

# RHODE ISLAND ETHICS COMMISSION

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## Advisory Opinion No.2025-37

Approved: May 20, 2025

**Re: Samantha Doyle**

### **QUESTION PRESENTED:**

The Petitioner, a community program liaison worker at the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals, Office of Quality Assurance, a state employee position, requests an advisory opinion regarding whether she is prohibited by the Code of Ethics from simultaneously working per diem as a Go Team on-call and weekend liaison at Family Service of Rhode Island.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a community program liaison worker at the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals, Office of Quality Assurance, a state employee position, is not prohibited by the Code of Ethics from simultaneously working per diem as a Go Team on-call and weekend liaison at Family Service of Rhode Island, consistent with the representations set forth herein, and provided that all of the work is performed on her own time and without the use of public resources or confidential information obtained as part of her state employment and, further provided, that the Petitioner does not use her public employment to advertise or promote her private work.

The Petitioner is employed as a community program liaison worker by the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH or department) at its Office of Quality Assurance. She states that she began her employment there in January 2025, and that her work hours are 8:30 a.m. to 4:00 p.m., Monday through Friday. The Petitioner further states that her duties include answering the department's telephone hotline and taking reports of abuse, neglect, mistreatment, and/or exploitation of persons 18 years of age or older who have behavioral and/or developmental disabilities.<sup>1</sup> The Petitioner explains that the department ordinarily receives such calls from social workers at Rhode Island Hospital, group homes, fire departments, police departments, family members of the individual who is the subject of the call, or the affected individual

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<sup>1</sup> The Petitioner acknowledges that her actual duties vary from the duties listed in the job description she submitted with the instant request for an advisory opinion.

him or herself. The Petitioner further explains that she assesses the urgency of each call, and records each report in an electronic system. The Petitioner notes that calls that indicate a threat of imminent harm to a person are referred to an investigator immediately, and that each report that she records is later reviewed by a team of various BHDDH employees. She adds that, upon review, the report is either closed, forwarded to an investigator, or a determination is made that additional information needs to be collected. The Petitioner represents that while she is present at the team review meetings where she updates the case notes and later collects additional information as needed, she does not actively participate in the team review of the reports. By way of example, the Petitioner explains that if an individual is receiving outside support services, the Petitioner will contact the appropriate agency for clarification on the level of support received by the person. She adds that she will also obtain any existing police or hospital reports related to the alleged misconduct. The Petitioner explains that if an individual requires initial or additional services following a BHDDH team review, the individual will be referred to a BHDDH service coordinator who, in turn, will refer the individual to the appropriate state or private agency for receipt of those services.

The Petitioner represents that she has been offered a per diem position with Family Service of Rhode Island (FSRI) as a Go Team on-call and weekend liaison. The Petitioner explains that FSRI is a non-profit organization that is focused on improving the health and well-being of children and families across Rhode Island. Pursuant to the job description for the position submitted by the Petitioner, her duties would include the following: providing in-person crisis intervention and emergency screening in collaboration with law enforcement to individuals and families exposed to victimization and trauma in the community; responding as directed and as needed by law enforcement during weekends, holidays, and after hours; and providing coverage and support in the various Go Team communities. The Petitioner represents that, if permitted by the Code of Ethics to accept the position, she will be working on cases involving adolescents younger than 18 years of age, and will be advising FSRI's employees and/or members of a particular police department as to the appropriate state or private agencies to be contacted and how best to access the resources needed for the adolescent involved. She further represents that her duties will be to, each month, be on-call for one week and ride along for one weekend with a police officer from a police department to which she is assigned. The Petitioner states that her schedule during the on-call week would be as follows:

Friday 5:00 p.m. – Monday 8:00 a.m.  
Monday 5:00 pm – Tuesday 8:00 a.m.  
Tuesday 5:00 p.m. – Wednesday 8:00 a.m.  
Wednesday 5:00 p.m. – Thursday 8:00 a.m.  
Thursday 5:00 p.m. – Friday 8:00 a.m.

She notes that during that time she will be required to be available by telephone to render advice to FSRI's employees or police officers in a particular situation involving an

adolescent. The Petitioner states that her hours during her police ride-along weekend would be Saturday and Sunday from 11 a.m. to 7 p.m. each day. During that time, she will be required to respond in person along with local police officers to crisis situations and advise those officers on how to proceed in the situation and as to what services an adolescent might need.

The Petitioner explains that cases involving adolescents are referred to the Rhode Island Department of Children, Youth & Families (DCYF), rather than the BHDDH. However, she represents that should a case to which she responds as an FSRI employee also involve a person open to the BHDDH, she would recuse and let the emergency services clinician on the scene handle the situation. The Petitioner expects that she would be required to fill out a report relative to the case she has worked on in her position with FSRI. She anticipates that such a report may be forwarded to the DCYF. The Petitioner represents that she will not be required to appear before the BHDDH to represent FSRI because, as an FSRI employee, she would only be assigned cases involving adolescents. The Petitioner states that there are sometimes situations where an adolescent ages out of DCYF jurisdiction and is then referred to the BHDDH for services, but that BHDDH employees do not have access to the individual's DCYF file. The Petitioner states that she will recuse from her BHDDH duties in matters in which she has worked as an FSRI employee that involved an adolescent who is now under the BHDDH's jurisdiction. The Petitioner represents that she would also recuse from taking and recording the results of calls made by FSRI to the BHDDH reporting abuse.<sup>2</sup> She states that she will refer such calls to a colleague within her office.<sup>3</sup> Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether she may accept the position with FSRI.

No person subject to the Code of Ethics shall accept other employment that would impair her independence of judgment as to her official duties or require or induce her to disclose confidential information acquired by her in the course of and by reason of her official duties. R.I. Gen. Laws § 36-14-5(b). Further, no person subject to the Code of Ethics shall engage in any business, employment, transaction, or professional activity which is in substantial conflict with the proper discharge of her duties or employment in the public interest. § 36-14-5(a). A substantial conflict of interest exists if a public official or 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). Additionally, no person subject to the Code of Ethics

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<sup>2</sup> The Petitioner notes that from the start of her employment with the BHDDH, FSRI has only made two to three reports on the BHDDH's hotline.

<sup>3</sup> The Petitioner explains that she is the only community program liaison worker within Office of Quality Assurance and that she has three colleagues that are not her subordinates and who can handle calls coming through the hot line upon the Petitioner's recusal.

shall use her public office, or confidential information received through her public office, to obtain financial gain 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).

The Code of Ethics further prohibits a public employee from representing herself or any other person, or acting as an expert, before a state or municipal agency of which she is a member or by which she is employed. § 36-14-5(e)(1)-(3). A person “represents” herself before a state agency if she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in her favor. R.I. Gen. Laws § 36-14-2(12). These prohibitions extend for a period of one year after the public employee has officially severed her position with the subject state or municipal agency. § 36-14-5(e)(4). Finally, a public employee must recuse from participation in any matter in which her business associate or employer appears or presents evidence or arguments before her state agency. 520-RICR-00-00-1.2.1(A)(2) Additional Circumstances Warranting Recusal (36-14-5002). A business associate is defined as “a person joined together with another person to achieve a common financial objective.” § 36-14-2(3). A person is defined as “an individual or a business entity.” § 36-14-2(7).

The Ethics Commission has consistently opined that public officials and employees are not inherently prohibited by the Code of Ethics from holding employment that is secondary to their primary public employment or positions subject, however, to certain restrictions and provided that their private employment would not impair their independence of judgment, involve the use or resources of their public office, nor create an interest in substantial conflict with their public duties. For example, in Advisory Opinion 2022-38, the Ethics Commission opined that a supplemental block grant planner for the BHDDH was not prohibited by the Code of Ethics from working part-time to provide counseling services to members of local municipal police departments, provided that all of the work was performed on her own time and without the use of public resources or confidential information obtained as part of her state employment and, further provided, that the petitioner did not use her public employment to advertise or promote her work or to recruit or obtain clients. The petitioner in that advisory opinion represented that she would provide counseling to clients by telephone from an office in her home. She further represented that she would do this on various evenings during the week after 5:00 p.m., and on weekends. That petitioner described her counseling duties as being separate and distinct from those for which she was responsible as a BHDDH employee, and outside of the areas over which she had decision-making authority as a grant planner. Also, there was nothing in the facts to suggest that her part-time secondary employment as the provider of counseling services to police officers would either impair her independence of judgment or create an interest in substantial conflict with her public duties at the BHDDH. See also A.O. 2020-1 (opining that a probation and parole officer at the Rhode Island Department of Corrections was not prohibited from working in her private capacity as an independent contractor providing supervised visitation services between non-custodial parents and their child or children, provided that all of the work was performed on her own time and without the use of public

resources or confidential information obtained as part of her state employment); A.O. 2025-32 (opining that the chief financial officer for the Rhode Island Department of Housing was not prohibited by the Code of Ethics from simultaneously working part-time for the Newport Public School Department as its business manager, with working hours Monday through Friday, 6:00 a.m. to 8:00 a.m. & 5:00 p.m. to 8:00 p.m., and on weekends as needed, provided that all of the work was performed on his own time and without the use of state resources or confidential information obtained as part of his state employment with the Department of Housing).

Here, based upon the facts as represented by the Petitioner, there is no evidence to suggest that her per diem position with Family Service of Rhode Island would either impair her independence of judgement or create an interest that in substantial conflict with her public duties at the BHDDH. Accordingly, the Petitioner is not prohibited by the Code of Ethics from working in her private capacity as a Go Team on-call and weekend liaison in the manner described herein, provided that all of the work is performed on her own time and without the use of public resources or confidential information obtained as part of her state employment with the BHDDH. Also, the Petitioner shall not use her public position to promote or advertise her private employment, nor shall she list her public employment as part of the advertisement of her private work. Additionally, the Petitioner shall recuse from any matter that comes before her in her capacity as a community program liaison worker at the BHDDH that involves FSRI or for which an authorized representative of FSRI appears on behalf of FSRI, and to refer that matter to her superiors. Recusal shall be pursuant to R.I. Gen. Laws § 36-14-6. Finally, the Petitioner is advised to seek further guidance from the Ethics Commission if any changes occur within either her private or public employment that could present a conflict of interest.

**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, agency policy, ordinance, constitutional provision, charter provision, or canon of professional ethics may have on this situation.**

Code Citations:

§ 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)  
§ 36-14-6

§ 36-14-7(a)

520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal (36-14-5002)

Related Advisory Opinions:

A.O. 2025-32

A.O. 2022-38

A.O. 2020-1

Keywords:

Secondary Employment