

Rhode Island Ethics Commission
40 Fountain St., 8th Floor
Providence, RI 02903

Request for Advisory Opinion
Friday, December 28, 2018

Justin Katz, with Robert Coulter and Nancy Driggs
Tiverton Town Council
189 Cottrell Rd.
Tiverton, RI 02878
(401) 835-7156
justin@justinkatz.com

To whom it may concern:

On December 27, 2018, the Tiverton Town Council voted to hire a town solicitor for a six-month period while we evaluate the solicitor position and conduct a more-extensive search. Along with council members Robert Coulter and Nancy Driggs, I am seeking an advisory opinion related to matters that may come before the new solicitor.

During April/May of 2018, we three filed separate lawsuits against the Tiverton Board of Canvassers to contest unprecedented steps that it had taken to block duly submitted ballot questions from the Tiverton financial town referendum (FTR) on the advice of the previous solicitor. On May 2, the Newport Superior Court heard our motions for an emergency temporary restraining order to place the blocked questions on the ballot. Those motions were denied, and no further action has been taken.

None of us has any financial or personal interest in these public-interest lawsuits, which we consider to be a civil rights issue. Furthermore, we did not anticipate taking any actions on these suits while we sit on the Town Council. However, to assure the public that the lawsuits are not a factor in any of our decisions with the new solicitor, we have filed to voluntarily dismiss the cases or, in Nancy Driggs's case, to withdraw because other people are named as plaintiffs.

Presumably, upon receipt of our motions, the town solicitor will have to present them to the Board of Canvassers and Town Clerk, who are the named defendants, to decide whether to accept the dismissals and withdrawal. We therefore ask the Ethics Commission:

1. Whether we must recuse from discussion of the Tiverton Town Council's consideration of these motions to dismiss or withdraw if any is relevant to the body on which we sit.
2. Whether the council must hire a special counsel whom we three had no role in hiring to handle the motions.

Sincerely,



Justin Katz