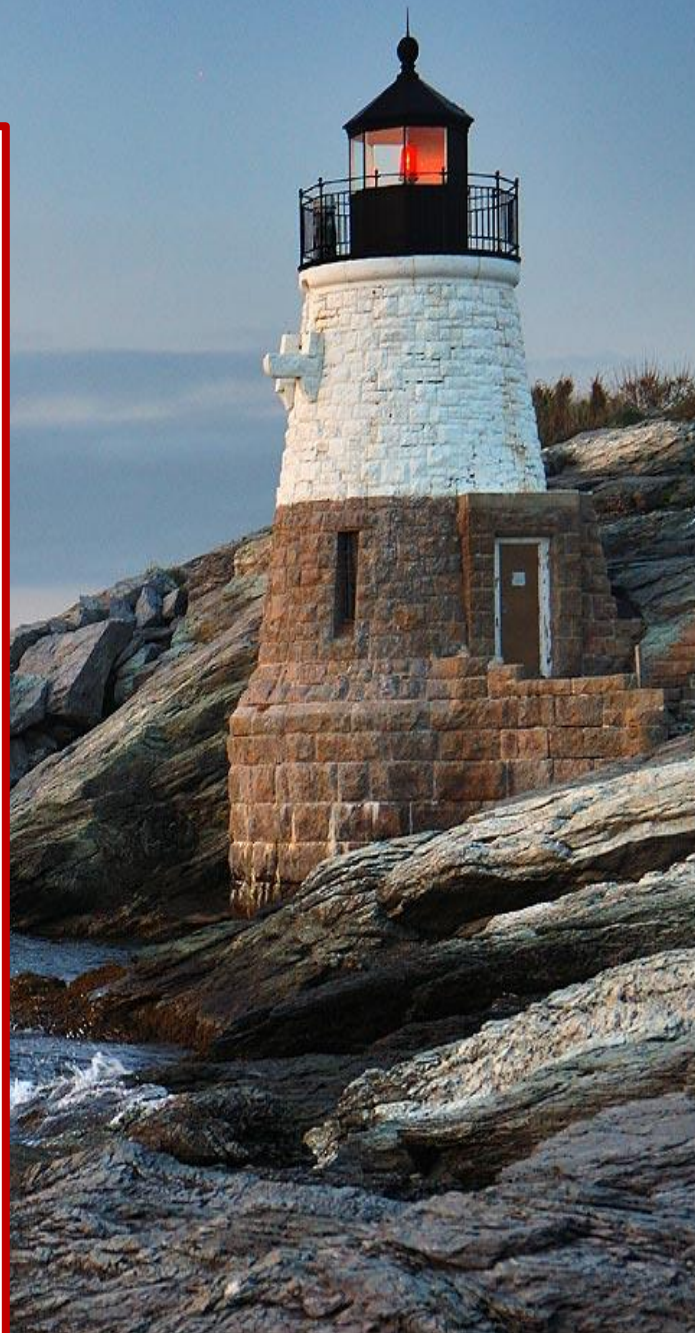


RHODE ISLAND ETHICS COMMISSION

2020 ADVISORY OPINION DIGEST



Rhode Island Ethics Commission

2020 Advisory Opinion Digest



INTRODUCTION

This digest contains brief summaries of the advisory opinions that were issued in calendar year 2020 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. 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. 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 at least five (5) of the Commissioners in attendance. Both the advisory opinion and the written request seeking it are public records.

Rhode Island Ethics Commission ■ 40 Fountain Street, 8th Floor ■ Providence, RI 02903
Tel. (401) 222-3790 (Voice/TT) ■ ethics.email@ethics.ri.gov ■ <https://ethics.ri.gov>
Office Hours: Monday through Friday 8:30 am – 4:30 pm

2020 Digest Index

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2020-1	Allmendinger, Wendy	RI Department of Corrections	State Employee	Secondary Employment	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2020-2	Pattavina, Melissa	Newport Planning Board	Municipal Appointed	Property Interest Recusal	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b) 520-RICR-00-00-1.3.1 (36-14-5004)
2020-3	Levesque, Kelly	Town of Tiverton	Municipal Elected	Dual Public Roles	§ 36-14-2(3) § 36-14-2(7) § 36-14-2(12) § 36-14-2(13) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-5(e) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.1 (36-14-5002)
2020-4	Reppucci, Joseph	RI Department of Health	State Employee	Private Employment Revolving Door	§ 36-14-2(7) § 36-14-2(12) § 36-14-2(13) § 36-14-5(c) § 36-14-5(e)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
					520-RICR-00-00-1.1.4 (36-14-5016)
2020-5	Town of New Shoreham Town Council	New Shoreham Town Council	Municipal Appointed	Rule of Necessity Recusal	§ 36-14-2(2) § 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-00-00-1.1.5 (36-14-7001) R.I. Gen. Law § 5-11.1-7 The Home Rule Charter of New Shoreham, Article IV, Section 405 New Shoreham General Ordinances Chapter 8, Licenses and Business Regulations
2020-6	Tingley, Nathaniel, R.	RI Commerce Corporation	State Employee	Revolving Door	§ 36-14-2(7) § 36-14-2(12) § 36-14-2(13) § 36-14-5(b) § 36-14-5(c) § 36-14-5(d) § 36-14-5(e) 520-RICR-00-00-1.1.4 (36-14-5016)
2020-7	Ihenacho, Ferdinand, C.	RI Department of Transportation	State Employee	Revolving Door Private Employment	§ 36-14-2(7) § 36-14-2(12) § 36-14-2(13) § 36-14-5(e) 520-RICR-00-00-1.1.4 (36-14-5016)
2020-8	Monteiro, Christine	RI Department of Health Acupuncture Advisory Board	State Appointed	Lobbying	§ 36-14-2(7) § 36-14-5(a) § 36-14-5(b)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
					§ 36-14-5(d) § 36-14-5(e) § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.3 (36-14-7003) § 5-37.2-1, et seq.
2020-9	Tiernan, Melissa	RI Department of Health Acupuncture Advisory Board	State Appointed	Lobbying	§ 36-14-2(7) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-5(e) § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.3 (36-14-7003) § 5-37.2
2020-10	Moreau, Robert A.	Foster Economic Development Advisory Committee	Municipal Appointed	Dual Public Roles	§ 36-14-2(2) § 36-14-2(3) § 36-14-2(7) § 36-14-2(12) § 36-14-2(13) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-5(e) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.1 (36-14-5002)
2020-11	Boss, Rebecca	RI Department of Behavioral Healthcare, Developmental	State Appointed	Post-Employment Revolving Door	§ 36-14-5(b) § 36-14-5(c) § 36-14-5(d) § 36-14-5(e)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
		Disabilities and Hospitals		State Executive/Administrative Revolving Door	520-RICR-00-00-1.5.5 (36-14-5015)
2020-12	Rogers, Gordon	RI Senate	State Elected	Class Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b)
2020-13	Branch, Judith	Glocester Department of Human Services/Glocester Housing Authority	Municipal Elected/ Municipal Appointed	Business Business Associate Conflict of Interest	§ 36-14-2(2) § 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2020-14	Welch, Mark P.	North Providence Town Council	Municipal Appointed	Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-7(a)
2020-15	St. Lawrence, Joseph III	Exeter Zoning Board of Review	Municipal Appointed	Hardship Exception Property Interest	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)
2020-16	Amoriggi, Kenneth	North Providence Town Council	Municipal Elected	Business Associate Secondary Employment Solicitation Transactions with Subordinates	§ 36-14-2(3) § 36-14-2(7) § 36-14-2(12) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-5(e)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
					§ 36-14-5(g) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.1 (36-14-5002) 520-RICR-00-00-1.4.4 (36-14-5011)
2020-17	Dexter, Robert	Scituate Capital Committee	Municipal Appointed	Advisory Body Conflict of Interest	§ 36-14-2(8) § 36-4-2(9) § 36-14-4 § 36-14-5(a) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.2 (36-14-2001) 520-RICR-00-00-1.1.3 (36-14-2002)
2020-18	White, Randall	Jamestown Town Council	Municipal Elected	Hardship	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)
2020-19	Najarian, Robert	North Smithfield Zoning Board of Review	Municipal Appointed	Hardship Exception Property Interest Public Forum Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.3 (36-14-7003)
2020-20	Murphy, Joseph T.	South Kingstown Planning Board	Municipal Appointed	Hardship Exception	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)
2020-21	Giraldo, Joshua J.	RI House of Representatives	State Elected	Private Employment Recusal	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
					§ 36-14-6 § 36-14-7(a)
2020-22	Murphy, John Austin	Town of Jamestown	Municipal Elected	Business Business Associate Conflict of Interest	§ 36-14-2(2) § 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2020-23	Peck, Richard	Pascoag Fire Department	Municipal Appointed	Family: Public Employment Family: Supervision Nepotism	§ 36-14-5(a) § 36-14-5(d) § 36-14-7(d) 520-RICR-00-00-1.3.1 (36-14-5004)
2020-24	Hallock Cyr, Gail	North Kingstown Historic District Commission	Municipal Appointed	Hardship Exception Historic Architect	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)
2020-25	Thomsen, Richard	Dunn's Corner Fire District of Westerly	Municipal Elected	Dual Public Roles Revolving Door	§ 36-14-2(8) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.5.4 (36-14-5014)
2020-26	Maxwell, Gregory	East Greenwich Historic District Commission	Municipal Appointed	Hardship Exception Historic Architect	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2020-27	Fish, David W.	RI Department of Transportation	State Employee	Revolving Door	§ 36-14-2(7) § 36-14-2(12) § 36-14-2(13) § 36-14-5(c) § 36-14-5(e) 520-RICR-00-00-1.1.4 (36-14-5016)
2020-28	McGeorge, Matthew	East Greenwich Historic District Commission	Municipal Appointed	Hardship Exception Historic Architect	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)
2020-29	More, Timothy T.	Advisory Finance Committee and Property Committee for the Paul Cuffee School	N/A	Advisory Body Conflict of Interest	§ 36-14-2(8) § 36-14-2(9) § 36-14-4 § 36-14-5(a) § 36-14-6 § 36-14-16(a) 520-RICR-00-00-1.1.3 (36-14-2002) R.I. Const. art. III, sec. 7 § 16-77-5.1(b)
2020-30	Van Slyke, Bonnita B.	Charlestown Town Council	Municipal Elected	Hardship Exception Property Interest Public Forum Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.3 (36-14-7003)
2020-31	Pearson, Ryan	RI Senate	State Elected	Private Employment Budgets	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.2.1 (36-14-5002)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2020-32	Toner, James E.	RI Historical Preservation & Heritage Commission	State Employee	Revolving Door	§ 36-14-2(7) § 36-14-2(12) § 36-14-2(13) § 36-14-5(c) § 36-14-5(e) 520-RICR-00-00-1.1.4 (36-14-5016)
2020-33	Licciardi, Jason E. Sr.	Warwick Town Council	Municipal Elected	Hardship Exception Public Forum Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.3 (36-14-7003)
2020-34	Sweeney, Timothy E.	Bristol Town Council	Municipal Elected	Hardship Exception	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)
2020-35	Dutilly, Michael J. Sr.	Harrisville Fire District	Municipal Elected	Dual Public Roles Revolving Door	§ 36-14-2 § 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016) 520-RICR-00-00-1.2.1 (36-14-5002) 520-RICR-00-00-1.5.4 (36-14-5004)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2020-36	Lombardi, James J. III	City of Providence RI Donald W. Wyatt Detention Facility Board of Directors RI Board of Accountancy North Smithfield School Committee	Municipal Appointed Quasi Municipal Appointed State Appointed Municipal Elected	Dual Public Roles Private Employment	§ 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 36-14-6 § 36-14-7(a)
2020-37	Shea, Michael W.	New Shoreham Highway Department	Municipal Employee	Nepotism Recusal	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.3.1 (36-14-5004)
2020-38	Willi, Christopher	New Shoreham Town Council	Municipal Elected	Business Associate Public Forum Exception Recusal	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b) 520-RICR-00-00-1.2.3 (36-14-7003)
2020-39	White, Randall	Jamestown Town Council	Municipal Elected	Nepotism Recusal	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
					520-RICR-00-00-1.3.1 (36-14-5004) 520-RICR-00-00-1.1.5 (36-14-7001)
2020-40	Piva, William J. Jr.	Jamestown Town Council	Municipal Elected	Conflict of Interest Recusal	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.5 (36-14-7001)
2020-41	Meagher, Mary E.	Jamestown Town Council	Municipal Elected	Nepotism Recusal	§ 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) § 36-14-7(b) 520-RICR-00-00-1.1.5 (36-14-7001)
2020-42	Yoakum, John	Smithfield Planning Board	Municipal Appointed	Hardship Exception	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(e) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.1.4 (36-14-5016)
2020-43	Brine, Erik	Jamestown Zoning Board of Review	Municipal Appointed	Hardship Exception	§ 36-14-5(e) § 36-14-6 520-RICR-00-00-1.1.4 (36-14-5016)
2020-44	Risom, Sven	New Shoreham Town Council	Municipal Elected	Budget Collective Bargaining Nepotism Recusal	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.2.1 (36-14-5002) 520-RICR-00-00-1.3.1 (36-14-5004)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2020-45	Smiley, Brett P.	RI Department of Administration	State Appointed	Campaign Contributions	§ 36-14-5(a) § 36-14-5(d) § 36-14-5(g) § 36-14-7(a) 520-RICR-00-00-1.4.4 (36-14-5011)
2020-46	Junge, Michael	Jamestown Harbor Commission	Municipal Appointed	Employment from Own Board	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.5.1 (36-14-5006)
2020-47	Brier, Jacob	Barrington Town Council	Municipal Elected	Business Associate Recusal	§ 36-14-2(3) § 36-14-5(a) § 36-14-5(d) § 36-14-7(a) 520-RICR-00-00-1.2.1 (36-14-5002)
2020-48	Vieira, Mark	Johnston Police Department	Municipal Employee	Nepotism Family: Public Employment Family: Supervision	§ 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.3.1 (36-14-5004)
2020-49	Gauthier, Benoit	Little Compton Budget Committee	Municipal Elected	Dual Public Roles	§ 36-14-2(2) § 36-14-2(3) § 36-14-2(7) § 36-14-5(a) § 36-14-5(b) § 36-14-5(d) § 34-14-6 § 36-14-7(a)

No.	Name	Government Agency	Position	Substantive Issue(s)	Code Citations
2020-50	Keene, Richard	North Smithfield Planning Board	Municipal Appointed	Business Associate Recusal	§ 36-14-2(3) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.2.1 (36-14-5002)
2020-51	Constantine, Richard	Westerly Planning Board	Municipal Appointed	Conflict of Interest Class Exception	§ 36-14-5(a) § 36-14-6 § 36-14-7(a) § 36-14-7(b)
2020-52	Montesano, Joseph M.	Westerly Planning Board	Municipal Appointed	Representing Oneself or Others	§ 36-14-5(e) 520-RICR-00-00-1.1.4 (36-14-5016)
2020-53	Tikoian, David P.	Smithfield Town Council Smithfield Board of Water Commissioners Water Supply Board	Municipal Elected	Dual Public Roles	§ 36-14-2(2) § 36-14-2(3) § 36-14-2(7) § 36-14-2(8) § 36-14-5(a) § 36-14-5(d) § 36-14-6 § 36-14-7(a) 520-RICR-00-00-1.2.1 (36-14-5002)

ADVISORY OPINION 2020-1

Re: Wendy Allmendinger

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 an independent contractor providing supervised visitation services to Rhode Island families.

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\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#).

ADVISORY OPINION 2020-2

Re: Melissa Pattavina

SUMMARY

A member of the Newport Planning Board was prohibited by the Code of Ethics from participating in the discussions and decision-making relative to matters that concerned the proposed demolition of the property and subsequent development of a hotel in Newport, given that her mother owned property within 200 feet of its proposed location.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities, Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2020-3

Re: Kelly Levesque

SUMMARY

The Town Sergeant for the Town of Tiverton was not prohibited by the Code of Ethics from simultaneously serving as the Co-Chair of the Tiverton Days Committee, a group of volunteers who organized family friendly events and activities for residents of the Town of Tiverton. The Petitioner was prohibited by the Code of Ethics from appearing before the Town Council in her capacity as Co-Chair of the Tiverton Days Committee. The Petitioner was further prohibited from participating as the Town Sergeant in the event a member of the Tiverton Days Committee appeared before the Town Council on a matter that involved or financially impacted the Tiverton Days Committee.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing](#)

[Oneself of Others, Defined \(36-14-5016\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

ADVISORY OPINION 2020-4

Re: Joseph Reppucci

SUMMARY

A Principal Public Health Promotion Specialist for the Rhode Island Department of Health was prohibited by the Code of Ethics from representing himself or his private employer before the Rhode Island Department of Health until the expiration of one (1) year after he had officially severed his position with that agency. The Petitioner was further prohibited by the Code of Ethics from using any confidential information he obtained while working as a Principal Public Health Promotion Specialist for the Rhode Island Department of Health to financially benefit himself or his private employer.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(c\)](#); [36-14-5\(e\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself of Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-5

Re: The Town of New Shoreham Town Council

SUMMARY

The Town of New Shoreham Town Council was allowed to utilize the Rule of Necessity to achieve a quorum of three (3) members to hear and decide a matter related to the potential amendment of a New Shoreham ordinance that would provide for the issuance of municipal permits for the operation of mobile food establishments in conformance with state law, given that four (4) of the five (5) Town Council members had conflicts of interest that required their recusals.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(2\)](#); [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#).

Other Related Authority

R.I. Gen. Law § [5-11.1-7](#); [The Home Rule Charter of New Shoreham, Article IV, Section 405](#); and [New Shoreham General Ordinances Chapter 8, Licenses and Business Regulations](#).

ADVISORY OPINION 2020-6

Re: Nathaniel R. Tingley

SUMMARY

The Vice President of Business Development at the Rhode Island Commerce Corporation was prohibited by the Code of Ethics from representing himself or others, including his new private employer, or acting as an expert witness, before the Commerce Corporation for a period of one (1) year following the severance of his employment with the Commerce Corporation. The Petitioner was also prohibited by the Code of Ethics from using any confidential information he obtained while working as the Vice President of Business Development to financially benefit himself or his private employer.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [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 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-7

Re: Ferdinand C. Ihenacho, P.E.

SUMMARY

The Chief Civil Engineer in the Transportation Planning Division of the Rhode Island Department of Transportation was prohibited by the Code of Ethics from preparing plans to be submitted by a private client to RIDOT, including any separate divisions thereof or entities therein, while he was employed by RIDOT and for a period of one (1) year after that.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(e\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-8

Re: Christine Monteiro, DAOM/CH, MSTCM

SUMMARY

A member of the Rhode Island Department of Health Acupuncture Advisory Board was not prohibited by the Code of Ethics from lobbying, in her private capacity as a Doctor of Acupuncture, for the amendment of legislation that would permit specific licensed healthcare professionals, who had completed recognized training, to use a 5-point ear acupuncture protocol to treat individuals who had substance abuse and behavioral issues.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); and [520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#).

Other Related Authority

§ [5-37.2-1, et seq.](#)

ADVISORY OPINION 2020-9

Re: Melissa Tiernan, DAOM/CH, MSOM

SUMMARY

A member of the Rhode Island Department of Health Acupuncture Advisory Board was not prohibited by the Code of Ethics from appearing before the General Assembly, in her private capacity as a Doctor of Acupuncture, to support the amendment of legislation that would permit specific licensed healthcare professionals, who had completed recognized training, to use a 5-point ear acupuncture protocol to treat individuals who have substance abuse and behavioral issues.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); and [520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#).

Other Related Authority

§ [5-37.2](#)

ADVISORY OPINION 2020-10

Re: Robert A. Moreau

SUMMARY

A member of the Town of Foster Economic Development Advisory Committee, who was also a member of the Town of Foster Planning Board, was not prohibited by the Code of Ethics from simultaneously serving in both positions.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(2\)](#); [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulations 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); and [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

ADVISORY OPINION 2020-11

Re: Rebecca Boss

SUMMARY

The former Director of the Rhode Island Department of Behavioral Healthcare, Development Disabilities and Hospitals was prohibited by the Code of Ethics from using confidential information received through her public employment to benefit her new employer and/or from representing herself or others, including her new employer, before the entire Executive Office of Health and Human Services, the Department of Administration, or the Office of the Governor for one (1) year after leaving her state employment.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(b\)](#); [36-14-5\(c\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); and [Commission Regulation 520-RICR-00-00-1.5.5 State Executive/Administrative Revolving Door \(36-14-5015\)](#).

ADVISORY OPINION 2020-12

Re: The Honorable Gordon Rogers

SUMMARY

A member of the Rhode Island Senate was not prohibited by the Code of Ethics from submitting a bill in the Rhode Island Senate which would have allowed volunteer firefighters who met certain requirements to utilize the State's vehicle bid list to purchase discounted personal vehicles, notwithstanding that the petitioner was a volunteer firefighter.

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 2020-13

Re: Judith Branch

SUMMARY

The Director of the Department of Human Services for the Town of Glocester, who had recently become a member of the Housing Authority for the Town of Glocester, was prohibited by the Code of Ethics from participating in any matters as a member of the Housing Authority that were likely to result in a financial impact upon herself, a member of her family, her private employer, and/or her business associates.

Code Citations

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

ADVISORY OPINION 2020-14

Re: Mark P. Welch

SUMMARY

The Legal Counsel to the North Providence Town Council was not prohibited by the Code of Ethics from representing clients in his private law practice before the Rhode Island Superior and District Courts, and before the Rhode Island Traffic Tribunal, in criminal and traffic matters that involved the North Providence Police Department.

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 2020-15

Re: Joseph St. Lawrence, III

SUMMARY

A member of the Exeter Zoning Board of Review qualified for a hardship exception to the Code of Ethics' prohibition against representing oneself before his own board for purposes of seeking a dimensional variance to construct a shed at his personal residence.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-16

Re: Kenneth Amoriggi

SUMMARY

A member of the North Providence Town Council, who in his private capacity was the President of The Marieville Neighborhood Partnership, a private non-profit organization in the Town of North Providence, was not prohibited by the Code of Ethics from serving in both positions, subject to certain restrictions relative to the Petitioner's service in both capacities and the appearance of his name on fundraising materials, newsletters or other correspondence.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-2\(12\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-5\(g\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulations 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); and [520-RICR-00-00-1.4.4 Transactions with Subordinates \(36-14-5011\)](#).

ADVISORY OPINION 2020-17

Re: Robert A. Dexter

SUMMARY

A member of the Scituate Capital Committee was not prohibited by the Code of Ethics from bidding on service and/or product contracts in the Town of Scituate because decision-making authority relative to such contracts lay with the Scituate Town Council and not with the Scituate Capital Committee.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(8\)](#); [36-4-2\(9\)](#); [36-14-4](#); [36-14-5\(a\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.2 Additional Definitions \(36-14-2001\)](#); and [520-RICR-00-00-1.1.3 Additional Definitions \(36-14-2002\)](#).

ADVISORY OPINION 2020-18

Re: Randall White

SUMMARY

A member of the Jamestown Town Council was allowed to appear before the Jamestown Tax Assessment Board of Review regarding the appeal of the tax assessment of his personal residence, based upon a finding that the unique facts as represented justified application of the hardship exception as provided in Rhode Island General Laws § [36-14-5\(e\)](#).

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-19

Re: Robert Najarian

SUMMARY

A member of the North Smithfield Zoning Board of Review was allowed to appear before the Zoning Board to object to an appeal filed by the owner of the property that abutted the Petitioner's personal residential property, based upon a finding that the unique facts as represented justified the application of the hardship exception provided in Rhode Island General Laws § [36-14-5\(e\)\(1\)](#) and the public forum exception as provided in [Commission Regulation 520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#).

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#); and [520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#).

ADVISORY OPINION 2020-20

Re: Joseph T. Murphy

SUMMARY

A member of the South Kingstown Planning Board was allowed to represent himself before his own board in order to seek approval to subdivide his property, based upon a finding of hardship in accordance with Rhode Island General Laws § [36-14-5\(e\)](#).

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 520-RICR-00-00-1.1.4\(A\)\(1\) Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-21

Re: The Honorable Joshua J. Giraldo

SUMMARY

A member of the Rhode Island House of Representatives, who was also the Chief of Staff to the Mayor of the City of Central Falls, was not prohibited by the Code of Ethics from entering into a personal service contract with a public relations and communications firm, provided that all such work was performed on his own time and without the use of public resources or confidential information as part of his duties, either as a member of the Rhode Island House of Representatives or as the Chief of Staff to the Mayor of the City of Central Falls.

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 2020-22

Re: John Austin Murphy

SUMMARY

The Town Moderator for the Town of Jamestown was not prohibited by the Code of Ethics from performing his Town Moderator duties as the Town's annual financial meeting, at which time the Jamestown Philomenian Library Board of Trustees was expected to seek bond funding to supplement its

Capital Campaign, notwithstanding the fact the Petitioner currently simultaneously served as Honorary Co-Chairman of the Capital Campaign.

Code Citations

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

ADVISORY OPINION 2020-23

Re: Richard Peck

SUMMARY

The Acting Chief of the Pascoag Fire Department was not prohibited by the Code of Ethics from signing “pay-on-call” sheets completed by either or both of his sons who were volunteer firefighters for the Pascoag Fire Department, following the response by either or both sons to an emergency call, in situations where the Petitioner was the only senior officer at the scene available to sign such sheets.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(d\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2020-24

Re: Gail Hallock Cyr, AIA

SUMMARY

A member of the North Kingstown Historic District Commission, who in her private capacity was an architect, qualified for a hardship exception to the Code of Ethics’ prohibition of representing her client before her own board in accordance with the [General Commission Advisory 2010-1](#), provided that she recused from participation in all North Kingstown Historic District Commission matters involving her client.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-25

Re: Richard Thomsen

SUMMARY

A member of the Dunn's Corners Fire District Operating Committee, who was also a volunteer firefighter on the Dunn's Corners Fire Department, was not prohibited by the Code of Ethics from simultaneously serving in both positions, given that his employment as a volunteer firefighter predated his election to the Operating Committee. However, the Petitioner was required to recuse from participating in discussions and decision-making by the Operating Committee regarding matters in which it was reasonably foreseeable that there would be direct financial impact upon the Petitioner personally, any person within his family, his business associate, or his employer.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(8\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.5.4 Municipal Official Revolving Door \(36-14-5014\)](#).

ADVISORY OPINION 2020-26

Re: Gregory Maxwell, AIA

SUMMARY

A member of the East Greenwich Historic District Commission, who in his private capacity was an architect, qualified for a hardship exception to the Code of Ethics' prohibition on representing himself before his own board.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-27

Re: David W. Fish

SUMMARY

The former Administrator of Project Management for the Rhode Island Department of Transportation was prohibited by the Code of Ethics from representing himself or others, including his private employer, or from acting as an expert witness before the Department of Transportation until the expiration of one (1) year following the date of severance from his state employment. The Petitioner was further prohibited by the Code of Ethics from using or disclosing any confidential information he obtained while working as the Administrator of Project Management to financially benefit himself or his private employer.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(c\)](#); [36-14-5\(e\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-28

Re: Matthew McGeorge, AIA, LEED AP

SUMMARY

A member of the East Greenwich Historic District Commission, who in his private capacity was an architect, qualified for a hardship exception to the Code of Ethics' prohibition on representing himself before his own board.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-29

Re: Timothy T. More

SUMMARY

A member of an advisory finance and property committee for the Paul Cuffee School, a Rhode Island public charter school, who in his private capacity was an attorney, was not prohibited by the Code of Ethics from accepting financial compensation for providing legal services to the Paul Cuffee School at the request of its Board of Trustees because it did not appear that the Petitioner was subject to the Code of Ethics through his advisory roles.

However, in the interest of avoiding even the appearance of impropriety, the Ethics Commission recommended that the Petitioner recuse from further participation, in his capacity as a member of the finance committee and the property committee, in any discussions and/or provision of advice to the Board of Trustees related to the matters for which he would have been providing legal services. Alternatively, or to the extent that recusal was not feasible, it was recommended that the Petitioner resign from the finance committee and the property committee or terminate his legal representation of the Paul Cuffee School.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(8\)](#); [36-14-2\(9\)](#); [36-14-4](#); [36-14-5\(a\)](#); [36-14-6](#); [36-14-16\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.1.3 Additional Definitions \(36-14-2002\)](#).

Other Constitutional and Statutory Citations

[R.I. Const. art. III, sec. 7](#) and § [16-77-5.1\(b\)](#)

ADVISORY OPINION 2020-30

Re: Bonnita B. Van Slyke

SUMMARY

A member of the Charlestown Town Council was allowed to attend and speak at public hearings before the Charlestown Planning Commission regarding the proposed subdivision of property that directly abutted her personal residential property, based upon a finding that the unique facts as represented justified the application of the hardship exception as provided in R.I. Gen. Laws § [36-14-5\(e\)\(1\)](#) and the public forum exception as provided in [Commission Regulation 520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#).

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, defined \(36-14-5016\)](#); and [520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#).

ADVISORY OPINION 2020-31

Re: The Honorable Ryan Pearson

SUMMARY

A legislator serving as a member of the Rhode Island Senate was allowed to participate in Senate discussions and voting relative to the FY2021 State Budget, but was required to recuse from participating in any discussions or voting on particular line items or budget amendments that could have financially impacted his private employer.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

ADVISORY OPINION 2020-32

Re: James E. Toner

SUMMARY

The former Senior Projects Review Coordinator for the Rhode Island Historical Preservation and Heritage Commission was prohibited by the Code of Ethics from representing himself or others, including his private employer, or from acting as an expert witness, before the Rhode Island Historical Preservation and Heritage Commission until the expiration of one (1) year following the date of severance from his state employment. The Petitioner was further prohibited by the Code of Ethics from using or disclosing any confidential information he obtained while working as the Senior Projects Review Coordinator to financially benefit himself or his private employer.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(7\)](#); [36-14-2\(12\)](#); [36-14-2\(13\)](#); [36-14-5\(c\)](#); [36-14-5\(e\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-33

Re: Jason E. Licciardi, Sr.

SUMMARY

A member of the West Warwick Town Council was allowed to appear before the West Warwick Planning Board, the West Warwick Zoning Board of Review, and/or potentially the West Warwick Town Council regarding a proposed development of property located across the street from his personal residence, based upon a finding that the unique facts as represented justified the application of the hardship exception as provided in R.I. Gen. Laws § 36-14-5(e)(1) and the public forum exception as provided in Commission Regulation [520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#).

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, defined \(36-14-5016\)](#); and [520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#).

ADVISORY OPINION 2020-34

Re: Timothy E. Sweeney

SUMMARY

A member of the Bristol Town Council qualified for a hardship exception to the Code of Ethics' prohibition against representing himself before the Bristol Historic District Commission, over which the Bristol Town Council has appointing authority, in order to seek review and approval of proposed renovations to his primary residence.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-35

Re: Michael J. Dutilly, Sr.

SUMMARY

The Clerk for the Harrisville Fire District and a firefighter for the Harrisville Fire District, who in his private capacity was the President of the Harrisville Firefighters Association IAFF Local 4910, was not prohibited by the Code of Ethics from serving as Clerk, notwithstanding his employment as a firefighter and his position as the President of the Harrisville Firefighters Association IAFF Local 4910.

Code Citations

R.I. Gen. Laws §§ [36-14-2](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, defined \(36-14-5016\)](#); [520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); and [520-RICR-00-00-1.5.4 Municipal Official Revolving Door \(36-14-5004\)](#).

ADVISORY OPINION 2020-36

Re: James J. Lombardi III, Esq., CPA

SUMMARY

The City Treasurer and Senior Advisor for the City of Providence, who was also the Chairman of the Donald W. Wyatt Detention Facility Board of Directors, a member of the Rhode Island Board of Accountancy, a member of the North Smithfield School Committee, and who in his private capacity was an attorney and Certified Public Accountant, was not prohibited by the Code of Ethics from simultaneously serving in all of the aforementioned positions.

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 2020-37

Re: Michael W. Shea

SUMMARY

The proposed alternate supervisory chain of command was sufficient to insulate the Petitioner, the Superintendent of the Highway Department of the Town of New Shoreham, from conflicts of interest related to the Town Manager's intent to hire the Petitioner's son as a laborer for the Highway Department.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2020-38

Re: Christopher Willi

SUMMARY

A member of the New Shoreham Town Council could, upon recusal in his public capacity as a member of the New Shoreham Town Council, attend and speak at public hearings before the Town Council regarding liquor licenses and/or outdoor entertainment licenses in his capacity as a business owner who held such licenses under the public forum exception as provided in Commission Regulation [520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#); and (ii) was prohibited by the Code of Ethics from participating in Town Council discussions and voting relative to moped licenses and operations, given that the owner of the company from which he leased his business property held and operated two of the five moped licenses approved by the Town Council and issued by the Town. However, the Petitioner could participate in Town Council discussions and voting relative to traffic safety in general in New Shoreham, but was cautioned against taking any official action which related specifically to moped licenses and operations.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); and [Commission Regulation 520-RICR-00-00-1.2.3 Public Forum Exceptions \(36-14-7003\)](#).

ADVISORY OPINION 2020-39

Re: Randall White

SUMMARY

A member of the Jamestown Town Council was allowed to participate in the Town Council's discussions and voting relative to a proposed amendment to the Jamestown Code of Ordinances pertaining to the height of structures in special flood hazard zones, notwithstanding that an unimproved portion of the lot on which his personal residence was located was in such an area, because it was not reasonably foreseeable that the Petitioner or a member of his family would be financially impacted by his participation. Further, even if there were an indication that the Petitioner or a member of his family would be financially impacted, any such impact would likely have been substantially the same as that of all similarly situated property owners in Jamestown, therefore justifying the application of the class exception as set forth in in R.I. Gen. Laws § [36-14-7\(b\)](#) of the Code of Ethics.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); [Commission Regulation 520-RICR-00-00-1.3.1\(B\)\(1\) Prohibited Activities - Nepotism \(36-14-5004\)](#); and [520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#).

ADVISORY OPINION 2020-40

Re: William J. Piva, Jr.

SUMMARY

A member of the Jamestown Town Council was prohibited from participating in the Town Council's discussions and voting relative to a proposed amendment of the Jamestown Code of Ordinances pertaining to the height of structures in special flood hazard areas, given that a piece of commercial property for which his employer had the real estate sale listing, and that was presently under contract, was located within such an area.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#).

ADVISORY OPINION 2020-41

Re: Mary E. Meagher

SUMMARY

A member of the Jamestown Town Council, who in her private capacity was an architectural designer, was allowed to participate in the Town Council's discussions and voting relative to a proposed amendment to the Jamestown Code of Ordinances pertaining to the height of structures in special flood hazard areas, notwithstanding that the property of one of her current clients was located within such an areas, because neither the Petitioner nor her client would have been financially impacted by the Petitioner's participation. Additionally, even if there were an indication that the Petitioner's client would be financially impacted, any such impact would likely have been substantially the same as that of all similarly situated property owners in Jamestown; therefore, justifying the application of the class exception as set forth in R.I. Gen. Laws § [36-14-7\(b\)](#) of the Code of Ethics.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [36-14-7\(b\)](#); and [Commission Regulation 520-RICR-00-00-1.1.5 Reasonable Foreseeability \(36-14-7001\)](#).

ADVISORY OPINION 2020-42

Re: John Yoakum

SUMMARY

A member of the Smithfield Planning Board qualified for a hardship exception to the Code of Ethics' prohibition against representing oneself before one's own board for purposes of seeking a variance that would have allowed him to subdivide his residential property in order to create an additional lot on which his son could build a house in which to live.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(e\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-43

Re: Erik Brine

SUMMARY

A member of the Jamestown Zoning Board of Review qualified for a hardship exception to the Code of Ethics' prohibition against representing oneself before his own board, for purposes of seeking a special use permit to raise chickens at his personal residence. The purchase of the chickens predated the Petitioner's initial appointment to the Zoning Board and the relief sought involved a personal, as opposed to commercial, venture.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); [36-14-6](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-44

Re: Sven Risom

SUMMARY

A member of the New Shoreham Town Council was prohibited by the Code of Ethics from participating in any Town Council matter in which his brother was a party or participant, or by which his brother was to be financially impacted or receive an employment advantage. However, the Petitioner was not required to recuse when his brother appeared before the Town Council in his official capacity as the Town's Residential Building Inspector, provided that all of the other requirements of [Commission Regulation 520-RICR-00-00-1.2.1\(B\)\(1\)](#) were satisfied.

The Petitioner was also prohibited from participating in the supervision, evaluation, appointment, classification, promotion, transfer or discipline of his brother. Further, the Petitioner was prohibited from participating in discussions and voting relative to any budgetary line item that would address or affect the employment, compensation or benefits of his brother. The Petitioner was likewise prohibited from participating in negotiations relative to an employee contract or collective bargaining agreement that could address or affect his brother's employment, compensation, or benefits. The Petitioner could, however, have participated in the Town Council's discussions and have voted relative to approving or rejecting the entire budget or employee contract or collective bargaining agreement as a whole.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#); and [520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2020-45

Re: Brett P. Smiley

SUMMARY

The Director of the Rhode Island Department of Administration, who was interested in exploring the possibility of running for Mayor of the City of Providence, was not prohibited by the Code of Ethics from soliciting and receiving campaign contributions from persons who were not state employees or vendors, provided that: the persons solicited were not otherwise the Petitioner's subordinates as defined under the Code of Ethics; there was no understanding that the campaign contributions would affect any official action by the Petitioner; and that no public time or resources would be utilized by the Petitioner in the furtherance of his campaign.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-5\(g\)](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.4.4 Transactions with Subordinates \(36-14-5011\)](#).

ADVISORY OPINION 2020-46

Re: Michael Junge

SUMMARY

A member of the Jamestown Harbor Commission was not prohibited by the Code of Ethics from interviewing for and accepting, if offered, the position of Jamestown Harbormaster, provided that he resigned from the Jamestown Harbor Commission upon accepting the position of Harbormaster.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.5.1 Employment from Own Board \(36-14-5006\)](#).

ADVISORY OPINION 2020-47

Re: Jacob Brier

SUMMARY

A member of the Barrington Town Council was not prohibited by the Code of Ethics from participating in discussions and voting relative to a complaint filed by a Barrington resident against the President and the former Vice President of the Barrington Town Council, notwithstanding that the Petitioner had served as a fellow director of a non-profit organization with two of the witnesses who co-signed said complaint.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

ADVISORY OPINION 2020-48

Re: Mark Vieira

SUMMARY

The established alternate supervisory chain of command was sufficient to insulate the Petitioner, the Deputy Chief of the Johnston Police Department, from conflicts of interest arising out of his new position, notwithstanding that his spouse was the Administrative and Payroll Clerk for the Johnston Police Department.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism \(36-14-5004\)](#).

ADVISORY OPINION 2020-49

Re: Benoit Gauthier

SUMMARY

A member of the Town of Little Compton Budget Committee, who was also a member of the Town of Little Compton Harbor Commission, was not prohibited by the Code of Ethics from simultaneously serving in both positions.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(2\)](#); [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-5\(a\)](#); [36-14-5\(b\)](#); [36-14-5\(d\)](#); [34-14-6](#); and [36-14-7\(a\)](#).

ADVISORY OPINION 2020-50

Re: Richard Keene

SUMMARY

A member of the North Smithfield Planning Board, who in his private capacity was the President and a Director of the North Smithfield Heritage Association, a non-profit organization, was prohibited by the Code of Ethics from participating in the Planning Board's discussions and vote concerning an application filed by a member of the North Smithfield Heritage Association Board of Directors.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(3\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).

ADVISORY OPINION 2020-51

Re: Richard Constantine

SUMMARY

A member of the Westerly Planning Board was prohibited by the Code of Ethics from participating in discussions and voting concerning whether to include a public right of way to the Town of Westerly's Weekapaug Fire District Beach in the Town's new Comprehensive Long Range Plan, given that the Petitioner was a resident of the Weekapaug Fire District.

Code Citations

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

ADVISORY OPINION 2020-52

Re: Joseph M. Montesano

SUMMARY

A member of the Westerly Planning Board was not prohibited by the Code of Ethics from representing himself before the Westerly Zoning Board in connection with the remodel and expansion of his primary residence.

Code Citations

R.I. Gen. Laws §§ [36-14-5\(e\)](#); and [Commission Regulation 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined \(36-14-5016\)](#).

ADVISORY OPINION 2020-53

Re: David P. Tikoian

SUMMARY

A member of the Smithfield Town Council and, by extension, a member of the Board of Water Commissioners for the Smithfield Water Supply Board, was not prohibited by the Code of Ethics from participating in Town Council and/or Board Discussions and voting on matters involving his employer, Providence Water, a quasi-municipal agency, provided that said matters would not financially impact the Petitioner.

Code Citations

R.I. Gen. Laws §§ [36-14-2\(2\)](#); [36-14-2\(3\)](#); [36-14-2\(7\)](#); [36-14-2\(8\)](#); [36-14-5\(a\)](#); [36-14-5\(d\)](#); [36-14-6](#); [36-14-7\(a\)](#); and [Commission Regulation 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal \(36-14-5002\)](#).