

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion 2026-26

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

material facts were omitted or misstated by the person in the request for the opinion. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, 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