

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-9

Approved: January 28, 2025

Re: Craig R. Committo

QUESTION PRESENTED:

The Petitioner, a member of the Tiverton Town Council, a municipal elected position, who in his private capacity is an electrician who owns and operates Committo Electric, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from having his electrical work for clients in Tiverton inspected by Tiverton's electrical inspector.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Tiverton Town Council, a municipal elected position, who in his private capacity is an electrician who owns and operates Committo Electric, is not prohibited by the Code of Ethics from having his electrical work for clients in Tiverton inspected by Tiverton's electrical inspector.

The Petitioner is a member of the Tiverton Town Council, having been elected to that position in November of 2024. Prior to his retirement on December 31, 2023, the Petitioner was a member of the Tiverton Fire Department who had achieved the rank of captain. In his private capacity, the Petitioner is a Rhode Island licensed electrician who owns and operates Committo Electric. He states that he performs residential electrical work in Tiverton and surrounding areas for individuals and contractors.

The Petitioner states that Tiverton's electrical inspector is appointed by the town administrator without the advice and consent of the town council. He further states that the electrical inspector's immediate supervisor is the town's building official, who is also hired by the town administrator without the advice and consent of the town council. The Petitioner explains that the electrical inspector receives as compensation a flat rate for a residential inspection and a portion of the electrical permit fee for a commercial inspection.

The Petitioner represents that the town's current electrical permit fees were established by the town council prior to the Petitioner's election to the town council, and that those fees are job dependent. He explains that there is a base fee of \$60 for a generic permit, and additional fees can accumulate based upon the nature of the electrical work to be

performed. He cites as examples of additional fees those associated with the wiring of electricity for a swimming pool, or the number of electrical switches to be installed for a particular job.

The Petitioner represents that he currently has two clients in Tiverton who are awaiting electrical inspections by the Tiverton electrical inspector of the work that the Petitioner has performed for them. For one client, the Petitioner is installing a generator; for the other client, the Petitioner is conducting an electrical service upgrade. The Petitioner describes the inspection procedure as follows: after the Petitioner pulls a permit to perform a particular job, an initial inspection by the electrical inspector take place. After the initial inspection, there will be a rough inspection, eventually followed by a final inspection. The Petitioner states that he is not always present during an inspection and that the electrical inspector's determinations are all communicated by a portal to which the Petitioner has access. The Petitioner further states that all inspections by the electrical inspector are pass/fail. It is under this set of facts that the Petitioner seeks guidance from the Ethics Commission regarding whether he may contact the electrical inspector to perform the necessary inspections for each of the projects on which the Petitioner is working for two Tiverton residents.

The Code of Ethics prohibits a public official from representing himself, or authorizing another person to appear on his behalf, before 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) (Regulation 1.1.4). Pursuant to Regulation 1.1.4(A)(1)(a) and (b), a person will represent himself before a state or municipal agency if he or, pursuant to his authorization and/or direction, another person “participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his [] favor.” Absent an express finding by the Ethics Commission that a hardship exists, these prohibitions continue while the public official remains in office and for a period of one year thereafter. § 36-14 5(e)(1) and (4).

In order to determine whether the aforementioned provisions of the Code of Ethics are implicated, the Ethics Commission must first ascertain whether the Petitioner is seeking to represent himself before a municipal agency of which he is a member, by which he is employed, or for which he is the appointing authority. If he is, the Petitioner will require a hardship exception from the Ethics Commission in order to proceed. *See, e.g.,* A.O. 2024-8 (granting a hardship exception to a member of the Newport City Council permitting him to appear before the Newport Historic District Commission and the Newport Zoning Board of Review, both municipal agencies over which the city council has appointing authority, in order to request approval of repairs and renovations he had planned for a home that he had recently purchased in Newport). If he is not, then the Petitioner will not be prohibited by the Code of Ethics from contacting the electrical inspector to perform the

inspections for each of the projects on which the Petitioner is currently working for two Tiverton residents.

Here, the Petitioner in his capacity as a member of the town council is not the appointing authority for the town's electrical inspector. The hiring of the electrical inspector is the responsibility of the town administrator alone. Based upon the facts as represented, the Petitioner is not seeking to represent himself before a municipal agency of which he is a member, by which he is employed, or for which he is the appointing authority. Accordingly, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from contacting the electrical inspector to perform the inspections for each of the above-referenced projects on which the Petitioner is currently working. However, given the Petitioner's representation that electrical permit fees are established by the town council, and that the Petitioner's clients, who are his business associates, could potentially be directly financially impacted by the Petitioner's participation in the town council's adjustment of the existing electrical permit fees, if and when the subject of electrical permit fees comes before the town council while the Petitioner is a member of the town council, the Petitioner is advised to either recuse from participation in the matter consistent with the provisions of R.I. Gen. Laws § 36-14-6, or seek additional guidance from the Ethics Commission.

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:

§ 36-14-5(e)

§ 36-14-6

520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5006)

Related Advisory Opinions:

A.O. 2024-8

Keywords:

Appointing Authority