

# RHODE ISLAND ETHICS COMMISSION

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## Advisory Opinion No. 2025-16

Approved: March 25, 2025

**Re: Louise Dinsmore**

### **QUESTION PRESENTED:**

The Petitioner, a member of the Chariho School Committee, a municipal elected position, requests an advisory opinion regarding whether she is prohibited by the Code of Ethics from participating in school committee discussions and decision-making relating to whether the school committee should support a resolution requesting the Rhode Island General Assembly to amend a state statute to require private schools to share in the cost of transporting children from the local school district to the private schools they attend, given that the Petitioner's child attends a private school.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Chariho School Committee, a municipal elected position, is not prohibited by the Code of Ethics from participating in school committee discussions and decision-making relating to whether the school committee should support a resolution requesting the Rhode Island General Assembly to amend a state statute to require private schools to share in the cost of transporting children from the local school district to the private schools they attend, notwithstanding that the Petitioner's child attends a private school.

The Petitioner is a member of the Chariho School Committee and currently serves as its president.<sup>1</sup> She states that, under current state law, local school districts are required to provide and fund transportation for students who live in those school districts but attend private schools. The Petitioner further states that, during a recent school committee meeting, the superintendent of schools asked the school committee to support a resolution requesting that the Rhode Island General Assembly amend the current state law to require private schools to share with local school districts the cost of transporting private school students who would otherwise be attending the local public schools. The Petitioner

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<sup>1</sup> The Petitioner joined the school committee in December of 2024 to fill a vacancy left by a resignation. The Petitioner was the next highest vote-getter in the election held the month before.

represents that she is the parent of a child who attends a private school. She further represents that, if the General Assembly amends the current state law as described above, the Petitioner will be financially impacted. It is under this set of facts that the Petitioner seeks guidance from the Ethics Commission regarding whether she is prohibited by the Code of Ethics from participating in school committee discussions and decision-making relating to whether the school committee should support the above-described resolution.

A person subject to the Code of Ethics may not participate in any matter in which she has an interest, financial or otherwise, 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 occurs if the public official 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). A public official has reason to believe or expect that a conflict of interest exists when it is “reasonably foreseeable,” meaning that the probability is greater than “conceivably,” but the conflict of interest is not necessarily certain to occur. 520-RICR-00-00-1.1.5 Reasonable Foreseeability (36-14-7001). Additionally, a public official may not use her office for pecuniary gain, other than as provided by law, 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).

In order to determine whether the above provisions of the Code of Ethics are implicated, the Ethics Commission must first ascertain whether the Petitioner will be directly financially impacted by the official action that is under consideration, which in this case is supporting a resolution requesting that the General Assembly amend a state statute to require that private schools share in the costs of transporting the private school’s students. If a direct financial impact, be it positive or negative, is not reasonably foreseeable as a result of the Petitioner’s contemplated official action, then the Petitioner will not be required by these provisions of the Code of Ethics to recuse from participation in the discussions and decision-making relative to the issue.

A highly analogous fact pattern was presented in Advisory Opinion 2012-2, in which the Ethics Commission opined that a member of the Exeter Town Council, who in his private capacity was a licensed firearms dealer, was not prohibited by the Code of Ethics from participating in the town council’s discussions and voting on a resolution asking the General Assembly to change the state law regarding municipal licensing of concealed weapons. There, the petitioner’s business as a firearms dealer would not have been directly affected by the ability of the town to issue permits to carry a concealed weapon, because permission to carry a concealed weapon is separate and distinct from the license or ability to purchase a weapon. Additionally, and more relevant to the instant facts, the Ethics Commission noted that “the action taken by the [t]own [c]ouncil in approving this resolution will only result in a request to the General Assembly to change a law that the [t]own is not empowered to amend.”

Similarly, here, should the school committee ultimately vote to support the resolution, such action would only result in a request to the General Assembly to change a law that the town is not empowered to amend. Additionally, even if the General Assembly were to amend state law so as to require private schools to contribute to the cost of transporting private school students, there would still be no *direct* financial impact upon the parents of private school students like the Petitioner. Rather, each private school would have to decide whether or not, and in what amount, to pass off the additional costs of student transportation to their students' parents.

Accordingly, it is the opinion of the Ethics Commission that, absent any other relevant factor that would implicate other provisions of the Code of Ethics, there is no direct financial nexus between the resolution pending before the school committee and the Petitioner's personal finances. Therefore, based on the facts as represented, a review of the applicable provisions of the Code of Ethics, and consistent with the above-cited prior advisory opinion issued, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from participating in school committee discussions and decision-making relating to whether to the school committee should support the resolution to the Rhode Island General Assembly.

**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(a)

§ 36-14-5(d)

§ 36-14-7(a)

520-RICR-00-00-1.1.5 Reasonable Foreseeability (36-14-7001)

Related Advisory Opinions:

A.O. 2012-2

Keywords:

Financial Interest