

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-40

Approved: June 10, 2025

Re: Lawrence Mandel

QUESTION PRESENTED:

The Petitioner, a former member of the North Kingstown Town Council, a municipal elected position, requests an advisory opinion regarding whether he may apply for and, if offered, accept an appointment to serve as a member of the North Kingstown Planning Commission, an unpaid municipal position, prior to the expiration of one year following the Petitioner's severance from his position as a town council member.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a former member of the North Kingstown Town Council, a municipal elected position, may apply for and, if offered, accept an appointment to serve as a member of the North Kingstown Planning Commission, an unpaid municipal position, prior to the expiration of one year following the Petitioner's severance from his position as a town council member.

The Petitioner was previously an elected member of the North Kingstown Town Council, having served in that capacity from December of 2022 to December of 2024. He is now retired and living in North Kingstown, and states that he would like to continue to serve his community. He informs that he recently learned from the town clerk about an upcoming anticipated vacancy on the North Kingstown Planning Commission.¹ The Petitioner states that he would like to apply to become a member of the planning commission. He further states that the town council will select the candidate that it wishes to appoint. The Petitioner adds that the members of the planning commission receive no stipend or other remuneration for their service on the planning commission. It is under this set of facts that

¹ Pursuant to the North Kingstown Town Charter, the duties and powers of the planning commission include, but are not limited to, the following: amending the town's comprehensive plan in order to physically develop the town; exercising control over subdividing land within the town; and recommending to the town council such changes in the zoning ordinance and zoning map as the planning commission deems desirable. See https://library.municode.com/ri/north_kingstown/codes/code_of_ordinances?nodeId=PTI_CH_ARTVIIIOTDE_S802PLCO (last visited June 2, 2025).

the Petitioner seeks advice from the Ethics Commission regarding whether he is permitted by the Code of Ethics to apply for and, if offered, accept an appointment to serve as a member of the planning commission.

Under the Code of Ethics, a municipal elected official is prohibited from seeking or accepting employment with any municipal agency in the 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) (Regulation 1.5.4). Additionally, 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. 520-RICR-00-00-1.5.1 Employment from Own Board (36-14-5006) (Regulation 1.5.1).

Notably, the receipt of compensation is a necessary element in the application of both Regulation 1.5.4 and Regulation 1.5.1. See, e.g., A.O. 2013-11 (opining that an elected member of the Pascoag Fire District Board of Commissioners was prohibited by Regulation 1.5.4 from seeking or accepting a position as a volunteer firefighter in the same district while holding office as a commissioner, and for one year thereafter, 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, given the prohibitions within Regulation 1.5.1). However, the Ethics Commission has permitted a public official to accept an appointment that otherwise fell within the provisions of Regulations 1.5.4 and 1.5.1, provided that the appointment was to a volunteer position. See, e.g., A.O. 2021-38 (opining that a former member of the North Kingstown School Committee could continue to serve as a member of the North Kingstown Charter Commission, and accept an appointment to serve as a member of the North Kingstown Audit Committee, both unpaid positions, prior to the expiration of one year following the petitioner's severance from his position as a school committee member); A.O. 2016-46 (opining that a member of the Pawtucket City Council could accept appointment to the Pawtucket Water Supply Board, an unpaid position, prior to the expiration of one year following his official severance from his position as a city councilor).

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 other remuneration associated with service as a member of the planning commission. 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 former member of the North Kingstown Town Council, from applying for and,

if offered, accepting an appointment to serve as a member of the North Kingstown Planning Commission, prior to the expiration of one year following the Petitioner's severance from his position as a town council member.

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, agency policy, 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. 2021-38

A.O. 2016-46

A.O. 2013-11

A.O. 2004-36

Keywords:

Revolving Door