



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

DATE:	Tuesday, August 4, 2026
TIME:	9:00 a.m.
PLACE:	Rhode Island Ethics Commission Hearing Room – 8 th Floor 40 Fountain Street Providence, RI 02903
LIVESTREAM:	The Open Session portions of this meeting will be livestreamed at: https://us02web.zoom.us/j/89407322402 This is an in-person meeting held at the physical location listed above. Livestream access is being provided only as a convenience, but it is not an official meeting place and we do not guarantee virtual access to view or participate in the meeting. If the livestream virtual broadcast of the meeting is interrupted or cut off for any reason, the meeting will continue in person.



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AGENDA

11th Meeting

1. Call to Order.
2. Motion to approve minutes of Open Session held on July 14, 2026.
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.) Joshua D. Ferreira, the deputy chief of the Tiverton Fire Department, who has been selected to become the town's fire chief, requests an advisory opinion regarding whether the proposed alternate supervisory chain of command would sufficiently insulate him from conflicts of interest arising out of his anticipated new position, given that his mother is employed by the Tiverton Fire Department as it's executive administrative assistant. [Staff Attorney Radiches]
 - b.) The Honorable Frank J. Picozzi, the Mayor of the City of Warwick, requests an advisory opinion regarding what restrictions, if any, the Code of Ethics would place upon him in carrying out his official duties in the event that his grandson is selected by the Warwick Board of Public Safety for employment as a firefighter with the Warwick Fire Department. [Staff Attorney Radiches]

- c.) Rosa Gough, MSW, LICSW, an associate director of the Outpatient Services Unit within the Forensic Division at the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities & Hospitals, who has been offered a position on the board of directors of the Key Program, Inc., a private, non-profit social service organization, requests an advisory opinion regarding whether the Code of Ethics prohibits her from simultaneously serving as a Key Program board member while continuing her state employment. [Staff Attorney Papa]
- d.) Matt St. Ours, a member of the East Greenwich Historic District Commission, requests an advisory opinion regarding whether he qualifies for a hardship exception to the Code of Ethics' prohibition on representing himself, either personally or through a representative, before his own board, in order to allow him to seek a certificate of appropriateness to replace the roof of a rental property that he co-owns with another individual. [Staff Attorney Papa]

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

- a.) Motion to approve minutes of Executive Session held on July 14, 2026, pursuant to R.I. Gen. Laws § 42-46-5(a)(1), (2), & (4).
- b.) In re: Matthew Kent, Complaint No. 2026-2, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- c.) K. Joseph Shekarchi vs. Rhode Island Ethics Commission, Superior Court C.A. No. PC-2026-03423, pursuant to R.I. Gen. Laws § 42-46-5(a)(2).
- d.) Motion to return to Open Session.

6. Motion to seal minutes of Executive Session held on August 4, 2026.

7. Report on actions taken in Executive Session.

8. New Business proposed for future Commission agendas and general comments from the Commission.

9. 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 30, 2026

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: August 4, 2026

Re: Joshua D. Ferreira

QUESTION PRESENTED:

The Petitioner, the deputy chief of the Tiverton Fire Department, a municipal employee position, who has been selected to become the town's fire chief, also a municipal employee position, requests an advisory opinion regarding whether the proposed alternate supervisory chain of command would sufficiently insulate him from conflicts of interest arising out of his anticipated new position, given that his mother is employed by the Tiverton Fire Department as its executive administrative assistant.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the proposed alternate supervisory chain of command would sufficiently insulate the Petitioner, the deputy chief of the Tiverton Fire Department, a municipal employee position, who has been selected to become the town's fire chief, also a municipal employee position, from conflicts of interest arising out of his anticipated new position, given that his mother is employed by the Tiverton Fire Department as its executive administrative assistant.

The Petitioner is an 18-year veteran of the Tiverton Fire Department. He began his career there in 2005 as a probationary firefighter and has earned several promotions throughout the years. The Petitioner states that his mother has been employed by the fire department for 26 years as an administrative assistant and is the fire department's only civilian employee. In February 2024 the Petitioner was promoted from the rank of captain to deputy chief of the fire department. At that time, the Petitioner's mother was a direct report to the fire chief. In anticipation of situations in which the Petitioner as deputy fire chief might need to assume the role of acting fire chief in the fire chief's absence, the Petitioner sought and received from the Ethics Commission Advisory Opinion 2024-6. That advisory opinion contained an approved alternate chain of command which provided that in situations where the fire chief was unavailable, and the deputy chief was acting as the fire chief's designee, the Petitioner's mother would report directly to the town administrator regarding all matters involving her supervision, evaluation, appointment, classification, promotion, transfer, or discipline. The Petitioner was further required to recuse from

participation in his public capacity in all situations where he had reason to believe or expect that his mother would be financially impacted or would obtain an employment advantage as a result of his participation. The Petitioner was advised that, in each of the situations from which he was required to recuse, he was to defer to the established alternate chain of command. The Petitioner states that since the issuance of Advisory Opinion 2024-6, he has been called upon to assume the role of acting fire chief no more than six times, primarily when the fire chief had taken short periods of vacation leave.

The Petitioner informs that the chief of the Tiverton Fire Department left his position at the end of 2025. The Petitioner, who has served as the acting fire chief since that time, states that he and the town administrator continue to adhere to the alternate supervisory chain of command previously approved by the Ethics Commission in 2024.¹ The Petitioner was recently selected by the town administrator to become the town's next fire chief, subject to the issuance of a favorable advisory opinion by the Ethics Commission.²

A copy of the job description for the fire chief position was included with the Petitioner's request for this advisory opinion. It states in pertinent part that the fire chief is responsible for "managing, directing, and coordinating" the fire department and reports directly to the town administrator. Pursuant to the job description, the fire chief plans, organizes, coordinates, manages, directs, and commands all office divisions, operations, personnel, and activities within the fire department; oversees payroll function and the purchasing of supplies and equipment; prepares budget estimates; documents tracking and evaluates department performance; participates in personnel actions such as hiring, termination, assignments, evaluation, and labor relations; and provides discipline as necessary. Additionally, the fire chief is tasked with supervising and coordinating the preparation and presentation of a proposed annual budget for the fire department to the town administrator.

A copy of the job description for the fire department executive administrative assistant position was also included with the Petitioner's request letter. Pursuant to that job description, the fire department's assistant "supports the daily operations of the Fire Department which include, but are not limited to, department payrolls, budget management, rescue billing, human resources, records management & department correspondence." The job description identifies among the administrative assistant's key responsibilities payroll and budget management, communications and correspondence, EMS billing, and human resource functions. The job description identifies the administrative assistant position as a direct report to the town administrator.

¹ The Petitioner informs that the Tiverton Town Council hired a new administrator in or about March of 2025.

² The town administrator informed Ethics Commission staff that the fire chief's contract must be ratified by the Tiverton Town Council.

The Petitioner's request letter also included a proposed alternate supervisory chain of command for the administrative assistant position.³ That document states, among other things, that the fire chief shall not supervise, evaluate, appoint, classify, promote, transfer or discipline the administrative assistant, and that the town administrator will serve as the immediate supervisor for the administrative assistant. Additionally, the town administrator will approve the work submitted by the administrative assistant including, but not limited to, payroll and the payment of monthly department invoices, and review and act on all leave requests for the administrative assistant. The proposed alternate supervisory chain of command states that all personnel files pertaining to the fire chief and the administrative assistant will be maintained by the town administrator. The document also states that the administrative assistant is a member of AFSCME Local 2670A, a separate union from the firefighters' union, and that the town administrator is responsible for the evaluation, appointment, classification, promotion, transfer, discipline, and any financial matter that impacts the administrative assistant. Additionally, the fire chief does not participate in any collective bargaining negotiations with the AFSCME Local 2670A or vote on whether to approve a collective bargaining agreement between that union and the town. The proposed alternate supervisory chain of command states that the fire chief will recuse himself in accordance with R.I. Gen. Laws § 36-14-6 from any discussions that may arise during the budget process that involve the line item relative to the administrative assistant's salary, and that the town administrator will discuss and/or answer any questions relating to it.

Ethics Commission staff spoke with the town administrator regarding the Petitioner's request for this advisory opinion.⁴ In response to staff's inquiry regarding the feasibility of the town administrator assuming the responsibility of the administrative assistant reporting directly to him, the town administrator explained that when he served as the town's chief of police he worked in, and continues to strive to work in, a chain of command-type management style. He noted the comparable environments of the fire department and the police department in that they both involve public safety and chains of command. The town administrator confirmed for staff that the assumption of the additional duty of supervising the fire department's administrative assistant would not impede the performance of his day-to-day duties as town administrator.

The Petitioner represents that his mother has worked as the fire department's administrative assistant for the last 26 years. The Petitioner further represents that approximately 95% of his mother's administrative duties are purely ministerial and do not involve the exercise of

³ The document is entitled, "Alternate Management Plan for the Town of Tiverton and the Tiverton Fire Department."

⁴ During that conversation, the town administrator relayed to staff that, prior to accepting his current position, the town administrator was a member of the Tiverton Police Department for 36 years, culminating in his service as police chief for the last seven years of his tenure.

discretion. Given the facts as represented, the Petitioner seeks guidance from the Ethics Commission regarding whether the proposed alternate supervisory chain of command submitted with his latest request letter would sufficiently insulate him from conflicts of interest arising out of his desired appointment to the position of fire chief.

The Code of Ethics provides that a public 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 his duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest exists if the public employee has reason to believe or expect that he or any person within his family, among others, 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). Also, a public employee may not use his public position to obtain financial gain, other than that provided by law, for himself or any person within his family, among others. § 36-14-5(d).

The Code of Ethics contains specific provisions aimed at curbing nepotism which are laid out in 520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism (36-14-5004) (Regulation 1.3.1). Pursuant to Regulation 1.3.1(B)(1), a public employee may not participate in any matter as part of his public duties if there is reason to believe or expect that any person within his family is a party to or participant in such matter, or will be financially impacted or obtain an employment advantage by reason of the public employee's participation. Additionally, Regulation 1.3.1(B)(2) prohibits a public employee from participating in the supervision, evaluation, appointment, classification, promotion, transfer, or discipline of any person within his family, or from delegating such tasks to a subordinate, except in accordance with advice received in a formal advisory opinion from the Ethics Commission. The phrase "any person within his [] family" expressly includes "mother." Regulation 1.3.1(A)(2). Regulation 1.3.1(B)(3)(a) further prohibits a public employee from participating in discussion or decision-making relative to a budgetary line item that would address or affect the employment, compensation, or benefits of any person within his family or a household member. However, Regulation 1.3.1(B)(3)(c) provides that the public employee is not prohibited from participating in discussion or decision-making relative to approving or rejecting the entire budget as a whole, provided that the person within his family is impacted by the entire budget 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.

Both prior to and since the issuance of Advisory Opinion 2024-6 to the Petitioner, the Ethics Commission has issued a number of advisory opinions to municipal fire chiefs who were employed by the same fire department as member of their family. For example, in Advisory Opinion 2025-17, the Ethics Commission opined that the alternate chain of command policy outlined by the town manager and the petitioner, who was the fire chief for the East Greenwich Fire Department, was sufficient to insulate the fire chief from conflicts of interest arising out of his position, given that his brother was a firefighter in

the same fire department. There, the alternate chain of command policy required the petitioner to recuse from any decisions that may financially impact his brother including, but not limited to, supervision, evaluation, work assignment, promotion, transfer, and discipline. See also A.O. 2024-10 (opining that the proposed alternate chain of command was sufficient to insulate the fire chief of the Cumberland Fire Department from conflicts of interest arising out of his brother's anticipated promotion to the rank of deputy fire chief in the same fire department, given that all responsibility for the direct and indirect supervision of the petitioner's brother would be handled by the Chairman of the Board of Fire Commissioners); A.O. 2009-26 (opining that the Code of Ethics did not prohibit the deputy chief of the Valley Falls Fire Department from serving in that position while his nephew simultaneously served as a firefighter within the same fire department because the recusal procedures and alternate supervisory chain of command approved by the fire chief and the Chairman of the Board of Fire Commissioners, whereby the fire chief would handle supervisory matters concerning the deputy chief's nephew, were reasonable and sufficient to insulate the deputy chief from apparent conflicts of interest); A.O. 2010-40 (opining that the chief of the Manville Fire Department, whose son was employed as a firefighter in the same fire department, would not violate the Code of Ethics because an alternate chain of command had been established where the fire chief recused from the supervisory chain of command in matters involving his son, and the chairperson of the Board of Fire Wardens had agreed to become the son's designated supervisor regarding all administrative matters such as the scheduling of work shifts and disciplinary actions).

Here, in consideration of the Petitioner's representations, the applicable provisions of the Code of Ethics, and past advisory opinions issued, it is the opinion of the Ethics Commission that the alternate supervisory chain of command outlined herein, and agreed upon by the Petitioner and the town administrator, would sufficiently insulate the Petitioner from conflicts of interest arising out of his promotion to the position of fire chief, given his mother's employment as the fire department's executive administrative assistant. Furthermore, because the proposed alternate chain of command designates the administrative assistant as a direct report to the town administrator, the Petitioner is removed from the chain of command altogether. The Ethics Commission acknowledges that where the administrative assistant was formerly a direct report to the fire chief, making the administrative assistant now a direct report to the town administrator presents as a satisfactorily efficient manner of proceeding under the circumstances.

Both the Petitioner and his mother have had significant parallel careers with the Tiverton Fire Department for decades. The Petitioner began his career as a probationary firefighter in 2005 and has achieved several promotions during the last 21 years, the most recent of which will be his elevation to fire chief. The Petitioner's mother has spent the last 26 years as the department's administrative assistant. For either the Petitioner or his mother to be told now that one of them must forfeit their career for the other would be punitive and unnecessary in light of the proposal to make the administrative assistant a direct report to the town administrator. The town administrator presents as amply qualified and prepared

to assume the role of direct supervisor for the fire department executive administrative assistant. The Petitioner is advised, however, to remain vigilant about identifying and avoiding any conflicts of interest that might arise given his anticipated new position that are not addressed herein and is encouraged to seek further guidance from the Ethics Commission as needed. Any recusal shall be exercised consistent with the provisions of § 36-14-6.

This Draft 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, ordinance, constitutional provision, charter provision, or canon of 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 (36-14-5004)

Related Advisory Opinions:

A.O. 2025-17

A.O. 2024-10

A.O. 2024-6

A.O. 2010-40

A.O. 2009-26

Keywords:

Family: Public Employment

Family: Supervision

Nepotism

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: August 4, 2026

Re: The Honorable Frank J. Picozzi

QUESTION PRESENTED:

The Petitioner, the Mayor of the City of Warwick, a municipal elected position, requests an advisory opinion regarding what restrictions, if any, the Code of Ethics would place upon him in carrying out his official duties in the event that his grandson is selected by the Warwick Board of Public Safety for employment as a firefighter with the Warwick Fire Department.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that, if the Petitioner's grandson were to be selected by the Warwick Board of Public Safety for employment as a firefighter with the Warwick Fire Department, the Petitioner, the Mayor of the City of Warwick, a municipal elected position, should follow the general guidance outlined herein.

The Petitioner is the Mayor of the City of Warwick. He was first elected to that position in 2020 and has served consecutively since. He was last elected to a four-year term in 2024.¹ Pursuant to the Warwick City Charter, the mayor is "the chief executive and administrative officer of the city and shall be responsible for the administration and management of all offices, departments, and agencies except as otherwise provided by this Charter."² The City Charter cites among the mayor's powers and duties the following: appointing and, when necessary, removing all officers and employees of the city except as otherwise provided by the charter and except as the mayor may authorize the head of a department or office to

¹ The Petitioner was elected to his first two-year term in 2020. He was re-elected to a second two-year term in 2022. The Petitioner was next elected to a four-year term in 2024 and is eligible to seek and be elected to a second and final four-year term in 2028. <https://www.warwickri.gov/city-council-legislative-department/pages/warwick-city-charter> (last visited July 28, 2026).

² Id.

appoint and remove subordinates in a particular department or office; and preparing the annual budget and submitting it to the city council.³

The Petitioner states that his grandson, who is a resident of Warwick, intends to apply for employment as a firefighter with the Warwick Fire Department. The Petitioner further states that he, as mayor, has no authority with regard to the hiring, supervision, discipline, or termination of members of the fire department. He adds that he does, however, appoint the members of the city's Board of Public Safety, which does exercise such authority. The Petitioner explains that the fire department administers testing to individuals seeking employment there and is solely responsible for selecting the candidates who will be sent to the fire academy for training. The Petitioner clarifies that neither the mayor nor the members of the Board of Public Safety have any role in the testing process. The Petitioner informs that after completion of the fire academy, the graduates are put before the Board of Public Safety for official hiring.⁴ The Petitioner represents that none of the current board members are up for re-appointment prior to the selection of firefighters this fall from the pool of applicants that will include his grandson. The Petitioner further represents that, nonetheless, in order to avoid even an appearance of impropriety, in the event that a vacancy on the board should arise, he would not appoint a replacement during the pendency of his grandson's application, nor would he delegate that task to a subordinate. It is under this set of facts that the Petitioner seeks guidance from the Ethics Commission regarding what restrictions, if any, the Code of Ethics would place upon him in carrying out his official duties in the event that his grandson is selected for employment as a firefighter with the Warwick Fire Department.

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 the proper discharge of his public duties if it is reasonably foreseeable that a direct monetary gain or loss will accrue, by reason of his official activity, to any person within his family, among others. R.I. Gen. Laws § 36-14-7(a). Further, § 36-14-5(d) prohibits a public official from using his position, or confidential information received through his position, to obtain financial gain,

³ Id.

⁴ The Petitioner states that the Board of Public Safety has three members. The first, who was appointed in 2021, was reappointed in 2025 to a term that expires in 2028. The second, who was appointed in 2022 to replace a member who had resigned, was reappointed to a full term in 2023 that expires in 2027. The third, who has served on the board since 2013, having been appointed and reappointed by two previous mayors, was last reappointed in 2026 to a term that expires in 2029. The Petitioner represents that the city's practice is to have the city council approve the mayor's appointments to the board, though it is not required by the charter.

other than that provided by law, for any person within his family, among others. The Code of Ethics includes “grandson” in its definition of any person within one’s family. R.I. Gen. Laws § 36-4-2(1); 520-RICR- 00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004) (A)(2).

Participation in Matters That Involve or Financially Impact the Petitioner’s Grandson

In addition to the above-cited provisions, the Code of Ethics contains specific regulations aimed at curbing nepotism. Under the general nepotism provisions of 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004) (Regulation 1.3.1), 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, or any household member, is a party to or a participant in such matter, or will derive a direct monetary gain, suffer a direct monetary loss, or obtain an employment advantage. Regulation 1.3.1(B)(1). See, e.g., A.O. 2021-44 (opining that a member of the North Smithfield Town Council was prohibited by the Code of Ethics from, among other things, participating in discussion and voting relative to any town council matter in which his sister would be financially impacted, was a party or participant, or would receive an employment advantage); A.O. 2013-8 (opining that a Bristol Town Council member was prohibited by the Code of Ethics from participating in the town council’s appointment of a new harbormaster, and review of any amendments to the harbormaster’s job description, given that his brother was then serving as the interim harbormaster and was also one of nineteen applicants for the permanent harbormaster position). Notably, Regulation 1.3.1(B)(1) not only prohibits actions by a public official that would financially impact his family member, but also applies when such actions involve a family member as a party or participant, regardless of the potential for financial impact. Further, under Regulation 1.3.1(B)(1), a public official is prohibited from participating in matters that may bestow an employment advantage upon a family member. Such an advantage, which might not appear to be a direct financial gain, could be some type of opportunity (such as an educational or travel experience) or resource (such as access to enhanced technology) that the family member would not otherwise have had.

Here, the Petitioner states that while he, as mayor, has no authority with regard to the hiring, supervision, discipline, or termination of members of the fire department, he does appoint the members of the city’s Board of Public Safety, who do exercise such authority. The appointment by the Petitioner of someone to serve as a member of the Board of Public Safety would not *directly* financially impact his grandson. At best, any financial impact would be *indirect*, given the intervening activity of the board members who will decide whether or not to hire the Petitioner’s grandson. Nonetheless, the Petitioner represents that, while none of the current board members are up for reappointment prior to or during the anticipated selection of firefighters this fall, in order to avoid even an appearance of impropriety, in the event that a vacancy on the board should arise, he would not appoint a replacement during the pendency of his grandson’s application, nor would he delegate that task to a subordinate.

Participation in Budgets

Regulation 1.3.1 also addresses a public official's participation in budget matters that could financially impact or involve the public official's family member. Specifically, a public official is prohibited from participating "in discussion or decision-making relative to a budgetary line item that would address or affect the employment, compensation or benefits of any person within his [] family." Regulation 1.3.1(B)(3)(a). However, Regulation 1.3.1(B)(3)(c) provides that a public official is not prohibited from participating "in discussion or decision-making relative to approving or rejecting the entire budget as a whole, provided that the person within his [] family . . . is impacted by the entire budget 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." See, e.g., A.O. 2020-44 (opining that a member of the Town of New Shoreham Town Council was prohibited from, among other things, participating in discussion and voting relative to any budgetary line item that would address or affect the employment, compensation, or benefits of his brother; however, that petitioner could participate in the town council's discussion and vote relative to approving or rejecting the entire budget as a whole); A.O. 2019-19 (opining that a member of the Warwick School Committee was prohibited from, among other things, participating in discussions and decision-making relative to any budget line items that addressed or affected the employment, compensation, or benefits of his mother, but could participate in the school committee's discussion and decision-making relative to approving or rejecting the entire budget as a whole). The basis for allowing participation relative to the budget as a whole is an assumption that a vote on the entire budget is sufficiently remote from most particular line items so as to not constitute a substantial conflict of interest in violation of the Code of Ethics. Therefore, while the instant Petitioner is prohibited from participating in discussion and voting relating to budgetary line items that would address or affect the employment, compensation, or benefits of his grandson, the Petitioner could participate in the discussion and vote to approve or reject the entire budget as a whole.

Participation in Collective Bargaining/Employee Contracts

Regulation 1.3.1(B)(4) also addresses a public official's participation in collective bargaining/employee contracts. It specifically prohibits a public official from participating in negotiations related 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. Regulation 1.3.1(B)(4)(a). However, a public official may participate in a decision to accept or reject an entire employee contract or collective bargaining agreement as a whole, provided that the person within his family or his 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. Regulation 1.3.1(B)(4)(b). See, e.g., A.O. 2025-47 (opining that a member of the Cranston City Council was 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 school committee and the Cranston

teachers' union, notwithstanding that the petitioner's spouse was employed by the city's school district and was a member of the union, provided that his spouse would be 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 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 to not constitute a substantial conflict of interest in violation of the Code of Ethics.

Here, the Petitioner would be prohibited from participating in negotiations relative to an employee contract or collective bargaining which addresses or affects the employment, compensation, or benefits of his grandson, but could participate in a decision to accept or reject an entire employee contract or collective bargaining agreement as a whole, provided that his grandson would be 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. Although the Petitioner would be permitted to participate in the overall vote to approve or reject a collective bargaining agreement or employee contract as a whole, the Ethics Commission is aware that a general discussion can quickly devolve into a more specific review of contractual provisions. As such, the Petitioner would need to remain vigilant about identifying such instances where a general conversation begins to focus on individual aspects of the contract that would be likely to financially impact his grandson. Should those circumstances arise, the Petitioner would be required to recuse from further participation consistent with R.I. Gen. Laws § 36-14-6 or seek further guidance from the Ethics Commission.

Conclusion

In conclusion, it is the opinion of the Ethics Commission that, if the Petitioner's grandson were to be selected by the Warwick Board of Public Safety for employment as a firefighter with the Warwick Fire Department, the Petitioner should follow the guidance outlined herein. Notice of recusal in any instance would need to be filed with the Ethics Commission consistent with the provisions of R.I. Gen. Laws § 36-14-6. This advisory opinion cannot anticipate every possible situation in which a conflict of interest might arise and, thus, provides only general guidance as to the application of the Code of Ethics based upon the facts represented above. The Petitioner is encouraged to seek additional advice from the Ethics Commission in the future as 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. 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, ordinance, constitutional provision, charter provision, or canon of professional ethics may have on this situation.

Code Citations:

§ 36-14-2(1)

§ 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 (36-14-5004)

Related Advisory Opinions:

A.O. 2025-47

A.O. 2021-44

A.O. 2020-44

A.O. 2019-19

A.O. 2013-8

Keywords:

Budgets

Collective Bargaining

Family: Public Employment

Nepotism

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: August 4, 2026

Re: Rosa Gough, MSW, LICSW

QUESTION PRESENTED:

The Petitioner, an associate director of the Outpatient Services Unit within the Forensic Division at the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities & Hospitals, a state employee position, who has been offered a position on the board of directors of the Key Program, Inc., a private, non-profit social service organization, requests an advisory opinion regarding whether the Code of Ethics prohibits her from simultaneously serving as a Key Program board member while continuing her state employment.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, an associate director of the Outpatient Services Unit within the Forensic Division at the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities & Hospitals, a state employee position, who has been offered a position on the board of directors of the Key Program, Inc., a private, non-profit social service organization, is not prohibited by the Code of Ethics from simultaneously serving as a Key Program board member while continuing her state employment.

The Petitioner is employed by the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH) as the associate director of the Outpatient Services Unit within the Forensic Division. The Petitioner states that she has held this position since the start of her most recent employment with the BHDDH in 2022.¹ The Petitioner represents that the Forensic Division conducts court-mandated competency evaluations of adults and, in cases where an adult has been declared incompetent, the division connects that adult to outpatient services. The Petitioner states that her unit is responsible for connecting individuals to the outpatient services needed. The Petitioner further states that her duties include the oversight of all cases within her unit, which include

¹ The Petitioner informs that she has previously worked for the BHDDH as far back as 2005, and that prior to starting her current position with the BHDDH, she was employed by the Rhode Island Department of Children, Youth and Families.

helping individuals who have been declared legally incompetent to navigate the legal requirements imposed by a court. This help would include assisting such individuals to comply with bail requirements, referring them to community services, which most often include mental health services, and sometimes assisting them with their housing needs. The Petitioner explains that she is also responsible for working with the BHDDH finance department to ensure that the division's financial needs are met. The Petitioner notes that her normal working hours are between 8:30 a.m. and 4:00 p.m., Monday through Friday. The Petitioner states that the BHDDH is part of the Rhode Island Executive Office of Health and Human Services (EOHHS), which also encompasses the Rhode Island Department of Children, Youth and Families (DCYF), the Department of Health (DOH), and the Department of Human Services (DHS). The Petitioner further states that she does not work or engage in joint programs with any of the other agencies within EOHHS, does not oversee any of those agencies, and does not have any duties relating to those agencies.

The Petitioner represents that she has been asked to serve on the board of directors of the Key Program, Inc., "a non-profit social service organization that serves youth and families across Massachusetts, Rhode Island, and New Hampshire."² She adds that the Key Program board members do not receive any compensation for their service. The Petitioner represents that the Key Program contracts with the DCYF for the provision of services but has no contracts with the BHDDH. The Petitioner states that, in Rhode Island, the Key Program provides support services for follow-up care to children, youth, and their families, and operates one group home. The Petitioner explains that, as a board member, she would participate in discussions relative to services or programs provided by the Key Program, including those provided in Rhode Island, but that she would not be required to appear before either the DCYF or BHDDH. The Petitioner further states that neither she, as a BHDDH employee, nor her subordinates make referrals to services provided by the Key Program. She adds that the Key Program is not expected to appear before the BHDDH. Further, the Petitioner explains that any fundraising materials that the Key Program may prepare and disseminate to the public would not contain her name or be signed by her. The Petitioner notes that, like other Key Program board members, she may be asked to abstain from participation in Key Program discussions and decision-making in matters when such matters could pose a conflict of interest. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether the Code of Ethics prohibits her from serving as a board member of the Key Program while employed by the BHDDH.

Under the Code of Ethics, a public 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 her duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest exists if a public employee has reason to believe or expect that she, any person within her family, her business associate, or any business by which

² <https://www.key.org/> (last visited July 22, 2026).

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).

Section 36-14-5(d) prohibits a person subject to the Code of Ethics from using her public office, or confidential information received through her holding 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. A public employee may not represent herself, or any other person, or act as an expert witness before any state agency of which she is a member or by which she is employed. § 36-14-5(e)(1)-(3). Furthermore, a public employee must recuse herself from participation when her business associate, or any person authorized by her business associate to appear on behalf of the business associate, appears or presents evidence or arguments before the public employee's state agency. 520-RICR-00-00-1.2.1(A)(2) & (3) Additional Circumstances Warranting Recusal (36-14-5002) (Regulation 1.2.1). 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). Finally, § 36-14-5(c) prohibits the use of and/or disclosure of confidential information acquired by a public official during the course of or by reason of her official duties, particularly for the purpose of obtaining financial gain.

The Ethics Commission has consistently concluded that public officials or employees are "business associates" of entities, including non-profit organizations, for which they serve either as members of the board of directors or in other leadership positions that permit them to affect the financial objectives of the organization. See, e.g., A.O. 2026-17 (opining that a member of the Middletown Planning Board, who was also a member of the board of trustees of the Aquidneck Island Land, was a business associate of the land trust and was, thus, required to recuse from participating in any planning board matters that involved or impacted the land trust); 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 for 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 argument). Accordingly, in the instant matter, were she to join its board of directors, the Petitioner would become a "business associate" of the Key Program.

None of the above provisions of the Code of Ethics prohibit the Petitioner's simultaneous service in her current public position and as a member of the board of directors of the Key Program. See, e.g., 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. 2019-31 (opining that the Administrator of Operations Management for the Department of Administration, Division of Information Technology, was not prohibited

by the Code of Ethics from serving as a member of the board of directors for the Greenwood Credit Union); 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).

However, any work performed by the Petitioner on behalf of or for the Key Program shall be conducted outside of her normal BHDDH working hours. Further, because the Petitioner would be a “business associate” of the Key Program, the Code of Ethics would prohibit her from sharing any confidential information with the Key Program, or from representing the organization’s interests before the BHDDH. Also, although unlikely to occur, the Petitioner would be required to recuse from participating in any BHDDH discussions or decision-making in matters where the Key Program is involved or would be financially impacted, as well as from any matters in which the Key Program representatives appear or present evidence or arguments. See Regulation 1.2.1(A)(2).³

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 for the Key Program, provided that she remains vigilant in identifying and managing any conflicts of interest that may arise between her public and private duties. 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.

This Draft 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)

³ Additionally, the Petitioner is advised that, in the unlikely event any of her fellow Key Program board members become a party or participant in, or would be financially impacted by, a matter before the Petitioner in her capacity as an associate director within BHDDH or before her division, she should seek further guidance from the Ethics Commission.

§ 36-14-2(7)

§ 36-14-5(a)

§ 36-14-5(c)

§ 36-14-5(d)

§ 36-14-5(e)

§ 36-14-7(a)

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

Related Advisory Opinions:

A.O. 2026-17

A.O. 2021-6

A.O. 2019-44

A.O. 2019-31

A.O. 2017-29

Keywords:

Business associate

Memberships

Non-profit boards

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: August 4, 2026

Re: Matt St. Ours

QUESTION PRESENTED:

The Petitioner, a member of the East Greenwich Historic District Commission, a municipal appointed position, requests an advisory opinion regarding whether he qualifies for a hardship exception to the Code of Ethics' prohibition on representing himself, either personally or through a representative, before his own board, in order to allow him to seek a certificate of appropriateness to replace the roof of a rental property that he co-owns with another individual.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the East Greenwich Historic District Commission, a municipal appointed position, qualifies for a hardship exception to the Code of Ethics' prohibition on representing himself, either personally or through a representative, before his own board, in order to allow him to seek a certificate of appropriateness to replace the roof of a rental property that he co-owns with another individual.

The Petitioner is a member of the East Greenwich Historic District Commission (HDC), having served in that position since his appointment by the East Greenwich Town Council in 2024. The Petitioner represents that, in his private capacity, he is a realtor in the town and co-owns with another individual a two-family residential rental property that is in need of a new roof. The Petitioner states that the property was purchased in 2023, has since been fully renovated, and is currently rented out. He further states that because the property is located in the East Greenwich Historic District, he is required, prior to altering its exterior, to seek and receive a certificate of appropriateness from the HDC. He represents that he would recuse from the HDC's discussions and decision-making relative to his application. Based on this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether he qualifies for a hardship exception that will allow him to represent himself, or to be represented by another person, before the HDC relative to the aforementioned application.

The Code of Ethics prohibits a public official from representing himself or authorizing another person to appear on his behalf before a state or municipal agency of which he is a member, by which he is employed, or for which he is the appointing authority. R.I. Gen. Laws § 36-14-5(e)(1); 520-RICR-00-00-1.1.4(A)(1) Representing Oneself or Others, Defined (36-14-5016). These prohibitions continue while the public official remains in office and for a period of one year thereafter. § 36-14-5(e)(1) & (4). While many conflicts under the Code of Ethics can be avoided by recusing from participation, such recusal is insufficient to avoid § 36-14-5(e)'s prohibitions against self-representation absent an express finding by the Ethics Commission in the form of an advisory opinion that a hardship exists. Upon receiving a hardship exception, the public official is required to recuse from participating in his agency's consideration and disposition of the matter at issue. § 36-14-5(e)(1)(ii). The public official must also "follow any other recommendations that the Ethics Commission may make to avoid any appearance of impropriety in the matter." § 36-14-5(e)(1)(iii). Here, the Petitioner's proposed conduct falls squarely within § 36-14-5(e)(1)'s prohibition on representing himself before an agency of which he is a member. Thus, the Ethics Commission will next consider whether the unique circumstances represented by the Petitioner herein justify a finding of hardship that will permit him to appear, either personally or through a representative, before the HDC.

The Ethics Commission reviews questions of hardship on a case-by-case basis and has, in the past, considered some of the following factors in cases involving real property: whether the subject property involved the official's principal residence or principal place of business; whether the official's interest in the property was pre-existing to his public office or was recently acquired; whether the relief sought involved a new commercial venture or an existing business; and whether the matter involved a significant economic impact. The Ethics Commission may consider other factors, and no single factor is determinative.

In the past, the Ethics Commission has applied the hardship exception in somewhat similar circumstances involving a modification to a commercial property. In Advisory Opinion 2017-54, for example, the Ethics Commission granted a hardship exception to a member of the Bristol Town Council, allowing him to appear before the Bristol Zoning Board of Review in order to request permission to install a 9-foot fence around a commercial boat storage facility that he had owned and managed for several years prior to his election to the town council. Similarly, in Advisory Opinion 2001-30, the Ethics Commission granted a hardship exception to the senior assistant solicitor for the City of Providence, who served as legal counsel to the Providence Historic District Commission (PHDC), allowing him to appear before the PHDC for permission to make repairs to a rental property he had owned for several years, given that absent his ability to appear before the PHDC, his property would have fallen into disrepair. See also A.O. 2010-19 (granting a hardship exception to an alternate member of the Newport Zoning Board, allowing him to appear before his own board in order to appeal the denial of a building permit so that he could refurbish unused space for commercial rental use within a residential rental property, where his ownership predated his public service, and the desired use was consistent with prior use).

In the present matter, the Petitioner would like to replace the roof on a residential rental property that he purchased prior to his appointment to the HDC. The Petitioner notes that the property has been fully renovated and is currently rented out, but it is in need of a new roof. Further, the relief sought involves a repair to the property and not a new commercial venture. Based upon the Petitioner's representations, and the review of the relevant provisions of the Code of Ethics and prior advisory opinions, it is the opinion of the Ethics Commission that the totality of the circumstances justifies making an exception to § 36-14-5(e)'s prohibitions against representing oneself before one's own board. Accordingly, the Petitioner may appear before the HDC, either personally or through a representative, in order to seek a certificate of appropriateness for the replacement of the roof of the rental residence. However, as the Petitioner correctly anticipated, he must recuse from participation and voting when the HDC considers his application. Pursuant to § 36-14-5(e)(1), the Petitioner shall, prior to or at the time of his appearance before the HDC, inform the other HDC members of his receipt of the instant advisory opinion and of his recusal in accordance therewith. Notice of recusal must be filed with the Ethics Commission consistent with the provisions of R.I. Gen. Laws § 36-14-6.

This Draft 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:

§ 36-14-5(e)

§ 36-14-6

520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016)

Related Advisory Opinions:

A.O. 2017-54

A.O. 2010-19

A.O. 2001-30

Keywords:

Hardship Exception

Property Interest