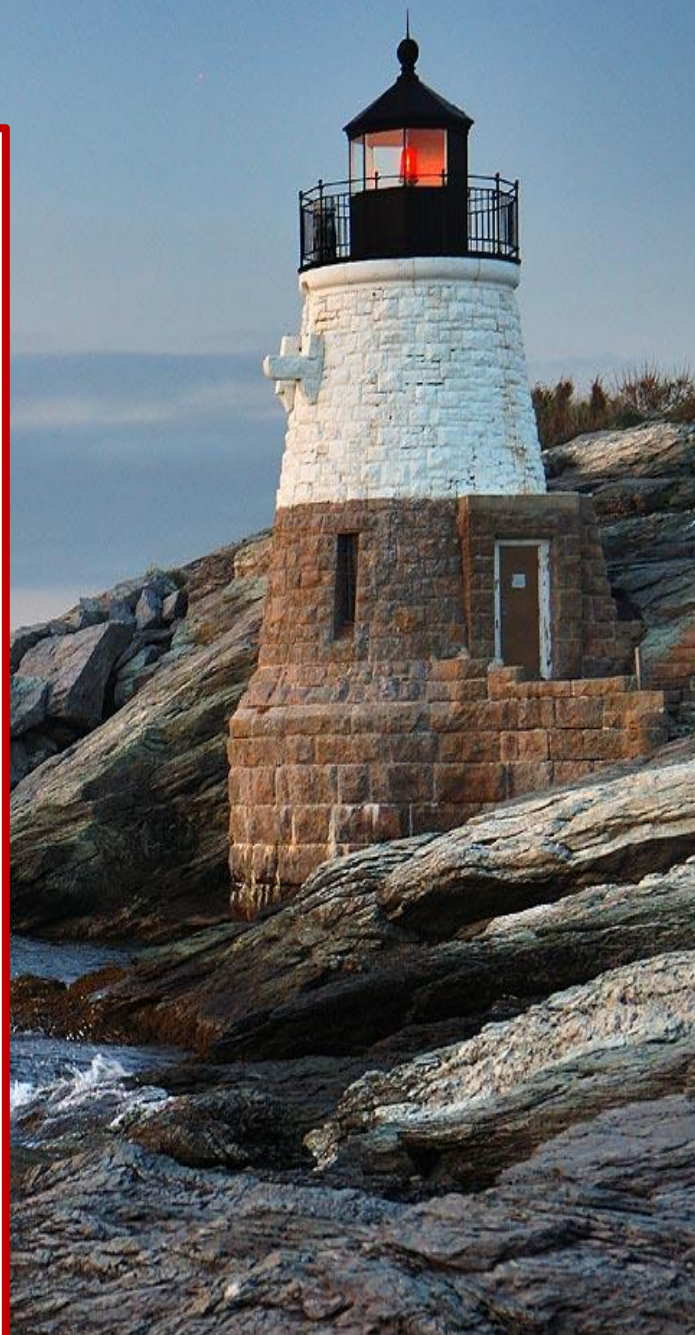


RHODE ISLAND ETHICS COMMISSION

2021 ADVISORY OPINION DIGEST



Rhode Island Ethics Commission

2021 Advisory Opinion Digest



INTRODUCTION

This digest contains brief summaries of the advisory opinions that were issued in calendar year 2021 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.

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

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2021-18	Charles B. Allott, Esq.	Newport Zoning Board of Review	Municipal Appointed	Hardship Exception Property Interest	§ 36-14-5(a) § 36-14-5(e) § 36-14-5(d) § 36-14-6 § 36-14-7(a)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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2021-24	Jessica Willi	Block Island Tourism Council	Municipal Employee	Conflict of Interest Secondary Employment	§ 36-14-2(1) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.3.1 (36-14-5004)
2021-25	The Honorable Ryan Pearson	Rhode Island Senate	State Elected	Class Exception Financial Interest	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) § 36-14-7(b)
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2021-32	The Honorable Mary Ann Shallcross Smith	Rhode Island House of Representatives	State Elected	Business Associate Class Exception Recusal	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-5(f) § 36-14-6 § 36-14-7(a) § 36-14-7(b)

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2021-34	Philip Gould	Lincoln Police Department	Municipal Employee	Campaign Contributions	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(g) § 36-14-7(a) 520-RICR-00-00-1.4.4 (36-14-5011)
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2021-37	Angelica Bovis	Smithfield Town Council Smithfield Land Trust	Municipal Elected Municipal Appointed	Dual Public Roles	§ 36-14-2(2) § 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-7(a)
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No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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2021-41	Mario Carreño	Rhode Island Department of Education	State Employee	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) § 36-14-6 § 36-14-7(a)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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2021-48	David J. DeCost, Jr.	Rhode Island Department of Environmental Management	State Employee	Grants Hardship Exception Revolving Door	§ 36-14-2(12) § 36-14-2(13) § 36-14-5(e) 520-RICR-00-00-1.1.4 (36-14-5016)
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2021-50	Tom Doyle	New Shoreham Sewer Commission	Municipal Appointed	Hardship Exception	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)
2021-51	Robert Almeida	Rhode Island Department of Health	State Employee	Secondary Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)
2021-52	William J. Fazioli	East Providence Waterfront District Commission	Quasi-Public State Appointed	Dual Public Roles	§ 36-14-2(2) § 36-14-2(3) § 36-14-2(7) § 36-14-5(a)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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2021-54	Edward Brady	Cranston City Council	Municipal Elected	Revolving Door	§ 36-14-5(e) 520-RICR-00-00-1.1.4 (36-14-5016)
2021-55	Robert R. Moreau	Woonsocket Housing Authority	Quasi-Public Municipal Employee	Code of Ethics Jurisdiction Public Corporations Quasi-Public	§ 36-14-2(4) § 36-14-2(8) § 36-14-2(9) § 36-14-4 520-RICR-00-00-1.1.3 (36-14-2002) Other Authorities: § 45-25-10 § 45-25-10.5 § 45-25-15 <u>Little v. Conflict of Interest Commission</u> , 121 R.I. 232, 397 A.2d 884 (R.I. 1979) <u>Housing Authority of City of Woonsocket v. Fetzik</u> , 110 R.I. 26, 289 A.2d 658 (1972) <u>Parent v. Woonsocket Housing Authority</u> , 87 R.I. 444, 143 A.2d 146 (1958) <u>State ex rel. Costello v. Powers</u> , 80 R.I. 390, 97 A.2d 584 (1953)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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2021-57	Jennifer Lima	North Kingstown School Committee	Municipal Elected	Business Associate Recusal	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.2.1 (36-14-5002)
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2021-59	Nicole Bucka	East Greenwich School Committee	Municipal Elected	Budget Collective Bargaining Line Item Negotiations Nepotism Recusal	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.5 (36-14-7001) 520-RICR-00-00-1.3.1 (36-14-5004)

ADVISORY OPINION 2021-1

Re: Michael W. Favicchio

SUMMARY

A former member of the Cranston City Council, who was privately self-employed as an attorney, was not prohibited by the Code of Ethics from representing clients before the Cranston Probate Court within one year from the date of his official severance from the Cranston City Council, because such representation pertained to matters of public record in a court of law and, therefore, the Petitioner's proposed actions fell within the exception found at R.I. Gen. Laws § 36-14-5(e)(4).

Code Citations

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

ADVISORY OPINION 2021-2

Re: Board of Commissioners, Lime Rock Fire Department

SUMMARY

Three commissioners for the Lime Rock Fire Department, who had family members employed by the Fire Department, could participate in the decision to accept or reject, as a whole, a collective bargaining agreement addressing the employment of their family members; however, the same three commissioners could not, pursuant to the Rule of Necessity, participate in the negotiation of said collective bargaining agreement.

Code Citations

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

ADVISORY OPINION 2021-3

Re: Jessica Leah DeMartino

SUMMARY

The Director of Social Services in the Town of Exeter, who in her private capacity was employed as a grant writer for the Rhode Island Center Assisting Those in Need, a food pantry located in the Town of Charlestown, was prohibited by the Code of Ethics from taking any non-ministerial official actions in her role as Executive Director of Social Services that would financially impact her private employer.

Code Citations

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

ADVISORY OPINION 2021-4

Re: Timothy Walsh

SUMMARY

The Chief of the Lime Rock Fire Department was not prohibited by the Code of Ethics from continuing to advise the Chairperson of the Board of Commissioners for the Lime Rock Fire Department concerning the negotiation of a collective bargaining agreement which addressed the employment of firefighters within the Fire Department, notwithstanding that a firefighter within the Fire Department became the Petitioner's son-in-law in November of 2020, because it was not reasonably foreseeable that the Petitioner's son-in-law would be financially impacted by the Petitioner's official activity; nor did the Petitioner's advice to said Chairperson rise to the level of participation in negotiations relative to a collective bargaining agreement affecting the employment, compensation or benefits of the Petitioner's son-in-law.

Code Citations

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

ADVISORY OPINION 2021-5

Re: Timothy Walsh (2)

SUMMARY

The proposed alternate supervisory chain of command was sufficient to insulate the Chief of the Lime Rock Fire Department from conflicts of interest relating to his son-in-law's employment as a firefighter within the Fire Department.

Code Citations

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

ADVISORY OPINION 2021-6

Re: Richard Keene

SUMMARY

A member of the North Smithfield Planning Board was not prohibited by the Code of Ethics from participation in the Planning Board's discussions and vote relative to a particular solar project application, notwithstanding that representatives of the North Smithfield Heritage Association, a private non-profit organization for which the Petitioner served as a member of the Board of Directors and as its President, had provided, and were likely to provide again, public comment on the application during public hearings of the Planning Board, provided that the requirements of Commission Regulation 520-RICR-00-00-1.2.1(B)(2) were satisfied.

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 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

ADVISORY OPINION 2021-7

Re: Erica Vieira

SUMMARY

The Administrative and Payroll Clerk for the Johnston Police Department could carry out her duties without running afoul of the Code of Ethics, notwithstanding that her spouse was the Deputy Chief of the Johnston Police Department, given the Petitioner's representation that she had no discretionary decision-making authority that would allow her to use her position to benefit her spouse's financial interests, nor any supervisory authority over her spouse.

Code Citations

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

ADVISORY OPINION 2021-8

Re: Walter B. Mahony III

SUMMARY

A member of the Charlestown Planning Commission was not prohibited by the Code of Ethics from participating in the Planning Commission's discussions and voting relative to applications associated with a proposed subdivision which was to be located on land that partially abutted a road owned by a private homeowners' association to which the Petitioner belonged.

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 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

ADVISORY OPINION 2021-9

Re: Rita A. Kenahan, RN, EdD

SUMMARY

A member of the Little Compton School Committee was prohibited by the Code of Ethics from seeking or accepting employment, including temporary part-time employment as a nurse at the Wilbur McMahan School in Little Compton, to assist with the testing of students, faculty, and staff for COVID-19. However, the Petitioner was not prohibited by the Code of Ethics from assisting with the testing of students, faculty, and staff for COVID-19 at the William McMahan School, provided that she served in a purely voluntary capacity with no compensation.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(4\)](#); [36-14-2\(8\)](#); [36-14-5\(h\)](#); and [Commission Regulation 520-RICR-00-00-1.5.4 Municipal Official Revolving Door \(36-14-5014\)](#).

ADVISORY OPINION 2021-10

Re: Vahid Ownjazayeri

SUMMARY

The Chairman of the Board of Directors of the Rhode Island Infrastructure Bank was prohibited by the Code of Ethics from participating in any Board matter in which his son would be financially impacted or would receive an employment advantage. The Petitioner was further prohibited from participating in the supervision, evaluation, appointment, classification, promotion, transfer or discipline of his son.

Code Citations

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

ADVISORY OPINION 2021-11

Re: Mary E. Meagher

SUMMARY

A member of the State Housing Appeals Board was not prohibited by the Code of Ethics from participating in a matter that was before that agency in which the appellant was represented by legal counsel who once provided legal services to the Petitioner.

Code Citations

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

ADVISORY OPINION 2021-12

Re: William E. McIntosh

SUMMARY

A former member of the Richmond Planning Board qualified for a hardship exception to the Code of Ethics' prohibition against appearing before one's own board within a period of one year following his official severance from said board, for purposes of appearing before the Planning Board, whether individually or through legal counsel, relative to applications involving the development of two pieces of property, both of which had been purchased by the Petitioner prior to his appointment to the Planning Board.

Code Citations

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

ADVISORY OPINION 2021-13

Re: Cody W. Clarkin

SUMMARY

A member of the Charlestown Town Council was not prohibited by the Code of Ethics from serving as the Town Council's liaison to the Parks and Recreation Commission while his father was employed by the Parks and Recreation Department as a seasonal employee. However, the Petitioner was prohibited by the Code of Ethics from participating in any Town Council and/or Parks and Recreation Commission matters in which his father was a party or participant, or by which his father would be financially impacted or receive an employment advantage. The Petitioner was not required to recuse when his father appeared before the Town Council or the Parks and Recreation Commission in his official capacity as an employee of the Parks and Recreation Department, provided that all other requirements of Commission Regulation 520-RICR-00-00-1.2.1(B)(1) were satisfied. The Petitioner was also prohibited from participating in the supervision, evaluation, appointment, classification, promotion, transfer, or discipline of his father. Additionally, the Petitioner was prohibited from participating in Town Council discussions and voting relative to any budgetary line item that addressed or affected the employment, compensation, or benefits of his father, but could vote to approve or reject a budget as a whole, provided that his father was impacted by the entire budget as a member of a significant and definable class of persons, and not individually or to greater extent than any other similarly situated member of the class.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-50002\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2021-14

Re: Peter Brent Regan, Esq.

SUMMARY

The Town Solicitor for the Town of Middletown was prohibited by the Code of Ethics from participation in the Middletown Town Council discussions regarding the proposed revision of an ordinance relative to Short-Term Residential Leases, given that the Petitioner and his spouse owned property regulated by said ordinance.

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 2021-15

Re: John Edwards

SUMMARY

A member of the Tiverton Budget Committee, whose spouse was an employee of the Tiverton School Department, was prohibited by the Code of Ethics from participating in the Budget Committee's discussions and voting relating to School Department budgetary line items that would address or affect the employment, compensation, or benefits of his spouse. However, the Petitioner could participate in the Budget Committee's discussions and voting to approve or reject other budgetary line items, and the School Department's entire budget as a whole, provided that his spouse was impacted by the entire budget as a member of a significant and definable class of persons, and not individually or to greater extent than any other similarly situated member of the class.

Code Citations

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

ADVISORY OPINION 2021-16

Re: Colonel Mark A. Knott

SUMMARY

The proposed alternate supervisory chain of command was sufficient to insulate the Interim Town Manager for the Town of West Warwick from conflicts of interest relating to his spouse's employment as the Solid Waste/Recycling Coordinator for the Town of West Warwick.

Code Citations

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

ADVISORY OPINION 2021-17

Re: The Honorable Mary Ann Shallcross Smith

SUMMARY

A legislator who was serving as a member of the Rhode Island House of Representatives could participate in the General Assembly's discussions and vote on legislation that would eliminate the cost of obtaining a criminal-records check required for employment with child care providers, notwithstanding that the Petitioner owned and/or managed a number of child care centers in Rhode Island and voluntarily reimbursed the applicants she hired for the cost of obtaining a criminal-records check because, notwithstanding the Petitioner's choice to voluntarily reimburse applicants for such fees, the direct financial impact of the legislation was upon the applicants rather than the child care centers at which they sought employment.

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 2021-18

Re: Charles B. Allott, Esq.

SUMMARY

A member of the Newport Zoning Board of Review qualified for a hardship exception to the Code of Ethics' prohibition against representing oneself before one's own board, for purposes of seeking a dimensional variance to construct a storage shed at 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\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2021-19

Re: Jason J. Rainone

SUMMARY

A member of the Town of Warren Zoning Board of Review qualified for a hardship exception to the Code of Ethics' prohibition on representing oneself before one's own board, in order to seek review and approval of proposed renovations to his primary residence and/or to appeal a decision, if necessary, by the Warren Voluntary Historic District Commission relative to such renovations.

Code Citations

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

ADVISORY OPINION 2021-20

Re: Caswell Cooke, Jr.

SUMMARY

The Westerly Town Council could discuss and vote on the renewal of an existing lease agreement with the Misquamicut Business Association ("MBA"), notwithstanding that the Petitioner, a member of the Westerly Town Council, was employed in his private capacity by the MBA as its Executive Director. However, the Petitioner was required to recuse himself from participation in the Town Council's discussions and vote concerning the renewal of the existing lease, and from any matters in which the MBA or its representatives appeared or presented evidence or arguments on behalf of the MBA before the Town Council. The Petitioner was further prohibited by the Code of Ethics from representing the MBA before the Town Council, or any other municipal agency over which the Town Council had appointing authority, and from using his public office or confidential information received through his public office to obtain financial gain for himself, his family member, his business associate, or any person by which he was employed or whom he represented.

Code Citations

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

ADVISORY OPINION 2021-21

Re: Marisa Desautel

SUMMARY

An attorney in private practice who represented the City of Newport as special counsel in an environmental litigation matter was an independent contractor and, therefore, was not subject to the Code of Ethics or limited by prohibitions therein that might otherwise have prevented her from appearing before the Newport Planning Board and/or the Newport Zoning Board on behalf of a client who sought to retain the Petitioner as an environmental expert witness to testify in a land use application matter.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(4\)](#); [36-14-2\(9\)](#); [36-14-4](#); [36-14-5\(o\)](#); and [Commission Regulation 520-RICR-00-00-1.1.3 Additional Definitions \(36-14-2002\)](#).

ADVISORY OPINION 2021-22

Re: Tom Furey

SUMMARY

The Chairman of the Rhode Island Contractors Registration and Licensing Board (“CRLB”) was not prohibited by the Code of Ethics from participating in a matter that was pending before the CRLB wherein the appellant in said matter had hired the Petitioner to perform work on the property that was the subject of the appeal. However, in consideration of the appearance of impropriety that would result from his participation, the Petitioner was advised to recuse from so participating.

Code Citations

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

Constitutional Authority

[R.I. Const., art III, sec. 7.](#)

ADVISORY OPINION 2021-23

Re: John Cullen

SUMMARY

The Secretary of the Block Island Tourism Council was not prohibited by the Code of Ethics from participating in discussions and decision-making by the Tourism Council concerning whether to publicly

support a pilot program proposed by the Rhode Island Public Transit Authority (“RIPTA”) wherein RIPTA would operate two trolleys on Block Island during the 2021 summer season, notwithstanding that the Petitioner was on a waiting list to receive a taxi license on Block Island.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#).

ADVISORY OPINION 2021-24

Re: Jessica Willi

SUMMARY

The Executive Director of the Block Island Tourism Council: (1) was prohibited by the Code of Ethics from participating in any matter as part of her public duties that would financially impact her spouse and/or her private employer; and (2) was not prohibited by the Code of Ethics from engaging in secondary private employment at Captain Nick’s and/or Kimberly’s, provided that all work was performed on her own time and without the use of public resources or confidential information obtained as part of her municipal employment at the Tourism Council and, further provided, that the Petitioner did not use her public position to promote or advertise her husband’s businesses or the businesses of her private employer beyond the scope of the ministerial duties described by the Petitioner in the Advisory Opinion.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(1\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2021-25

Re: The Honorable Ryan Pearson

SUMMARY

A legislator who was serving as a member of the Rhode Island Senate could participate in Senate discussions and voting relative to proposed legislation that would allow Twin River Casino Hotel to extend its debt leverage ratio limits during the extension of its lottery contract with the State of Rhode Island because, notwithstanding that the Petitioner was privately employed by a commercial lending institution which serviced Twin River Casino Hotel, the financial impact of the legislation upon the Petitioner’s employer was both hypothetical and indirect.

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 2021-26

Re: Edward J. Quinlan

SUMMARY

A member of the Health Services Council was not prohibited by the Code of Ethics from participating in discussions and voting on Health Services Council matters involving Prospect Medical, notwithstanding that Prospect Medical owned Charter Care Medical, for which the Petitioner had formerly served as a member of the Board of Trustees.

Code Citations

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

ADVISORY OPINION 2021-27

Re: Keith J. Stover

SUMMARY

A member of the New Shoreham Town Council, whose spouse served on the Board of Directors of Block Island Health Services, Inc. (“BIHS”), a private nonprofit corporation, was not generally prohibited from participating in Town Council decision-making relative to the Town’s annual appropriation to BIHS, including as to an individual line item within the Town’s budget. Yet, in the event that the Petitioner’s spouse appeared before the Town Council on behalf of BIHS, either personally or through the submission of a written request, the Petitioner was required to recuse himself.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2021-28

Re: Kate McMahon Macinanti

SUMMARY

A member of the South Kingstown School Committee, who in her private capacity was employed by SK Wellness as its outreach coordinator, was not, following her recusal from any School Committee matter involving an application by SK Wellness for grant funding and/or a service contract with the South Kingstown School District, prohibited by the Code of Ethics from serving as a moderator and/or facilitator on a project funded by a grant or service contract awarded to SK Wellness by the School Committee.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); and [Commission Regulation 520-RICR-00-00-1.5.4 Municipal Official Revolving Door \(36-14-5014\)](#).

ADVISORY OPINION 2021-29

Re: Thomas N. Warren

SUMMARY

The Chairman of the Narragansett Recreation Advisory Board was prohibited by the Code of Ethics from participating in Recreation Advisory Board discussions and recommendations to the Narragansett Town Council concerning the existing rental policy for cabanas located directly on the Narragansett Town Beach, given that the Petitioner's spouse rented one of the cabanas.

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 2021-30

Re: The Honorable Marcia Ranglin-Vassell

SUMMARY

A legislator who served as a member of the Rhode Island House of Representatives, who was also a teacher at the E-Cubed Academy, was not prohibited by the Code of Ethics from performing work in her private capacity as an independent contractor for Ranglin & Associates Consulting, a business owned by the Petitioner's sister. However, the Petitioner had to perform such work on her own time and without the use of public resources; could not use confidential information obtained as part of her official public duties in furtherance of her consulting work; and could not use either of her official positions to solicit business or clients.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-5\(n\)](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.5.2 Prohibition of State Employment \(36-14-5007\)](#); and [Commission Regulation 520-RICR-00-00-1.5.6 Revolving Door, "Employment" \(36-14-5017\)](#).

ADVISORY OPINION 2021-31

Re: William J. Conley, Jr., Esq.

SUMMARY

A former legislator who served as a member of the Rhode Island Senate was not prohibited from providing legal services to the Rhode Island Senate Committee on Education in a purely voluntary capacity with no compensation prior to the expiration of one year after leaving legislative office.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(4\)](#); [36-14-2\(8\)](#); [36-14-5\(n\)](#); [Commission Regulation 520-RICR-00-00-1.5.1 Employment from Own Board \(36-14-5006\)](#); and [Commission Regulation 520-RICR-00-00-1.5.2 Prohibition of State Employment \(36-14-5007\)](#).

Constitutional Authority

[R.I. Const., art. III, sec. 7.](#)

ADVISORY OPINION 2021-32

Re: The Honorable Mary Ann Shallcross Smith

SUMMARY

A legislator who was serving as a member of the Rhode Island House of Representatives was not prohibited by the Code of Ethics from accepting appointment to the Permanent Legislative Commission on Child Care in Rhode Island in her capacity as a State Representative, notwithstanding that the Petitioner owned and/or managed a number of childcare centers in Rhode Island.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-5\(f\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

ADVISORY OPINION 2021-33

Re: The Honorable Charles A. Lombardi

SUMMARY

The Mayor of the Town of North Providence was not prohibited by the Code of Ethics from renting a building that he personally owned to Tri-County Community Action Agency, a private non-profit entity which sought to provide social services to North Providence residents who were in need.

Code Citations

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

ADVISORY OPINION 2021-34

Re: Philip Gould

SUMMARY

The Administrative Captain for the Town of Lincoln Police Department was not prohibited by the Code of Ethics from continuing to serve in that position while seeking election to the position of Town Administrator for the Town of Lincoln provided that: no public time or resources were utilized by the Petitioner in furtherance of his campaign; the Petitioner did not solicit, directly or through a surrogate, campaign contributions from his subordinates as defined under the Code of Ethics; and there was no understanding that the campaign contributions would affect any official action by the Petitioner.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(g\)](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.4.4 Transactions with Subordinates \(36-14-5011\)](#).

ADVISORY OPINION 2021-35

Re: Matthew McGeorge, AIA, LEED AP

SUMMARY

A member of the East Greenwich Historic District Commission, who in his private capacity was an architect, qualified for a hardship exception to the Code of Ethics' prohibition on representing himself before his own board.

Code Citations

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

ADVISORY OPINION 2021-36

Re: Kenneth D. Jones

SUMMARY

The Chairperson of the West Greenwich Zoning Board of Review could appear before that agency to oppose a special use permit application for the construction of a solar energy generation and battery storage facility for which he received notice as an abutter, based upon a finding that the unique facts as represented justified application of the hardship exception as provided in R.I. Gen. Laws § 36-14-5(e)(1) and the public forum exception as provided in Commission Regulation 520-RICR-00-00-1.2.3.

Code Citations

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

ADVISORY OPINION 2021-37

Re: Angelica Bovis

SUMMARY

A member of the Smithfield Town Council, who was also a former member of the Smithfield Land Trust, was not prohibited by the Code of Ethics from participating in Town Council discussions and voting on property matters in which she had previously participated and voted as a member of the Smithfield Land Trust.

Code Citations

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

ADVISORY OPINION 2021-38

Re: Robert Jones

SUMMARY

A former member of the North Kingstown School Committee could continue to serve on the North Kingstown Charter Commission, and accept appointment to serve on the North Kingstown Audit Committee, prior to the expiration of one year following his departure from the School Committee.

Code Citations

[Commission Regulation 520-RICR-00-00-1.5.1 Employment from Own Board \(36-14-5006\)](#); and [Commission Regulation 520-RICR-00-00-1.5.4 Municipal Official Revolving Door \(36-14-5014\)](#).

ADVISORY OPINION 2021-39

Re: Matthew McGeorge, AIA, LEED AP

SUMMARY

A member of the East Greenwich Historic District Commission, who in his private capacity was an architect, qualified for a hardship exception to the Code of Ethics' prohibition on representing himself before his own board.

Code Citations

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

ADVISORY OPINION 2021-40

Re: Members of the Retirement Board of the Employees' Retirement System
of the State of Rhode Island

SUMMARY

A Retirement Board member was prohibited by the Code of Ethics from participating in disability adjudications and contested administrative hearings if he or she had reason to believe or expect that a direct monetary gain or a direct monetary loss would accrue, by virtue of his or her official activity, to himself or herself, any person within his or her family, his or her business associate, or his or her employer. Also, a Retirement Board member could not use his or her public position, or confidential information received through his or her public position, to obtain financial gain, other than that provided by law, for himself or herself, any person within his or her family, his or her business associate, or his or her employer. A Retirement Board member was further prohibited by the Code of Ethics from participating in disability adjudications and contested administrative hearings if any person within his or her family or household, his or her business associate, his or her employer, or anyone authorized to appear on behalf of any person within his or her family or household, his or her business associate, or his or her employer, appeared to present evidence or arguments before the Retirement Board.

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

Other RI Gen. Laws

R.I. Gen. Laws §§ [36-8-2](#); [36-8-3](#); [36-8-4](#); and [45-21-32](#).

Other Relative Authority

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

ADVISORY OPINION 2021-41

Re: Mario Carreño

SUMMARY

The School Building Authority Finance Officer for the Rhode Island Department of Education was not prohibited by the Code of Ethics from accepting an appointment to fill a vacancy on the Town of Lincoln School Committee and from then serving simultaneously in both positions.

Code Citations

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

ADVISORY OPINION 2021-42

Re: Gregory A. Mancini

SUMMARY

A member of the North Kingstown Town Council qualified for a hardship exception to the Code of Ethics' prohibition against representing oneself before the North Kingstown Historic District Commission, and/or potentially before the North Kingstown Zoning Board of Review, entities over which the Town Council had appointing authority.

Code Citations

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

ADVISORY OPINION 2021-43

Re: Michael Crawley

SUMMARY

The Director of the Cumberland Parks and Recreation Department was not prohibited by the Code of Ethics from purchasing land in the Commonwealth of Massachusetts with two individuals in connection with a new business opportunity, notwithstanding that those individuals annually organized and sponsored a Halloween event at a park owned by the Town of Cumberland, provided that the petitioner followed the guidance of the ethics commission provided in the advisory opinion.

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\(d\)](#); [36-14-5\(e\)](#); [36-14-5\(f\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

ADVISORY OPINION 2021-44

Re: John A. Beauregard

SUMMARY

A member of the North Smithfield Town Council was prohibited by the Code of Ethics from participating in discussion and voting relative to any Town Council matter in which his sister would be financially impacted, was a party or participant, would receive an employment advantage, or appeared or presented evidence or arguments. However, the Petitioner was not required to recuse when his sister was before the Town Council in her official capacity as the Deputy Town Clerk, provided that all of the other requirements of Regulation 1.2.1(B)(1) were satisfied. The Petitioner was also prohibited from participating in the supervision, evaluation, appointment, classification, promotion, transfer or discipline of his sister. Further, the Petitioner was prohibited from participating in discussion and voting relative to any budgetary line item that addressed or affected the employment, compensation or benefits of his sister, but could vote to approve or reject a budget as a whole. The Petitioner was likewise prohibited from participating in contract negotiations concerning his sister's employment, but could vote to approve or reject a collective bargaining agreement or employment contract for Town employees as a whole.

Code Citations

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

ADVISORY OPINION 2021-45

Re: Adam Schatz

SUMMARY

The Petitioner, if appointed to fill a vacancy on the Burrillville Zoning Board of Review, would be prohibited by the Code of Ethics from participating in discussions and voting relative to any Zoning Board matter in which his father-in-law would be financially impacted, was a party or participant, would receive an employment advantage, or appeared or presented evidence or arguments. Specifically, the Petitioner would be required to recuse from participation in appeals to the Zoning Board by parties aggrieved by a decision of the Building Official and from appeals to the Zoning Board by parties seeking a determination of compliance with the zoning chapter of the Town's Code of Ordinances. However, the Petitioner would not be required to recuse when his father-in-law was before the Zoning Board in his official capacity as the Town Building Official to participate in non-adversarial information sharing, or the coordination of activities between the Building Official and the Zoning Board, and provided that all of the other requirements of Regulation 1.2.1(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 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2021-46

Re: James B. King Jr.

SUMMARY

A member of the Jamestown Zoning Board of Review qualified for a hardship exception to the Code of Ethics' prohibition on representing oneself before the municipal agency of which he was a member, in order to seek a setback variance that was required to construct a garage on his personal residence.

Code Citations

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

ADVISORY OPINION 2021-47

Re: Matthew McGeorge, AIA, LEED AP

SUMMARY

The chairperson 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 another person before the municipal agency of which the Petitioner was a member.

Code Citations

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

ADVISORY OPINION 2021-48

Re: David J. DeCost, Jr.

SUMMARY

A principal civil engineer for the Rhode Island Department of Environmental Management's Division of Planning and Development, who in his private capacity owned and operated an apple cider orchard, qualified for a hardship exception to the Code of Ethics' prohibition against representing himself before the state agency by which he was employed for purposes of seeking a Local Agriculture and Seafood Act Grant administered by his agency's Division of Agriculture.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(e\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2021-49

Re: The Honorable Steven A. Moretti

SUMMARY

An Associate Judge of the Cranston Municipal Court, who in his private capacity was a practicing attorney, was not prohibited by the Code of Ethics from representing clients before the Cranston Probate Court, the Cranston Zoning Board of Review, and the Cranston City Council, or from representing clients charged with criminal offenses by the Cranston Police Department, provided that the representation was not related to a matter in which he was involved as an Associate Judge of the Cranston Municipal Court or over which the Cranston Municipal Court had jurisdiction.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-5\(f\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

ADVISORY OPINION 2021-50

Re: Tom Doyle

SUMMARY

A member of the New Shoreham Sewer Commission was not prohibited from appearing before that agency in order to appeal a sewer assessment against his personal residence, based upon a finding that the unique facts as represented justified application of the hardship exception as provided in R.I. Gen. Laws § 36-14-5(e).

Code Citations

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

ADVISORY OPINION 2021-51

Re: Robert Almeida

SUMMARY

The Supervising Forensic Scientist for the Rhode Island Department of Health (“RIDOH”) was not prohibited by the Code of Ethics from working as a private consultant on matters outside of and with no relation to the State of Rhode Island, provided that: all work was performed on his own time and without the use of public resources or confidential information obtained as part of his state employment at the RIDOH; he did not use his public employment to recruit or obtain potential clients; and he did not use his public employment to advertise or promote his private work.

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 2021-52

Re: William J. Fazioli

SUMMARY

The Chairperson of the East Providence Waterfront District Commission, who also served as the Director of the Department of Planning and Economic Development for the City of East Providence, was not prohibited by the Code of Ethics from simultaneously serving in both positions.

Code Citations

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

ADVISORY OPINION 2021-53

Re: Stephen R. Ucci

SUMMARY

A former legislator who served as a member of the Rhode Island House of Representatives could, prior to the expiration of one year after leaving legislative office, accept an appointment by the Speaker of the Rhode Island House of Representatives to the Special Commission on Reapportionment, given that its members received no compensation for their services.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(4\)](#); [36-14-2\(8\)](#); [36-14-5\(n\)](#); and [Commission Regulation 520-RICR-00-00-1.5.2 Prohibition on State Employment \(36-14-5007\)](#).

ADVISORY OPINION 2021-54

Re: Edward Brady

SUMMARY

A former member of the Cranston City Council qualified for a hardship exception to the Code of Ethics' prohibition against appearing before one's own board prior to the expiration of one year following one's official severance therefrom, for purposes of authorizing and/or directing his business partner to appear before the Cranston City Council in order to seek the transfer of a liquor license in connection with the pending purchase of property.

Code Citations

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

ADVISORY OPINION 2021-55

Re: Robert R. Moreau

SUMMARY

The Executive Director of the Housing Authority of the City of Woonsocket was subject to the Rhode Island Code of Ethics.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(4\)](#); [36-14-2\(8\)](#); [36-14-2\(9\)](#); [36-14-4](#); and [Commission Regulation 520-RICR-00-00-1.1.3 Additional Definitions \(36-14-2002\)](#).

Other Authorities

R.I. Gen. Laws §§ [45-25-10](#); [45-25-10.5](#); [45-25-15](#); [Little v. Conflict of Interest Commission](#), 121 R.I. 232, 397 A.2d 884 (R.I. 1979); [Housing Authority of City of Woonsocket v. Fetzyk](#), 110 R.I. 26, 289 A.2d 658 (1972); [Parent v. Woonsocket Housing Authority](#), 87 R.I. 444, 143 A.2d 146 (1958); and [State ex rel. Costello v. Powers](#), 80 R.I. 390, 97 A.2d 584 (1953).

ADVISORY OPINION 2021-56

Re: Robert R. Moreau

SUMMARY

The Executive Director of the Housing Authority for the City of Woonsocket was prohibited by the Code of Ethics from participating in any Housing Authority matter in which his sister would be financially impacted or receive an employment advantage. The Petitioner was also prohibited from participating in the supervision, evaluation, appointment, classification, promotion, transfer, or discipline of his sister. The Petitioner was further prohibited from participating in negotiations relative to an employee contract or collective bargaining agreement that addressed or affected his sister's employment, compensation, or benefits, but could provide information relative to Housing Authority operations to those persons involved in the negotiations of such an employee contract or collective bargaining agreement, provided that it was not reasonably foreseeable that the Petitioner's sister would be financially impacted by the

Petitioner’s official activity, and further provided that the Petitioner was not present during the negotiations of such an employee contract or collective bargaining agreement.

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 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2021-57

Re: Jennifer Lima

SUMMARY

A member of the North Kingstown School Committee, who in her private capacity was the founder and co-president of Towards an Anti-Racist North Kingstown (“TANK”), a non-profit organization dedicated to advancing discussions of anti-racist policies in the Town of North Kingstown, was not required by the Code of Ethics to recuse from participating in School Committee and/or Subcommittee discussions and/or voting on matters relative to the topics of diversity, equity, and inclusion, notwithstanding that those topics were among those advanced by TANK as part of its mission provided, however, that there were otherwise no grounds for recusal.

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 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

ADVISORY OPINION 2021-58

Re: Christopher Abhulime

SUMMARY

The proposed recusal procedures set forth by the Deputy Chief of Staff to the Governor of the State of Rhode Island were sufficient to avoid and/or manage potential conflicts of interest, if any, that could arise given that his spouse was the sole proprietor of a newly established private entity that intended to offer 24-hour community care in small residential facilities for eligible adults with intellectual and development disabilities, and would soon seek licensure from the Rhode Island Department of Behavioral Healthcare, Development Disabilities, and Hospitals.

Code Citations

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

ADVISORY OPINION 2021-59

Re: Nicole Bucka

SUMMARY

A member of the East Greenwich School Committee, whose spouse was a teacher in the East Greenwich School Department and a member of the East Greenwich teachers' union, could participate in matters relative to: (1) School Department budget discussions; (2) a vote to approve or reject as a whole the teachers' collective bargaining/employee contract; and (3) School Committee discussions relative to the collective bargaining/employee contract negotiations for non-teacher unions.

Code Citations

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