

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2026-35

Approved: October 20, 2026

Re: Shannon Massaroco

QUESTION PRESENTED:

The Petitioner, a former member of the board of trustees of Sheila C. “Skip” Nowell Academy, a state appointed position, requests an advisory opinion regarding whether the Code of Ethics prohibits her from accepting employment with the academy as its director of Health and Wellness, given her former position on its board of trustees.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a former member of the board of trustees of Sheila C. “Skip” Nowell Academy, a state appointed position, is not prohibited by the Code of Ethics from accepting employment with the academy as its director of Health and Wellness within one year of leaving service on its board of trustees.

The Petitioner represents that she was a member of the board of trustees of Sheila C. “Skip” Nowell Academy (academy or school)¹ from 2022 until her resignation on August 19, 2026. The academy is “a non-traditional state high school in the Downtown neighborhood of Providence.”² It “was founded in 2013 to provide pregnant and parenting youth a pathway to earn a high school degree, and has since expanded to welcome other students who, for numerous and varied reasons, benefit from an alternative path to graduation.”³ The academy was initially established as a charter school but in June 2024, “cease[d] operating as an independent charter school” and, according to its enabling legislation, was

¹ The academy’s website uses the term *board of directors*, whereas its enabling legislation uses the term *board of trustees*. See R.I. Gen. Laws § 16-114-4. The terms board of trustees or board will be used hereinafter.

² <https://www.nowellacademy.org/about-> (last visited September 14, 2026).

³ Id.

“reconstituted and created as a public school and local educational agency.” R.I. Gen. Laws § 16-114-1.

The academy is governed by a board of trustees that “shall have the powers and duties of a school committee.” See § 16-114-4. Further, the persons serving as board members on the date the legislation passed, including the Petitioner, “constitute[d] the founding board of trustees of the academy.” *Id.* While the Petitioner represents that her initial appointment to the charter school in 2022 was made through a vote of the then-sitting board members, the 2024 enabling legislation establishes that all new members of the board shall be appointed by the council on elementary and secondary education from nominations made by the commissioner of elementary and secondary education.⁴ *Id.* Pursuant to the academy’s bylaws,⁵ the responsibility for carrying on the work of the academy is delegated to the board in conjunction with the executive director. The bylaws specify that the primary responsibilities of the board of trustees include, but are not limited to, hiring and annually evaluating the executive director, and authorizing contracts including annual hiring and nonrenewal of staff. The bylaws further specify that the executive director serves as the academy’s principal executive officer who supervises, manages, and controls all of the business, staffing, and day-to-day affairs of the academy, subject to the oversight of the board.

The Petitioner represents that earlier in 2026, while she served on the board, the school publicly advertised a vacancy for the position of director of Health and Wellness for which she applied, interviewed, and was offered the position. During a telephone conversation with staff of the Ethics Commission, the academy’s executive director explained that the position became available after the previous director left on August 12, 2026, a week before the start of the new school year. The executive director further explains that this position is a critical leadership position that involves, among other things, work with pregnant and parenting students; oversight of the social worker, the school nurse, and the external partners; and a good understanding of various resources available to the students, some of whom may be open to the Rhode Island Department of Children, Youth & Families (DCYF). The executive director states that, on August 13, 2026, the job opening was advertised⁶ through SchoolSpring,⁷ followed by an email to the board members informing

⁴ The chair of the academy explained that since the transition, there has been only one person appointed to the board.

⁵ The bylaws were provided to the Ethics Commission’s staff by legal counsel for the board of trustees. Legal counsel and the chairperson of the board note that the bylaws were adopted when the academy was organized as a charter school and have not yet been updated since its transition to a state school.

⁶ The executive director explains that the position was advertised as open until filled.

⁷ SchoolSpring is an online recruitment platform for teachers and school staff.

them of the job opening, to which the Petitioner responded by emailing back her cover letter and resume. The executive director explains that the Petitioner was interviewed by the principal on August 14, 2026,⁸ and that the executive director subsequently offered the position to the Petitioner on August 18, 2026. The Petitioner explains that following her acceptance of the position, she resigned from the board. She notes that the anticipated start date for the position was September 21, 2026. However, she explains that she was asked by the board to seek guidance from the Ethics Commission regarding whether she may accept the position, given her former position on the board.

The executive director states that the Petitioner's work experience, and engagement and familiarity with the academy, and its students and their needs made the Petitioner highly qualified and suitable for the position, with the ability to immediately take over critical tasks that, at the moment, are being temporarily fulfilled by various school employees such as the principal, the executive director, the social worker, and the supervisor of operations.⁹ The executive director further states that, given the uncertainty regarding the applicability of the revolving door provisions of the Code of Ethics relative to the Petitioner's hiring, the job advertisement was never removed. The executive director informs that, following information from the Petitioner that she may not be allowed to serve as the director of Health and Wellness, and given that the school year is already underway, the executive director did recently conduct additional interviews for the position. The executive director believes that there were approximately twelve (12) candidates in total, nine of whom expressed willingness to be interviewed, but that only six of those actually came in for interviews. The executive director represents that four of the six interviewed lacked the required qualifications specifically relating to managerial experience, one candidate was somewhat qualified, and the sixth candidate was fully qualified but was determined not to be a good fit for the academy.

The Petitioner states that the hiring of the director of Health and Wellness is not in the purview of the board and that the board did not participate in the recruitment, interview, or selection process. The executive director confirms that she has never sought the board's approval of her hiring decisions. The Petitioner states that, as a board member, she did not participate in the creation of the job description or in the hiring process. She confirms that the interview was conducted by the school's principal and that the executive director, who is responsible for all hires, offered her the position. The Petitioner notes that her service on

⁸ The executive director believes that there was one additional candidate at that time.

⁹ The executive director explains that the Petitioner was regularly involved in academy initiatives. The executive director notes that the Petitioner was invited to and participated in various academy events, such as Thanksgiving and holiday parties, family nights, graduations, and prom. Additionally, the executive director notes that the Petitioner chaperoned school trips, visited the school during the day, and donated gifts.

the board was voluntary and she received no compensation. She states that she was unaware until she contacted the Ethics Commission that service as a board member amounted to a state or municipal appointed position subject to the revolving door provisions of the Code of Ethics. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether the Code of Ethics prohibits her from serving in the position of director of Health and Wellness.

I. The Petitioner is a State Appointed Official

The Code of Ethics defines a state appointed official as “any officer or member of a state . . . agency as defined herein who is appointed for a term of office specified by the constitution or a statute of this state . . . or who is appointed by or through the governing body or highest official of state or municipal government.” R.I. Gen. Laws § 36-14-2(9). Commission Regulation 520-RICR-00-00-1.1.3(B) Additional Definitions (36-14-2002) (Regulation 1.1.3(B)) expands upon this definition to include “any officer or member of a state . . . agency as defined herein who is appointed to an office specified by the constitution or a statute of this state . . . or who is appointed by, through or with the advice and consent of a governing body, or any court, in state or municipal government, or highest official of state or municipal government.”

Here, when the academy was reconstructed from a charter to a public school in 2024, the statute specifically appointed the board members who were already serving at that time, including the Petitioner, to serve as the founding board of trustees of the academy. The statute further specifies that all board members shall thereafter be appointed by the council on elementary and secondary education from nominations made by the commissioner of elementary and secondary education. Accordingly, the Petitioner is a state appointed official within the definitions of § 36-14-2(9) and Regulation 1.1.3(B).¹⁰

II. 520-RICR-00-00-1.5.1 Employment from Own Board (36-14-5006)

Commission Regulation 520-RICR-00-00-1.5.1 Employment from Own Board (36-14-5006) (Regulation 1.5.1) prohibits any elected or appointed official from accepting any appointment or election that requires approval by the body of which she is or was a member, to any position which carries with it any financial benefit or remuneration, until the expiration of one year after termination of her membership in or on such body, unless the Ethics Commission shall give its approval for such appointment or election, and, further provided, that such approval shall not be granted unless the Ethics Commission is satisfied

¹⁰ The Petitioner was likewise subject to the Code of Ethics while the academy was a charter school. See A.O. 2012-21 (opining that members of the governing body or board of directors of a charter school were persons subject to the Code of Ethics).

that denial of such employment or position would create a substantial hardship for the body, board, or municipality.¹¹

The legislative aim of the “revolving door” provisions of the Code of Ethics is to ensure that public officials and employees “adhere to the highest standard of ethical conduct, . . . avoid the appearance of impropriety and not use their position for private gain or advantage.” R.I. Const. art. III, § 7. “The integrity of our government officials is quintessential to our system of representation.” In re Advisory Opinion From the Governor, 633 A.2d 664, 671 (R.I. 1993). In general, “the purpose of revolving-door provisions is to prevent ‘government employees from unfairly profiting from or otherwise trading upon the contacts, associations and special knowledge that they acquired’” during their tenure as public servants. Id. (quoting Forti v. New York State Ethics Commission, 75 N.Y.2d 596, 605, 554 N.E.2d 876, 878, 555 N.Y.S.2d 235, 237 (1990)).

Although the prohibition of Regulation 1.5.1¹² generally applies to situations where the employment being sought requires the approval of one’s own board, in Advisory Opinion 2003-65 the Ethics Commission extended its application to a school committee member who, prior to his election to the school committee, provided sports officiating services to the school department and wished to apply to the athletic director to continue to do so after his election. Under those facts, sports officials were selected by the athletic director, who in turn was hired by the school committee. There, the Ethics Commission concluded that “[b]ecause the School Committee selects the Athletic Director, who in turn selects the sports officials, the petitioner’s continued receipt of financial remuneration for his officiating services would violate the spirit if not the letter of Regulation [1.5.1].”

The Ethics Commission likewise applied Regulation 1.5.1 in Advisory Opinion 2010-24 opining that a member of the Coventry Housing Authority Board of Commissioners was

¹¹ Further, a person subject to the Code of Ethics may not participate in any matter in which she has an interest, financial or otherwise, which is in substantial conflict with the proper discharge of her duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest occurs if a person subject to the Code of Ethics has reason to believe or expect that she, any person within her family, her business associate, or any business by which she is employed or which she represents will derive a direct monetary gain or suffer a direct monetary loss by reason of her official activity. R.I. Gen. Laws § 36-14-7(a). Finally, § 36-14-5(d) prohibits a public official from using her position or confidential information received through her position to obtain financial gain, other than that provided by law, for herself, her family member, her business associate, or any business by which she is employed or which she represents.

¹² Prior to the conversion to the Rhode Island Code of Regulations in 2018, Regulation 1.5.1 was known as Commission Regulation 36-14-5006 and is cited as such in the advisory opinions issued prior to the conversion.

prohibited from seeking or accepting employment from the housing authority as its maintenance director while serving on the board and for a period of one year thereafter, given that the board was responsible for hiring the executive director, who was then responsible for the day-to-day operation of the housing authority, and for hiring the other employees, including the maintenance director. The Ethics Commission noted that applying for and accepting the position of maintenance director would violate Regulation 1.5.1 and, more generally, would run counter to the intent of the revolving door provision. Contra A.O. 2012-19 (a member of the Rhode Island Contractors' Registration and Licensing Board could accept employment with the board as a senior state building code official, given that all employees of the board, including its executive director, were hired by the Department of Administration, the board did not participate in the process, and its members did not have supervisory, policy-making, hiring or fiscal authority with regard to the board's employees, including the executive director).

Here, the executive director represents that the director of Health and Wellness is a critical position that was left vacant only one week prior to the start of the new school year. The position involves work with students who may be pregnant and/or parenting and/or open to the DCYF and who may be in need of specific services. The position requires a good understanding of various resources available to the students and the oversight of several other employees who are essential to the well-being of the students, including the nurse and the social worker, and the external partners. The executive director represents that currently there are no fully qualified candidates that are suitable for the position. Whereas, the Petitioner is highly qualified for the position based on her work experience, and her engagement and familiarity with the academy, and the students and their needs. She would be in a position to immediately take over critical tasks that are currently being fulfilled by various employees. Further, the sole responsibility for the hiring of school employees belongs to the executive director, who is not a member of the board and who does not seek approval of her hires from the board. Neither the Petitioner nor the board participated in the creation of the job description or the hiring process. Thus, considering the particular nature of the position, the specific needs of the students, and the representations made herein, it is the opinion of the Ethics Commission that a strict application of the revolving door provisions of the Code of Ethics as applied to the prior advisory opinions issued by the Ethics Commission that are cited herein would lead to an unreasonable and unjust result under these unique circumstances. Without overturning any of the above-cited prior advisory opinions or any other advisory opinion related to this matter, it is the opinion of the Ethics Commission that, based only on the very specific and unique circumstances represented herein, the Petitioner may accept and serve in the position of director of Health and Wellness of Nowell Academy.

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(9)

§ 36-14-5(a)

§ 36-14-5(d)

§ 36-14-7(a)

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

520-RICR-00-00-1.5.1 Employment from Own Board (36-14-5006)

Related Advisory Opinions:

A.O. 2012-21

A.O. 2012-19

A.O. 2010-24

A.O. 2003-65

Other Related Authority:

R.I. Const. art. III, § 7

In re Advisory Opinion From the Governor, 633 A.2d 664 (R.I. 1993)

Keywords:

Appointing Authority

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Revolving Door