

**STATE OF RHODE ISLAND
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

**In re: Anthony Pilozzi,
Respondent**

Complaint No. 2021-2

ORDER

This matter having been heard before the Rhode Island Ethics Commission on November 16, 2021, pursuant to 520-RICR-00-00-3.16 Informal Disposition (1011), and the Commission having considered the Complaint herein and the proposed Informal Resolution and Settlement, which is incorporated by reference herein, it is hereby

ORDERED, ADJUDGED AND DECREED

THAT, the Commission approves the Informal Resolution and Settlement as submitted;

THAT, the Commission incorporates by reference herein the Findings of Fact and Admissions, and the Conclusions of Law, set forth in the Informal Resolution and Settlement;

THAT, by representing himself and presenting evidence and arguments before the Johnston Zoning Board of Review, of which he is a member, on February 25, 2021, to seek a dimensional variance for his property, the Respondent violated Rhode Island General Laws § 36-14-5(e);

THAT, the Respondent is ordered to pay a civil penalty in the amount of Two Hundred and Fifty Dollars (\$250); and

THAT, the Respondent is ordered to attend an ethics training class sponsored by the Ethics Commission either in person or online no later than December 31, 2021.

Entered as an Order of this Commission,


Chairperson

Dated: November 16, 2021

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**In re: Anthony Pilozzi,
Respondent**

Complaint No. 2021-2

INFORMAL RESOLUTION AND SETTLEMENT

The Respondent, Anthony Pilozzi, and the Rhode Island Ethics Commission (“Commission”) hereby agree to a resolution of the above-referenced matter as follows:

I. FINDINGS OF FACT & ADMISSIONS

1. The Respondent has continuously served as a member of the Johnston Zoning Board of Review (“Zoning Board”) since his appointment on October 1, 1995.

2. In 1976, the Respondent purchased 92,560 square feet of vacant land located at 30 Hopkins Avenue in Johnston, Rhode Island. The Respondent had a home built on a portion of the land, which home has served as his primary residence to this date.

3. In February 2021, the Respondent applied to the Town of Johnston (“Town”) for a dimensional variance to allow him to carve out a 24,999-square-foot parcel of land from said property for the construction of a single-family dwelling. The Town’s Zoning Ordinance requires a minimum lot size of 40,000 square feet and 140 feet of frontage to build a single-family dwelling.

4. The Respondent’s application for a dimensional variance (“application”) requested relief from the Zoning Ordinance’s lot-size and frontage requirements. In his application, the Respondent represented that the 24,999-square-foot parcel would be part of the “Pilozzi compound,” land that he would reserve for use only by family members.

5. The Respondent’s application was scheduled for hearing before the Zoning Board on February 25, 2021. On said date, the Zoning Board conducted a remote meeting in Zoom

format, which the Respondent attended via video link.¹ Prior to the hearing on the Respondent's application, Assistant Town Solicitor Joseph Ballirano addressed the Zoning Board stating: "Mr. Pillozzi is going to recuse himself from the hearing. Alternate Cardillo will step in as Mr. Pillozzi is a Board member and has every right to seek relief."

6. The Zoning Board voted unanimously (4-0) to allow the Respondent to recuse and alternate Zoning Board member Dennis Cardillo to replace the Respondent as a voting member.

7. The Respondent, who was not represented by counsel, presented his application to the Zoning Board and answered questions posed by Zoning Board members and one abutter in attendance. There were no objections to the Respondent's application.

8. At no time did the Respondent seek guidance from the Ethics Commission regarding his ability to seek relief from the Zoning Board and at no time did the Ethics Commission make any findings of hardship or issue a hardship exception to the Respondent with respect to his application.

9. At the conclusion of the hearing on the Respondent's application, the Zoning Board voted unanimously to approve the Respondent's application for a dimensional variance. The Respondent did not participate in the Zoning Board's vote regarding his application.

10. The Respondent did not file a Statement of Conflict of Interest with the Ethics Commission as is required pursuant to R.I. Gen. Laws § 36-14-6.

II. CONCLUSIONS OF LAW

1. As a member of the Johnston Zoning Board of Review, the Respondent was, at all

¹ In March 2020, former Governor Gina Raimondo declared a state of emergency in response to the outbreak of COVID-19. In furtherance thereof, former Governor Raimondo issued an executive order which, in part, relieved public bodies from the prohibitions regarding the use of telephonic or electronic communication to conduct meetings set forth under the Rhode Island Open Meetings Act. Former Governor Raimondo and her successor, Governor Daniel McKee, issued several extensions to the executive order, the last of which expired on July 23, 2021.

relevant times, a municipal appointed official subject to the Rhode Island Code of Ethics in Government pursuant to R.I. Gen. Laws § 36-14-4(2).

2. Section 36-14-5(e) and 520-RICR-00-00-1.1.4(A) Representing Oneself or Others, Defined (36-14-5016) prohibit a public official from representing himself or any other person before a state or municipal agency of which he is a member or by which he is employed absent an express finding by the Commission that a hardship exists.

3. By representing himself and presenting evidence and arguments before the Zoning Board of which he is a member on February 25, 2021, to seek a dimensional variance for his property, the Respondent violated section 36-14-5(e).

III. SETTLEMENT

Pursuant to the above Findings of Fact and Conclusions of Law, the Respondent and the Commission Prosecutor agree, subject to the approval of the Rhode Island Ethics Commission, pursuant to R.I. Gen. Laws § 36-14-13(d) and 520-RICR-00-00-3.16 Informal Disposition (1011), to the following:

1. The Commission shall enter an Order and Judgment adopting the Findings of Fact, Conclusions of Law, and terms of the Settlement herein;

2. The Respondent agrees that, pursuant to the above Findings of Fact and Conclusions of Law, the Prosecutor will recommend the imposition of a civil penalty in the amount of Two Hundred and Fifty Dollars (\$250), and the Respondent agrees to the payment of said penalty;

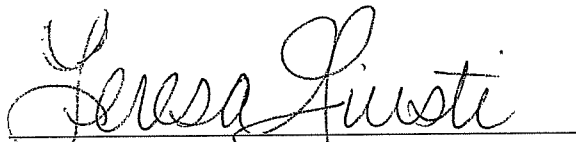
3. The Respondent further agrees to attend an ethics training class sponsored by the Ethics Commission either in person or online no later than December 31, 2021;²

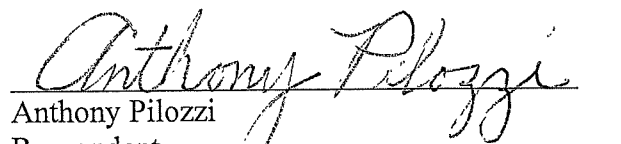
² The Ethics Commission has provided ethics trainings to the Town of Johnston's elected and appointed officials, including members of the Zoning Board, several times over the Respondent's tenure, including April 24, 2007,

4. The Respondent shall immediately file with the Ethics Commission a completed and signed Statement of Conflict of Interest relative to his recusal from participating in the Zoning Board's vote on his application at its February 25, 2021 meeting;

5 Failure by the Respondent to satisfy any of the conditions set forth in this Informal Resolution & Settlement agreement may result in the Commission rescinding this agreement, proceeding immediately to a probable cause hearing, and ultimately imposing a higher civil penalty; and

6. The above terms represent the full and complete Informal Resolution and Settlement for Complaint No. 2021-2.


Teresa Giusti, Esq. (Bar No. 8006)
Commission Prosecutor
Dated: November 4, 2021


Anthony Piloizzi
Respondent
Dated: October 27, 2021

February 16, 2012, April 18, 2018 and, most recently, April 21, 2021. Each of these trainings included discussion of section 36-14-5(e)'s requirements. The Commission's training records show that the Respondent attended the trainings in 2012 and 2018.