

# RHODE ISLAND ETHICS COMMISSION

---

---

## Advisory Opinion No. 2025-62

Approved: November 18, 2025

**Re: Peter W. Meusert**

### **QUESTION PRESENTED:**

The Petitioner, a member of the Scituate Town Council, a municipal elected position, who in his private capacity is a volunteer firefighter with the North Scituate Fire Department No.1, a private, non-profit organization, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from participating, as a town council member, in discussions between the town council and the fire department relative to complaints received by town council members regarding the operation of the fire department.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Scituate Town Council, a municipal elected position, who in his private capacity is a volunteer firefighter with the North Scituate Fire Department No.1, a private, non-profit organization, is prohibited by the Code of Ethics from participating, as a town council member, in discussions between the town council and the fire department relative to complaints received by town council members regarding the operation of the fire department.

The Petitioner is a member of the Scituate Town Council, having been elected to that position in 2024. The Petitioner represents that he is also a volunteer firefighter with the North Scituate Fire Department No. 1 (NSFD), one of four fire departments in the town, that provides emergency medical and fire suppression services to Scituate residents and surrounding locales by way of mutual aid. The Petitioner states that the NSFD, like the other three fire departments, operates as a private, non-profit organization separate and apart from the town. The Petitioner further states that the volunteer firefighters within the NSFD are not town employees and that no municipal entity has management or control over the operations or decisions made by the NSFD. The Petitioner represents that separate, non-municipal entities, such as the Scituate Fire Engineering Board, manage or set policies for the NSFD's delivery of emergency medical and fire suppression services. The Petitioner notes that the fire engineering board is comprised of the fire chiefs of each of the fire departments. The Petitioner explains that as a volunteer firefighter, he is a member of

the NSFD's active crew,<sup>1</sup> and that he receives a stipend, in a manner as an independent contractor, based on the number of calls that he responds to during the year. The Petitioner states that the NSFD's budget consists of funds received from the town for operation and capital expenses, NSFD membership fees, donations, and various NSFD fundraising activities. He clarifies that the stipends are paid by the fire engineering board from the funds received from the town, but emphasizes that the town does not have any discretion or control over the stipends or how those funds are spent.

The Petitioner states that, over the past year, several town council members have received numerous complaints from various individuals regarding the operation of the NSFD. The Petitioner explains that, because the town provides funds to the NSFD, the town council is considering inviting the chief of the NSFD and, possibly, members of the NSFD command staff, to meet in executive session to discuss the complaints and the operation of the NSFD. The Petitioner notes that it is possible that, based on those discussions, the town council might consider an adjustment to the town's funding of the NSFD. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether he may participate in his public capacity in the town council meetings with the NSFD relative to the aforementioned complaints.

The Code of Ethics requires a public official to recuse from participation when his employer, his business associate, or any person within his family, either personally or through an authorized representative, appears or presents evidence or arguments before the public official's municipal agency. 520-RICR-00-00-1.2.1(A) Additional Circumstances Warranting Recusal (36-14-5002). Further, under the Code of Ethics, a public official may not participate in any matter in which he has an interest, financial or otherwise, that is in substantial conflict with the proper discharge of his duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A public official will have an interest that is in substantial conflict with the proper discharge of his official duties if it is reasonably foreseeable that a direct monetary gain or a direct monetary loss will accrue, by virtue of the public official's activity, to the public official, any person within his family, his business associate, or any business by which he is employed or which he represents. R.I. Gen. Laws § 36-14-7(a). The Code of Ethics defines a business associate as "a person joined together with another person to achieve a common financial objective." R.I. Gen. Laws § 36-14-2(3). A person is defined as "an individual or a business entity." § 36-14-2(7). Lastly, a public official is prohibited from using his public office or confidential information received through his public office to obtain financial gain for himself, any person within his family, his business associate, or any business by which he is employed or which he represents. § 36-14-5(d).

Here, the Petitioner is paid a stipend for his services as a volunteer firefighter in the manner of an independent contractor for the NSFD, which, he represents, is a private entity. This

---

<sup>1</sup> The NSFD's by-laws describe the active crew as consisting of one firefighting company and one rescue company.

makes the Petitioner a business associate of the NSFD. Accordingly, based on the facts as presented by the Petitioner and the provisions of the Code of Ethics cited above, it is the opinion of the Ethics Commission that the Petitioner is prohibited from participating as a town council member in any discussions between the town council and the NSFD relative to the complaints received by town council members regarding the NSFD's operation. Compare A.O. 2015-32 (opining that a member of the Jamestown Planning Commission was not prohibited from participating in the planning commission's consideration of the Jamestown Fire Department's fire station development plan review application, notwithstanding that he was a volunteer firefighter receiving a stipend from that fire department, given that the fire department was considered a municipal agency, rather than a private entity, and there was no corresponding financial impact upon him as a volunteer firefighter with the fire department). Recusal must be filed consistent with the provisions of R.I. Gen. Laws § 36-14-6. The Petitioner is also prohibited from using his public office or confidential information received through his public office to obtain financial gain for himself or the NSFD. Finally, the Petitioner is reminded that he is generally prohibited from participating in any town council discussions and decision-making, either in open or executive session, on matters that would have a direct financial impact upon the NSFD and/or the Petitioner.

**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(3)

§ 36-14-2(7)

§ 36-14-5(a)

§ 36-14-5(d)

§ 36-14-6

§ 36-14-7(a)

520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal (36-14-5002)

Related Advisory Opinions:

A.O. 2015-32

Keywords:

Business Associate

Recusal