

# RHODE ISLAND ETHICS COMMISSION

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## Advisory Opinion No. 2025-64

Approved: December 16, 2025

**Re: George Kuzmowycz**

### **QUESTION PRESENTED:**

The Petitioner, a member of the board of directors of the Pawtuxet River Authority and Watershed Council, a regional quasi-public appointed position, who is also an appointed member of the Scituate Budget Committee, requests an advisory opinion regarding whether the Code of Ethics prohibits him from continuing to simultaneously serve in both positions and, if not, what restrictions, if any, the Code of Ethics imposes upon him when performing his duties as a budget committee member relative to annual funding requests submitted by the Pawtuxet River Authority.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the board of directors of the Pawtuxet River Authority and Watershed Council, a regional quasi-public appointed position, who is also an appointed member of the Scituate Budget Committee, is not prohibited by the Code of Ethics from continuing to simultaneously serve in both positions and from participating in budget committee discussions and vote on annual funding requests submitted by the Pawtuxet River Authority.

The Petitioner is a member of the board of directors of the Pawtuxet River Authority and Watershed Council (Pawtuxet River Authority). He was appointed to this position by the Scituate Town Council in August 2023 for a term expiring on June 1, 2026. According to its website, the Pawtuxet River Authority is a regional quasi-public entity created by the Rhode Island General Assembly in 1972 that is authorized to improve, preserve, and protect the Pawtuxet River, and which provides recreational facilities along the river.<sup>1</sup> The Pawtuxet River Authority is governed by a board of directors comprised of “three appointed representatives from each of the following communities through which the Pawtuxet River and its two main branches pass: Coventry, Cranston, Scituate, Warwick, and West Warwick.”<sup>2</sup> The Petitioner states that the board members currently do not receive

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<sup>1</sup> See <https://www.pawtuxet.org/about.html> (last visited Dec. 10, 2025).

<sup>2</sup> Id.

any remuneration for their service on the board.<sup>3</sup> The Petitioner represents that the Pawtuxet River Authority is funded, in part, by the five municipalities through which the Pawtuxet River runs. The Petitioner explains that each year the Pawtuxet River Authority prepares an operating budget and submits a request for a portion of its budget to be included in the annual budgets of each of the five member municipalities.<sup>4</sup>

The Petitioner states that he is also a member of the Scituate Town Budget Committee, on which he has continuously served since his initial appointment by the Scituate Town Council approximately five years ago.<sup>5</sup> The Petitioner represents that the budget committee is comprised of the seven town council members, three members of the public, and the town treasurer. The Petitioner explains that he serves on the budget committee as one of the three members of the public. The Petitioner states that the various Scituate departments annually present their proposed budgets to the budget committee for consideration. The budget committee reviews and votes on each town department's budget request and develops the entire operating budget for the town. The Petitioner explains that the budget committee then forwards the proposed town budget to the town council for its review and approval, after which the town budget is subject to approval by the town's registered voters at an annual Scituate Financial Town Meeting. The Petitioner represents that the Pawtuxet River Authority's budget request is reviewed each year by the budget committee and is included as a line item in the town's overall budget. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether he is prohibited by the Code of Ethics from continuing to simultaneously serve in both positions and, if not, what restrictions, if any, the Code of Ethics imposes upon him when performing his duties as a budget committee member relative to the funding request submitted by the Pawtuxet River Authority.

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 substantial conflict of interest exists if a public official has reason to believe or expect that he, any person within his family, his business associate, or any business by which he is employed or which he represents will derive a direct monetary gain or suffer a direct monetary loss

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<sup>3</sup> The Petitioner explains that, while the board members are permitted to receive an annual stipend pursuant to the Pawtuxet River Authority's enabling legislation and its by-laws, no remuneration has been provided for the past two years as a matter of practice, nor is any expected in the future.

<sup>4</sup> The Petitioner clarifies that the Pawtuxet River Authority requests the same lump sum amount from each of the five municipalities.

<sup>5</sup> The Petitioner notes that members of the budget committee are ordinarily reappointed either in December or January of each year and that he anticipates being reappointed for the upcoming budget review period.

by reason of his official activity. R.I. Gen. Laws § 36-14-7(a). Additionally, the Code of Ethics prohibits a public official from using his public office, or confidential information received through his holding 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). Finally, a public official may not accept other employment that would impair his independence of judgment as to his official duties or require or induce him to disclose confidential information acquired by him in the course of and by reason of his official duties. § 36-14-5(b).

A business associate is defined 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). A business is defined as “a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust or any other entity recognized in law through which business for profit or not for profit is conducted.” § 36-14-2(2). The Ethics Commission has indicated that the Code of Ethics does not consider a public body to be a “business” or the relationship between a public official and a public body to be that of “business associates.” See, e.g., A.O. 2014-23 (opining that neither the Rhode Island Board of Education Council on Elementary and Secondary Education (CESE) nor Trinity Academy for the Performing Arts (TAPA) was considered a “business” under the Code of Ethics and, therefore, the petitioner’s memberships on CESE and TAPA did not constitute business associations with those bodies). Given that the Pawtuxet River Authority is a quasi-public entity, the Petitioner and the Pawtuxet River Authority are not business associates under the Code of Ethics.

In prior advisory opinions, the Ethics Commission has consistently concluded that the Code of Ethics does not create an absolute bar against a person’s simultaneous service in two different public agencies. Rather, a determination must be made on a case-by-case basis as to whether a substantial conflict of interest exists, in either public role, with respect to a public official carrying out his duties in the public interest. In Advisory Opinion 2000-54, for example, the Ethics Commission opined that a petitioner could simultaneously serve as the tax assessor for the Town of Charlestown and as the tax collector/assessor for the Dunn’s Corners Fire District, which serviced part of the Town of Charlestown. There, the only overlap recognized in the duties for those positions was that the taxes collected by the tax assessor/collector for the fire district were based on property evaluations set by the town tax assessor. The Ethics Commission noted that, while there might be overlap in the petitioner’s public roles, a substantial conflict of interest was not apparent by the petitioner holding the two positions. See also A.O. 2017-15 (opining that the interim town manager for the Town of New Shoreham, who was also the chairperson of the New Shoreham Library Board of Trustees, was not prohibited by the Code of Ethics from simultaneously serving in both positions).

Here, the Petitioner’s public duties as a member of the Pawtuxet River Authority and the Scituate Budget Committee appear to be separate and distinct. There is no indication that

serving in both capacities would impair the Petitioner's independence of judgment as to his public responsibilities in either role. Accordingly, based on the Petitioner's representations, the applicable provisions of the Code of Ethics, and prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from continuing to simultaneously serve in both positions. Further, since the Petitioner and the Pawtuxet River Authority are not business associates, the above-cited provisions of the Code of Ethics do not prohibit the Petitioner from participating in the budget committee's review and vote on the Pawtuxet River Authority's proposed annual funding request. The Petitioner is advised to seek further guidance as needed if any of the represented facts change in a way that could create a conflict of interest not anticipated within this advisory opinion.

**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(2)  
§ 36-14-2(3)  
§ 36-14-2(7)  
§ 36-14-5(a)  
§ 36-14-5(b)  
§ 36-14-5(d)  
§ 36-14-7(a)

Related Advisory Opinions:

A.O. 2017-15  
A.O. 2014-23  
A.O. 2000-54

Keywords:

Budgets  
Business Associate  
Dual Public Roles