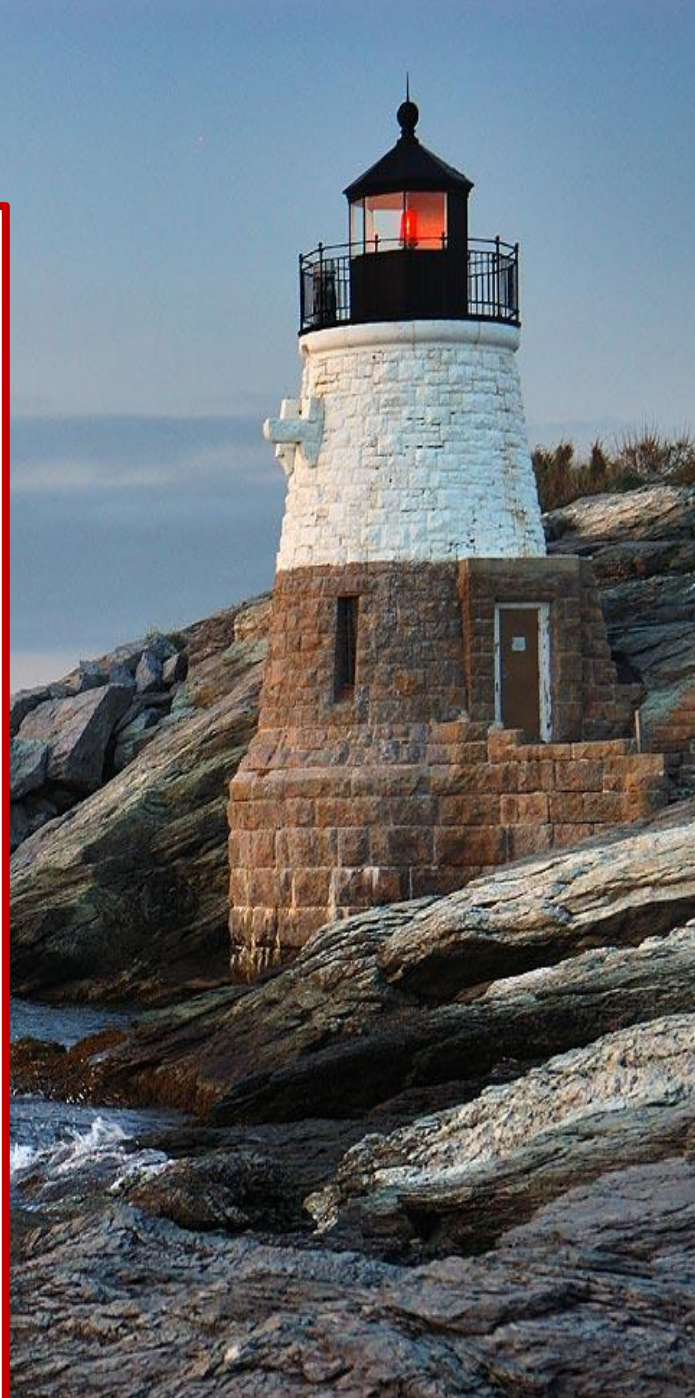


RHODE ISLAND ETHICS COMMISSION

2016 ADVISORY OPINION DIGEST



Rhode Island Ethics Commission

2016 Advisory Opinion Digest



INTRODUCTION

This digest contains brief summaries of the advisory opinions that were issued in calendar year 2016 by the Rhode Island Ethics Commission. The full-length opinions can be found on the Ethics Commission's website, along with all of the opinions issued since 1995.

An advisory opinion is a legal interpretation of the Rhode Island Code of Ethics, rendered by the Ethics Commission, which provides specific guidance to a person subject to the Code of Ethics about a particular and pending circumstance in which he or she is involved. It is based upon the specific facts represented by, or on behalf of, the person making the request and is not the result of adversarial or investigative proceedings. An advisory opinion is only applicable to the situation on which it was based and, therefore, may only be relied upon by the person for whom it was issued.

A request for an advisory opinion should be made before taking any official action on the matter in question. An advisory opinion does not address past conduct. To request an advisory opinion, you must contact the Ethics Commission with a letter containing the following information: your name, telephone number and email address; the name, jurisdiction and powers of your entity; your official position and a description of your duties; the nature of the potential conflict; a summary of relevant facts; and any time constraints. Draft advisory opinions are reviewed by the Ethics Commission at a public hearing, which you are strongly encouraged to attend, and require an affirmative vote by a majority of the members of the Ethics Commission to be approved and issued. Both the advisory opinion issued and the written request seeking it are public records.

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No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2016-1	Timothy A. Williamson, Esq.	Rhode Island House of Representatives Judiciary Committee	State Employee	Public Employment Revolving Door	§ 36-14-5(o)
2016-2	David Salvatore	Providence City Council	Municipal Elected	Lobbying Post-Employment Private Employment Revolving Door	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-5(f) § 36-14-6 § 36-14-7(a) Commission Regulation 36-14-5002
2016-3	Charles A. Collins, Jr.	Scituate Town Council	Municipal Elected	Financial Interest Property Interest	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b)
2016-4	Christopher B. Frenier	Rhode Island Department of Corrections	State Employee	Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)
2016-5	Jennifer Spellman	Rhode Island Department of Corrections	State Employee	Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)
2016-6	Jovina Vales	Rhode Island Department of Corrections	State Employee	Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
<u>2016-7</u>	Sharon Turner	Rhode Island Department of Corrections	State Employee	Private Employment	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(b)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u>
<u>2016-8</u>	David M. Gleason	Portsmouth Town Council	Municipal Elected	Hardship Exception Property Interest	<u>§ 36-14-5(e)</u> <u>§ 36-14-6</u> <u>Commission Regulation 36-14-5016</u>
<u>2016-9</u>	Jeff C. Davis, AICP	Rhode Island Department of Administration	State Employee	Private Employment Revolving Door	<u>§ 36-14-2(12)</u> <u>§ 36-14-2(13)</u> <u>§ 36-14-5(b)</u> <u>§ 36-14-5(c)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-5(e)</u> <u>Commission Regulation 36-14-5016</u>
<u>2016-10</u>	Kathleen Knight- Bianchi	Scituate Town Council	Municipal Elected	Family: Public Employment Nepotism	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-5004</u>
<u>2016-11</u>	Kimberly L. Alves	North Smithfield Town Council	Municipal Elected	Family: Public Employment Nepotism	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-5002</u> <u>Commission Regulation 36-14-5004</u>
<u>2016-12</u>	John R. Pariseault, Esq.	Bonnet Shores Fire District Council	Quasi- Public Municipal Elected	Class Exception Property Interest	<u>§ 36-14-2(8)(ii)</u> <u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>§ 36-14-7(b)</u> <u>Commission Regulation 36-14-2002</u>

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
<u>2016-13</u>	Anthony D. Murgo	Bristol Planning Board	Municipal Appointed	Property Interest Recusal	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>§ 36-14-7(b)</u> <u>Commission Regulation 36-14-5004</u>
<u>2016-14</u>	Stephen S. Neuman	Office of Governor	State Employee	Family: Private Employment Financial Interest Recusal	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u>
<u>2016-15</u>	Nina Pande	Providence School Board	Municipal Appointed	Public Employment Revolving Door	<u>Commission Regulation 36-14-5014</u>
<u>2016-16</u>	Leslie MacDougall	Rhode Island Department of Health	State Employee	Private Employment	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(b)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u>
<u>2016-17</u>	John Shehan	Newport Historic District Commission	Municipal Appointed	Hardship Exception Private Employment	<u>§ 36-14-5(e)</u> <u>Commission Regulation 36-14-5016</u>
<u>2016-18</u>	Daniel M. Gendron	Woonsocket City Council	Municipal Elected	Business Associate Family	<u>§ 36-14-2(3)</u> <u>§ 36-14-2(7)</u> <u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>§ 36-14-7(b)</u>
<u>2016-19</u>	Colin Hynes	Narragansett Zoning Board of Review	Municipal Appointed	Hardship Exception Private Employment Recusal	<u>§ 36-14-5(e)</u> <u>§ 36-14-6</u> <u>Commission Regulation 36-14-5016</u>
<u>2016-20</u>	Andrea Hammerschmidt	Rhode Island Department of Corrections	State Employee	Private Employment	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(b)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u>

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
<u>2016-21</u>	Mario P. Celico	Westerly Town Council	Municipal Elected	Class Exception Pensions	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u> <u>§ 36-14-7(b)</u>
<u>2016-22</u>	Steven Sepe	Cranston Board of Canvassers	Municipal Appointed	Candidate Discretionary Authority Family: Public Employment Political Activity	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u>
<u>2016-23</u>	Lisette M. Gomes, Esq.	Pawtucket Assistant City Solicitor	Municipal Appointed	Business Associate Recusal	<u>§ 36-14-2(3)</u> <u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-5(e)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u>
<u>2016-24</u>	Johanna Harris	Providence Board of Licenses	Municipal Appointed	Political Activity	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-5011</u>
<u>2016-25</u>	The Honorable James C. Sheehan	Rhode Island Senate	State Elected	Gifts	<u>Commission Regulation 36-14-5009</u>
<u>2016-26</u>	William C. Perry	East Greenwich Fire Department	Municipal Employee	Family: Public Employment Family: Supervision Nepotism	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-5004</u>
<u>2016-27</u>	Kristine S. Trocki	Jamestown Town Council	Municipal Elected	Class Exception Property Interest	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>§ 36-14-7(b)</u>

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
<u>2016-28</u>	Mary Meagher	Jamestown Town Council	Municipal Elected	Class Exception Property Interest	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>§ 36-14-7(b)</u>
<u>2016-29</u>	Robert B. Boyer, PLS	West Warwick Arctic Village Redevelopment Agency	Municipal Appointed	Business Associate Nepotism	<u>§ 36-14-2(3)</u> <u>§ 36-14-2(7)</u> <u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-5(f)</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-5002</u> <u>Commission Regulation 36-14-5004</u>
<u>2016-30</u>	Jennifer L. McHugh	Little Compton Budget Committee	Municipal Elected	Budgets Nepotism	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-5004</u>
<u>2016-31</u>	Dr. Sally Mitchell	Johnston Public Schools	Municipal Employee	Family: Public Employment Family: Supervision Nepotism	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-5004</u>
<u>2016-32</u>	Marco Pacheco	East Providence Economic Development Commission	Municipal Appointed	Financial Interest Government Loans	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-5(e)</u>
<u>2016-33</u>	Christopher B. Frenier	Rhode Island Department of Corrections	State Employee	Private Employment	<u>§ 36-14-2(3)</u> <u>§ 36-14-2(7)</u> <u>§ 36-14-5(a)</u> <u>§ 36-14-5(b)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-7001</u>

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
<u>2016-34</u>	Brian Moore	Rhode Island Department of Transportation	State Employee	Nepotism Recusal	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-5004</u>
<u>2016-35</u>	Michael K. Daley	State Board of Examiners of Electricians	State Appointed	Bias Employer Recusal	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(b)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-7001</u>
<u>2016-36</u>	Philip Overton	Westerly Town Council	Municipal Elected	Property Interest	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-6001</u>
<u>2016-37</u>	Michael P. Murphy	Providence Tax Assessor's Office	Municipal Employee	Private Employment Recusal	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(b)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u>
<u>2016-38</u>	Ellen R. Balasco, Esq.	Rhode Island Department of Business Regulation	State Employee	Financial Interest Licensing	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-5(e)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u>
<u>2016-39</u>	Magdy A. Guirguis, PE	Rhode Island Department of Administration	State Employee	Post Employment Private Employment Revolving Door	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(b)</u> <u>§ 36-14-5(e)</u>
<u>2016-40</u>	The Honorable Daniel Da Ponte	Rhode Island Senate	State Elected	Prospective Employment Revolving Door	<u>§ 36-14-5(n)</u> <u>Commission Regulation 36-14-5007</u> <u>Commission Regulation 36-14-5017</u>

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
<u>2016-41</u>	Magdy A. Guirguis, PE	Rhode Island Department of Administration	State Employee	Disciplinary Authority Financial Interest Recusal	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(b)</u> <u>§ 36-14-5(e)</u>
<u>2016-42</u>	Christopher B. Frenier	Rhode Island Department of Corrections	State Employee	Private Employment	<u>§ 36-14-2(3)</u> <u>§ 36-14-2(7)</u> <u>§ 36-14-5(a)</u> <u>§ 36-14-5(b)</u> <u>§ 36-14-5(d)</u> <u>Commission Regulation 36-14-7001</u>
<u>2016-43</u>	Dean Naylor	North Smithfield Planning Board	Municipal Appointed	Private Employment Revolving Door	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(b)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-5006</u>
<u>2016-44</u>	James Lathrop, CPA	Town of New Shoreham	Municipal Appointed	Family: Public Employment Family: Supervision Nepotism	<u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-5004</u>
<u>2016-45</u>	Melissa Hutchinson	Tiverton Planning Board	Municipal Appointed	Business Association Hardship Recusal Rule of Necessity	<u>§ 36-14-2(3)</u> <u>§ 36-14-5(a)</u> <u>§ 36-14-5(d)</u> <u>§ 36-14-5(e)</u> <u>§ 36-14-6</u> <u>§ 36-14-7(a)</u> <u>Commission Regulation 36-14-5002</u>
<u>2016-46</u>	Thomas E. Hodge	Pawtucket City Council	Municipal Elected	Revolving Door	<u>§ 36-14-2</u> <u>Commission Regulation 36-14-5006</u> <u>Commission Regulation 36-14-5014</u>

ADVISORY OPINION 2016-1

Re: Timothy A. Williamson, Esq.

SUMMARY

A part-time attorney for the Judiciary Committee of the Rhode Island House of Representatives was not prohibited by the Code of Ethics from seeking and, if nominated, accepting an appointment to serve as an Associate Judge of the Rhode Island District Court.

Code Citations

R.I. Gen. Laws § [36-14-5\(o\)](#)

ADVISORY OPINION 2016-2

Re: David Salvatore

SUMMARY

A member of the Providence City Council, who until recently had also been a policy analyst for the Rhode Island House of Representatives, could not represent his new employer, the Rhode Island Association of Realtors, before the General Assembly or the City of Providence until the expiration of one year from his severance from each public office. Additionally, the Petitioner was required to recuse from any city council matters that involved or financially impacted his new employer, and was advised that he may be required to recuse from some city council matters that involve or financially impact certain members of the Association of Realtors.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-5\(f\)](#); [36-14-6](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-5002](#)

ADVISORY OPINION 2016-3

Re: Charles A. Collins, Jr.

SUMMARY

A member of the Scituate Town Council was prohibited by the Code of Ethics from participating in the town council's consideration of a tax stabilization agreement for the Hope Mill, given that he owned two rental properties within close proximity of the Hope Mill.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [36-14-7\(b\)](#)

ADVISORY OPINION 2016-4

Re: Christopher B. Frenier

SUMMARY

A probation and parole officer at the Rhode Island Department of Corrections was not prohibited by the Code of Ethics from working in his private capacity as a facilitator at the Rhode Island Batterers Intervention Program, based upon his representations laid out in the advisory opinion and provided that all such work was performed on his own time and without the use of public resources, equipment, or confidential information obtained as part of his public employment.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); and [36-14-7\(a\)](#)

ADVISORY OPINION 2016-5

Re: Jennifer Spellman

SUMMARY

A probation and parole officer at the Rhode Island Department of Corrections was not prohibited by the Code of Ethics from working in her private capacity as a facilitator at the Rhode Island Batterers Intervention Program, based upon her representations laid out in the advisory opinion and provided that all such work was performed on her own time and without the use of public resources, equipment, or confidential information obtained as part of her public employment.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); and [36-14-7\(a\)](#)

ADVISORY OPINION 2016-6

Re: Jovina Vales

SUMMARY

A probation and parole officer at the Rhode Island Department of Corrections was not prohibited by the Code of Ethics from working in her private capacity as a facilitator at the Rhode Island Batterers Intervention Program, based upon her representations laid out in the advisory opinion and provided that all such work was performed on her own time and without the use of public resources, equipment, or confidential information obtained as part of her public employment.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); and [36-14-7\(a\)](#)

ADVISORY OPINION 2016-7

Re: Sharon Turner

SUMMARY

The probation and parole training officer and intern/volunteer coordinator for the Rhode Island Department of Corrections was not prohibited by the Code of Ethics from working in her private capacity as a facilitator at the Rhode Island Batterers Intervention Program, based upon her representations laid out in the advisory opinion and provided that all such work was performed on her own time and without the use of public resources, equipment or confidential information obtained as part of her public employment.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); and [36-14-7\(a\)](#)

ADVISORY OPINION 2016-8

Re: David M. Gleason

SUMMARY

A member of the Portsmouth Town Council qualified for a hardship exception to the Code of Ethics' prohibition on representing himself before the Portsmouth Zoning Board of Review in order to seek a dimensional variance for his personal residence.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and Commission Regulation [36-14-5016](#)

ADVISORY OPINION 2016-9

Re: Jeff C. Davis, AICP

SUMMARY

A former principal planner with the Division of Planning in the Department of Administration was not prohibited by the Code of Ethics from working on a project for his private employer that involved a grant managed by the Rhode Island Department of Health.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(b\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); and Commission Regulation [36-14-5016](#)

ADVISORY OPINION 2016-10

Re: Kathleen Knight-Bianchi

SUMMARY

The Code of Ethics did not prohibit the brother of a member of the Scituate Town Council from being hired as a per diem senior van driver for the Scituate Department of Senior Services, based upon the council member's representations that she had no involvement in the hiring process, which was conducted entirely by the director of Scituate Senior Services.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-5004](#)

ADVISORY OPINION 2016-11

Re: Kimberly L. Alves

SUMMARY

A member of the North Smithfield Town Council was not required by the Code of Ethics to recuse when her husband, the director of the North Smithfield Department of Public Works, appeared before the town council in his official capacity relative to the operations of the Department of Public Works, provided that he had no personal financial interest in the matter under discussion and all of the requirements of Commission Regulation 36-14-5002(b)(1) were satisfied.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and Commission Regulations [36-14-5002](#); [36-14-5004](#)

ADVISORY OPINION 2016-12

Re: John R. Pariseault, Esq.

SUMMARY

A member of the Bonnet Shores Fire District Council was not prohibited by the Code of Ethics from participating in the fire district council's consideration of a request for a sewer line easement for the Bonnet Shores Beach Club Condominium Association, given that the circumstances as represented by the Petitioner justified the application of the class exception as set forth in Rhode Island General Laws § 36-14-7(b).

Code Citations

R.I. Gen. Laws §§ [36-14-2\(8\)\(ii\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); and Commission Regulation [36-14-2002](#)

ADVISORY OPINION 2016-13

Re: Anthony D. Murgo

SUMMARY

A member of the Bristol Planning Board was prohibited by the Code of Ethics from participating in the planning board's consideration of a proposed hotel development on Gooding Avenue, given that his first cousins would be financially impacted by the planning board's decision.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); and Commission Regulation [36-14-5004](#)

ADVISORY OPINION 2016-14

Re: Stephen S. Neuman

SUMMARY

The proposed recusal procedures set forth by the Petitioner, the chief of staff to the Governor of the State of Rhode Island, were both reasonable and sufficient to avoid potential conflicts of interest related to pending legislation regarding daily fantasy sports games, and potential regulation of such games, given that the Petitioner's spouse was employed by DraftKings and her compensation included an equity interest in the company.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); and [36-14-7\(a\)](#)

ADVISORY OPINION 2016-15

Re: Nina Pande

SUMMARY

A member of the Providence School Board was prohibited by the Code of Ethics from seeking or accepting employment with the City of Providence as the Mayor's Director of Policy because Commission Regulation 36-14-5014 prohibited such employment for members of the school board and the circumstances represented by the Petitioner did not justify an exception.

Code Citations

Commission Regulation [36-14-5014](#)

ADVISORY OPINION 2016-16

Re: Leslie MacDougall

SUMMARY

An environmental health food specialist for the Rhode Island Department of Health, Office of Food Protection was not prohibited by the Code of Ethics from working, on her own time and in her private capacity, as a food safety consultant for food establishments in Connecticut and/or Massachusetts, provided that: she did not perform such work for establishments that operated within the State of Rhode Island; she performed such work on her own time and without the use of public resources or equipment; she did not use her public employment to recruit or obtain potential clients; and she declined to accept any private consulting work for any food establishments in Massachusetts and/or Connecticut owned by the same person(s) who owned a food establishment within her assigned region of public employment in Rhode Island.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); and [36-14-7\(a\)](#)

ADVISORY OPINION 2016-17

Re: John Shehan

SUMMARY

A former member of the Newport Historic District Commission did not qualify for a hardship exception and was prohibited by R.I. Gen. Laws § 36-14-5(e)(4) from representing his clients before his former board until one year had elapsed from the date of his resignation.

Code Citations

R.I. Gen. Laws § [36-14-5\(e\)](#); and Commission Regulation [36-14-5016](#)

ADVISORY OPINION 2016-18

Re: Daniel M. Gendron

SUMMARY

A member of the Woonsocket City Council was not prohibited by the Code of Ethics from participating in the city council's consideration of a Payment in Lieu of Taxes Agreement for Mount Saint Charles Academy, a private Catholic junior-senior high school attended by the Petitioner's daughter.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [36-14-7\(b\)](#)

ADVISORY OPINION 2016-19

Re: Colin Hynes

SUMMARY

An alternate member of the Narragansett Zoning Board of Review, who in his private capacity was a landscape architect, was prohibited by the Code of Ethics from: 1) participating in any and all aspects of the Narragansett Zoning Board of Review's consideration of his clients' variance application; and 2) representing his clients before his own board while serving as a member and for one year after his official severance from the board.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and Commission Regulation [36-14-5016](#)

ADVISORY OPINION 2016-20

Re: Andrea Hammerschmidt

SUMMARY

A senior word processing typist at the Rhode Island Department of Corrections was not prohibited by the Code of Ethics from working in her private capacity as a facilitator at the Rhode Island Batterers Intervention Program, based upon her representations laid out in the advisory opinion and provided that all such work was performed on her own time and without the use of public resources, equipment, or confidential information obtained as part of her public employment.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); and [36-14-7\(a\)](#)

ADVISORY OPINION 2016-21

Re: Mario P. Celico

SUMMARY

A member of the Westerly Town Council could participate in the town council's discussions and voting relative to the management and annual funding of the town's police pension fund, given that his pension benefits were already set and because the town council's decisions would not affect the Petitioner to any greater or lesser extent than any other similarly situated beneficiary of the pension fund.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [36-14-7\(b\)](#)

ADVISORY OPINION 2016-22

Re: Steven Sepe

SUMMARY

The Petitioner, the registrar of the City of Cranston Board of Canvassers, could continue to serve in that position notwithstanding his father's declared candidacy for the office of Mayor of the City of Cranston, provided that the Petitioner did not exercise discretionary or decision-making authority with respect to the mayoral election.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#)

ADVISORY OPINION 2016-23

Re: Lisette M. Gomes, Esq.

SUMMARY

The Code of Ethics did not prohibit the assistant city solicitor for the City of Pawtucket from continuing to serve as the president of the board of directors of Cape Verdean American Community Development, a nonprofit organization that received grants administered by the city, nor from continuing to rent office space in a building owned by the organization.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); and [36-14-7\(a\)](#)

ADVISORY OPINION 2016-24

Re: Johanna Harris

SUMMARY

A commissioner of the City of Providence Board of Licenses was not prohibited by the Code of Ethics from making campaign contributions, or engaging in campaigning or fundraising in support of a political candidate, provided that she did so on her own time and without the use of public resources or equipment, and further provided that she did not solicit contributions from her subordinates at the Board of Licenses.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-5011](#)

ADVISORY OPINION 2016-25

Re: The Honorable James C. Sheehan

SUMMARY

A state senator could accept a stipend from the American Federation of Teachers (AFT) to help cover his expenses as a delegate to the Democratic National Convention because the stipend was offered to all AFT members nationwide who were delegates, and the majority of those AFT-member-delegates, numbering 130, were not persons who were subject to the Rhode Island Code of Ethics.

Code Citations

Commission Regulation [36-14-5009](#)

ADVISORY OPINION 2016-26

Re: William C. Perry

SUMMARY

The Code of Ethics did not prohibit a lieutenant in the East Greenwich Fire Department from serving in that position upon the hiring of his brother as a probationary firefighter in the same fire department, provided that certain procedures were followed so that the Petitioner was removed from personnel decisions or other matters that particularly affected his family member. As explained in the advisory opinion, the Ethics Commission found that the procedures and alternate chain of command proposed by the Petitioner and the fire chief effectively insulated the Petitioner from decisions directly affecting his brother.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-5004](#)

ADVISORY OPINION 2016-27

Re: Kristine S. Trocki

SUMMARY

A member of the Jamestown Town Council was allowed to participate in discussion and voting relative to a proposed ordinance that would require residential landlords in Jamestown to file an emergency contact form with the town clerk, notwithstanding that the Petitioner owned a rental property that would be subject to the proposed ordinance.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [36-14-7\(b\)](#)

ADVISORY OPINION 2016-28

Re: Mary Meagher

SUMMARY

A member of the Jamestown Town Council was allowed to participate in discussion and voting relative to a proposed ordinance that would require residential landlords in Jamestown to file an emergency contact form with the town clerk, notwithstanding that the Petitioner owned a rental property that would be subject to the proposed ordinance.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [36-14-7\(b\)](#)

ADVISORY OPINION 2016-29

Re: Robert B. Boyer, PLS

SUMMARY

A member and chairman of the West Warwick Arctic Village Redevelopment Agency was required to recuse from any matters before his agency that involved or financially impacted himself, his current business associates, his children, or any of their individual or combined business ventures. The Petitioner was not required to recuse from matters that involved or impacted his prior business associates, provided that there was no specific future business relationship anticipated. He was also not required to recuse from matters involving or impacting persons or entities that were doing business with the Petitioner's children on other projects not under review by his agency.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(f\)](#); [36-14-7\(a\)](#); and Commission Regulations [36-14-5002](#); [36-14-5004](#)

ADVISORY OPINION 2016-30

Re: Jennifer L. McHugh

SUMMARY

A member of the Little Compton Budget Committee was permitted to participate in budget committee matters pertaining to the Wilbur & McMahon School and School Department budget generally, but was required to recuse from discussion and voting on any budgetary line item regarding school committee members' stipends.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-5004](#)

ADVISORY OPINION 2016-31

Re: Dr. Sally Mitchell

SUMMARY

The Code of Ethics did not prohibit the director of Special Services for the Johnston Public Schools from serving in that position upon the hiring of her daughter as a special education teacher at the Brown Avenue School in Johnston, provided that the Petitioner had no role in the supervision, evaluation, appointment, classification, promotion, transfer, or discipline of her daughter. As explained in the advisory opinion, the Ethics Commission found that the procedures and chain of organizational command detailed and proposed by the Petitioner and the superintendent of the Johnston Public Schools effectively insulated the Petitioner from decisions directly affecting her daughter.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-5004](#)

ADVISORY OPINION 2016-32

Re: Marco Pacheco

SUMMARY

A member of the East Providence Economic Development Commission was prohibited by the Code of Ethics from applying for a commercial loan through a low-interest loan program administered by the commission.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); and [36-14-5\(e\)](#)

ADVISORY OPINION 2016-33

Re: Christopher B. Frenier

SUMMARY

The Petitioner, who was promoted to probation and parole supervisor, was prohibited by the Code of Ethics from working in his private capacity as a facilitator at the Rhode Island Batterers Intervention Program.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-7001](#)

ADVISORY OPINION 2016-34

Re: Brian Moore

SUMMARY

The Code of Ethics required the administrator of the Stormwater Management Program within the Rhode Island Department of Transportation to recuse from any discussions and decision-making relative to work performed by BETA Engineering, given that his brother-in-law was a senior project manager with BETA Engineering, who was assigned to manage the contract with the Rhode Island Department of Transportation, and who would have been financially impacted by reason of the Petitioner's official activity.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-5004](#)

ADVISORY OPINION 2016-35

Re: Michael K. Daley

SUMMARY

A member of the State Board of Examiners of Electricians was not prohibited by the Code of Ethics from participating in an appeal hearing for TradeSource, Inc., a temporary employment agency that employed and provided the services of primarily non-union skilled tradespeople, notwithstanding that the Petitioner was privately employed by the International Brotherhood of Electrical Workers.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-7001](#)

ADVISORY OPINION 2016-36

Re: Philip Overton

SUMMARY

A member of the Westerly Town Council could participate in discussion and voting relative to a proposed Airport Protection Overlay District Ordinance, given that the Petitioner and his wife owned properties in zones not regulated under, nor financially impacted by, the adoption of the proposed ordinance.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-6001](#)

ADVISORY OPINION 2016-37

Re: Michael P. Murphy

SUMMARY

A certified appraiser in the City of Providence Tax Assessor's Office was not prohibited by the Code of Ethics from working, in his private capacity, as a real estate salesperson, provided that all such work was performed on his own time and without the use of public resources or confidential information obtained as part of his municipal employment.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-6](#); and [36-14-7\(a\)](#)

ADVISORY OPINION 2016-38

Re: Ellen R. Balasco, Esq.

SUMMARY

A deputy chief of Legal Services for the Rhode Island Department of Business Regulation and legal counsel to the Rhode Island Board of Real Estate Appraisers was not prohibited by the Code of Ethics from completing real estate appraiser pre-licensing education and obtaining a real estate appraiser license.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); and [36-14-7\(a\)](#)

ADVISORY OPINION 2016-39

Re: Magdy A. Guirguis, PE

SUMMARY

A supervising engineer/structural-ride safety for the Building Code Commission in the Rhode Island Department of Administration could immediately upon his retirement from state employment design onsite waste water treatment systems requiring the approval of the Rhode Island Department of Environmental Management.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); and [36-14-5\(e\)](#)

ADVISORY OPINION 2016-40

Re: The Honorable Daniel Da Ponte

SUMMARY

A state senator was not prohibited by the Code of Ethics from acting as a financial advisor to employee/participants of the Rhode Island Public Transit Authority's 457 deferred compensation plan administered by MassMutual.

Code Citations

R.I. Gen. Laws § [36-14-5\(n\)](#); and Commission Regulations [36-14-5007](#); [36-14-5017](#)

ADVISORY OPINION 2016-41

Re: Magdy A. Guirguis, PE

SUMMARY

A supervising engineer/structural-ride safety for the Building Code Commission in the Rhode Island Department of Administration could immediately upon his retirement from state employment engage in structural design work for residential building projects.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); and [36-14-5\(e\)](#)

ADVISORY OPINION 2016-42

Re: Christopher B. Frenier

SUMMARY

A probation and parole supervisor for the Rhode Island Department of Corrections was not prohibited by the Code of Ethics from accepting part-time, private employment with a private sex offender counseling program.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); and Commission Regulation [36-14-7001](#)

ADVISORY OPINION 2016-43

Re: Dean Naylor

SUMMARY

A member of the North Smithfield Planning Board was prohibited from accepting, if offered, employment as the town planner while he sat on the planning board, and for one year thereafter.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-5006](#)

ADVISORY OPINION 2016-44

Re: James Lathrop, CPA

SUMMARY

The potential employment of the Petitioner's wife with the Town of New Shoreham could trigger the nepotism provisions of the Code of Ethics, depending upon the particular position sought and the existence, or lack, of an alternative chain of command to insulate the Petitioner, who was the New Shoreham Town Manager, from decision-making that could financially impact his wife.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-5004](#)

ADVISORY OPINION 2016-45

Re: Melissa Hutchinson

SUMMARY

A member of the Tiverton Planning Board was prohibited by the Code of Ethics from participating in the planning board's discussions and voting relative to applications for subdivisions and land development projects for which her business associate appeared as an expert witness for the applicant.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); and Commission Regulation [36-14-5002](#)

ADVISORY OPINION 2016-46

Re: Thomas E. Hodge

SUMMARY

A member of Pawtucket City Council could be appointed to the Pawtucket Water Supply Board, an unpaid position, within one year of the Petitioner's official severance from his position as city councilor.

Code Citations

R.I. Gen. Laws § [36-14-2](#); and Commission Regulations [36-14-5006](#); [36-14-5014](#)