## ADVISORY OPINION 2019-71

Re: Cynthia Elder

### **SUMMARY**

The Chief of the Business Development Office for the Rhode Island Department of Environmental Management, Division of Parks & Recreation, could accept a waiver of the conference registration fee to attend the National Association of State Park Foundations Conference in Florida in October of 2020. However, the Code of Ethics prohibited the Petitioner from accepting complimentary airfare, local transportation, lodging, and meals.

### **Code Citations**

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

## ADVISORY OPINION 2019-72

Re: Michael DiBiase

### **SUMMARY**

The Director of Administration for the State of Rhode Island was prohibited by the Code of Ethics from representing himself or his private employer before the Office of the Governor, the Department of Administration and its divisions, all agencies within the Executive Branch of Government with which he had “substantial involvement” as defined by the Code of Ethics, and all state or municipal boards and/or commissions on which he personally served or had appointed a designee to serve in his place, until the expiration of one (1) year after leaving his public position.

### **Code Citations**

R.I. Gen. Laws §§ [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(b\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [Commission Regulation 520-RICR-00-00-1.5.5 State Executive/Administrative Revolving Door \(36-14-5015\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).