

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-51

Approved: September 9, 2025

Re: Chris Hauver

QUESTION PRESENTED:

The Petitioner, a member of the board of directors of the Jamestown Community Theatre Association, a program which falls under the Jamestown Department of Parks and Recreation, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from establishing a private, non-profit entity in order to conduct fundraising activities to benefit the Jamestown Community Theatre Association and from then serving as the entity's chairperson and, further, what restrictions, if any, the Code of Ethics would place upon him while serving in both positions.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the board of directors of the Jamestown Community Theatre Association, a program which falls under the Jamestown Department of Parks and Recreation, is not prohibited by the Code of Ethics from establishing a private, non-profit entity in order to conduct fundraising activities to benefit the Jamestown Community Theatre Association and from then serving as the entity's chairperson, given that the Petitioner is not a person subject to the Code of Ethics and, thus, would not be prohibited from serving in both positions.

The Petitioner is a member of the board of directors of the Jamestown Community Theatre Association (JCTA). The Petitioner explains that the JCTA was created in the 1990s by two local women, and is a program within the Jamestown Department of Parks and Recreation (recreation department).¹ The Petitioner clarifies that the JCTA was not established by the town charter or by a town ordinance. The JCTA's bylaws identify the JCTA as a "group of community members coming together to foster the growth of the arts, culture, social awareness and education of the youth of the Jamestown community." The Petitioner explains that the JCTA organizes and puts on plays that are performed in the

¹ Although the JCTA's bylaws designate the JCTA as a non-profit association, the Petitioner explains that it is not a private 501(c)(3), non-profit entity. An independent review by Ethics Commission staff confirmed that the JCTA is not registered within the Secretary of State's corporate database.

recreation department's gym. Pursuant to its bylaws, membership in the JCTA is open to all interested persons who are required to register through the recreation department and pay the appropriate membership fees. The JCTA's bylaws further provide that the members of the JCTA's board of directors are nominated and elected by the current board of directors for a term of three years, but are eligible for reelection to a second three-year term. The Petitioner states that he does not receive remuneration for his service as a board member and is not considered an employee of the town. The Petitioner explains that the JCTA also has various permanent and temporary committees created for specific purposes. The Petitioner states that, as a JCTA board member, he chairs the Sponsorship Committee which, pursuant to its bylaws, is a "permanent committee that exists to conduct a membership campaign in conjunction with each production, for the purpose of sustaining and increasing membership, collecting membership fees, and apprising the community at large of the opportunity to make sponsorships and donations" to the JCTA.

The Petitioner states that the JCTA raises funds through the sale of tickets for the plays they perform, donations, and membership fees. He further states that because the JCTA is limited in the way it raises funds, the Petitioner would like to establish and chair a private non-profit entity called The Friends of Jamestown Community Theater for the purpose of conducting fundraising activities to benefit the JCTA. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether he may establish the private, non-profit entity and serve as its chairperson while also serving as a member of the JCTA's board of directors, and, further, what restrictions, if any, the Code of Ethics would place upon him while serving in both positions.

The Code of Ethics identifies the following persons as subject to its provisions: state and municipal elected officials; state and municipal appointed officials; and employees of state and local government, of boards, commissions, and agencies. R.I. Gen. Laws § 36-14-4. The Code of Ethics defines a municipal elected official as "any person holding any elective public office pursuant to a general or special election." R.I. Gen. Laws § 36-14-2(10); 520-RICR-00-00-1.1.3(A) Additional Definitions (36-14-2002) (Regulation 1.1.3). Here, the Petitioner was not elected to, nor does he hold, an elective office pursuant to a general or special election. He was nominated and elected as a JCTA board member by the then board members. Therefore, he does not fall under the definition of a municipal elected official.

Further, a municipal appointed official is defined as "any officer or member of a state or municipal agency as defined herein who is appointed for a term of office specified by the constitution or a statute of this state or a charter or ordinance of any city or town or who is appointed by or through the governing body or highest official of state or municipal government." § 36-14-2(9). Similarly, Regulation 1.1.3(B) defines a municipal appointed official as "any officer or member of a state or municipal agency as defined herein who is appointed to an office specified by the constitution or a statute of this state or a charter or ordinance of any city or town or who is appointed by, through or with the advice and

consent of a governing body, or any court, in state or municipal government, or highest official of state or municipal government.” Here, the Petitioner was not appointed to a term of office specified by a charter or ordinance of the town, nor was he appointed by or through the governing body or highest official of municipal government, or through or with the advice and consent of a governing body, or any court, in state or municipal government. Therefore, the Petitioner is not a municipal appointed official.

Finally, the Code of Ethics defines an employee of local government as “any full-time or part-time employees in the classified, non-classified and unclassified service of the state or of any city or town within the state, any individuals serving in any appointed state or municipal position, and any employees of any public or quasi-public state or municipal board, commission or corporation.” § 36-14-2(4). Additionally, Regulation 1.1.3(C) defines a state or municipal employee as:

1. any individual receiving a salary from a state or municipal agency, whether elected or not, on a full-time or part-time basis;
2. any individual in the classified, non-classified and unclassified service of the judicial, executive and legislative branches of state government;
3. any individual in the classified, non-classified and unclassified service of any municipality within the state;
4. any individual receiving a salary from any public or quasi-public state or municipal board, commission, corporation, or other public or quasi-public agency however named; and
5. any state or municipal appointed official who receives a salary or stipend for their appointed service.

Here, the Petitioner represents that he is not an employee of the town and does not receive any remuneration for his service on the JCTA’s board of directors. Therefore, the Petitioner is not an employee of local government.

Accordingly, based on the Petitioner’s representations and the applicable provisions of the Code of Ethics, it is the opinion of the Ethics Commission that the Petitioner is not a person subject to the Code of Ethics. Therefore, he is not constrained by the provisions of the Code of Ethics and may establish the private entity called The Friends of Jamestown Community Theater, chair it, and conduct fundraising activities to benefit the JCTA, while serving as the JCTA’s board 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 judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-4

§ 36-14-2(4)

§ 36-14-2(9)

§ 36-14-2(10)

520-RICR-00-00-1.1.3 Additional Definitions (36-14-2002)

Keywords:

Code Jurisdiction