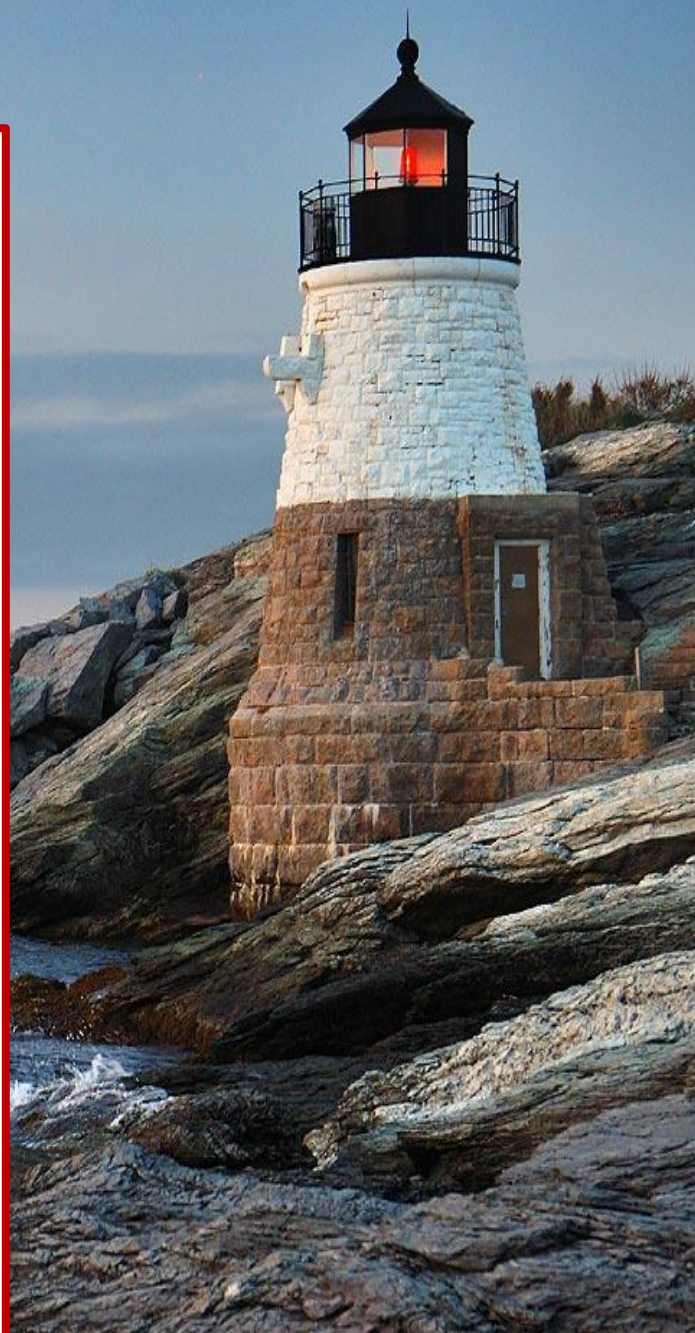


RHODE ISLAND ETHICS COMMISSION

2017 ADVISORY OPINION DIGEST



Rhode Island Ethics Commission

2017 Advisory Opinion Digest



INTRODUCTION

This digest contains brief summaries of the advisory opinions that were issued in calendar year 2017 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. 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 Ethics Commission. 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

2017 Digest Index

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2017-1	Joel D. Mathews	City of Woonsocket	Municipal Employee	Business Associate Post-Employment Revolving Door	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(e)
2017-2	Jamia R. McDonald	Executive Office of Health and Human Services	State Employee	Post-Employment Revolving Door	§ 36-14-5(b) § 36-14-5(c) § 36-14-5(d) § 36-14-5(e) Commission Regulation 36-14-5015
2017-3	Edgar N. Ladouceur	Warwick City Council	Municipal Elected	Business Associate Recusal	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-5(f) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002
2017-4	Brian M. Daniels	Office of Management and Budget	State Employee	Post-Employment Revolving Door	§ 36-14-5(b) § 36-14-5(c) § 36-14-5(d) § 36-14-5(e) Commission Regulation 36-14-5015
2017-5	Steven Contente	Town of Bristol	Municipal Elected	Abutter Financial Interest Property Interest	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-7(a)
2017-6	Thomas F. Holberton	Hopkinton Planning Board	Municipal Appointed	Hardship Exception Property Interest	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2017-7	Senator Stephen R. Archambault	Rhode Island Senate	State Elected	Gifts Travel	Commission Regulation 36-14-5009 Other Legal Authority: R.I. Gen. Laws § 42-28.2-8.3
2017-8	Representative K. Joseph Shekarchi	Rhode Island House of Representatives	State Elected	Gifts Travel	Commission Regulation 36-14-5009 Other Legal Authority: R.I. Gen. Laws § 42-28.2-8.3
2017-9	Susan E. Gardiner	Rhode Island Senate	State Employee	Private Employment Revolving Door	§ 36-14-2 § 36-14-5(b) § 36-14-5(c) § 36-14-5(d) § 36-14-5(e) Commission Regulation 36-14-5016
2017-10	Nicole H. B. Barnard	Rhode Island Department of Administration	State Employee	Post-Employment Revolving Door	§ 36-14-5(e) Commission Regulation 36-14-5016
2017-11	Beverly Burgess	North Providence Historic District Commission	Municipal Appointed	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 36-14-7003
2017-12	Representative Michael W. Chippendale	Rhode Island House of Representatives	State Elected	Class exception Financial Interest	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) § 36-14-7(b) Commission Regulation 36-14-7001

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2017-13	Wade A. Palazini	Rhode Island Division of State Fire Marshal	State Employee	Post-Employment Private Employment Revolving Door	§ 36-14-2 § 36-14-5(b) § 36-14-5(c) § 36-14-5(d) § 36-14-5(e) Commission Regulation 36-14-5016
2017-14	Brian C. Tefft	Rhode Island Department of Environmental Management	State Employee	Post-Employment Private Employment Revolving Door	§ 36-14-2 § 36-14-5(b) § 36-14-5(c) § 36-14-5(d) § 36-14-5(e)
2017-15	Shirlyne Govern	Town of New Shoreham New Shoreham Library Board of Trustees	Municipal Appointed 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)
2017-16	William J. Penn	New Shoreham Historic District Commission	Municipal Appointed	Hardship Exception Property Interest	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016
2017-17	Philip Overton	Westerly Town Council	Municipal Elected	Business Associate Private Employment	§ 36-14-2(2) § 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-5(f) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2017-18	Megan P. Douglas, MD	Barrington School Committee	Municipal Elected	Public Comment Exception Recusal	Commission Regulation 36-14-5002
2017-19	M. Teresa Paiva Weed	Rhode Island Senate	State Elected	Lobbying Post-Employment Private Employment Revolving Door	§ 36-14-5(e)
2017-20	Thomas L. Papa	Rhode Island Senate	State Employee	Public Employment Revolving Door	§ 36-14-5(o)
2017-21	Maria Lucia Stoddard	East Providence Board of Assessment Review	Municipal Appointed	Business associate	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-5(f) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002
2017-22	Wayne M. Kezirian, Esq.	Rhode Island Public Transit Authority	State Appointed	Gifts Travel	Commission Regulation 36-14-5009
2017-23	The Honorable Jeremiah T. O'Grady	Rhode Island House of Representatives	State Elected	Class Exception Financial Interest Private Employment	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-7(a) § 36-14-7(b) Other Related Authority: § 44-5-13.11

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2017-24	Charles A. Collins, Jr.	Scituate Town Council	Municipal Elected	Contracts Private Employment Revolving Door	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5014
2017-25	The Honorable Michael A. Morin	Rhode Island House of Representatives City of Woonsocket	State Elected Municipal Employee	Class Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b) Other Related Authority: § 28-9.1-17
2017-26	The Honorable Stephen M. Casey	Rhode Island House of Representatives City of Woonsocket	State Elected Municipal Employee	Class Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b) Other Related Authority: § 28-9.1-17
2017-27	Matthew McGeorge, AIA, LEED AP	East Greenwich Historic District Commission	Municipal Appointed	Hardship Exception Historic Architect	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016
2017-28	Cathy Lund, DVM	Providence Historic District Commission	Municipal Appointed	Business Associate Public Comment Recusal	§ 36-14-2(3) § 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-5(f) § 36-14-7(a) Commission Regulation 36-14-7001 Commission Regulation 36-14-5002

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2017-29	Kristi Agniel	Providence Historic District Commission	Municipal Appointed	Business Associate Public Comment Recusal	§ 36-14-2(3) § 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-5(f) § 36-14-7(a) Commission Regulation 36-14-7001 Commission Regulation 36-14-5002
2017-30	Christopher K. Lawlor	Westerly Planning Board	Municipal Appointed	Property Interest	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) Commission Regulation 36-14-6001 Other Related Authority: § 1-3-5(1) Airport Protection Overlay District Ordinance
2017-31	Robert V. Russo, Esq.	Johnston Town Council	Municipal Elected	Hardship Exception Property Interest	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016
2017-32	Kim Salerno	Newport Planning Board	Municipal Appointed	Business Associate Competitors	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2017-33	Nathan T. Calouro	Bristol Town Council	Municipal Elected	Hardship Exception Property Interest	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2017-34	Andranik Tahmassian	Rhode Island Department of Transportation	State Employee	Post-Employment Private 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
2017-35	Representative Lauren H. Carson	Rhode Island House of Representatives	State Elected	Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(c) § 36-14-5(d) Commission Regulation 36-14-5008
2017-36	Karen Verrengia	Rhode Island Energy Efficiency and Resource Management Council	State Appointed	Private Employment Recusal	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) Other Related Authority: § 42-140.1-5
2017-37	Roger F. Winiarski	Tiverton Harbor and Coastal Water Management Commission	Municipal Appointed	Hardship Exception Property Interest	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016
2017-38	W. Douglas Gilpin, Jr., FAIA	New Shoreham Historic District Commission	Municipal Appointed	Hardship Exception Historic Architect	§ 36-14-5(e) Commission Regulation 36-14-5016
2017-39	Arthur Jacques	Lime Rock Board of Fire Commissioners	Municipal Elected	Dual Public Roles Revolving Door	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 Commission Regulation 36-14-5006 Commission Regulation 36-14-5014

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2017-40	Christopher B. Frenier	Rhode Island Department of Corrections	State Employee	Secondary Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)
2017-41	Steven J. Williams	Charlestown 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)
2017-42	Kevin M. Lynch	Rhode Island Division of Public Utilities and Carriers	State Employee	Family: Private Employment Family: Public Employment Nepotism	§ 36-14-2(1) § 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
2017-43	Anthony DeSisto	Town of Warren	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
2017-44	Frank Colin Douglas	Barrington Committee on Appropriations	Municipal Elected	Family Nepotism	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) Commission Regulation 36-14-5002 Commission Regulation 36-14-5004

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2017-45	Denise D. Sierra	Woonsocket City Council	Municipal Elected	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
2017-46	Gerald J. Diebold	Barrington Planning Board	Municipal Appointed	Bias Recusal	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a)
2017-47	Sarah Manning	Blackstone Valley Prep Elementary School 2	Municipal Employee	Family: Public Employment Family: Supervision Nepotism	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) Commission Regulation 36-14-5004
2017-48	Joshua J. Giraldo	Office of the Mayor of the City of Central Falls	Municipal Appointed	Private Employment Recusal	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2017-49	Virginia Lee	Charlestown 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
2017-50	Bonnita B. Van Slyke	Charlestown 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

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2017-51	Thomas Kane	East Greenwich Historic District Commission	Municipal Appointed	Hardship Exception Historic Architect	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016
2017-52	Joseph C. Perry Jr.	Tiverton Town Council	Municipal Elected	Financial Interest	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) Commission Regulation 36-14-7001
2017-53	Thomas M. Sabbagh, Ph.D.	Community College of Rhode Island	State Employee	Family: Public Employment Family: Supervision Nepotism	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(a) Commission Regulation 36-14-5004
2017-54	Andrew T. Tyska	Bristol Town Council	Municipal Elected	Hardship Exception Property Interest	§ 36-14-5(e) § 36-14-6 Commission Regulation 36-14-5016

ADVISORY OPINION 2017-1

Re: Joel D. Mathews

SUMMARY

A former part-time Special Projects Administrator for the City of Woonsocket could accept private employment with a business that was considering locating operations within the City, provided that he did not utilize any confidential information obtained through his prior public employment and that he did not represent his private employer before the City of Woonsocket.

Code Citations

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

ADVISORY OPINION 2017-2

Re: Jamia R. McDonald

SUMMARY

The outgoing Chief Strategy Officer for the Executive Office of Health and Human Services was prohibited by the Code of Ethics from using confidential information received through her public employment to benefit her new employer, and from representing her new employer before the Executive Office of Health and Human Services, the Department of Children, Youth and Families, the Department of Administration or the Office of the Governor for one year after leaving her state employment.

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 36-14-5015](#).

ADVISORY OPINION 2017-3

Re: Edgar N. Ladouceur

SUMMARY

A member of the Warwick City Council, who in his private capacity was the owner and president of a private home improvement company, could contract with the Central Rhode Island Chamber of Commerce to renovate its headquarters while serving on the Warwick City Council. However, the Petitioner was required to recuse from any matters before the Warwick City Council that involved or financially impacted the Central Rhode Island Chamber of Commerce until such time as no business relationship existed between the parties and there was no expectation of any business dealings between the parties in the near future.

Code Citations

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

ADVISORY OPINION 2017-4

Re: Brian M. Daniels

SUMMARY

A former Deputy Budget Officer in the Office of Management and Budget was prohibited by the Code of Ethics from representing his new private employer before the Office of the Governor, the Department of Administration and its divisions, including the Office of Management and Budget, as well as any other state agencies with which he had substantial involvement as part of his prior public duties, until the expiration of one (1) year after leaving his public position.

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 36-14-5015](#).

ADVISORY OPINION 2017-5

Re: Steven Contente

SUMMARY

The Town Administrator for the Town of Bristol was not prohibited by the Code of Ethics from participating in the Bristol Zoning Board's review of an application for a special use permit to construct a freestanding Dunkin Donuts restaurant with a drive-thru window, notwithstanding that he owned real estate in the area and that he was a member of the Bristol Volunteer Fire Department, whose volunteer fire fighters opposed the zoning application.

Code Citations

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

ADVISORY OPINION 2017-6

Re: Thomas F. Holberton

SUMMARY

A member of the Town of Hopkinton Planning Board qualified for a hardship exception to the Code of Ethics' prohibition on representing himself before his own board in order to establish a family residential compound on his property.

Code Citations

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

ADVISORY OPINION 2017-7

Re: Senator Stephen R. Archambault

SUMMARY

A state legislator serving in the Rhode Island Senate was permitted by the Code of Ethics to receive an award and accompanying plaque from the National Council for Behavioral Health, to attend the conference at which the award was bestowed, to receive a waiver of the conference registration fee, and to select a charity to receive a \$5,000 grant. However, the Code of Ethics prohibited the Petitioner from accepting or receiving complimentary airfare, hotel accommodations, awards dinner tickets, or reimbursement for his *per diem* expenses.

Code Citations

[Commission Regulation 36-14-5009](#).

Other Legal Authority:

R.I. Gen. Laws § [42-28.2-8.3](#).

ADVISORY OPINION 2017-8

Re: Representative K. Joseph Shekarchi

SUMMARY

A state legislator who was serving in the Rhode Island House of Representatives was permitted by the Code of Ethics to receive an award and accompanying plaque from the National Council for Behavioral Health, to attend the conference at which the award was bestowed, to receive a waiver of the conference registration fee, and to select a charity to receive a \$5,000 grant. However, the Code of Ethics prohibited the Petitioner from accepting or receiving complimentary airfare, hotel accommodations, awards dinner tickets, or reimbursement for his *per diem* expenses.

Code Citations

[Commission Regulation 36-14-5009](#).

Other Legal Authority:

R.I. Gen. Laws § [42-28.2-8.3](#).

ADVISORY OPINION 2017-9

Re: Susan E. Gardiner

SUMMARY

A former Legislative Fiscal Analyst for the Rhode Island State Senate was prohibited by the Code of Ethics from representing her new private employer before the Rhode Island General Assembly.

Code Citations

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

ADVISORY OPINION 2017-10

Re: Nicole H. B. Barnard

SUMMARY

A former Assistant Labor Relations Hearing Officer in the Human Resources Division of the Rhode Island Department of Administration was prohibited from representing union members or others in hearings before her former agency until the expiration of one year after severing her position with the Department of Administration.

Code Citations

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

ADVISORY OPINION 2017-11

Re: Beverly Burgess

SUMMARY

The Chairperson for the North Providence Historic District Commission could, upon recusal, attend and speak at a public hearing before the North Providence Historic District Commission regarding a proposed development of property that directly abutted her 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 36-14-7003](#).

ADVISORY OPINION 2017-12

Re: Representative Michael W. Chippendale

SUMMARY

A legislator serving in the Rhode Island House of Representatives could participate in legislation that authorized the Town of Foster to enact a new tax freeze ordinance for the elderly and disabled because it was not reasonably foreseeable that the Petitioner would be financially impacted by the legislation.

Code Citations

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

ADVISORY OPINION 2017-13

Re: Wade A. Palazini

SUMMARY

A former Chief Plan Review Officer with the Rhode Island Division of State Fire Marshal, Department of Public Safety, was prohibited by the Code of Ethics from representing himself or others, including his new private employer, or acting as an expert witness, before the Rhode Island Division of State Fire Marshal for a period of one year following the date of severance from his state employment.

Code Citations

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

ADVISORY OPINION 2017-14

Re: Brian C. Tefft

SUMMARY

A Principal Wildlife Biologist with the Rhode Island Department of Environmental Management was not prohibited by the Code of Ethics, upon retirement, from accepting a position with a private non-profit entity provided that: 1) he did not represent his new employer or any other person or entity before his former state agency for a period of one year following his official date of severance from state employment; and 2) he did not disclose any confidential information that he may have obtained during the course of his state employment.

Code Citations

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

ADVISORY OPINION 2017-15

Re: Shirlyne Gobern

SUMMARY

The Interim Town Manager for the Town of New Shoreham, who was also the Chairperson of the New Shoreham Library Board of Trustees, 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 2017-16

Re: William J. Penn

SUMMARY

A member of the New Shoreham Historic District Commission was authorized to represent himself before the Historic District Commission to seek permission to replace the storm doors on his home, provided that he recused from his board's consideration of the matter.

Code Citations

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

ADVISORY OPINION 2017-17

Re: Philip Overton

SUMMARY

A member of the Westerly Town Council was prohibited by the Code of Ethics from participating in the Town Council's discussion and decision-making relative to the selection of an investment advisor for the Town's police retirement plan, given the financial nexus between the Petitioner and one of the applicants for the 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\(d\)](#); [36-14-5\(f\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-5002](#).

ADVISORY OPINION 2017-18

Re: Megan P. Douglas, MD

SUMMARY

A member of the Barrington School Committee was not prohibited by the Code of Ethics from participating in School Committee matters in which her husband appeared and provided public comment, provided that he had no financial interest, nor was he a party or participant in the matter.

Code Citations

[Commission Regulation 36-14-5002](#).

ADVISORY OPINION 2017-19

Re: M. Teresa Paiva Weed

SUMMARY

A former member of the Rhode Island Senate, who served as President of the Senate from 2009 through March 2017, was prohibited by the Code of Ethics from representing her new employer before the Rhode Island General Assembly for a period of one year after leaving public office. However, the Code of Ethics did not prohibit the Petitioner from representing her employer before any municipality, or the executive or judicial branches of Rhode Island government.

Code Citations

R.I. Gen. Laws § [36-14-5\(e\)](#).

ADVISORY OPINION 2017-20

Re: Thomas L. Papa

SUMMARY

The former Chief of Staff to the Senate President was not prohibited by the Code of Ethics from accepting employment as the Governor's Director of Boards and Commissions.

Code Citations

R.I. Gen. Laws § [36-14-5\(o\)](#).

ADVISORY OPINION 2017-21

Re: Maria Lucia Stoddard

SUMMARY

A member of the East Providence Board of Assessment Review was required to recuse from any matters before her agency that involved or financially impacted her current business associates. The Petitioner was not required to recuse from matters that involved or impacted her *prior* business associates, provided that there was no specific future business relationship anticipated.

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\(f\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 36-14-5002](#).

ADVISORY OPINION 2017-22

Re: Wayne M. Kezirian, Esq.

SUMMARY

The Chair of the Rhode Island Public Transit Authority could accept an offer from TransitCenter, a New York based nonprofit foundation that offered no products or services for compensation, to pay for his travel and participating expenses relative to a two-day workshop for transit agency board members being held in Minneapolis, Minnesota.

Code Citations

[Commission Regulation 36-14-5009](#).

ADVISORY OPINION 2017-23

Re: The Honorable Jeremiah T. O'Grady

SUMMARY

A state legislator serving in the Rhode Island House of Representatives, who in his private capacity was employed by a private non-profit community development organization, was not prohibited by the Code of Ethics from participating in legislative activities and decision-making regarding tax legislation impacting deed-restricted affordable rental housing, given that the circumstances justified the application of the class exception as set forth in R.I. Gen. Laws § 36-14-7(b). Furthermore, the Petitioner was prohibited from lobbying or representing his private employer before the General Assembly while holding state office and for a period of one (1) year thereafter.

Code Citations

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

Other Related Authority

R.I. Gen. Laws § [44-5-13.11](#).

ADVISORY OPINION 2017-24

Re: Charles A. Collins, Jr.

SUMMARY

A member of the Scituate Town Council could continue to sell heating oil to Rockland Oaks, a senior low-income housing development owned by the Scituate Housing Authority.

Code Citations

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

ADVISORY OPINION 2017-25

Re: The Honorable Michael A. Morin

SUMMARY

A legislator serving in the Rhode Island House of Representatives, who was also employed as a firefighter in the City of Woonsocket, could participate and vote on legislation that would impact firefighters across the state pursuant to 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\(b\)](#).

Other Related Authority:

R.I. Gen. Laws § [28-9.1-17](#).

ADVISORY OPINION 2017-26

Re: The Honorable Stephen M. Casey

SUMMARY

A legislator serving in the Rhode Island House of Representatives, who was also employed as a firefighter in the City of Woonsocket, could participate and vote on legislation that would impact firefighters across the state pursuant to 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\(b\)](#).

Other Related Authority:

R.I. Gen. Laws § [28-9.1-17](#).

ADVISORY OPINION 2017-27

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 his clients before his own board, in accordance with General Commission Advisory 2010-1 and provided that he recused from participating in all Historic District Commission matters involving his clients.

Code Citations

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

ADVISORY OPINION 2017-28

Re: Cathy Lund, DVM

SUMMARY

A member of the Providence Historic District Commission was not prohibited by the Code of Ethics from simultaneously serving as a member of the Board of Directors of the Providence Preservation Society.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-5\(f\)](#); [36-14-7\(a\)](#); and [Commission Regulations 36-14-7001](#); [36-14-5002](#).

ADVISORY OPINION 2017-29

Re: Kristi Agniel

SUMMARY

A member of the Providence Historic District Commission was not prohibited by the Code of Ethics from simultaneously serving as a member of the Board of Directors of the Providence Preservation Society.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-5\(f\)](#); [36-14-7\(a\)](#); and [Commission Regulations 36-14-7001](#); [36-14-5002](#).

ADVISORY OPINION 2017-30

Re: Christopher K. Lawlor

SUMMARY

A member of the Westerly Planning Board could participate in discussions and decision-making regarding a proposed Airport Protection Overlay District Ordinance, notwithstanding that he previously owned property that would be impacted by said Ordinance.

Code Citations

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

Other Related Authority

R.I. Gen. Laws § [1-3-5\(1\)](#); and [Airport Protection Overlay District Ordinance](#).

ADVISORY OPINION 2017-31

Re: Robert V. Russo, Esq.

SUMMARY

A member of the Johnston Town Council qualified for a hardship exception to the Code of Ethics' prohibition on representing himself before the Johnston Zoning Board, 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 2017-32

Re: Kim Salerno

SUMMARY

A member of the City of Newport Planning Board was required to recuse from participating in matters before the Planning Board involving hotels or other short-term rental properties that were in close proximity to, or direct competition with, the boutique hotel she was helping to develop. This restriction would apply until the Petitioner had concluded her business relationship with the hotel and its owners.

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

ADVISORY OPINION 2017-33

Re: Nathan T. Calouro

SUMMARY

A member of the Bristol Town Council qualified for a hardship exception to the Code of Ethics' prohibition against representing himself before the Bristol Zoning Board, over which the Town Council had appointing authority, in order to seek a dimensional variance for his personal property.

Code Citations

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

ADVISORY OPINION 2017-34

Re: Andranik Tahmassian

SUMMARY

A former Principal Civil Engineer in the Bridge Design Section of the Rhode Island Department of Transportation was prohibited by the Code of Ethics from representing himself or others, including his new private employer, or acting as an expert witness, before the Rhode Island Department of Transportation for a period of one year following the date of severance from his state employment.

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 2017-35

Re: Representative Lauren H. Carson

SUMMARY

A legislator who was serving in the Rhode Island House of Representatives was not prohibited from working, through her private employment with a non-profit organization, on a project that was funded through a grant administered by the Rhode Island Department of Environmental Management.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); and [Commission Regulation 36-14-5008](#).

ADVISORY OPINION 2017-36

Re: Karen Verrengia

SUMMARY

A member of the Rhode Island Energy Efficiency and Resource Management Council was prohibited by the Code of Ethics from participating in any matters that involved or financially impacted her or her private employer.

Code Citations

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

Other Related Authority:

R.I. Gen. Laws § [42-140.1-5](#).

ADVISORY OPINION 2017-37

Re: Roger F. Winiarski

SUMMARY

A member of the Tiverton Harbor and Coastal Water Management Commission qualified for a hardship exception to the Code of Ethics' prohibition against representing himself before his own agency in order to appeal a denial of his mooring registration renewal application.

Code Citations

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

ADVISORY OPINION 2017-38

Re: W. Douglas Gilpin, Jr., FAIA

SUMMARY

A former member of the Town of New Shoreham 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 former board, in accordance with General Commission Advisory 2010-1.

Code Citations

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

ADVISORY OPINION 2017-39

Re: Arthur Jacques

SUMMARY

A member of the Lime Rock Board of Fire Commissioners could continue his employment as an independent contractor with the Lime Rock Fire District, a position that he had held since prior to his election to the Lime Rock Board of Fire Commissioners.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); and [Commission Regulations 36-14-5006](#); [36-14-5014](#).

ADVISORY OPINION 2017-40

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, in his private capacity, as an adjunct professor at Rhode Island College.

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 2017-41

Re: Steven J. Williams

SUMMARY

A member of the Charlestown Town Council could participate in the Town Council's consideration of increasing the amount of a tax credit available to veterans, notwithstanding that he was a veteran who was eligible for the existing tax credit. In accordance with the Code of Ethics class exception, the Petitioner would be affected by the amendments under discussion to no greater extent than the significant and definable class of all then 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 2017-42

Re: Kevin M. Lynch

SUMMARY

A Deputy Administrator for the Rhode Island Division of Public Utilities and Carriers was required by the Code of Ethics to recuse from participating in any matters at his agency that would financially impact his son, and from any matters at his agency for which his son appeared or presented evidence or arguments.

Code Citations

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

ADVISORY OPINION 2017-43

Re: Anthony DeSisto

SUMMARY

The Petitioner, whose firm was the Solicitor for the Town of Warren, was not prohibited by the Code of Ethics from representing or advising the Town of Warren Planning Board on a major subdivision application, notwithstanding that the applicant bore a name that was identical to one of Petitioner's former clients.

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 2017-44

Re: Frank Colin Douglas

SUMMARY

A member of the Barrington Committee on Appropriations was not barred from serving thereon and was not required to recuse from its budgetary reviews, deliberations or voting relative to the Town or the School Department budget, notwithstanding his wife's presence or participation as a duly elected member of the Barrington School Committee, provided that neither he nor his wife had a personal financial interest in the matter under discussion and all of the requirements of Commission Regulation 36-14-5002(b)(1) were satisfied.

Code Citations

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

ADVISORY OPINION 2017-45

Re: Denise D. Sierra

SUMMARY

A member of the Woonsocket City Council was not required by the Code of Ethics to recuse from City Council matters that involved or financially impacted her former employer, provided that there was no specific future business relationship anticipated.

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 2017-46

Re: Gerald J. Diebold

SUMMARY

A member of the Planning Board in the Town of Barrington could participate in the Planning Board's consideration of an application for a comprehensive permit/plan revision for Sweetbriar Apartments, notwithstanding that prior to his appointment he testified before the Planning Board in opposition to a different project proposed by the owner of Sweetbriar Apartments.

Code Citations

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

ADVISORY OPINION 2017-47

Re: Sarah Manning

SUMMARY

The management procedures put in place with regard to the Petitioner's fiancé were sufficient under the Code of Ethics to insulate the Petitioner, a Dean of Culture and Academics of third and fourth grades at Blackstone Valley Prep Elementary School 2, from decisions directly affecting her fiancé.

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 2017-48

Re: Joshua J. Giraldo

SUMMARY

The Chief of Staff to the Mayor of the City of Central Falls was not prohibited by the Code of Ethics from working as an independent contractor for a public relations and communications firm, provided that all such work was performed on his own time and without the use of public resources or confidential information obtained as part of his municipal employment.

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 2017-49

Re: Virginia Lee

SUMMARY

A member of the Charlestown Town Council could participate in the Town Council's consideration of an increase in the amount of a tax credit available to veterans, notwithstanding that her domestic partner was a veteran who was eligible for the existing tax credit. In accordance with the Code of Ethics' class exception, the Petitioner's domestic partner would be affected by the amendments under discussion to no greater extent than the significant and definable class of all then 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 2017-50

Re: Bonnita B. Van Slyke

SUMMARY

A member of the Charlestown Town Council could participate in the Town Council's consideration of an increase in the amount of a tax credit available to veterans, notwithstanding that her spouse was a veteran who was eligible for the existing tax credit. 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 then 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 2017-51

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 former 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 2017-52

Re: Joseph C. Perry Jr.

SUMMARY

A member of the Tiverton Town Council could participate in contract negotiations between the Town of Tiverton and the local bargaining unit for Tiverton's firefighters, provided that the Petitioner would not be financially impacted by such negotiations.

Code Citations

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

ADVISORY OPINION 2017-53

Re: Thomas M. Sabbagh, Ph.D.

SUMMARY

The proposed alternate supervision plan was sufficient to insulate the Dean of Business, Science and Technology at the Community College of Rhode Island from conflicts of interest arising out of his sister's employment as a visiting lecturer in one of the departments that he managed.

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 2017-54

Re: Andrew T. Tyska

SUMMARY

A member of the Bristol Town Council qualified for a hardship exception to the Code of Ethics' prohibition on representing himself before the Bristol 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](#).