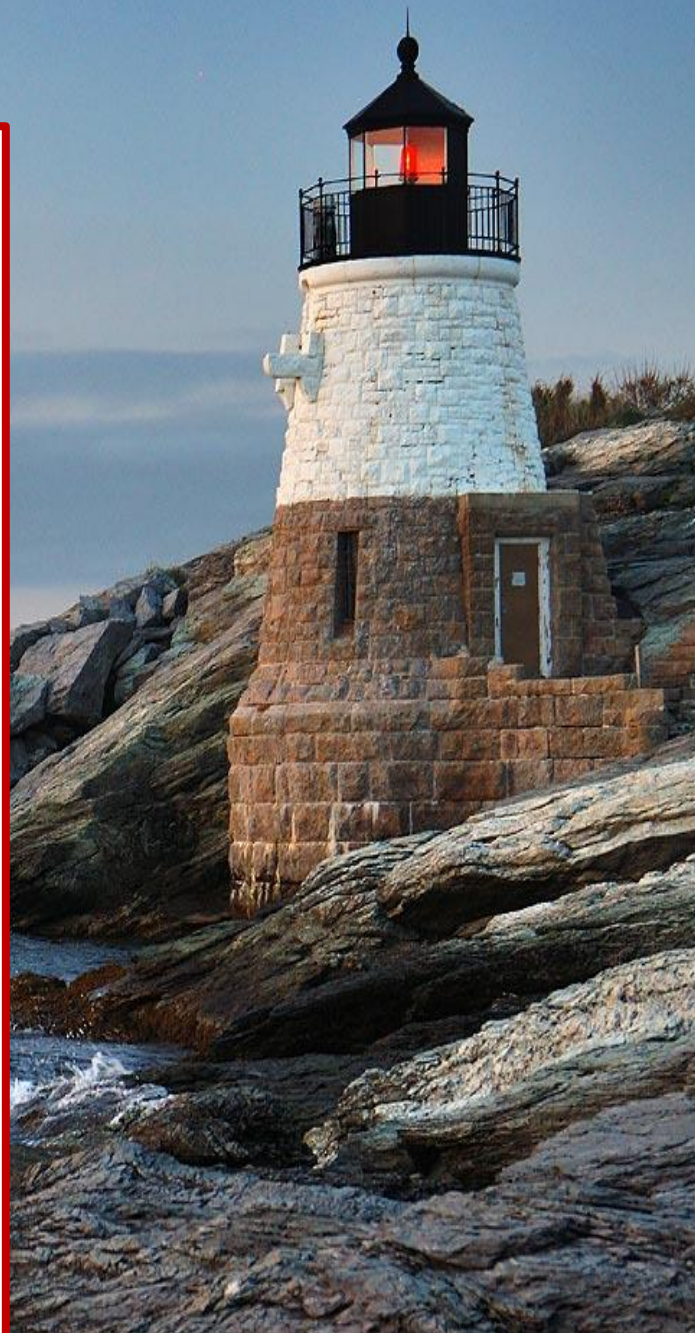


RHODE ISLAND ETHICS COMMISSION

2018 ADVISORY OPINION DIGEST



Rhode Island Ethics Commission

2018 Advisory Opinion Digest



INTRODUCTION

This digest contains brief summaries of the advisory opinions that were issued in calendar year 2018 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 in which he or she is involved. 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.

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Office Hours: Monday through Friday 8:30 am – 4:30 pm

2018 Digest Index

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2018-1	Sharon M. Kernan, RN, MPH	Rhode Island Executive Office of Health and Human Services	State Employee	Post-Employment Previous Private Employment Revolving Door	§ 36-14-5(b) § 36-14-5(c) § 36-14-5(d) § 36-14-5(e) Commission Regulation 36-14-5016
2018-2	Gail Hallock Cyr, AIA	North Kingstown Historic District Commission	Municipal Appointed	Hardship Exception Historic Architect	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016
2018-3	Joseph M. Polisena	Town of Johnston	Municipal Elected	Business	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a)
2018-4	John P. Carson, Sr.	Westerly Town Council	Municipal Elected	Business Associate Membership Private Employment	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-7(a) Commission Regulation 36-14-6001 Other Related Authority: § 45-24-31(1) § 45-24-53(c)(2)
2018-5	Nicholas Izzi	Scituate Town Council	Municipal Elected	Hardship Exception Property Interest	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016
2018-6	Charles Collins	Scituate Town Council	Municipal Elected	Hardship Exception	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2018-7	Stephen H. Lawton	West Warwick School Committee	Municipal Elected	Appointment from Own Board Revolving Door	§ 36-14-6 Commission Regulation 36-14-5006 Commission Regulation 36-14-5014
2018-8	Michael Babbitt	Town of Lincoln Budget Board	Municipal Elected	Contracts Private Employment Recusal Revolving Door	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-5(h) § 36-14-6 § 36-14-7(a)
2018-9	Christopher B. Frenier	Rhode Island Department of Corrections	State Employee	Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)
2018-10	Gregory Maxwell, AIA	East Greenwich Historic District Commission	Municipal Appointed	Hardship Exception Historic Architect	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016
2018-11	Anthony DeSisto	Town of Tiverton	Municipal Appointed	Business Associate	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-7(a) Commission Regulation 36-14-5002
2018-12	Richard A. Bernardo, P.E.	Rhode Island Department of Transportation	State Employee	Post-Employment Private Employment Revolving Door	§ 36-14-2(12) § 36-14-5(b) § 36-14-5(c) § 36-14-5(d) § 36-14-5(e) Commission Regulation 36-14-5016

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2018-13	Lonzie Doggett	Providence Housing Authority	Municipal Employee	Dual Public Roles	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2018-14	Carol Guimond	Tiverton Planning Board	Municipal Appointed	Business Associate	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002 Commission Regulation 36-14-6001
2018-15	Carol Guimond	Tiverton Planning Board	Municipal Appointed	Business Associate	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002 Commission Regulation 36-14-6001
2018-16	Sandra C. Cano	Pawtucket City Council	Municipal Elected	Financial Interest	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-7(a) Commission Regulation 36-14-5002
2018-17	Matthew T. Jerzyk, Esq.	Rhode Island House of Representatives	State Employee	Lobbying Post-Employment Private Employment Revolving Door	§ 36-14-5(e)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2018-18	Dennis Finlay	Town of Smithfield	Municipal Appointed	Nepotism	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) Commission Regulation 36-14-5004
2018-19	Christopher Willi	New Shoreham Town Council	Municipal Elected	Business Associate Class Exception	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-7(a) § 36-14-7(b) Commission Regulation 36-14-5002
2018-20	Mary E. Bray	Pawtucket City Council	Municipal Elected	Dual Public Roles	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5004
2018-21	Matthew Alves	Cumberland Police Department	Municipal Employee	Nepotism Family: Public Employment Family: Supervision	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5004
2018-22	John A. Beauregard	North Smithfield Town Council	Municipal Elected	Business Associate	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002 Commission Regulation 36-14-6001

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2018-23	Paul Francis Kesson	Portsmouth Town Council	Municipal Elected	Class Exception Public Forum Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-6 § 36-14-7(a) § 36-14-7(b) Commission Regulation 36-14-7003
2018-24	John F. Mahoney	Scituate Town Council	Municipal Elected	Hardship Exception Property Interest	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016
2018-25	Roberto Moreno	Pawtucket Housing Authority	Municipal Employee	Candidate Dual Public Roles	§ 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2018-26	Philip Overton	Westerly Town Council	Municipal Elected	Class Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b) Commission Regulation 36-14-5004
2018-27	Derek M. Silva	Rhode Island State Labor Relations Board	State Appointed	Business Associate Recusal Unions	§ 36-14-2(3) § 36-14-5(a) § 36-14-5(d) § 36-14-5(f) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002 Other Related Authority: § 28-7-4

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2018-28	Brian Ferguson, P.E.	Rhode Island Department of Transportation	State Employee	Business Associate Financial Interest	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002 Commission Regulation 36-14-5004
2018-29	The Honorable Jeremiah O’Grady	Rhode Island House of Representatives	State Elected	Budgets Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2018-30	Gregory Laboissonniere	Coventry Town Council	Municipal Elected	Business Associates	§ 36-14-2(3) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2018-31	The Honorable Donna M. Nesselbush	Rhode Island Senate	State Elected	Class Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) § 36-14-7(b)
2018-32	Wendy Allmendinger	Rhode Island Department of Corrections	State Employee	Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)
2018-33	Joseph P. da Silva, Ph.D., AIA, REFP	Rhode Island Department of Elementary and Secondary Education	State Employee	Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2018-34	Kristine S. Trocki	Jamestown Town Council	Municipal Elected	Class Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b) Commission Regulation 36-14-5004
2018-35	Eugene B. Mihaly	Jamestown Town Council	Municipal Elected	Class Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b)
2018-36	The Honorable Adam J. Satchell	Rhode Island Senate	State Elected	Class Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) § 36-14-7(b)
2018-37	Gail Hallock Cyr, AI	North Kingstown Historic District Commission	Municipal Appointed	Hardship Exception Historic Architect	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016
2018-38	Alberto LaGreca	Smithfield Town Council	Municipal Elected	Class Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b)
2018-39	Maxine Cavanagh	Smithfield Town Council	Municipal Elected	Class Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2018-40	Pamela Sherrill, AICP	Rhode Island Scenic Roadways Board East Providence Waterfront Special Development District Commission	State Appointed Quasi-Public State Employee	Business Associate Dual Public Roles	§ 36-14-2(2) § 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)
2018-41	André Boudreau	New Shoreham Town Council	Municipal Elected	Competitors	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2018-42	Teresa Bartomioli	North Smithfield Town Council	Municipal Appointed	Contracts Private Employment	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(h) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5014
2018-43	Christopher Willi	New Shoreham Town Council	Municipal Elected	Property Interest Public Forum Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5016 Commission Regulation 36-14-7003
2018-44	Anthony M. Pesare	Middletown Police Department	Municipal Appointed	Private Employment	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
					Commission Regulation 36-14-7001
2018-45	The Town of New Shoreham Zoning Board of Review	Town of New Shoreham Zoning Board of Review	Municipal Appointed	Recusal Rule of Necessity	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5004 Other Related Authority: § 45-24-57
2018-46	John F. Mahoney	Scituate Town Council	Municipal Elected	Appointing Authority Financial Interest	§ 36-14-2 § 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5016
2018-47	William E. Coyle III, MAI, SREA	City of Providence Tax Assessor's Office	Municipal Employee	Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2018-48	Karen D. Pinch	Town of Richmond	Municipal Appointed	Gifts	§ 36-14-5(i) Commission Regulation 36-14-5009
2018-49	Paul DiModica	Cumberland School Committee	Municipal Elected	Contracts Family: Public Employment Nepotism Recusal	§ 36-14-6 Commission Regulation 36-14-5004

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
				Unions/Bargaining Unit	
2018-50	Peter S. Friedrichs	Central Falls Planning and Economic Development Department	Municipal Employee	Post-Employment Revolving Door	§ 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 36-14-5016
2018-51	Thomas Kane	Cumberland Town Council Town of North Providence	Municipal Elected Municipal Employee	Business Business Associate Conflict: Discharge of Duties	§ 36-14-2(2) § 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(g) § 36-14-7(a)
2018-52	Michael D. Fournier	North Smithfield Planning Board	Municipal Appointed	Business Associate Recusal	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-5(g) § 36-14-7(a) Commission Regulation 36-14-7001
2018-53	Dean Wagner	Jamestown Zoning Board of Review	Municipal Appointed	Family Financial Interest Nepotism	§ 36-14-2(1) § 36-14-2(3) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002 Commission Regulation 36-14-5004

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2018-54	Glenn Cabral	Rhode Island Department of Transportation	State Employee	Revolving Door	§ 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 36-14-5016
2018-55	Derek M. Silva	Rhode Island State Labor Relations Board	State Appointed	Business Associate Private Employment	§ 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 36-14-5002 Other Related Authorities: § 28-7-4
2018-56	Dennis J. Lopes	Department of Human Services	State Employee	Family Member Financial Interest	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002 Commission Regulation 36-14-5004
2018-57	Megan DiPrete	Department of Environmental Management	State Employee	Conflict of Interest Family Member Nepotism	§ 36-14-5(a) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5004 Commission Regulation 36-14-7001
2018-58	Francis DiGregorio	Exeter Town Council	Municipal Elected	Hardship Exception Property Interest Public Forum Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(e)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
					§ 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5016 Commission Regulation 36-14-7003
2018-59	Caswell Cooke, Jr.	Westerly Town Council	Municipal Elected	Conflict of Interest Family Nepotism	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002 Commission Regulation 36-14-5004
2018-60	Amanda Gingell	Burrillville Town Council	Municipal Elected	Private Employment Recusal	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(f) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002

ADVISORY OPINION 2018-1

Re: Sharon M. Kernan, RN, MPH

SUMMARY

A former Interdepartmental Project Manager for the Medicaid Program at the Rhode Island Executive Office of Health and Human Services was not prohibited by the Code of Ethics from assisting a private health-care provider with the preparation of an application for a Certificate of Need planned to be submitted to the Health Services Council during the one-year period following her retirement from state employment, subject to certain limitations as set forth in the advisory opinion.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(b\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#) ; and [Commission Regulation 36-14-5016](#).

ADVISORY OPINION 2018-2

Re: Gail Hallock Cyr, AIA

SUMMARY

A member of the North Kingstown 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 which involved her client.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 36-14-5016](#).

ADVISORY OPINION 2018-3

Re: Joseph M. Polisena

SUMMARY

The Mayor of the Town of Johnston, who served on the Executive Board of Directors of the Rhode Island League of Cities and Towns, a private nonprofit association, was not prohibited by the Code of Ethics from participation in a vote of the Rhode Island League of Cities and Towns to take a position that would have been financially advantageous to the Town of Johnston.

Code Citations

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

ADVISORY OPINION 2018-4

Re: John P. Carson, Sr.

SUMMARY

A member of the Westerly Town Council could participate in the Town Council's discussions and decision-making relative to the creation of beachgoer drop-off points near rights-of-way to Misquamicut and Watch Hill beaches, notwithstanding that he was a seasonal employee at The Misquamicut Club and some of its members owned property abutting or in a close proximity to the rights-of-way.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-6001](#).

Other Related Authority:

§§ [45-24-31\(1\)](#); and [45-24-53\(c\)\(2\)](#).

ADVISORY OPINION 2018-5

Re: Nicholas Izzi

SUMMARY

A member of the Scituate Town Council qualified for a hardship exception to appear before the Scituate Village District Overlay Committee, the Zoning Board and the Planning Board, the members of which the Town Council appointed, to obtain approvals to restore and renovate his commercial property that was damaged in a fire.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 36-14-5016](#).

ADVISORY OPINION 2018-6

Re: Charles Collins

SUMMARY

A member of the Scituate Town Council qualified for a hardship exception to the Code of Ethics' prohibition on representing himself before the Scituate Zoning Board of Review, over which the Town Council had appointing authority.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 36-14-5016](#).

ADVISORY OPINION 2018-7

Re: Stephen H. Lawton

SUMMARY

The Chairman of the West Warwick School Committee was not prohibited by the Code of Ethics from serving as a coach for the West Warwick High School Girls' basketball team, provided that he waived the receipt of any financial compensation and/or benefits and served in a volunteer capacity.

Code Citations

R.I. Gen. Laws § [36-14-6](#); [Commission Regulation 36-14-5006](#); and [Commission Regulation 36-14-5014](#).

ADVISORY OPINION 2018-8

Re: Michael Babbitt

SUMMARY

A member of the Town of Lincoln Budget Board was prohibited by the Code of Ethics from participation in the Lincoln High School Building Committee's selection of a construction manager for the high school renovation project, given that it was expected that his private employer would submit a bid. The Petitioner was further prohibited by the Code of Ethics from participation in the oversight of the construction manager if the contract was awarded to his employer.

Code Citations

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

ADVISORY OPINION 2018-9

Re: Christopher B. Frenier

SUMMARY

A Probation and Parole Supervisor for the Rhode Island Department of Corrections was not prohibited by the Code of Ethics from working, on his own time and in his private capacity, as a part-time counselor with a private psychiatric hospital in Massachusetts.

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 2018-10

Re: Gregory Maxwell, AIA

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 clients before his own board, in accordance with General Commission Advisory 2010-1.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 36-14-5016](#).

ADVISORY OPINION 2018-11

Re: Anthony DeSisto

SUMMARY

The Solicitor for the Town of Tiverton was not barred by the Code of Ethics from serving as legal counsel to the Tiverton Planning Board relative to a particular land development project, notwithstanding that in his private capacity as an attorney the Petitioner had previously represented a client in the defense of a lawsuit brought by the developer.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-5002](#).

ADVISORY OPINION 2018-12

Re: Richard A. Bernardo, P.E.

SUMMARY

A former Manager of In-House Design/Immediate Needs at the Rhode Island Department of Transportation was not prohibited by the Code of Ethics from the inclusion of his resume as part of the Statement of Qualifications that his private employer was to submit to the Department of Transportation.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(12\)](#); [36-14-5\(b\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); and [Commission Regulation 36-14-5016](#).

ADVISORY OPINION 2018-13

Re: Lonzie Doggett

SUMMARY

An outreach worker at the Providence Housing Authority was not prohibited by the Code of Ethics from simultaneously serving as a member of the Providence Housing Authority Board of Commissioners.

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 2018-14

Re: Carol Guimond

SUMMARY

A member of the Tiverton Planning Board, who in her private capacity was a real estate agent affiliated with Century 21 Topsail Realty in Tiverton, was required to recuse from the Planning Board's consideration of land development projects brought by a developer who was working on the project with another real estate agent at Century 21 Topsail Realty.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 36-14-5002](#); and [Commission Regulation 36-14-6001](#).

ADVISORY OPINION 2018-15

Re: Carol Guimond

SUMMARY

A member of the Tiverton Planning Board, who in her private capacity was a real estate agent affiliated with Century 21 Topsail Realty in Tiverton, was required to recuse from participation in the Planning Board's consideration of a land development project brought by another real estate agent at Century 21 Topsail Realty in Tiverton, given that the Petitioner and this other agent were business associates under the Code of Ethics.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 36-14-5002](#); and [Commission Regulation 36-14-6001](#).

ADVISORY OPINION 2018-16

Re: Sandra C. Cano

SUMMARY

A member of the Pawtucket City Council was not prohibited by the Code of Ethics from participation in discussions and decision-making regarding matters concerning the possible construction of a new baseball stadium in Pawtucket, notwithstanding her membership in a group known as Pawtucket's 20/20 and her private employment with Navigant Credit Union.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-5002](#).

ADVISORY OPINION 2018-17

Re: Matthew T. Jerzyk, Esq.

SUMMARY

Former legal counsel to the Majority Leader of the Rhode Island House of Representatives was prohibited by the Code of Ethics from lobbying or representing himself or others before the General Assembly for a period of one year following his official date of severance from state employment. However, the Petitioner was not prohibited from lobbying or representing himself or others before other state or quasi-public agencies that did not fall under the legislative branch of government.

Code Citations

R.I. Gen. Laws § [36-14-5\(e\)](#).

ADVISORY OPINION 2018-18

Re: Dennis Finlay

SUMMARY

The former Town Manager for the Town of Smithfield was not prohibited by the Code of Ethics from accepting a temporary, part-time consulting position as the interim Finance Director of the Cumberland Fire District, notwithstanding that his brother was the Chief of the Fire District.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-5004](#).

ADVISORY OPINION 2018-19

Re: Christopher Willi

SUMMARY

A member of the New Shoreham Town Council was not prohibited from participating in Town Council discussions and voting relative to amending the Old Harbor Dock Policy and the Harbor Management Plan, provided that he and his business associates were impacted by any proposed amendments to the same extent as other marine businesses, mooring and slip owners, and persons on the Town's mooring and slip waiting lists.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); and [Commission Regulation 36-14-5002](#).

ADVISORY OPINION 2018-20

Re: Mary E. Bray

SUMMARY

A former member of the Pawtucket City Council, who was employed by the Rhode Island Office of Housing and Community Development as a Housing Commission Coordinator, could serve as a member of the Pawtucket Housing Authority's Board of Commissioners.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-5004](#).

ADVISORY OPINION 2018-21

Re: Matthew Alves

SUMMARY

The established alternate supervisory chain of command was sufficient to insulate a Detective Sergeant with the Cumberland Police Department from conflicts of interest which arose out of his new position, given that his spouse was a detective in the same division of the Cumberland Police Department.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-5004](#).

ADVISORY OPINION 2018-22

Re: John A. Beauregard

SUMMARY

The President of the North Smithfield Town Council could participate in the Town Council's discussions and voting relative to a solar farm project to be located in North Smithfield, notwithstanding that the Petitioner had previously provided parking lot paint striping for a business owned by the solar farm's developer.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 36-14-5002](#); and [Commission Regulation 36-14-6001](#).

ADVISORY OPINION 2018-23

Re: Paul Francis Kesson

SUMMARY

A member of the Portsmouth Town Council could not participate in the Town Council's discussions and decision-making relative to mitigating the negative effects caused by the operation of a Town-supported wind turbine on neighboring homes, given that the Petitioner was one of the affected residents. However, the Petitioner could address the Town Council during its public comment session, provided that the Petitioner did not receive special access or priority that was not available to any other member of the public.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); and [Commission Regulation 36-14-7003](#).

ADVISORY OPINION 2018-24

Re: John F. Mahoney

SUMMARY

A member of the Scituate Town Council qualified for a hardship exception to appear before the Scituate Plan Commission, the members of which the Town Council appointed, to obtain a preliminary/final approval of his Comprehensive Permit Application.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 36-14-5016](#).

ADVISORY OPINION 2018-25

Re: Roberto Moreno

SUMMARY

A Research/Executive Assistant at the Pawtucket Housing Authority was not prohibited by the Code of Ethics from seeking election to the Pawtucket School Committee.

Code Citations

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

ADVISORY OPINION 2018-26

Re: Philip Overton

SUMMARY

A member of the Westerly Town Council was not prohibited by the Code of Ethics from participation in the Town Council's discussion and decision-making relative to the Town of Westerly Harbor Management Plan's mooring regulations, notwithstanding that his spouse owned property in Westerly with mooring rights.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); and [Commission Regulation 36-14-5004](#).

ADVISORY OPINION 2018-27*

Re: Derek M. Silva

** This advisory opinion should be read in conjunction with Advisory Opinion 2018-55.*

SUMMARY

A member of the Rhode Island State Labor Relations Board, who was also a Lieutenant with the Providence Fire Department and a Vice President and Legislative Agent for the Providence Fire Fighters Local 799 of the International Association of Fire Fighters, was prohibited by the Code of Ethics from participation as a member of the Rhode Island State Labor Relations Board in matters that financially impacted Providence Fire Fighters Local 799 or for which a representative or legal counsel for Local 799 appeared or presented evidence or argument. However, the Code of Ethics did not prohibit his participation in Rhode Island State Labor Relations Board matters involving a different local union or its firefighter members.

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 36-14-5002](#).

Other Related Authorities:

§ [28-7-4](#).

ADVISORY OPINION 2018-28

Re: Brian Ferguson, P.E.

SUMMARY

A Principal Civil Engineer with the Rhode Island Department of Transportation could participate in Department of Transportation matters which involved Manafort Brothers, a contractor that often bid and provided services to the Department of Transportation, notwithstanding that his first-cousin-in-law was employed by that contractor.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 36-14-5002](#); and [Commission Regulation 36-14-5004](#).

ADVISORY OPINION 2018-29

Re: The Honorable Jeremiah O’Grady

SUMMARY

A legislator who was serving as a member of the Rhode Island House of Representatives could participate in the House of Representative’s discussions and voting relative to the FY2019 State Budget as a whole, but was required to recuse from participation in any discussions or voting on particular budget amendments or line-items that would have impacted, or specifically addressed, his employer’s contracts or finances.

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 2018-30

Re: Gregory Laboissonniere

SUMMARY

A member of the Coventry Town Council was prohibited by the Code of Ethics from participating in the Town Council’s discussions and decision-making relative to the reappointment of the Coventry Municipal Court Judge, given that both were members of the Board of Directors of Gabriel’s Trumpet Christian Book Store, Inc.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); and [36-14-7\(a\)](#).

ADVISORY OPINION 2018-31

Re: The Honorable Donna M. Nesselbush

SUMMARY

A legislator who was serving as a member of the Rhode Island Senate could participate in the legislative process regarding proposed legislation to eliminate the statute of limitations applicable to civil actions alleging sexual abuse, pursuant to the Code of Ethics' class exception.

Code Citations

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

ADVISORY OPINION 2018-32

Re: Wendy Allmendinger

SUMMARY

A probation and parole officer employed by the Rhode Island Department of Corrections was prohibited by the Code of Ethics from working in her private capacity as a facilitator at the Rhode Island Batterers Intervention Program.

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 2018-33

Re: Joseph P. da Silva, Ph.D., AIA, REFP

SUMMARY

A School Construction Coordinator and Architectural Design Reviewer employed by the Rhode Island Department of Elementary and Secondary Education was not prohibited by the Code of Ethics from working, on his own time and in his private capacity, for a private architectural firm in Massachusetts.

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 2018-34

Re: Kristine S. Trocki

SUMMARY

A member of the Jamestown Town Council could participate in the Town Council's discussion and decision-making relative to an increase in the amount of the tax exemption available for veterans, notwithstanding that her spouse was a veteran who was eligible for and received the existing tax exemption. In accordance with the Code of Ethics' class exception, the Petitioner's spouse would be

affected by the amendments under discussion to no greater or lesser extent than the significant and definable class of all 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\(b\)](#); and [Commission Regulation 36-14-5004](#).

ADVISORY OPINION 2018-35

Re: Eugene B. Mihaly

SUMMARY

A member of the Jamestown Town Council could participate in the Town Council's discussion and decision-making relative to an increase in the amount of the tax exemption available for veterans, notwithstanding that he was a veteran who was eligible for and received the existing tax exemption. In accordance with the Code of Ethics' class exception, the Petitioner would be affected by the amendments under discussion to no greater or lesser extent than the significant and definable class of all eligible veterans.

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 2018-36

Re: The Honorable Adam J. Satchell

SUMMARY

A legislator who was serving as a member of the Rhode Island Senate could participate in the Senate's discussions and voting relative to legislation that would provide for a stipend to be paid to all retired teachers or their beneficiaries during years where no cost of living adjustments are applied to teachers' retirement benefits, notwithstanding that he was a public school teacher who was vested in the Employees' Retirement System of Rhode Island. This was based on application of the Code of Ethics' class exception.

Code Citations

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

ADVISORY OPINION 2018-37

Re: Gail Hallock Cyr, AI

SUMMARY

A member of the North Kingstown 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 which involved her client.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 36-14-5016](#).

ADVISORY OPINION 2018-38

Re: Alberto LaGreca

SUMMARY

A member of the Smithfield Town Council could participate in the Town Council’s discussions and decision-making relative to a potential amendment to a town ordinance that afforded a tax freeze to Smithfield senior citizens, notwithstanding that he and his spouse were eligible for and received the tax freeze. This was based on application of the Code of Ethics’ class exception.

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 2018-39

Re: Maxine Cavanagh

SUMMARY

A member of the Smithfield Town Council could participate in the Town Council’s discussions and decision-making relative to a potential amendment to a town ordinance that afforded a tax freeze to Smithfield senior citizens, notwithstanding that she and her spouse were eligible for and received the tax freeze. This was based on application of the Code of Ethics’ class exception.

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 2018-40

Re: Pamela Sherrill, AICP

SUMMARY

A member of the Rhode Island Scenic Roadways Board, who also served as the Executive Director of the East Providence Waterfront Special Development District Commission, was not prohibited by the Code of Ethics from participation in the Scenic Roadways Board’s discussions and voting to approve aesthetic development along Veterans Memorial Parkway, notwithstanding that the East Providence Waterfront Special Development District Commission was responsible for approving structural developments in areas that abutted Veterans Memorial Parkway.

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

ADVISORY OPINION 2018-41

Re: André Boudreau

SUMMARY

A member of the New Shoreham Town Council was not prohibited by the Code of Ethics from participation in the Town Council’s decision-making relative to issuance of a Hawkers and Peddlers License to an applicant who operated a food truck on Block Island, notwithstanding that the Petitioner also operated a food truck on Block Island, given the Petitioner’s representations that the two food trucks were not in competition.

Code Citations

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

ADVISORY OPINION 2018-42

Re: Teresa Bartomioli

SUMMARY

The Petitioner, who in her private capacity was the President and co-owner of North Smithfield Fence, Inc., could provide estimates and submit bids to perform work for the Town of North Smithfield and/or its various departments, provided that the contracts for such work were awarded through an open and public bidding process.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(h\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-5014](#).

ADVISORY OPINION 2018-43

Re: Christopher Willi

SUMMARY

A member of the New Shoreham Town Council could, upon recusal, attend and speak at public hearings before the New Shoreham Town Council and/or other New Shoreham Town Boards regarding a proposed “Town Employee Housing Initiative” that would be developed on a property that directly abutted his personal residence.

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 36-14-5016](#); and [Commission Regulation 36-14-7003](#).

ADVISORY OPINION 2018-44

Re: Anthony M. Pesare

SUMMARY

The Chief of the Middletown Police Department was not prohibited by the Code of Ethics from working in his private capacity as a part-time instructor for BlueAid Consulting, Inc., teaching a course in Mental Health First Aid for Public Safety.

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\(d\)](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-7001](#).

ADVISORY OPINION 2018-45

Re: The Town of New Shoreham Zoning Board of Review

SUMMARY

The Town of New Shoreham Zoning Board of Review could utilize the Rule of Necessity, subject to the procedures outlined in the Advisory Opinion, to achieve a quorum of five active members to hear and decide an application for a special use permit for a utility facility, given that three of the seven Zoning Board members had conflicts of interest requiring their recusals.

Code Citations

R.I. Gen. Laws §§ [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 36-14-5004](#).

Other Related Authority:

§ [45-24-57](#)

ADVISORY OPINION 2018-46

Re: John F. Mahoney

SUMMARY

A member of the Scituate Town Council's wife was not prohibited by the Code of Ethics from appearing before the Hope Village Overlay Committee, the Scituate Planning Board of Review, and/or the Scituate Zoning Board of Review, over which the Town Council had appointing authority, to obtain approval to establish an early learning center on property located in the Town of Scituate.

Code Citations

R.I. Gen. Laws §§ [36-14-2](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-5016](#).

ADVISORY OPINION 2018-47

Re: William E. Coyle III, MAI, SREA

SUMMARY

A Commercial Real Estate Appraiser in the City of Providence Tax Assessor’s Office, who in his private capacity owned a real estate appraisal and consulting company that had an ongoing contract with the Providence Water Supply Board, was not prohibited by the Code of Ethics from continuing to perform appraisals under the contract, notwithstanding that the Water Supply Board was owned by the City of Providence.

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 2018-48

Re: Karen D. Pinch

SUMMARY

The Town Administrator for the Town of Richmond was not prohibited by the Code of Ethics from organizing and hosting an event for the residents of Richmond at which candidates for public office were invited to speak and answer questions posed by the residents.

Code Citations

R.I. Gen. Laws § [36-14-5\(i\)](#); and [Commission Regulation 36-14-5009](#).

ADVISORY OPINION 2018-49

Re: Paul DiModica

SUMMARY

A member of the Cumberland School Committee could participate in the School Committee’s vote regarding the ratification of the Cumberland Teachers’ Association contract in its entirety, notwithstanding that his spouse was a member of the Teachers’ Association, provided that his spouse was impacted by the contract as a member of a significant and definable class of persons and not individually or to any greater extent than other similarly situated members of the teachers’ union. The Petitioner could not, however, participate in the School Committee’s vote, or in any discussions or decision-making, which regarded layoffs and rehires of teachers, given that his spouse was a teacher in the Cumberland School District.

Code Citations

R.I. Gen. Laws § [36-14-6](#); and [Commission Regulation 36-14-5004](#).

ADVISORY OPINION 2018-50

Re: Peter S. Friedrichs

SUMMARY

The former Director of the City of Central Falls Planning and Economic Development Department could participate in his private employer's development/fundraising services to a multi-institutional collaborative effort across three communities, including Central Falls, provided that the Petitioner did not utilize any confidential information obtained through his prior public employment and did not represent himself or others before the Central Falls Planning and Economic Development Department.

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\(e\)](#); and [Commission Regulation 36-14-5016](#).

ADVISORY OPINION 2018-51

Re: Thomas Kane

SUMMARY

A member of the Cumberland Town Council was not prohibited by the Code of Ethics from participation in the Town Council's discussion and/or decision-making regarding a proposed ordinance relating to the use of tow service companies by the Cumberland Police Department, notwithstanding that the Petitioner was also employed by the Town of North Providence and that the son of the Mayor of North Providence operated a tow service company in Cumberland.

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

ADVISORY OPINION 2018-52

Re: Michael D. Fournier

SUMMARY

A member of the North Smithfield Planning Board, who in his private capacity was a general contractor, was not prohibited by the Code of Ethics from participation in the Planning Board's discussion and decision-making relative to a proposed development in North Smithfield, notwithstanding that he had communications with and provided a business card to a member of the development team and to an attorney for the proposed development.

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\(g\)](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-7001](#).

ADVISORY OPINION 2018-53

Re: Dean Wagner

SUMMARY

A member of the Jamestown Zoning Board of Review could participate in discussions and voting on Zoning Board matters in which an applicant or objector was represented by an attorney from the law firm at which the Petitioner’s spouse was employed as a legal assistant, because none of the compensation received by the Petitioner’s spouse in the course of her employment was dependent upon a particular outcome in any case, and the Petitioner’s spouse did not work on zoning matters.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(1\)](#); [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 36-14-5002](#); and [Commission Regulation 36-14-5004](#).

ADVISORY OPINION 2018-54

Re: Glenn Cabral

SUMMARY

The Chief of Electrical and Construction Projects with the Rhode Island Department of Transportation, Highway and Bridge Maintenance Division, who also served as an independent contractor for the East Providence Police Department performing traffic detail work, was prohibited by the Code of Ethics from working as a traffic control assistant for Department of Transportation construction projects occurring within the City of East Providence on state-owned roadways because the Petitioner’s daily interactions with the Department of Transportation would not be purely ministerial in nature.

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\(e\)](#) ; and [Commission Regulation 36-14-5016](#).

ADVISORY OPINION 2018-55

Re: Derek M. Silva

SUMMARY

A member of the Rhode Island State Labor Relations Board, who was also a Lieutenant with the Providence Fire Department and the President and Legislative Agent for the Providence Fire Fighters Local 799 of the International Association of Fire Fighters, was not prohibited by the Code of Ethics from participation in discussions and decision-making relative to Labor Relations Board matters

involving parties other than Providence Fire Fighters Local 799 and its members, when such other parties were represented by an attorney who had in the past represented, or was representing, Providence Fire Fighters Local 799 or its members on unrelated matters.

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\(f\)](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-5002](#).

Other Related Authorities:

§ [28-7-4](#).

ADVISORY OPINION 2018-56

Re: Dennis J. Lopes

SUMMARY

A program monitor with the Department of Human Services, Weatherization Assistance Program could inspect work performed by companies that employed his sons, provided that such work was performed by someone other than his sons and that his sons would not be financially impacted.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 36-14-5002](#); and [Commission Regulation 36-14-5004](#).

ADVISORY OPINION 2018-57

Re: Megan DiPrete

SUMMARY

The Chief of the Division of Planning and Development at the Department of Environmental Management could carry out her duties in conformance with the Code of Ethics, notwithstanding that her first cousin owned and operated a civil engineering firm that was among those vendors from whom the Division of Planning and Development, sometimes in conjunction with the Department of Administration, solicited bids on contracts for capital improvement projects, because it was not reasonably foreseeable that the Petitioner's first cousin would bid on any contracts for capital improvement projects.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 36-14-5004](#); and [Commission Regulation 36-14-7001](#).

ADVISORY OPINION 2018-58

Re: Francis DiGregorio

SUMMARY

A member of the Exeter Town Council, who was also a former member of the Exeter Planning Board, could appear before the Exeter Planning Board, the Exeter Zoning Board, and potentially the Exeter Town Council to oppose the development of property which directly abutted his personal residential property, 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 36-14-7003.

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 36-14-5016](#); and [Commission Regulation 36-14-7003](#).

ADVISORY OPINION 2018-59

Re: Caswell Cooke, Jr.

SUMMARY

A member of the Westerly Town Council was not barred from participating in the Town Council's discussion and/or decision-making relative to matters which involved the Westerly School Committee and/or the Elementary School Redesign Committee, notwithstanding that his wife was serving as an elected member of the Westerly School Committee and as an appointed member of the Elementary School Redesign Committee, provided that neither he nor his wife had a personal financial interest in any matter under discussion and that all other requirements of Commission Regulation 36-14-5002(b)(1) were satisfied.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 36-14-5002](#); and [Commission Regulation 36-14-5004](#).

ADVISORY OPINION 2018-60

Re: Amanda Gingell

SUMMARY

A member of the Burrillville Town Council was prohibited by the Code of Ethics from participation in any matters which involved or financially impacted her or her private employer.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(f\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-5002](#).