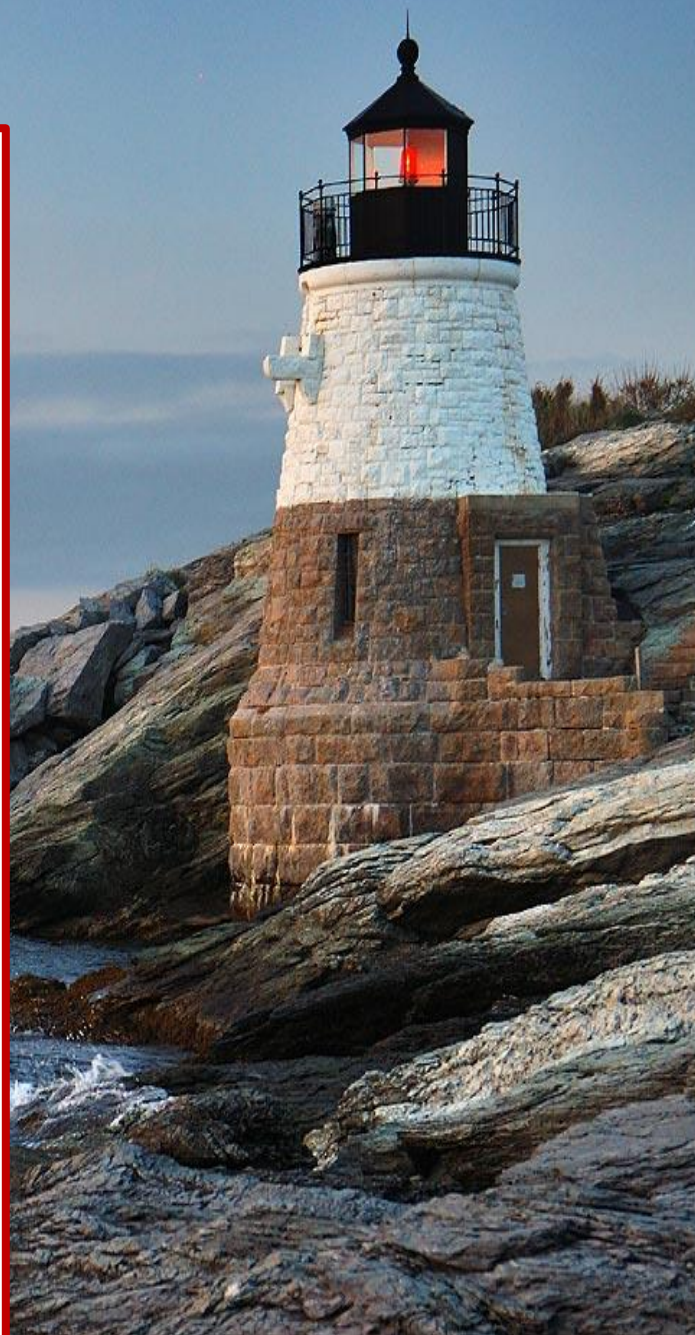


RHODE ISLAND ETHICS COMMISSION

2022 ADVISORY OPINION DIGEST



Rhode Island Ethics Commission

2022 Advisory Opinion Digest



INTRODUCTION

This digest contains brief summaries of the advisory opinions that were issued in calendar year 2022 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 a majority of the members of the Commission. 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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2022-4	The Honorable Sandra Cano	Rhode Island Senate	State Elected	Dual Public Roles	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2022-5	Millicent McGinnes	Town of New Shoreham	Municipal Employee	Conflict of Interest Contracts Secondary Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-5(h) § 36-14-7(a)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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2022-7	Eugene Quinn	East Greenwich School Committee	Municipal Elected	Confidential Information Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(c) § 36-14-5(d) § 36-14-7(a)
2022-8	Alayne White	Bristol Zoning Board	Municipal Appointed	Recusal Representing Oneself or Others	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016)
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2022-10	Timothy J. McCormick	Scituate Town Council	Municipal Elected	Hardship Exception	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)
2022-11	The Honorable Dawn Euer	Rhode Island Senate	State Elected	Financial Interest	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) 520-RICR-00-00-1.1.5 (36-14-7001)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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2022-13	Jessica McCarthy	Jamestown Harbor Commission	Municipal Appointed	Conflict of Interest	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b)
2022-14	Bradford G. Marthens	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)
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2022-16	Lisa Bryer, AICP	Town of Jamestown	Municipal Employee	Business Associate Family Member Nepotism Recusal	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-6

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2022-17	Nancy A. Beye	Jamestown Town Council	Municipal 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) § 36-14-6 § 36-14-7(a) § 36-14-7(b) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.1 (36-14-5002)
2022-18	Paul D. Ragosta, Esq.	Rhode Island Office of the Auditor General Providence Housing Court	State Employee Municipal Appointed	Dual Public Roles	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)
2022-19	Andy Andujar	Rhode Island Department of Labor and Training	State Employee	Secondary Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)
2022-20	Ernest Almonte	Office of the Lieutenant Governor Rhode Island Department of Health	State Employee State Employee	Post-Employment Revolving Door	§ 36-14-2(7) § 36-14-5(c) § 36-14-5(d) § 36-14-5(e) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.5.5 (36-14-5015)

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2022-22	Renu Englehart	East Greenwich Town Council	Municipal Elected	Public Forum Exception	§ 36-14-5(d) § 36-14-5(e) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.3 (36-14-7003)
2022-23	Jo Anne Santos	Town of Charlestown	Municipal Appointed	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)
2022-24	Members of the Westerly School Committee	Westerly School Committee	Municipal Elected	Conflict of Interest	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-5(e) § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.1.5 (36-14-7001)
2022-25	Ashley Selima	Rhode Island Department of State	State Employee	Financial Interest Gift Honorarium	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) 520-RICR-00-00-1.4.2 (36-14-5009) 520-RICR-00-00-1.4.3 (36-14-5010)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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2022-27	Gail Berlinghof	North Smithfield Zoning Board of Review	Municipal Appointed	Public Forum Exception	§ 36-14-5(d) § 36-14-5(e) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.3 (36-14-7003)
2022-28	Kristen Danusis	Rhode Island Department of Education	State Employee	Business Associate Dual Public Roles	§ 36-14-2(2) § 36-14-2(3) § 36-14-2(7) § 36-14-2(12) § 36-14-2(13) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-5(e) § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016)
2022-29	The Honorable Mark E. Liberati	Jamestown Probate Court	Municipal Appointed	Acting as Agent Private Employment	§ 36-14-2(12) § 36-14-2(13) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-5(e) § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.4.1 (36-14-5008)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
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2022-31	Charles A. Collins, Jr.	Scituate Budget Committee Scituate Housing Authority	Municipal Appointed Municipal Appointed	Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.2.1 (36-14-5002)
2022-32	Nicole M. Shevory	Newport Zoning Board of Review	Municipal Appointed	Hardship Exception Property Interest	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)
2022-33	Jonathan Pascua	Anthony Fire District Coventry Town Council	Quasi-Municipal Employee Position Municipal Elected	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)
2022-34	James Restivo	South Kingstown School Committee	Municipal Elected	Budget Collective Bargaining 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)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2022-35	Bradford A. Mayer	Coventry School Committee	Municipal Elected	Budget Collective Bargaining 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)
2022-36	Mark Aramli	Newport City Council	Municipal Elected	Hardship Exception	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)
2022-37	William L. Patenaude	Rhode Island Department of Environmental Management	State Employee	Secondary Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)
2022-38	Rebecca Elsing, MA CAGS QMHP	Rhode Island Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals	State Employee	Secondary Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a)

ADVISORY OPINION 2022-1

Re: John Picozzi

SUMMARY

A member of the Lincoln School Committee, who in his private capacity was the Vice President of the Lincoln Youth Basketball Association, a private non-profit organization, was advised to follow the Ethics Commission's guidance as outlined in the advisory opinion relative to the proper management of any conflicts of interest that might arise as a result of his simultaneous service in both positions.

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\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulations 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); [520-RICR-00-00-1.4.4 Transactions with Subordinates \(36-14-5011\)](#).

ADVISORY OPINION 2022-2

Re: Suzanna L. Alba

SUMMARY

A member of the Smithfield Town Council could participate in Town Council discussions and decision-making relative to the interview, selection, and appointment of members to a sub-committee tasked with proposing to the Town Council a plan for the long-term use of a piece of property owned by the Town of Smithfield, notwithstanding that the Petitioner's personal residence was located in close proximity to the subject property.

Code Citations

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

ADVISORY OPINION 2022-3

Re: Kelley Morris Salvatore

SUMMARY

A member of the State Housing Appeals Board was prohibited by the Code of Ethics from participating in the consideration of an appeal that was filed by a party aggrieved by a decision of the Lincoln Planning Board, given that the Petitioner's brother-in-law, a member of the Lincoln Planning Board, participated in that decision.

Code Citations

R.I. Gen. Laws § [36-14-6](#); and [Commission Regulations 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); [520-RICR-00-00-1.3.1 Prohibited Activities- Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2022-4

Re: The Honorable Sandra Cano

SUMMARY

A legislator serving as a member of the Rhode Island Senate was not prohibited by the Code of Ethics from accepting employment by the City of Pawtucket as its Director of Commerce and serving simultaneously in both positions.

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 2022-5

Re: Millicent McGinnes

SUMMARY

The Town Clerk for the Town of New Shoreham, who in her private capacity was the owner and operator of Ballard's Oil Company, Inc., was not prohibited by the Code of Ethics from bidding in her private capacity on a contract, through an open and public bidding process, to provide heating oil services to the Town.

Code Citations

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

ADVISORY OPINION 2022-6

Re: Karen Bernardino

SUMMARY

The Fiscal Clerk for the Town of North Smithfield could carry out her current duties without running afoul of the Code of Ethics, notwithstanding that her spouse had recently accepted a part-time position as the Electrical Inspector for the Town of North Smithfield, given the Petitioner's representation that she had neither discretionary decision-making authority nor any supervisory authority with respect to her spouse's municipal employment.

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 2022-7

Re: Eugene Quinn

SUMMARY

A member of the East Greenwich School Committee was not prohibited by the Code of Ethics from having access to, and utilizing, East Greenwich School District employees' payroll data to develop long-term forecasts for the East Greenwich School District's finances and enrollment, notwithstanding that some of the payroll data may have contained confidential and/or nonpublic information, provided that his access and use of confidential and/or nonpublic information was solely in his capacity as a duly authorized member of the School Committee and that he did not disclose or utilize such information for financial gain.

Code Citations

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

ADVISORY OPINION 2022-8

Re: Alayne White

SUMMARY

A member of the Bristol Zoning Board was not prohibited by the Code of Ethics from participating in her private capacity in the various activities as described in the advisory opinion relative to a proposed mill redevelopment in the Town of Bristol.

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 2022-9

Re: The Honorable James A. Seveney

SUMMARY

A legislator serving in the Rhode Island Senate could participate in the Senate's discussions and decision-making relative to an article in the State's operating budget proposal for Fiscal Year 2023 submitted by the Governor to the Rhode Island General Assembly that recommended the phase-out of state income taxation on military service pensions, notwithstanding that the Petitioner was a retired naval officer receiving a military service pension, given that the circumstances justified the application of the class exception as set forth in R.I. Gen. Laws § 36-14-7(b).

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 2022-10

Re: Timothy J. McCormick

SUMMARY

A member of the Scituate Town Council qualified for a hardship exception to the Code of Ethics' prohibition against representing himself before the Scituate Building and Zoning Official, over which the Town Council had appointing authority, given that the Petitioner was building a new home in Scituate in which he intended to reside with his family, and that certain aspects of that project fell within the purview of the Building & Zoning Official.

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 2022-11

Re: The Honorable Dawn Euer

SUMMARY

A legislator serving in the Rhode Island Senate could continue to co-sponsor legislation that would repeal a law that allowed deferred deposit transaction loans, and/or participate in Senate discussions and decision-making relative to such legislation, notwithstanding that in her private capacity the Petitioner was employed as general counsel for a nonprofit entity that provided financial lending services.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [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 2022-12

Re: Madalyn Rose Ciampi

SUMMARY

A member of the Providence Human Relations Commission was prohibited by the Code of Ethics from participating in certain matters more fully described in the advisory opinion relative to that agency's launch and operation of a Scholars Program, given that in her private capacity the Petitioner was employed as the Executive Director of Providence Promise, one of three private nonprofit organizations with which the Providence Human Relations Commission intended to partner in the launch and operation of the Scholars Program. Further, the Petitioner was required to recuse from participating in certain matters described more fully in the advisory opinion relative to the Scholars Program because the potential for financial impact upon Providence Promise as a result of the Petitioner's official activity as a member of the Human Relations Commission could not be fully ascertained at that time, and the Petitioner's participation under such circumstances would carry with it an appearance of impropriety.

Code Citations

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

ADVISORY OPINION 2022-13

Re: Jessica McCarthy

SUMMARY

A member of the Jamestown Harbor Commission was prohibited by the Code of Ethics from participating in Harbor Commission discussions and decision-making concerning the number of moorings to be included at each of the eighteen mooring fields located within the Town of Jamestown, given that the Petitioner was then on a waitlist to receive a mooring at one of those fields.

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 2022-14

Re: Bradford G. Marthens

SUMMARY

A member of the New Shoreham Sewer Commission qualified for a hardship exception to the Code of Ethics' prohibition against representing himself before his own agency, in order to appeal sewer assessments against his properties.

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 2022-15

Re: The Honorable Anastasia Williams

SUMMARY

A legislator serving as a member of the Rhode Island House of Representatives was not prohibited by the Code of Ethics from participating in General Assembly discussions and decision-making that would financially impact the Black and Latino Caucus Community Partnerships, a private organization incorporated by the Petitioner and for which the Petitioner had been, until recently, the registered agent.

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\(a\)](#).

Constitutional Authority:

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

ADVISORY OPINION 2022-16

Re: Lisa Bryer, AICP

SUMMARY

The Town Planner for the Town of Jamestown could perform her Town Planner duties related to the leasing of space and the construction of a facility in Jamestown by the Conanicut Island Sailing Foundation, a local non-profit organization, notwithstanding that her spouse was a member of that organization's Board of Directors and her son was one of the organization's seasonal employees. However, in the event that the Petitioner's spouse or son appeared before the Town Council or the Planning Commission on behalf of the organization, either personally or through the submission of a written request, the Petitioner was required to recuse herself from participation in the matter.

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 Regulations 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); [520-RICR-00-00-1.3.1 Prohibited Activities-Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2022-17

Re: Nancy A. Beye

SUMMARY

A member of the Jamestown Town Council could volunteer in her capacity as a Town Council member to provide information and ideas to BETA Group, Inc., a private corporation that had been retained by the Rhode Island Department of Environmental Management in connection with the development of a master plan for Beavertail State Park, notwithstanding that in her private capacity the Petitioner was a member of the Board of Directors for the Beavertail Lighthouse Museum Association, a private non-profit organization that managed the lighthouse museum located in Beavertail State Park.

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

ADVISORY OPINION 2022-18

Re: Paul D. Ragosta, Esq.

SUMMARY

A part-time Legal Counsel to the Rhode Island Office of the Auditor General was not prohibited by the Code of Ethics from simultaneously serving as a part-time Associate Justice of the City of Providence Housing Court.

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 2022-19

Re: Andy Andujar

SUMMARY

The Assistant Coordinator at the Rhode Island Department of Labor and Training, Workers' Compensation Division was not prohibited by the Code of Ethics from forming a private entity, in his private capacity and on his own time, together with other investors, for the purpose of applying for and obtaining one or multiple cannabis retail sales permits in the State of Rhode Island.

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 2022-20

Re: Ernest Almonte

SUMMARY

The former Chief of Staff to the Lieutenant Governor of the State of Rhode Island, who was also the former Interim Chief Financial Officer for the Rhode Island Department of Health, was prohibited by the Code of Ethics from representing himself or the Rhode Island League of Cities and Towns, a private non-profit organization for which he was the Executive Director, before the Office of the Lieutenant Governor and the Rhode Island Department of Health for one year following the severance of his public employment from each of those agencies, respectively. However, the Petitioner could represent himself or the Rhode Island League of Cities and Towns before the Rhode Island General Assembly, the Governor's Office, and the various other State Departments under the control or appointing authority of the Governor.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); and [Commission Regulations 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); [520-RICR-00-00-1.5.5 State Executive/Administrative Revolving Door \(36-14-5015\)](#).

ADVISORY OPINION 2022-21

Re: Diane Harrison

SUMMARY

A member of the Jamestown Planning Commission could participate in Planning Commission discussions and voting relative to a proposed plan to develop affordable housing units in the Town of Jamestown, notwithstanding that authorized representatives of the Conanicut Island Land Trust, a private organization for which the Petitioner had previously performed paid work but at the time provided volunteer services, were expected to provide comment on the proposed plan during public hearings of the Planning Commission.

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 2022-22

Re: Renu Englehart

SUMMARY

A member of the East Greenwich Town Council was not prohibited by the Code of Ethics from appearing as a member of the public during public hearings of the East Greenwich Planning Board, over which the East Greenwich Town Council had appointing authority, to provide public comment on a proposed major development of property located within a mile of the Petitioner's home.

Code Citations

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

ADVISORY OPINION 2022-23

Re: Jo Anne Santos

SUMMARY

The Tax Collector for the Town of Charlestown was not prohibited by the Code of Ethics from simultaneously serving as the part-time Tax Collector for the Charlestown Fire District, a quasi-public municipal appointed position.

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 2022-24

Re: Members of the Westerly School Committee

SUMMARY

The members of the Westerly School Committee were not prohibited by the Code of Ethics from requesting of the Westerly Town Council that a referendum question be placed on the November 2022 ballot whereby Westerly voters would determine whether members of the School Committee should receive a stipend for their service.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-7\(a\)](#); and [Commission Regulations 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); [520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#).

ADVISORY OPINION 2022-25

Re: Ashley N. Selima

SUMMARY

The Rhode Island Department of State, State Archives, Library & Public Information Division was not prohibited by the Code of Ethics from accepting a stipend from the What Cheer Writers Club, a private nonprofit organization, following the Petitioner's participation as a panelist during an event sponsored by the What Cheer Writers Club, given that the stipend did not go to the Petitioner or to any individual person subject to the Code of Ethics but, rather, went to the State Archives and would be used to benefit the public.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [Commission Regulations 520-RICR-00-00-1.4.2 Gifts \(36-14-5009\)](#); [520-RICR-00-00-1.4.3 Honoraria \(36-14-5010\)](#).

ADVISORY OPINION 2022-26

Re: Steven D'Agostino

SUMMARY

The Director of Public Works in the City of Woonsocket was not prohibited by the Code of Ethics from purchasing an unimproved parcel of land located in Woonsocket from a private party, notwithstanding the Petitioner's employment with the City.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-7\(a\)](#); and [Commission Regulations 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); [520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#).

ADVISORY OPINION 2022-27

Re: Gail Berlinghof

SUMMARY

A member of the North Smithfield Zoning Board of Review was not, following her recusal from official participation in all discussions and/or decision-making concerning a matter that was before the Zoning Board involving several acres of wetlands, prohibited by the Code of Ethics from publicly expressing her own opinion on said matter before the Zoning Board during a period of public comment, given that the Petitioner's proposed activity involved a matter of general public interest consistent with the provisions outlined in Commission Regulation 520-RICR-00-00-1.2.3 Public Forum Exceptions (36-14-7003).

Code Citations

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

ADVISORY OPINION 2022-28

Re: Kristen Danusis

SUMMARY

The Director of School and District Improvement at the Rhode Island Department of Education, who also served as a member of the Coventry School Building Committee, was not prohibited by the Code of Ethics from participating in the School Building Committee's process relative to its submission of a proposal to the Department of Education seeking funding for capital improvement projects for school buildings located in the Town of Coventry.

Code Citations

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

ADVISORY OPINION 2022-29

Re: The Honorable Mark E. Liberati

SUMMARY

A Jamestown Probate Judge, who in his private capacity was a practicing attorney, was not prohibited by the Code of Ethics from representing a private client before the Jamestown Town Council, notwithstanding that the Town Council was the appointing authority for the Probate Judge position.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-7\(a\)](#); and [Commission Regulations 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); [520-RICR-00-00-1.4.1 Acting as an Attorney for Other than State or Municipality \(36-14-5008\)](#).

ADVISORY OPINION 2022-30

Re: Katie Alijewicz

SUMMARY

The former Deputy Director of the Medicaid Program within the Executive Office of Health and Human Services was prohibited by the Code of Ethics from representing herself or others, including her private employer, or from acting as an expert witness, before the Executive Office of Health and Human Services, or any of its departments, offices, sections, programs or divisions, until the expiration of one year following the date of her severance from state employment. The Petitioner was further prohibited from using or disclosing any confidential information she obtained while working as the Deputy Director of the Medicaid Program to financially benefit herself or her private employer.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [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 2022-31

Re: Charles A. Collins, Jr.

SUMMARY

A member of the Scituate Budget Committee, who was also a member of the Scituate Housing Authority, could continue to serve in either position if he accepted an offer of private employment from First Student, Inc., the bussing company with which the Scituate School Committee/Scituate School Department contracted for services, subject to the parameters outlined in the advisory opinion.

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

ADVISORY OPINION 2022-32

Re: Nicole M. Shevory

SUMMARY

An alternate member of the Newport Zoning Board of Review qualified for a hardship exception to the Code of Ethics' prohibition against representing herself before her own municipal agency in order to seek approval of planned renovations to her home.

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 2022-33

Re: Jonathan Pascua

SUMMARY

A firefighter with the Coventry Fire District, also known as the Anthony Fire District, who had also been recently elected to serve as a member of the Coventry Town Council, 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 2022-34

Re: James Restivo

SUMMARY

A member of the South Kingstown School Committee, whose spouse was employed by the South Kingstown School District as a teaching assistant, would be in compliance with the provisions of the Code of Ethics by following the guidelines outlined in this advisory opinion.

Code Citations

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

ADVISORY OPINION 2022-35

Re: Bradford A. Mayer

SUMMARY

A member of the Coventry School Committee, whose spouse was employed by the Coventry School Department as a school nurse-teacher, would be in compliance with the provisions of the Code of Ethics by following the guidelines outlined in this advisory opinion.

Code Citations

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

ADVISORY OPINION 2022-36

Re: Mark Aramli

SUMMARY

A member of the Newport City Council qualified for a hardship exception to the Code of Ethics' prohibition against representing himself before the Newport Zoning Board of Review, a municipal agency over which the City Council had appointing authority, in order to pursue an appeal that was filed several months before he became a candidate for public office.

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 2022-37

Re: William L. Patenaude

SUMMARY

An Environmental Engineer III with the Rhode Island Department of Environmental Management, Office of Water Resources Division was not prohibited by the Code of Ethics from seeking and, if offered, accepting secondary employment as a contract trainer/facilitator for a local private company that offered leadership development, team building, and company culture improvement services to organizations and individuals, consistent with his representations set forth in the advisory opinion, and provided that all of the work was performed on his own time and without the use of public resources or confidential information obtained as part of his state employment and, further provided, that the Petitioner did not use his public employment to advertise or promote his private work or to recruit or obtain potential clients for his private employer.

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 2022-38

Re: Rebecca Elsing, MA CAGS QMHP

SUMMARY

A Supplemental Block Grant Planner for the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals was not prohibited by the Code of Ethics from working part-time to provide counseling services to members of local municipal police departments, consistent with the representations set forth in the advisory opinion, and provided that all of the work was performed on her own time and without the use of public resources or confidential information obtained as part of her state employment and, further provided, that the Petitioner did not use her public employment to advertise or promote her private work or to recruit or obtain clients.

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\(a\)](#).