

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-14

Approved: March 4, 2025

Re: Tim McNamara

QUESTION PRESENTED:

The Petitioner, a member of the Barrington School Committee, a municipal elected position, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from simultaneously serving as a volunteer assistant coach for the Barrington High School boys' varsity lacrosse team.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Barrington School Committee, a municipal elected position, is not prohibited by the Code of Ethics from simultaneously serving as a volunteer assistant coach for the Barrington High School boys' varsity lacrosse team.

The Petitioner is a member of the Barrington School Committee, having been elected to serve in that position in November 2024. He represents that for the past 14 years, he has been deeply involved in the town's youth lacrosse league, both as a coach and as the boys' program director. The Petitioner states that the former president of the league, with whom the Petitioner remains in touch, is now the head coach for the Barrington High School boys' varsity lacrosse team. The Petitioner further states that the head coach, who usually has two to three assistant coaches each year, has no one to assist him this year. The Petitioner represents that, although the head coach receives compensation for his services in that capacity, there is no stipend or remuneration associated with the position of assistant coach for the boys' varsity lacrosse team.

The Petitioner states that the school committee does not advertise for the assistant coach position or participate in the selection of candidates to interview or in the final selection of an assistant coach or coaches; rather, the head coach finds people who are capable and willing to volunteer. The Petitioner informs that the varsity boys' lacrosse season begins in mid-March and runs through May. He further informs that the team practices from 4:00 p.m. until 5:30 p.m. every weekday, plus one weekend day, provided that no game is scheduled. The Petitioner states that games are usually held twice per week on Mondays and Thursdays. The Petitioner further states that he has informed the head coach that,

should the Petitioner become a volunteer assistant coach, in the event that a lacrosse game conflicts with a school committee meeting, usually held once or twice each month on a Thursday evening at 7:00 p.m., the Petitioner would be attending the school committee meeting and be unable to assist with the coaching that evening.

The Petitioner represents that should any matters related to the boys' varsity lacrosse team come before the school committee during his term, he would recuse himself from participation in the discussions and decision-making relating to such matters, or seek additional assistance from the Ethics Commission. He cites by way of example the issue of the head coach's salary. It is under this set of facts that the Petitioner seeks guidance from the Ethics Commission regarding whether he is prohibited by the Code of Ethics from simultaneously serving as a member of the school committee and as a volunteer assistant coach for the boys' varsity lacrosse team.

Under the Code of Ethics, a municipal elected official or school committee member is prohibited from seeking or accepting employment in the same municipality in which that official serves, including services as an independent contractor or consultant, while serving in office and for a period of one year after leaving office. 520-RICR-00-00-1.5.4 Municipal Official Revolving Door (36-14-5014) (Commission Regulation 1.5.4). Additionally, pursuant to 520-RICR-00-00-1.5.1 Employment from Own Board (36-14-5006) (Commission Regulation 1.5.1), no elected or appointed official may accept any appointment or election that requires approval by the body of which he is or was a member, to any position which carries with it any financial benefit or remuneration, until the expiration of one year after termination of his membership in or on such body.

Notably, the receipt of compensation is a necessary element in the application of both Regulation 1.5.4 and Regulation 1.5.1. See A.O. 2013-11 (opining that an elected member of the Pascoag Fire District Board of Commissioners could not seek or accept a position as a volunteer firefighter in the same district while holding office as a commissioner, and for one year after, because volunteer firefighters were paid for their services as independent contractors); A.O. 2004-36 (opining that a state employee who sat as a member of the Rhode Island Water Resources Board as the designee of the director of administration could not accept, if offered, employment in the position of general manager of the board).

However, the Ethics Commission has permitted public officials to accept certain positions within their municipality, provided that the officials agreed to waive receipt of any financial benefit or remuneration and serve in a volunteer capacity. For example, in Advisory Opinion 2018-7, the Ethics Commission opined that the chairperson of the West Warwick School Committee was not prohibited by the Code of Ethics from serving as a coach for the West Warwick High School girls' basketball team, provided that he waived the receipt of any financial compensation and/or benefits and served in a volunteer capacity. There, the petitioner expressly represented that neither he nor the school committee had participated in the job description development or the selection of the

candidates for the position, and that he would recuse from the school committee's discussions and decision-making related to the ratification of his appointment to the position. The Ethics Commission required that petitioner to also recuse from participating in any school committee discussions and decision-making relating to his position as a basketball coach. See also A.O. 2003-65 (opining that a Chariho School Committee member could officiate at sporting events involving the Chariho schools, given his representation that he would waive the receipt of a stipend for his services from the school's athletic department); A.O. 99-94 (opining that a member of the Coventry School Committee was not prohibited from accepting appointment to the position of head wrestling coach at the middle school, provided that he waived the receipt of compensation and benefits); A.O. 97-41 (opining that a member of the Warwick School Committee could apply for a coaching position in the Warwick School Department, given that he did not intend to accept compensation, benefits, or other financial remuneration for the position).

As stated earlier, the receipt of compensation is a necessary element in the application of both Regulation 1.5.4 and Regulation 1.5.1. Here, the Petitioner represents that there is no stipend or remuneration associated with the position of assistant coach for the boys' varsity lacrosse team. Also, the Petitioner states that the school committee does not advertise for the assistant coach position or participate in the selection of candidates to interview or in the final selection of an assistant coach or coaches; rather, the head coach finds people who are capable and willing to volunteer. In the instant matter, there is no financial benefit or remuneration associated with the assistant coach position that the Petitioner would otherwise be required to waive. Accordingly, based on the Petitioner's representations, the applicable provisions of the Code of Ethics, and consistent with prior advisory opinions issued, it is the opinion of the Ethics Commission that the Code of Ethics does not prohibit the Petitioner, a member of the school committee, from simultaneously serving as a volunteer assistant coach for the varsity lacrosse team. Also, the Petitioner may or may not be required to recuse from participating in school committee discussions and decision-making relating to the boys' lacrosse team, depending upon the nature of the matter that is pending. The Petitioner is encouraged to seek further guidance from the Ethics Commission if and when a matter involving the boys' lacrosse team is before the school committee.

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-00-00-1.5.1 Employment from Own Board (36-14-5006)

520-RICR-00-00-1.5.4 Municipal Official Revolving Door (36-14-5014)

Related Advisory Opinions:

A.O. 2018-7

A.O. 2013-11

A.O. 2004-36

A.O. 2003-65

A.O. 99-94

A.O. 97-41

Keywords:

Revolving Door