

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-57

Approved: October 21, 2025

Re: Casandra West

QUESTION PRESENTED:

The Petitioner, a member of the Fort Getty Ad Hoc Committee, a committee created by the Jamestown Town Council to advise the town council on proposed future uses and layout of the Fort Getty Park, requests an advisory opinion regarding whether her children's past and future attendance at a summer camp that operates within a portion of the park creates a conflict of interest under the Code of Ethics with her duties as a member of the ad hoc committee.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner's children's past and future attendance at a summer camp that operates within a portion of Fort Getty Park does not create a conflict of interest under the Code of Ethics with her duties as a member of the Fort Getty Ad Hoc Committee, because the ad hoc committee is not a municipal agency as that term is defined in the Code of Ethics and the Petitioner is, therefore, not subject to the statutory and regulatory provisions of the Code of Ethics.

The Petitioner is a member of the Fort Getty Ad Hoc Committee, a position to which she was appointed by the Jamestown Town Council in August 2025. The Petitioner states that the ad hoc committee was established through a resolution of the town council in May 2025 to advise the town council on the Fort Getty Park's future uses and layout. Pursuant to the resolution, the ad hoc committee is generally asked to review and report on the park's existing physical conditions, staffing, services provided, and revenues, and to propose potential improvements. The Petitioner states that the ad hoc committee currently consists of nine members, five of whom, including the Petitioner, are citizens-at-large with voting powers, and four of whom are ex officio, non-voting members who include: the town planner, the harbor department executive director, the parks and recreation director, and one member of the Jamestown Conservation Committee. The town's website describes the park as a 41-acre, town-owned facility that is primarily a recreational-vehicle campground,

that also includes a tent camping area, and consists of old fortifications, a rocky beach, a public boat ramp, and a dock.¹

The Petitioner represents that the ad hoc committee has no final decision-making authority on any matters; rather, it only makes recommendations for consideration by the town council. The Petitioner states that the town council is the body that makes final decisions on matters relative to the park and its potential future uses and layout, and although it may take into consideration the recommendations of the ad hoc committee, the town council does not have to accept or rely on such recommendations. The Petitioner represents that the voting powers of the members of the ad hoc committee extend only to whether to make certain recommendations to the town council and do not pertain to final decision-making on any matter. Finally, the Petitioner states that the ad hoc committee does not have a budget, has no hiring or enforcement authority, does not expend funds or manage public property, and does not have authority to enter into contracts.

The Petitioner represents that Conanicut Island Sailing Foundation (CISF), a local, non-profit entity, has a long-term lease with the town to operate a popular summer camp and other educational programs in a portion of the park. The Petitioner states that her children have attended and may attend CISF's summer camp in the future. The Petitioner represents that she is not employed by, nor does she serve in any leadership position within, CISF. The Petitioner explains that, although the ad hoc committee members are aware of the lease between the town and CISF, the scope of their review and recommendations does not include CISF or the portion of the park that is subject to the lease. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether the fact that her children are past and likely future attendees of CISF's summer camp creates a conflict of interest under the Code of Ethics with her duties as a member of the ad hoc committee.

Under the Code of Ethics, a public official 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 exists if a 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). The Code of Ethics also prohibits a public official from using her public office, or confidential information received through her public office, to obtain financial gain for herself, any member within her family, her business associate, or any business by which she is employed or which she represents. § 36-14-5(d).

For the above-cited provisions of the Code of Ethics to apply to the facts as represented, the Ethics Commission will first determine whether the Petitioner is subject to the Code of

¹ See <https://jamestownri.gov/rvcamping> (last visited October 14, 2025).

Ethics. Pursuant to R.I. Gen. Laws § 36-14-4, the following persons are subject to the Code of Ethics: (1) state and municipal elected officials; (2) state and municipal appointed officials; and (3) employees of state and local government, of boards, commissions, and agencies. As the Petitioner is not a municipal elected official or municipal employee, we must determine whether she is a “municipal appointed official.”

The Code of Ethics defines a municipal appointed official as “any officer or member of a . . . 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 . . . municipal government” R.I. Gen. Laws § 36-14-2(9); see also 520-RICR-00-00-1.1.3(B) Additional Definitions (36-14-2002). This definition requires that the Petitioner be an officer or a member of a “municipal agency.” The definition of a “municipal agency,” as set forth in § 36-14-2(8)(ii), is:

any department, division, agency, commission, board, office, bureau, authority, quasi-public authority, or school, fire or water district within Rhode Island, other than a state agency and any other agency that is in any branch of municipal government and exercises governmental functions *other than in an advisory nature*.

(Emphasis added.) See also 520-RICR-00-00-1.1.2(I) Additional Definitions (36-14-2001) & 520-RICR-00-00-1.1.3(E).

The Ethics Commission has previously opined that certain public bodies, particularly those that are created on an ad hoc basis to make non-binding recommendations to an ultimate decision-maker, are considered purely advisory in nature. For example, in Advisory Opinion 2020-17, the Ethics Commission opined that the Scituate Capital Committee (SCC), an ad hoc committee that had been recently created by the town council, was not a municipal agency as that term is defined in the Code of Ethics because its powers were purely advisory in nature and that the petitioner, who was a member of the SCC, was therefore not subject to the statutory and regulatory provisions of the Code of Ethics. There, the SCC served the town council strictly in an advisory capacity, the town council was not required to act on the findings of the SCC, and the SCC did not vote on the appropriation of any funds or purchases made by the town council. Additionally, the report of findings presented to the town council by the SCC specifically recommended that the town council consult with subject matter experts when making decisions based on the opinions expressed in the SCC’s report.

Similarly, in Advisory Opinion 2007-48, the Ethics Commission determined that the Town of Charlestown’s Charter Revision Advisory Committee, to which the petitioner had been appointed by the Charlestown Town Council, was not a “municipal agency” as that term is

defined in the Code of Ethics because its powers were purely advisory in nature. As a result, the petitioner was not subject to the statutory and regulatory provisions of the Code of Ethics. See also A.O. 2002-58, (opining that a Tiverton Economic Development Committee (TEDC) member was not required to file a financial disclosure statement since the TEDC acted in a purely advisory capacity and, therefore, was not a “municipal agency” for purposes of the Code of Ethics); A.O. 2000-13 (opining that the Town of Little Compton Harbor Commission was not a “municipal agency” as that term is defined in the Code of Ethics because its powers were purely advisory in nature and, therefore, the members of the commission were not required to abide by the statutory and regulatory provisions of the Code of Ethics).

Here, similar to the above examples, the instant Petitioner represents that the ad hoc committee serves the town council strictly in an advisory capacity, and that the town council is not required to act on the recommendations of the ad hoc committee but, rather, has the power and discretion to disagree or reject the ad hoc committee’s recommendations. Further, the Petitioner states that the ad hoc committee does not have a budget, does not serve as an appellate body, does not have any appointing or hiring authority, nor the authority to expend funds. Accordingly, given the Petitioner’s representations, the analysis of 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 ad hoc committee is not a “municipal agency” as that term is defined in the Code of Ethics, because its powers are purely advisory in nature and, therefore, the Petitioner is not subject to the statutory and regulatory provisions of the Code of Ethics. For that reason, the fact that the Petitioner’s children are past and likely future attendees at CISF’s summer camp does not create a conflict of interest under the Code of Ethics with her duties as a citizen-at-large member of the ad hoc 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. An advisory opinion rendered by the Commission, until amended or revoked by a majority vote of the Commission, is binding on the Commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. 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:

§ 36-14-2(8)(ii)

§ 36-14-2(9)

§ 36-14-4

§ 36-14-5(a)

§ 36-14-5(d)

§ 36-14-7(a)

520-RICR-00-00-1.1.2 Additional Definitions (36-14-2001)

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

Related Advisory Opinions:

A.O. 2020-29

A.O. 2010-37

A.O. 2007-48

A.O. 2003-38

A.O. 2002-58

A.O. 2001-23

A.O. 2000-13

Keywords:

Advisory Body

Conflict of Interest