

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-12

Approved: February 11, 2025

Re: Megan Gilbert

QUESTION PRESENTED:

The Petitioner, a social caseworker employed by the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities & Hospitals, a state employee position, who is currently on an education leave from her position in order to complete her master's degree, requests an advisory opinion regarding whether she is prohibited by the Code of Ethics from registering as a lobbyist for the Economic Progress Institute through the end of her internship with the institute, after which she plans to return to her state position.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a social caseworker employed by the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities & Hospitals, a state employee position, who is currently on an education leave from her position in order to complete her master's degree, is not prohibited by the Code of Ethics from registering as a lobbyist for the Economic Progress Institute through the end of her internship with the institute, after which she plans to return to her state position.

The Petitioner is employed as a social caseworker with the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals (BHDDH). The Petitioner explains that BHDDH is responsible for providing and overseeing services and programs related to behavioral healthcare, developmental disabilities, and hospitals. The Petitioner represents that she has been employed as a social caseworker at BHDDH for approximately 13 years; however, she clarifies that she has been employed by the state for more than 18 years. The Petitioner explains that her current duties include providing support and services to individuals with behavioral health needs, developmental disabilities, and other related conditions. She states that she is assigned to the Developmental Disabilities Department where she manages caseloads of adults with developmental disabilities.

The Petitioner states that, currently, she is on a full-time education leave from her position in order to pursue a master's degree in macro level social work at Rhode Island College.

The Petitioner represents that she plans to return to her state position after the spring-2025 semester ends in mid-April. She states that as part of her studies she is completing an internship with the Economic Progress Institute. The Petitioner describes the institute as a private, non-profit advocacy entity whose goal is to ensure the economic progress of all low- and moderate-income Rhode Islanders. She states that the institute seeks to achieve its goal through research, analysis, advocacy, and education. The Petitioner would like, as part of her internship, to register as a legislative lobbyist for the institute. She explains that, as a lobbyist, she would publicly advocate for policies and initiatives that align with the mission of the institute at hearings and other events before the General Assembly during its legislative session. The Petitioner represents that the internship and its related lobbying would be unpaid. The Petitioner further represents that upon the completion of her internship and her return to her state position, she would no longer lobby on behalf of the institute. The Petitioner clarifies that she would not be lobbying BHDDH or the executive branch of Rhode Island government. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether she is prohibited by the Code of Ethics from serving as a lobbyist for the institute through the end of her internship.

Under the Code of Ethics, a state employee may not accept other employment that will either impair her independence of judgment as to her official duties or require her to disclose confidential information acquired by her in the course of her official duties. R.I. Gen. Laws § 36-14-5(b). Further, a public employee may not represent herself or any other person before any state agency of which she is a member or by which she is employed. § 36-14-5(e)(1) & (2). A “person” is defined as an individual or business entity. R.I. Gen. Laws § 36-14-2(7). A public employee is also prohibited from using her public position or confidential information received through her position to obtain financial gain, other than that provided by law, for herself, any person within her family, her business associate, or any business by which she is employed or which she represents. § 36-14-5(d). Additionally, a public employee 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. § 36-14-5(a). A substantial conflict of interest occurs if the public employee 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).

The facts as represented are somewhat similar to those in Advisory Opinion 2003-42, where the Ethics Commission opined that an employee of the Rhode Island State Budget Office could act on his own time before the General Assembly as an unpaid registered lobbyist for various organizations and social causes. See also A.O. 2003-67 (opining that a part-time attorney with the Rhode Island Department of Labor could, in her private capacity, lobby on behalf of the Rhode Island Right to Life Committee because there was no indication that the lobbying was in substantial conflict with her public duties, nor would it impair her independence of judgment as to her official duties, and given that she would

not be representing herself or any other person or business before her own agency); A.O. 2003-28 (opining that a part-time attorney for the Rhode Island Department of Administration was not prohibited by the Code of Ethics from accepting private work as a legislative lobbyist before the General Assembly on behalf of Spielo Gaming International).

In the instant matter, the Petitioner would like to serve as an unpaid legislative lobbyist for the institute as part of her internship there. She represents that she would not be lobbying or appearing before BHDDH or the executive branch but, rather, would only engage in lobbying before the General Assembly. The Petitioner further represents that her lobbying activities would only last until the end of her internship in mid-April 2025, at which time she will be returning to her position with BHDDH. Based on all of the Petitioner's representations there is no indication that the Petitioner's unpaid service as a lobbyist on behalf of the institute would either impair her independence of judgment or create an interest in substantial conflict with her public duties as a social caseworker. Accordingly, it is the opinion of the Ethics Commission that the Code of Ethics does not prohibit the Petitioner from registering as a lobbyist for the institute during the time period described above.

This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. 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, ordinance, constitutional provision, charter provision, or canon of professional ethics may have on this situation.

Code Citations:

36-14-2(7)
36-14-5(a)
36-14-5(b)
36-14-5(d)
36-14-5(e)
36-14-7(a)

Related Advisory Opinions:

A.O. 2003-67
A.O. 2003-42
A.O. 2003-28

Keywords:

Lobbying