

# RHODE ISLAND ETHICS COMMISSION

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## Advisory Opinion No. 2023-47

Approved: December 12, 2023

**Re: The Honorable Michael W. Chippendale**

### **QUESTION PRESENTED:**

The Petitioner, a legislator serving in the Rhode Island House of Representatives, a state elected position, requests an advisory opinion regarding whether the Code of Ethics prohibits him from accepting a gift valued at greater than twenty-five dollars from a person who has no direct financial interest in the Petitioner's official decision-making.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a legislator serving in the Rhode Island House of Representatives, a state elected position, is not prohibited by the Code of Ethics from accepting a gift valued at greater than twenty-five dollars from a person who has no direct financial interest in the Petitioner's official decision-making.

The Petitioner is a legislator serving in the Rhode Island House of Representatives representing District 40. He states that he is physically disabled with mobility issues and that he has been offered the gift of a used mobility scooter by a personal friend of his ("the donor") who is a disabled veteran. The Petitioner explains that the donor has received a new mobility scooter from the United States Department of Veterans Affairs and has offered his old one, valued at \$2,000, as a gift to the Petitioner for the Petitioner's personal use. The Petitioner states that the donor is the chairperson of the Rhode Island chapter of Disabled American Veterans ("DAV"), a non-profit organization "dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity" through "ensuring that veterans and their families can access the full range of benefits available to them; fighting for the interests of America's injured heroes on Capitol Hill; and educating the public about the great sacrifices and needs of veterans transitioning back to civilian life."<sup>1</sup> The Petitioner represents that DAV does not lobby the General Assembly and that neither the donor nor DAV is registered as a lobbyist before any Rhode Island government body. The Petitioner further represents that although the General Assembly may, at times, review legislation impacting veterans, there is currently no such legislation pending before it, nor is there a pending matter in which the donor or DAV has a financial interest. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether he may accept the mobility scooter as a gift.

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<sup>1</sup> See <https://www.dav.org/about-dav/> (last visited Dec. 1, 2023).

The Code of Ethics contains a “gift regulation” which provides that a public official shall not accept or receive any gift(s) or other thing(s) having either a fair market value or actual cost greater than \$25 but in no case having an aggregate fair market value or aggregate actual cost greater than \$75 in any calendar year, including but not limited to gifts, loans, rewards, promises of future employment, favors or services, gratuities or special discounts, from a single interested person, without the interested person receiving lawful consideration of equal or greater value in return. Commission Regulation 520-RICR-00-00-1.4.2(B) Gifts (36-14-5009) (“Regulation 1.4.2”). An “interested person” is defined as a person or a representative of a person or business “that has a direct financial interest in a decision that the person subject to the Code of Ethics is authorized to make, or participate in the making of, as part of his or her official duties.” Regulation 1.4.2(C).

Because the Petitioner is being offered an item that is valued well in excess of \$25, the key issue in applying the gift regulation to determine whether the Petitioner may accept the mobility scooter is whether the donor is considered an “interested person.” If the donor is an interested person, the Petitioner will be prohibited from accepting the gift. If not, the Petitioner is free to decide whether to accept it.

The Ethics Commission has, in prior advisory opinions, identified registered lobbyists, persons with financial interests in pending legislation, and vendors and businesses doing business with public officials who possess decision-making authority over them as interested persons. See, e.g., A.O. 2017-7 (opining that a non-profit organization that had a financial interest in legislation introduced by a State Senator was an “interested person” as to that Senator); A.O. 2013-4 (opining that ProvPort, a non-profit corporation that operated the Port of Providence (“Port”) pursuant to an agreement with the City of Providence (“City”) was an “interested person” as to the Director of Economic Development for the City because he was personally involved in renegotiating ProvPort’s lease with the City, and he supervised the agency which had the authority to approve or reject ProvPort’s budget); A.O. 2012-3 (opining that vendors and businesses that did business with the City of Pawtucket were “interested persons” as to the various City officials who may have made decisions regarding those businesses, including the Director of Administration and the Economic Development Director); A.O. 2006-15 (opining that AstraZeneca, an international pharmaceutical company that was registered to lobby the General Assembly, was considered an “interested person” as to a member of the Rhode Island Senate).

In contrast, in Advisory Opinion 2015-13, the Ethics Commission opined that a member of the Cranston City Council could accept a gift of cuff links, with a presumed value of more than \$25, which belonged to a former Cranston City Council member and were given by that former Council member’s daughter, because the donor, a resident of Warwick who had no business relationships with the City of Cranston, was not an “interested person” as to the petitioner. See also A.O. 2015-29 (opining that the University of New Haven was not an “interested person” as to the Commissioner of the Department of Public Safety and Superintendent of the Rhode Island State Police, because the University did not have an interest in any decision that the petitioner was authorized to make in his public capacity and it did not have any current business relationships with the Department of Public Safety).

Here, neither the donor nor the non-profit organization, DAV, of which the donor is the chairperson, lobbies the General Assembly, and neither has a direct financial interest in a decision

that the Petitioner is authorized to make as a legislator. Thus, absent some indication that the House of Representatives would be taking official action on a matter in which the donor or DAV has a direct financial interest, the donor is not considered an “interested person” as to the Petitioner and the gift of the mobility scooter to the Petitioner would not implicate the prohibitions contained in the gift regulation, Regulation 1.4.2. Accordingly, based on the facts as represented, it is the opinion of the Ethics Commission that the Code of Ethics does not prohibit the Petitioner from accepting the mobility scooter as a gift.

**This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, ordinance, constitutional provision, charter provision, or canon of professional ethics may have on this situation.**

Code Citations:

520-RICR-00-00-1.4.2 Gifts (36-14-5009)

Related Advisory Opinions:

A.O. 2017-7

A.O. 2015-29

A.O. 2015-13

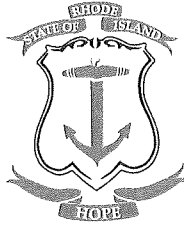
A.O. 2013-4

A.O. 2012-3

A.O. 2006-15

Keywords:

Gifts



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REPRESENTATIVE  
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HOUSE MINORITY LEADER  
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November 10, 2023

Ms. Marissa Quinn  
Chairperson, Rhode Island Ethics Commission  
40 Fountain Street  
Providence, RI 02903

**VIA US MAIL**

Dear Chairperson Quinn:

I am seeking an advisory opinion from the Rhode Island Ethics Commission ("Commission") related to my service as a member of the House of Representatives and a gift that I have been offered by a friend.

I currently serve as the State Representative for District 40. A personal friend of mine has asked if he could donate his mobility scooter to me for my personal use. He is a disabled veteran, and has been provided with a new scooter from the Department of Veterans Affairs ("VA"). His former scooter cannot be sold, must be donated and has a value of approximately \$2,000. He has offered to donate it to me personally for my own mobility needs as I too am physically disabled, which is a permitted donation under applicable VA rules. My friend is also the chairperson of the Rhode Island chapter of Disabled American Veterans ("DAV"). DAV does not lobby me in my capacity as a State Representative, and to my knowledge, neither my friend nor DAV are registered to lobby before any Rhode Island governmental body.

I am seeking an advisory opinion by the Commission as to whether I may accept this gift. Specifically:

1. Does the Code of Ethics prohibit me from accepting this gift?
2. Would my friend be recognized as an "Interested Person" under the Code of Ethics?
3. Would any other rule related to the acceptance of gifts apply in this situation?
4. Would the Commission have any other concerns that would preclude me from accepting this gift?

Thank you for the Commission's consideration of this request. Please do not hesitate to reach out if I can provide any further information, or if the Commission or your staff has any questions. My contact information is: cell: 401-497-4495 and email [mike@repchip.com](mailto:mike@repchip.com).

Sincerely,

A handwritten signature in black ink, appearing to read "M. Chippendale", with a stylized flourish at the end.

Michael Chippendale

cc: Sue Stenhouse, Chief of Staff  
Daniel P. Reilly, Esq., Legal Counsel

- Original signature document forthcoming