



STATE OF RHODE ISLAND

**RHODE ISLAND ETHICS COMMISSION**

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**NOTICE OF OPEN MEETING**

**AGENDA**

**14<sup>th</sup> Meeting**

**DATE:** Tuesday, December 10, 2024

**TIME:** 9:00 a.m.

**PLACE:** Rhode Island Ethics Commission  
Hearing Room - 8<sup>th</sup> Floor  
40 Fountain Street  
Providence, RI 02903

**LIVESTREAM:** The Open Session portions of this meeting will be livestreamed at:  
<https://us02web.zoom.us/j/86104891831>

1. Call to Order.
2. Motion to approve minutes of Open Session held on October 29, 2024.
3. Director's Report: Status report and updates regarding:
  - a.) Complaints and investigations pending;
  - b.) Advisory opinions pending;
  - c.) Access to Public Records Act requests since last meeting;
  - d.) Financial disclosure;
  - e.) General office administration.
4. Advisory Opinions:
  - a.) Derrik Trombley, a member-elect of the Warren Town Council, who in his private capacity serves as a trustee of the George Hail Free Library in Warren, a private entity, requests an advisory opinion regarding the proper management of any

conflicts of interest that might arise as a result of his simultaneous service in both positions. [Staff Attorney Radiches]

- b.) Shelley Peterson, a member of the Providence City Council, requests an advisory opinion regarding whether the Code of Ethics prohibits her from accepting private employment with a state vendor in a position that works with the Rhode Island Emergency Management Agency on municipal grant management while continuing to serve on the city council. [Staff Attorney Papa]
- c.) David Sisson, a member of the Pawtucket Historic District Commission, requests an advisory opinion regarding whether he qualifies for a hardship exception to the Code of Ethics' prohibition on representing himself before his own board in order to allow him to seek a certificate of appropriateness for maintenance and repair to his residence. [Staff Attorney Papa]

5. Motion to go into Executive Session, to wit:

- a.) Motion to approve minutes of Executive Session held on October 29, 2024, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- b.) In re: Anastacia Williams, Complaint No. 2024-11, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- c.) In re: Heidi Weston Rogers, Complaint No. 2024-12, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- d.) Motion to return to Open Session.

6. Motion to seal minutes of Executive Session held on December 10, 2024.

7. Report on actions taken in Executive Session.

8. New Business proposed for future Commission agendas and general comments from the Commission.

9. Motion to adjourn.

ANYONE WISHING TO ATTEND THIS MEETING WHO MAY HAVE SPECIAL NEEDS FOR ACCESS OR SERVICES SUCH AS A SIGN LANGUAGE INTERPRETER, PLEASE CONTACT THE COMMISSION BY TELEPHONE AT 222-3790, 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. THE COMMISSION ALSO MAY BE CONTACTED THROUGH RHODE ISLAND RELAY, A TELECOMMUNICATIONS RELAY SERVICE, AT 1-800-RI5-5555.

*Posted on December 5, 2024*

# RHODE ISLAND ETHICS COMMISSION

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## Draft Advisory Opinion

Hearing Date: December 10, 2024

**Re: Derrick Trombley**

### **QUESTION PRESENTED:**

The Petitioner, a member-elect of the Warren Town Council, a municipal elected position, who in his private capacity serves as a trustee of the George Hail Free Library in Warren, a private entity, requests an advisory opinion regarding the proper management of any conflicts of interest that might arise as a result of his simultaneous service in both positions.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member-elect of the Warren Town Council, a municipal elected position, who in his private capacity serves as a trustee of the George Hail Free Library in Warren, a private entity, should follow the Ethics Commission's guidelines as outlined below relative to the proper management of any conflicts of interest that might arise as a result of his simultaneous service in both positions.

The Petitioner was elected to serve as a member of the Warren Town Council on November 5, 2024. He is scheduled to be sworn in on December 10, 2024.<sup>1</sup> In his private capacity, the Petitioner serves as a trustee for the George Hail Free Library, a private non-profit corporation that serves as the Town of Warren's public library.<sup>2</sup> He states that he was elected by the existing membership of the library's board of trustees to serve a four-year term in that position in or about the summer of 2023. The Petitioner further states that the town council appoints two of the board's trustees and that, of the current seven trustees now serving, two were appointed by the town council. The Petitioner describes among his duties as a library trustee the hiring of a director to manage the day-to-day operations of the library, and managing the financial accountability of the library. He adds that the board of trustees meets once a month, and its members receive no stipend or other remuneration for their service. The Petitioner represents that there is a Friends of George Hail Library group that holds fundraising events on behalf of the library. He further represents that, while he has personally donated to the group, he has never participated in fundraising for the library. The Petitioner states that, during budget time, the board's president or treasurer will appear before the town council in order to request additional funding for the library. He further states that

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<sup>1</sup> At the time of his election, the Petitioner was serving as a member of Warren's Economic Development Board, its Parks and Recreation Board, and its Tax Assessment Review Board. His service on each of these boards was the result of a town council appointment. The Petitioner states that, prior to December 10, 2024, he will have resigned from all three boards.

<sup>2</sup> <https://www.georgehail.org/trustees> (last accessed November 20, 2024).

the annual requests for additional funding for the library are regularly granted by the town council in the form of a line item in the town's budget included for that purpose.

The Petitioner represents that, in light of his recent election to the town council, he is prepared to recuse from participation in all discussions and decision-making regarding the appointment of trustees to the board. He further represents that he will recuse from discussions and decision-making when another trustee or authorized representative of the library board appears before the town council in order to request additional funding for the library, and from any town council discussions and decision-making relating to the budgetary line item from which funding for the library is awarded. The Petitioner states that he would like to continue to serve as a member of the library's board of trustees, notwithstanding his recent election to the town council. It is in the context of the foregoing representations that the Petitioner seeks guidance from the Ethics Commission regarding the proper management of any conflicts of interest that might arise as a result of his simultaneous service in both positions.

Under the Code of Ethics, a public official may not participate in any matter in which he has an interest, financial or otherwise, which is in substantial conflict with the proper discharge of his duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest exists if a public official has reason to believe or expect that he, any person within his family, his business associate, or any business by which he is employed or which he represents will derive a direct monetary gain or suffer a direct monetary loss by reason of his official activity. R.I. Gen. Laws § 36-14-7(a). The Code of Ethics further prohibits a public official from using his public office, or confidential information received through his public office, to obtain financial gain for himself, any person within his family, his business associate, or any business by which he is employed or which he represents. § 36-14-5(d).

The Code of Ethics also prohibits a public official from representing himself or any other person before a state or municipal agency of which he is a member or by which he is employed. § 36-14-5(e)(1) & (2). These prohibitions apply while the public official is in office and for one year thereafter. § 36-14-5(e)(4). Finally, pursuant to 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal (36-14-5002) (Regulation 1.2.1), a public official must recuse from participation in any matter in which his business associate appears or presents evidence or arguments or authorizes another person, on their behalf, to appear or to present evidence or arguments before the public official's state or municipal agency. A business associate is defined as "a person joined together with another person to achieve a common financial objective." R.I. Gen. Laws § 36-14-2(3). A person is defined as "an individual or a business entity." § 36-14-2(7).

The Ethics Commission has previously determined that a person is a business associate of an organization, including a non-profit organization, for which he serves as an officer or member of the board of directors, or in some other leadership position that permits him to direct and affect the financial objectives of the organization. Thus, the Ethics Commission has advised public officials to recuse from participation in matters before their public agencies that involved or directly financially impacted such organizations. See, e.g., A.O. 2023-39 (opining that a member of the Cumberland Town Council, who in his private capacity served as the interim president and registrar for the Cumberland Youth Soccer Association (CYSA), a nonprofit organization, was

prohibited from participating in any town council matter that would directly financially impact the CYSA; that the petitioner could not represent himself or the CYSA before the town council, or the recreation director over whom the town council had appointing authority; and was required to recuse from participating in any town council matter when the CYSA or its representative appeared to present evidence or argument); A.O. 2021-6 (opining that a member of the North Smithfield Planning Board was a business associate of the North Smithfield Heritage Association, a private non-profit organization of which he served as a member of the board of directors and as its president and, therefore, was required to recuse from participating in planning board matters when the heritage association appeared or presented evidence or argument). In addition to being a business associate of a private organization for which a public official serves in a leadership position he or she is also considered a business associate of the other leaders of that organization. See A.O. 2018-30 (opining that a member of the Coventry Town Council was prohibited by the Code of Ethics from participating in the town council's discussions and decision-making relative to the reappointment of Coventry's municipal court judge, given that both were members of the board of directors of Gabriel's Trumpet Christian Book Store, Inc., a non-profit corporation, and the existence of a financial component in the bookstore's operations was sufficient to qualify the fellow board members as business associates).

Here, the Petitioner is a member of the George Hail Free Library's Board of Trustees and, as such, is a business associate of not only that organization, but of each of the other members of the board of trustees. Therefore, the Petitioner is required by the Code of Ethics to recuse from participating in matters before the town council that involve or will directly financially impact himself, the library, or any of the other members of the library's board of trustees. Additionally, the Petitioner is prohibited from using his public office, or confidential information received through his public office, to obtain financial gain for himself, the library, and/or any of the other members of its board of trustees. Nor is the Petitioner permitted under the Code of Ethics to represent the library's interests before the town council. Also, barring an exception under the Code of Ethics, the Petitioner will be required to recuse if an authorized representative of the library, or another library trustee, appears before the town council to present evidence or argument. The Petitioner will likewise be required to recuse when other library trustees appear before the town council in matters unrelated to the library or its mission. All notices of recusal must be filed with the Ethics Commission consistent with the provisions of R.I. Gen. Laws § 36-14-6.

This advisory opinion cannot anticipate every possible situation in which a conflict of interest might arise and, thus, provides only general guidance as to the application of the Code of Ethics based upon the facts represented above. The Petitioner is advised to remain vigilant about identifying potential conflicts of interest and to either recuse or seek further guidance from the Ethics Commission in the future as warranted.

**This Draft 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:

§ 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)

520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal (36-14-5002)

Related Advisory Opinions:

A.O. 2023-39

A.O. 2021-6

A.O. 2018-30

Keywords:

Business Associate

Conflict of Interest

DRAFT

# RHODE ISLAND ETHICS COMMISSION

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## Draft Advisory Opinion

Hearing Date: December 10, 2024

**Re: Shelley Peterson**

### **QUESTION PRESENTED:**

The Petitioner, a member of the Providence City Council, a municipal elected position, requests an advisory opinion regarding whether the Code of Ethics prohibits her from accepting private employment with a state vendor in a position that works with the Rhode Island Emergency Management Agency on municipal grant management while continuing to serve on the city council.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of Providence City Council, a municipal elected position, is not prohibited by the Code of Ethics from accepting private employment with a state vendor in a position that works with the Rhode Island Emergency Management Agency on municipal grant management while continuing to serve on the city council.

The Petitioner is a member of the Providence City Council, having served in this position since her election to a four-year term in November 2022. The Petitioner explains that the city council conducts its meetings during the evenings on the first and third Thursdays of each month. She represents that 22<sup>nd</sup> Century Technologies, Inc. recently offered her private employment in the position of grants manager/grant specialist,<sup>1</sup> which she tentatively accepted pending the receipt of the instant advisory opinion. She explains that 22<sup>nd</sup> Century Technologies is a private entity that holds a third-party human resources contract with the Rhode Island Emergency Management Agency (RIEMA). The Petitioner further explains that as a grants manager/grant specialist, she would be assigned to RIEMA with specific duties relative to cybersecurity grant management. She notes that her normal working hours would be Monday through Friday, 8 a.m. to 4 p.m. During a telephone conversation with staff of the Ethics Commission, the director of RIEMA noted that the Petitioner would be working in RIEMA's Grants Management Department and performing administrative duties relative to cybersecurity grant management of federal funds received by the state through the United States Department of Homeland Security. The RIEMA director states that the Petitioner would be assisting municipalities, state agencies, and non-profit organizations with post-disbursement grant management but would not be involved with any decision-making relative to the awarding of such grants to those entities.

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<sup>1</sup> The Petitioner explains that in her private capacity, she owns and operates a firm engaged in grant writing, management, and consulting. She further explains that, currently, she has Massachusetts and New Hampshire clients who are working in the areas of environmental sustainability and workforce development, respectively.

The Petitioner explains that federal grant funding carries with it many requirements and deadlines that the state is obligated to follow. She further explains that part of her duties would be to make sure that municipalities comply with any conditions imposed by a cybersecurity grant. The RIEMA director represents that, in order to avoid any potential conflicts of interest in light of the Petitioner's service on the city council, if any cybersecurity grant were to be awarded to the City of Providence, the Petitioner's supervisor will delegate any grant management duties associated with that grant to another employee and not the Petitioner.

The Petitioner states that the city council is not involved in the solicitation of grants or the review and approval of grant applications. She explains that the individual city departments apply for grants available to their specific areas of jurisdiction, and then disburse any grant awards received without participation or involvement by the city council. Further, the Petitioner is not certain whether 22<sup>nd</sup> Century Technologies currently has any contractual relationship with the city. However, the Petitioner represents that during her tenure on the city council, 22<sup>nd</sup> Century Technologies has never appeared before the city council. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether she may accept and hold the position of grants manager/grant specialist while she simultaneously serves on the city council.

The Code of Ethics provides that a public official or employee shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction, or professional activity which is in substantial conflict with the proper discharge of her duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest exists if a public official or employee has reason to believe or expect that she, any person within her family, her business associate, or any business by which she is employed or which she represents will derive a direct monetary gain or suffer a direct monetary loss by reason of her official activity. R.I. Gen. Laws § 36-14-7(a). Also, no person subject to the Code of Ethics shall accept other employment that would impair her independence of judgment as to her official duties or require or induce her to disclose confidential information acquired by her in the course of and by reason of her official duties. § 36-14-5(b). Further, no person subject to the Code of Ethics shall use her public office or confidential information received through her public office to obtain financial gain for herself, any person within her family, her business associate, or any business by which she is employed or which she represents. § 36-14-5(d).

The Ethics Commission has consistently opined that public officials and employees are not inherently prohibited from holding other employment that is secondary to their public positions, provided that the other employment would neither impair their independence of judgment nor create an interest in substantial conflict with their public duties, and subject to certain other restrictions. The Ethics Commission examines several factors when considering potential conflicts of interest regarding other employment. These factors include, but are not limited to, the nexus between the public official or employee's public duties and other employment; whether the public official or employee completes such other work outside of normal working hours and without the use of public resources; whether the public official or employee is required to appear before her own agency as part of her other employment; whether such other work is to be conducted outside of the areas over which the public official or employee has decision-making jurisdiction; and



whether the public official or employee uses her public position to solicit business or customers. See General Commission Advisory No. 2009-4.

Most recently, for example, in Advisory Opinion 2024-31, the Ethics Commission opined that the chief of municipal planning and programming at the Rhode Island Department of Housing was not prohibited by the Code of Ethics from accepting part-time employment providing town planner services on a contractual basis to the Town of New Shoreham. There, the petitioner's consulting work for New Shoreham would be completed outside of his normal working hours for the state and without the use of Housing Department resources. That petitioner's work for the town would not require him to represent the town before the Housing Department. Further, any town matters before the Housing Department, such as those relating to grant management, long-range planning, and policy work, were to be handled by New Shoreham's town planner and not the petitioner. Additionally, any services that the petitioner was to provide to the town were going to be conducted outside of areas over which he had decision-making jurisdiction in his role with the Housing Department. Also, in Advisory Opinion 2021-51, the Ethics Commission opined that 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 of the work was performed on his own time and without the use of public resources or confidential information obtained as part of his employment at the RIDOH. Nor could that petitioner use his public employment to recruit or obtain potential clients or advertise or promote his private work. See also A.O. 2019-27 (opining that a Motor Vehicle Operator Examiner for the Division of Motor Vehicles (DMV) was not prohibited by the Code of Ethics from accepting employment as a course administrator for the Driver Retraining Program at the Community College of Rhode Island (CCRI), given that there was no evidence that the petitioner's employment with the CCRI would either impair his independence of judgment or create an interest in substantial conflict with his public duties at the DMV).

Here, as an employee of 22<sup>nd</sup> Century Technologies, the Petitioner would not be working with the City of Providence because any such duties would be assigned by the Petitioner's supervisor to another employee. Further, the Petitioner represents that the city council does not solicit grants, or review or approve applications for grants. Based on all of the above representations, and the review of the relevant provisions of the Code of Ethics and prior advisory opinions issued, it is the opinion of the Ethics Commission that there is no evidence that the Petitioner's employment with 22<sup>nd</sup> Century Technologies performing work on behalf of RIEMA would either impair her independence of judgment or create an interest in substantial conflict with her public duties as a city council member. Accordingly, the Code of Ethics does not prohibit the Petitioner from simultaneously holding employment with 22<sup>nd</sup> Century Technologies as a grants manager/grant specialist and providing services to RIEMA, provided that all work is performed on her own time and without the use of public resources or confidential information obtained as part of her service on the city council.

This advisory opinion cannot anticipate every possible situation in which a conflict of interest might arise for the Petitioner while holding both positions. Thus, the Petitioner is encouraged to seek additional advice from the Ethics Commission if any specific questions regarding potential conflicts of interest arise. The Petitioner is advised that, in the event her responsibilities with the

city council or the 22<sup>nd</sup> Century Technologies change, she should seek further guidance from the Ethics Commission.

**This Draft 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:

§ 36-14-5(a)

§ 36-14-5(b)

§ 36-14-5(d)

§ 36-14-7(a)

520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal (36-14-5002)

Related Advisory Opinions:

G.C.A. 2009-4

A.O. 2024-31

A.O. 2021-51

A.O. 2019-27

Keywords:

Secondary Employment

# RHODE ISLAND ETHICS COMMISSION

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## Draft Advisory Opinion

Hearing Date: December 10, 2024

**Re: David Sisson**

### **QUESTION PRESENTED:**

The Petitioner, a member of the Pawtucket Historic District Commission, a municipal appointed position, requests an advisory opinion regarding whether he qualifies for a hardship exception to the Code of Ethics' prohibition on representing himself before his own board in order to allow him to seek a certificate of appropriateness for maintenance and repair to his residence.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Pawtucket Historic District Commission, a municipal appointed position, qualifies for a hardship exception to the Code of Ethics' prohibition on representing himself before his own board in order to allow him to seek a certificate of appropriateness for maintenance and repair to his residence.

The Petitioner is a member of the Pawtucket Historic District Commission (HDC), having served in that position since his appointment by the Pawtucket City Council in June 2023. The Petitioner represents that he resides in a historic home that he purchased in April 2022. The Petitioner states that he would like to conduct some maintenance and repair to his home including replacement of windows, gutters, and walkway bricks, and repair of wood railings. The Petitioner further states that prior to altering any part of the exterior of his historic home, he is required to seek and receive a certificate of appropriateness from the HDC. He informs that he is an architect and that he has prepared and submitted to the HDC an application seeking a certificate of appropriateness for the planned repairs pending the receipt of the instant advisory opinion. The Petitioner would like to represent himself personally relative to the application. He represents that he would recuse from the HDC's discussions and decision-making relative to his application. Based on this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether he qualifies for a hardship exception that will allow him to represent himself before the HDC relative to the aforementioned application.

The Code of Ethics prohibits a public official from representing himself or authorizing another person to appear on his behalf before a state or municipal agency of which he is a member, by which he is employed, or for which he is the appointing authority. R.I. Gen. Laws § 36-14-5(e)(1); 520-RICR-00-00-1.1.4(A)(1) Representing Oneself or Others, Defined (36-14-5016). These prohibitions continue while the public official remains in office and for a period of one year thereafter. § 36-14-5(e)(1) & (4). While many conflicts under the Code of Ethics can be avoided by recusing from participation, such recusal is insufficient to avoid § 36-14-5(e)'s prohibitions

against self-representation absent an express finding by the Ethics Commission in the form of an advisory opinion that a hardship exists. Upon receiving a hardship exception, the public official is required to recuse from participating in his agency's consideration and disposition of the matter at issue. § 36-14-5(e)(1)(ii). The public official must also "follow any other recommendations that the Ethics Commission may make to avoid any appearance of impropriety in the matter." § 36-14-5(e)(1)(iii).

Here, the Petitioner's proposed conduct falls squarely within § 36-14-5(e)(1)'s prohibition on representing himself before an agency of which he is a member. Thus, the Ethics Commission will consider whether the unique circumstances represented by the Petitioner herein justify a finding of hardship that will permit him to appear, either personally or through a representative, before the HDC. The Ethics Commission reviews questions of hardship on a case-by-case basis and has, in the past, considered some of the following factors in cases involving real property: whether the subject property was the official's principal residence or principal place of business; whether the official's interest in the property was pre-existing to his public office or was recently acquired; whether the relief sought involved a new commercial venture or an existing business; and whether the matter involved a significant economic impact. The Ethics Commission may consider other factors and no single factor is determinative. For example, in Advisory Opinion 2024-24, the Ethics Commission granted a hardship exception to a member of the East Greenwich Historic District Commission (EGHDC), allowing him to represent himself before his own commission in order to seek a certificate of appropriateness to add a window and replace most of the existing windows on his historic home, the ownership of which predated his appointment to the EGHDC. The Ethics Commission required that petitioner to recuse from participation and voting when the EGHDC considered his application and, prior to or at the time of his appearance before the EGHDC, to inform the other EGHDC members of his receipt of the advisory opinion and of his recusal in accordance therewith. See also A.O. 2020-26 (granting a hardship exception to an East Greenwich Historic Commission member, allowing him to represent himself before his own commission in order to seek certificates of appropriateness to install a new shed and roof-mounted solar array on his property, the ownership of which predated his appointment to the historic district commission); A.O. 2020-15 (granting a hardship exception to an Exeter Zoning Board of Review member, allowing him to represent himself before his own board in order to seek a dimensional variance to construct a shed at his personal residence that he acquired prior to his appointment to the zoning board, but requiring him to recuse from participation and voting during the zoning board's consideration of his request for relief).

In the present matter, the Petitioner seeks to conduct maintenance and repair to his residence which he purchased approximately a year prior to his appointment to the HDC. Further, the relief sought involves maintenance and repair to the Petitioner's principal residence and not a new commercial venture. Based upon the Petitioner's representations, and a review of the relevant provisions of the Code of Ethics and prior advisory opinions, it is the opinion of the Ethics Commission that the totality of the circumstances justifies making an exception to § 36-14-5(e)'s prohibitions against representing oneself before one's own board. Accordingly, the Petitioner may appear, either personally or through a representative, before the HDC in order to seek a certificate of appropriateness for the planned maintenance and repair to his personal residence. However, as the Petitioner correctly anticipated, he must recuse from participation and voting when the HDC considers his application. Pursuant to § 36-14-5(e)(1), the Petitioner shall, prior to or at the time

of his appearance before the HDC, inform the other HDC members of his receipt of the instant advisory opinion and of his recusal in accordance therewith. Notice of recusal must be filed with the Ethics Commission consistent with the provisions of R.I. Gen. Laws § 36-14-6.

**This Draft 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:

§ 36-14-5(e)

§ 36-14-6

520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016)

Related Advisory Opinions:

A.O. 2024-24

A.O. 2020-26

A.O. 2020-15

Keywords:

Hardship Exception