



STATE OF RHODE ISLAND
RHODE ISLAND ETHICS COMMISSION
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NOTICE OF OPEN MEETING

AGENDA

10th Meeting

DATE: Tuesday, July 1, 2025

TIME: 9:00 a.m.

PLACE: Rhode Island Ethics Commission
Hearing Room - 8th Floor
40 Fountain Street
Providence, RI 02903

LIVESTREAM: The Open Session portions of this meeting will be livestreamed at:
<https://us02web.zoom.us/j/83216309614>

1. Call to Order.
2. Motion to approve minutes of Open Session held on June 10, 2025.
3. Director's Report: Status report and updates regarding:
 - a.) Complaints and investigations pending;
 - b.) Advisory opinions pending;
 - c.) Access to Public Records Act requests since last meeting;
 - d.) Financial disclosure; and
 - e.) General office administration;
4. Advisory Opinions:
 - a.) Thomas J. Cronin, Esq., who was recently nominated to become the Town

of Coventry's Municipal Court Judge, and who is an attorney in private practice, requests an advisory opinion regarding whether, upon his appointment to the position, he would be prohibited by the Code of Ethics from representing clients before the Coventry Town Council, Planning Board, Zoning Board, and Probate Court. [Staff Attorney Papa]

- b.) Robert Runge, the grants administrator and unhoused coordinator for the City of Pawtucket, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from accepting an appointment to the board of directors of the Blackstone Valley Advocacy Center, a private domestic violence center, given that the center applies for and receives Emergency Solutions Grants funding from the City of Pawtucket. [Staff Attorney Papa]
- c.) Dylan Chase, the superintendent of the New Shoreham Water Pollution Control Facility, who in his private capacity owns and operates Block Island Septic Services, LLC, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from providing services in his private capacity to customers within the town's sewer district, given that there are few qualified technicians available to accommodate the needs of those customers. [Staff Attorney Radiches]
- d.) Priscilla Glucksman, the administrator of the Office of Child Support Services, a division of the Department of Human Services, requests an advisory opinion regarding whether the proposed alternate chain of command policy will sufficiently insulate her from potential conflicts of interest arising out of her position, given the recent hiring of the Petitioner's daughter as a child support enforcement agent in the same division.

5. Motion to go into Executive Session, to wit:

- a.) Motion to approve minutes of Executive Session held on June 10, 2025, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- b.) In re: Robert L. Lombardo, Complaint No. 2025-3, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- c.) Motion to return to Open Session.

6. Motion to seal minutes of Executive Session held on July 1, 2025

7. Report on actions taken in Executive Session.

8. New Business proposed for future Commission agendas and general comments from the Commission.
9. Motion to adjourn.

ANYONE WISHING TO ATTEND THIS MEETING WHO MAY HAVE SPECIAL NEEDS FOR ACCESS OR SERVICES SUCH AS A SIGN LANGUAGE INTERPRETER, PLEASE CONTACT THE COMMISSION BY TELEPHONE AT 222-3790, 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. THE COMMISSION ALSO MAY BE CONTACTED THROUGH RHODE ISLAND RELAY, A TELECOMMUNICATIONS RELAY SERVICE, AT 1-800-RI5-5555.

Posted on June 26, 2025

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: July 1, 2025

Re: Thomas J. Cronin, Esq.

QUESTION PRESENTED:

The Petitioner, who was recently nominated to become the Town of Coventry's Municipal Court Judge, a municipal appointed position, and who is an attorney in private practice, requests an advisory opinion regarding whether, upon his appointment to the position, he would be prohibited by the Code of Ethics from representing clients before the Coventry Town Council, Planning Board, Zoning Board, and Probate Court.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, who was recently nominated to become the Town of Coventry's Municipal Court Judge, a municipal appointed position, and who is an attorney in private practice, will not following his appointment be prohibited by the Code of Ethics from representing clients before the Coventry Town Council, Planning Board, Zoning Board, or Probate Court.

The Petitioner was recently nominated by the president of the Coventry Town Council for appointment by the town council to the position of Municipal Court Judge. The Petitioner states that municipal court sessions begin at 5:00 p.m. and are held twice per month. He further states that the municipal court has jurisdiction over traffic violations, housing violations, animal control violations, and various other violations of town ordinances. The Petitioner represents that the town has only one municipal court judge and that in circumstances where the municipal court judge is either unavailable or has a conflict of interest, the probate judge presides over municipal court matters, but not vice versa.¹

In his private capacity, the Petitioner is an attorney in private practice. He states that his legal practice focuses on land use matters, including real estate closings, builders' representation, and small business representation. He further states that his law office is located in Coventry and that he represents clients before the Coventry zoning board,

¹ The Petitioner explains that in circumstances where the probate court judge is unavailable or has a conflict of interest, the town solicitor presides over probate matters.

planning board, and town council. The Petitioner notes that he would not ordinarily represent clients before the municipal court. The Petitioner informs that his law partner focuses her practice on estate planning matters and that she regularly represents clients before the Coventry probate court.

The Petitioner represents that members of Coventry's planning and zoning boards, as well as the probate judge, are appointed by the town council. The Petitioner further represents that the municipal court does not have any appointing, fiscal, or jurisdictional authority over the town council, zoning board, planning board, or probate court. Further, he states that the municipal court does not have appellate jurisdiction over matters heard by the town council, planning board, zoning board, or the probate court. The Petitioner notes that appeals of decisions by the planning board, zoning board, and the probate court are heard by the Superior Court. Finally, the Petitioner states that his firm does not handle criminal or family law cases and may refer those cases to attorneys who handle them; however, he notes that his firm does not have any contractual relationship with any other firm for referrals. Given this set of facts, and cognizant of the Code of Ethics' prohibition against representing himself or others before the municipal court, the Petitioner seeks guidance from the Ethics Commission regarding whether, if he accepts appointment to the position of Coventry municipal court judge, he would be prohibited by the Code of Ethics from representing clients before the Coventry planning board, zoning board, town council, and probate court.

The Code of Ethics prohibits a public official from representing himself or any other person before a state or municipal agency of which he is a member, by which he is employed, or for which he is the appointing authority. R.I. Gen. Laws § 36-14-5(e)(1) & (2); 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016) (Regulation 1.1.4). A person represents himself or another person before an agency when he participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of that agency in his favor or in favor of another person. R.I. Gen. Laws § 36-14-2(12) & (13); Regulation 1.1.4. Additionally, 520-RICR-00-00-1.4.1 Acting as an Attorney for Other than State or Municipality (36-14-5008) (Regulation 1.4.1) prohibits, among other things, a municipal appointed or elected official having fiscal or jurisdictional control over a municipal agency from acting as a compensated attorney before that agency in a matter in which the municipality has an interest or is a party.

Furthermore, 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 his duties or employment in the public interest. § 36-14-5(a). A substantial conflict of interest exists if a public official has reason to believe or expect that he, any person within his family, his business associate, or any business by which he is employed or which he represents will derive a direct monetary gain or suffer a direct monetary loss by reason of his official activity. R.I. Gen. Laws § 36-14-7(a). The Code of Ethics also prohibits a public official from using his public office or confidential

information received through his public office to obtain financial gain for himself, any person within his family, his business associate, or any business by which he is employed or which he represents. § 36-14-5(d).

The Ethics Commission has consistently opined that the Code of Ethics does not prohibit various municipal judges, including municipal court judges, from representing clients before other municipal bodies over which the municipal judges do not have jurisdiction in their judicial roles. For example, in Advisory Opinion 2021-49, the Ethics Commission opined that an associate judge of the Cranston Municipal Court, who in his private capacity was a practicing attorney, was not prohibited by the Code of Ethics from representing clients before the Cranston Probate Court, the Cranston Zoning Board of Review, and the Cranston City Council, or from representing clients charged with criminal offenses by the Cranston Police Department, provided that the representation was not related to a matter in which the petitioner was involved as an associate judge of the Cranston Municipal Court or over which the Cranston Municipal Court had jurisdiction. See also A.O. 2003-71 (opining that a Tiverton municipal court judge could represent private clients before the Tiverton Town Council, the Tiverton Zoning Board of Review, and other municipal bodies, including individuals charged with criminal offenses by the Tiverton Police Department, provided that the representation was not related to a matter in which the petitioner was involved in his capacity as municipal court judge or over which the Tiverton Municipal Court had jurisdiction); A.O. 2003-34 (opining that a Newport municipal court judge could represent clients before the Newport Zoning Board of Review, provided that the cases were not related to matters in which the petitioner was involved as the town's municipal court judge or over which the municipal court had jurisdiction); A.O. 98-80 (opining that a West Warwick municipal court judge could represent private clients before the West Warwick Probate Court, Planning Commission, Zoning Board and Town Council provided that case was not related to matter in which he was involved as municipal court judge or over which the municipal court had jurisdiction). Contra A.O. 98-42 (opining, among other things, that an alternate Woonsocket municipal court judge could not represent individuals charged with criminal violations by the Woonsocket Police Department while also conducting bail hearings in criminal matters brought by the Woonsocket Police Department).

Here, although the town council is the appointing authority for the municipal court judge, the municipal court judge is not a member or an employee of the town council. The municipal court judge is likewise not a member or an employee of the planning board, zoning board, or the probate court. The Petitioner does not have appointing authority over members of the municipal bodies before which he would like to appear and represent clients; nor does the Petitioner have any fiscal or jurisdictional control over those municipal bodies. Therefore, the prohibitions set forth in § 36-14-5(e) and Regulation 1.4.1 are inapplicable here. Furthermore, the Petitioner's duties as a municipal court judge are limited to adjudicating matters that are outside of the jurisdiction of the town council, planning board, zoning board, and probate court, and the municipal court does not have appellate jurisdiction for decisions made by those public bodies. Finally, the Petitioner's

representation of clients before the aforementioned public bodies would be on matters unrelated to any in which the Petitioner is involved as a municipal court judge or over which the municipal court has jurisdiction. Thus, the prohibitions found in sections § 36-14-5(a) and (d) are also inapplicable. Accordingly, based on the facts as represented, the relevant provisions of the Code of Ethics, and prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner may, if appointed to the position of municipal court judge, represent clients before the town council, planning board, zoning board, and the probate court.

This Draft 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 judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-2(12)

§ 36-14-2(13)

§ 36-14-5(a)

§ 36-14-5(b)

§ 36-14-5(d)

§ 36-14-5(e)

§ 36-14-7(a)

520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016)

520-RICR-00-00-1.4.1 Acting as an Attorney for Other than State or Municipality (36-14-5008)

Related Advisory Opinions:

A.O. 2021-49

A.O. 2003-71

A.O. 2003-34

A.O. 98-80

A.O. 98-42

Keywords:

Acting as Agent

Private Employment

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: July 1, 2025

Re: Robert Runge

QUESTION PRESENTED:

The Petitioner, the grants administrator and unhoused coordinator for the City of Pawtucket, a municipal employee position, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from accepting an appointment to the board of directors of the Blackstone Valley Advocacy Center, a private domestic violence center, given that the center applies for and receives Emergency Solutions Grants funding from the City of Pawtucket.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, the grants administrator and unhoused coordinator for the City of Pawtucket, a municipal employee position, is not prohibited by the Code of Ethics from accepting an appointment to the board of directors of the Blackstone Valley Advocacy Center, a private domestic violence center, notwithstanding that the center seeks and receives Emergency Solutions Grants funding from the City of Pawtucket.

The Petitioner is employed by the City of Pawtucket as its grants administrator and unhoused coordinator within the city's Department of Planning and Development. He represents that his duties include the oversight of various grant programs, with the exception of the Community Development Block Grants (CDBG), the HOME Housing funds, and the Emergency Solutions Grants (ESG), which are overseen by the CDBG manager. The Petitioner adds that he is also responsible for the unhoused individuals inhabiting an encampment in the city. The Petitioner represents that his working hours are as follows:

Monday - Wednesday, 8:00 a.m. to 4:30 p.m.;
Thursday, 8:00 a.m. to 6:00 p.m.; and
Friday, 8:00 a.m. to 12:30 p.m.

The Petitioner states that he was offered an appointment to the board of directors of the Blackstone Valley Advocacy Center (the center), a private domestic violence center. The

center's mission is "to provide comprehensive services to victims of domestic and sexual violence and prevention education to the community at large."¹ The Petitioner represents that the center applies for and receives ESG funds from Pawtucket. The Petitioner further represents that, although the ESG funds are administered by the Department of Planning and Development, he does not participate in the establishment of the criteria for those funds, does not review the ESG applications, and does not select the applicants to receive such funds. He explains that the criteria for the ESG applications are established by the United States Department of Housing and Urban Development. He adds that the applications are reviewed by the CDBG manager for compliance and are then forwarded to the mayor for review. The mayor then selects the applicants who are to receive funding and determines the amount to be awarded to each successful applicant. The Petitioner states that he does not oversee the CDBG manager, or vice versa, and their positions are lateral to each other. The Petitioner notes that he reports directly to the deputy director of Commerce, who in turn reports to the director of Commerce. Given this set of facts, the Petitioner seeks guidance regarding whether he may accept the appointment to the center's board of directors.

Under the Code of Ethics, a public official or employee shall not have an interest or engage in any business, employment, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest exists if a public official or employee has reason to believe or expect that he, any person within his family, his business associate, or any business by which he is employed or which he represents will derive a direct monetary gain or suffer a direct monetary loss by reason of his official activity. R.I. Gen. Laws § 36-14-7(a). Further, the Code of Ethics prohibits a public official or employee from accepting other employment which will either impair his independence of judgment or induce him to disclose confidential information acquired by him in the course of and by reason of his official duties. § 36-14-5(b).

The Code of Ethics also provides that a public official or employee may not use his office to obtain financial gain for himself, any person within his family, his business associate, or any business by which he is employed or which he represents. § 36-14-5(d). A public official or employee may not represent himself or any other person, or act as an expert witness before any municipal agency of which he is a member or by which he is employed. § 36-14-5(e)(1)-(3). Furthermore, a public official or employee must recuse himself from participation when his business associate, or any person authorized by his business associate to appear on behalf of the business associate, appears or presents evidence or arguments before the public official or employee's municipal agency. 520-RICR-00-00-1.2.1(A)(2) & (3) Additional Circumstances Warranting Recusal (36-14-5002).

¹ [About Us | Blackstone Valley Advocacy Center](#) (last visited June 24, 2025).

A business associate is defined as “a person joined together with another person to achieve a common financial objective.” R.I. Gen. Laws § 36-14-2(3). A person is defined as “an individual or a business entity.” § 36-14-2(7).

The Ethics Commission has consistently concluded that persons are “business associates” of the entities, including non-profit organizations, for which they serve as either officers or members of a board of directors, or in some other leadership position that permits them to direct and affect the financial objectives of an organization. See, e.g., A.O. 2021-6 (opining that a member of the North Smithfield Planning Board was a business associate of the North Smithfield Heritage Association, a private non-profit organization of which he served as a member of the board of directors and as its president and, therefore, was required to recuse from participating in planning board matters when the heritage association appeared or presented evidence or arguments); A.O. 2014-14 (opining that the director of the Rhode Island Department of Environmental Management (DEM), who was also a director of the Rhode Island Boy Scouts (Boy Scouts), was a business associate of the Boy Scouts and was, thus, required to recuse from participating in any DEM decisions that would financially impact the Boy Scouts, as well as from any matters in which a Boy Scout representative appeared to represent the organization’s interests). Accordingly, in the instant matter, the Petitioner would become a business associate of the center.

None of the above provisions of the Code of Ethics prohibit the Petitioner’s simultaneous service as grants administrator and unhoused coordinator for the City of Pawtucket and as a member of the board of directors of the Blackstone Valley Advocacy Center. See A.O. 2019-44 (opining that the Secretary of Commerce for the State of Rhode Island, who by statute also served as the chief executive officer for the Rhode Island Commerce Corporation, was not prohibited by the Code of Ethics from simultaneously serving as a member of the board of directors of the Rhode Island Chapter of the American Red Cross); A.O. 2019-31 (opining that the administrator of operations management for the Department of Administration, Division of Information Technology, was not prohibited by the Code of Ethics from serving as a member of the board of directors for the Greenwood Credit Union); and A.O. 2017-29 (opining that a member of the Providence Historic District Commission was not prohibited by the Code of Ethics from simultaneously serving as a member of the board of directors of the Providence Preservation Society). Additionally, based on the facts as represented, there is no indication that serving as a member of the board of directors of the center would impair the Petitioner’s independence of judgment in his public capacity.

However, such simultaneous public and private service requires the Petitioner to remain vigilant in identifying and managing any conflicts of interest that may arise between his public and private duties. Specifically, the Code of Ethics would prohibit him from sharing any confidential information with the center, or from representing the center’s interests before the city’s Department of Planning and Development. Furthermore, the Petitioner would be required to recuse from participating in his public capacity in discussions or

decision-making, if any, that financially impact the center, as well as from any matters in which representatives of the center appear or present evidence or arguments before the Petitioner on behalf of the center.

For all of these reasons, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from serving as a member of the board of directors of the Blackstone Valley Advocacy Center, provided that he remains vigilant in identifying and managing any conflicts of interest that may arise between his public and private duties. Recusals, if any, must be consistent with the provisions of R.I. Gen. Laws § 36-14-6. The Petitioner is advised to seek further guidance from the Ethics Commission when faced with a specific situation not covered by this general advisory opinion.

This Draft 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 judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-2(3)

§ 36-14-2(7)

§ 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. 2021-6

A.O. 2019-44

A.O. 2019-31

A.O. 2017-29

A.O. 2014-14

Keywords:

Business associate

Non-profit boards

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: July 1, 2025

Re: Dylan Chase

QUESTION PRESENTED:

The Petitioner, the superintendent of the New Shoreham Water Pollution Control Facility, a municipal employee position, who in his private capacity owns and operates Block Island Septic Services, LLC, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from providing services in his private capacity to customers within the town's sewer district, given that there are few qualified technicians available to accommodate the needs of those customers.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, the superintendent of the New Shoreham Water Pollution Control Facility, a municipal employee position, who in his private capacity owns and operates Block Island Septic Services, LLC, is prohibited by the Code of Ethics from providing services in his private capacity to customers within the town's sewer district, notwithstanding that there are few qualified technicians available to accommodate the needs of those customers.

The Petitioner is employed by the New Shoreham Sewer Commission as the superintendent of the town's water pollution control facility (sewer plant). He identifies his duties as follows: supervising and overseeing operations and maintenance of the sewer plant; meeting permit requirements as regulated by the Rhode Island Department of Environmental Management; recommending and reporting on operations budgets to the sewer commission; recommending applicants for hire by the sewer commission; overseeing capital improvement planning; implementing laboratory facilitation and supervising laboratory testing; meeting certification requirements regulated by the Rhode Island Department of Health; and overseeing the town's sewage collection system and all associated appurtenances, including the operation and maintenance of five associated pumping stations. The Petitioner states that he supervises the work of three sewer operators and one administrative assistant, and that his regular work hours are from 7:00 a.m. - 3:30 p.m., Monday through Friday.

The Petitioner represents that there are approximately 1,200 septic users who reside outside of the town's sewer district and who are not connected to the town's sewer system. He explains that people outside of the sewer district rely on septic systems to collect their sewage and are required by town ordinance to ensure adequate maintenance of those septic systems. The Petitioner further explains that the town's wastewater management office, of which he is not a part, oversees that requirement and that neither he nor the sewer commission has any oversight over people who are not connected to the town's sewer system.

The Petitioner represents that there are approximately 400 sewer customers who reside within the town's sewer district and who are connected to the town's sewer system. He explains that customers within the sewer district have wet wells or sewage tanks on their property which discharge periodically into the public sewer system. The Petitioner further explains that final treatment of the sewage for these customers occurs at the town's wastewater treatment facility. The Petitioner informs that wet wells and sewage tanks within the sewer district should undergo the same adequate maintenance that the septic systems used by people outside of the sewer district do. He adds that a town ordinance addressing low-pressure sewer grinder pump stations, in particular, expressly states that "[a] two year operation and maintenance service contract for the pumping unit shall be obtained by the contractor or dwelling owner for each unit and submitted to the Sewer Superintendent¹ prior to receiving a permit for installation."²

The Petitioner states that in August of 2024, he established Block Island Septic Service, LLC, a private company through which he answers calls from people who require service and maintenance for their septic systems. He further states that he operates this company from his home outside of his municipal work hours, that he has no employees, and that he does not advertise his business. The Petitioner explains that, to date, he has serviced only two clients, both of whom reside outside of the sewer district.

The Petitioner represents that he also would like to provide maintenance and other services in his private capacity to customers within the sewer district. He cites, by way of example, general maintenance activities such as checking floats and control panels, and servicing and/or replacing pumps and filters. The Petitioner informs that, although none of the work he performs for people outside of the sewer district would ever intersect with his public role, he is tasked within his public role to inspect the sewer connections of customers within

¹ The Petitioner is the Sewer Superintendent in New Shoreham.

² See <https://ecode360.com/36723660#36723661> (last visited June 6, 2023).

the sewer district.³ He states that in the event he discovers a broken or defective component associated with the installation of a sewer connection, he has the authority and responsibility to notify the customer in writing of the need to correct the situation. The Petitioner acknowledges that an installer could rebut an alleged problem with an installation by claiming that the fault rested not with the installation, but with the subsequent servicing of the system. The Petitioner further acknowledges that, were he to service the wet wells or sewage tanks of customers within the sewer district, a conflict of interest could occur in the event he is called as a witness before the sewer commission by which he is employed in order to answer questions about the circumstances surrounding the need for a particular service, the nature of the service he provided, and other relevant information.

The Petitioner asserts that general maintenance to wet wells and sewage tanks on an annual basis would reduce by 50% or more the 3-4 costly emergencies that arise in New Shoreham between Memorial Day and Columbus Day. He explains that one technician who previously serviced customers within the town's sewer district has since moved off-island and is no longer generally available to travel to the island. The Petitioner adds that technicians from the mainland are either unable or unwilling to spend the time and money to travel to New Shoreham to perform maintenance work. The Petitioner represents that there are two septic tank installers and one local plumbing service in New Shoreham that perform emergency repairs in town, but they either do not meet the requirements to perform annual maintenance, or are unwilling to do so because they are so busy with other projects. He explains that, even though approximately 38 customers within the sewer district have mandatory operation and maintenance service contracts with the contractors who installed their systems, those contractors are not honoring their maintenance obligations. The Petitioner underscores that his request to be allowed to provide maintenance and other services for customers within the sewer district in his private capacity is based solely on the general unavailability of qualified technicians to meet the demands of those customers.

The Petitioner represents that, if allowed to service customers within the sewer district in his private capacity, his independence of judgment with respect to his public duties would not be impaired, and that he would complete his private work outside of his normal work hours for the town and without the use of public resources. He states that, in his private capacity, he would most likely work 5-10 hours per week, which would allow him to service 3-5 customers each week. The Petitioner currently anticipates that he could personally, without additional help, adequately maintain the systems of customers within the sewer district and respond to their service calls. He explains that if the demand for his services were to increase, he would consider training someone to assist him. The Petitioner

³ The Petitioner explains that he does not install those sewer connections, only inspects them.

states that he was once sent to respond to an emergency within the sewer district in his public capacity, but that he does not do so regularly. It is under this set of facts that the Petitioner seeks guidance regarding whether he is prohibited by the Code of Ethics from providing services in his private capacity to customers within the town's sewer district.

The Code of Ethics provides that no person subject to the Code of Ethics shall accept other employment which will either impair his independence of judgment as to his official duties or employment or require or induce him to disclose confidential information acquired by him in the course of, and by reason of, his official duties or employment. R.I. Gen. Laws § 36-14-5(b). Additionally, the Code of Ethics provides that a public employee shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction, or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest. § 36-14-5(a). A public employee has an interest which is in substantial conflict with the proper discharge of his duties in the public interest if he has reason to believe or expect that he, any person within his family, his business associate, or any business by which he is employed or which he represents will derive a direct monetary gain or suffer a direct monetary loss by reason of his official activity. R.I. Gen. Laws § 36-14-7(a). Additionally, the Code of Ethics provides that a public employee shall not use his public office or confidential information received through his holding public office to obtain financial gain for himself, any person within his family, his business associate, or any business by which he is employed or which he represents. § 36-14-5(d). A "business associate" is defined as a "person joined together with another person to achieve a common financial objective." R.I. Gen. Laws § 36-14-2(3). A "person" is defined as an "individual or a business entity." § 36-14-2(7).

The Code of Ethics further prohibits a public official or employee from representing himself or any other person, or acting as an expert witness, before a municipal agency of which he is a member or by which he is employed. § 36-14-5(e)(1)-(3). A person "represents" himself before a municipal agency if he participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his favor or in favor of another person. § 36-14-2(12) & (13); 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016). These prohibitions extend for a period of one year after the public official or employee has officially severed his position with the subject municipal agency. § 36-14-5(e)(4). Finally, a public employee must recuse from participation in any matter in which his business associate or employer, or another person authorized by his business associate or employer to act on their behalf, appears or presents evidence or arguments before his municipal agency. 520-RICR-00-00-1.2.1(A)(2) Additional Circumstances Warranting Recusal (36-14-5002).

The Ethics Commission has consistently opined that public officials and employees are not inherently prohibited from holding other employment that is secondary to their primary public positions, provided that the other employment would neither impair their independence of judgment nor create an interest in substantial conflict with their public

duties, and subject to certain other restrictions. The Ethics Commission examines several factors when considering potential conflicts regarding other employment. These factors include, but are not limited to, the nexus between the official's public duties and other employment; whether the employee completes such other work outside of his normal working hours and without the use of public resources; whether the employee is required to appear before his own agency as part of his other employment; whether such other work is to be conducted outside of the areas over which the person has decision-making jurisdiction; and whether the employee uses his public position to solicit business or customers. See General Commission Advisory No. 2009-4.

The Ethics Commission has previously advised public officials and employees who wished to engage in private secondary employment of their obligations under the Code of Ethics. See, e.g., A.O. 2009-31 (opining that the chief plumbing investigator for the Rhode Island Department of Labor and Training, who was also a licensed master plumber and pipefitter, was prohibited by the Code of Ethics from working as a plumber and pipefitter in Rhode Island, but was not prohibited from performing such work outside of the state, provided that such work was performed on his own time and without the use of public resources and, further provided, that he did not use his state position to recruit potential clients); A.O. 2008-12 (opining that the building official for the Town of Little Compton could simultaneously work as a finish carpenter contractor in the town, provided that he did not inspect his own work).

The Ethics Commission has consistently opined that public officials and employees may not participate in matters coming before them in their public capacities when it is reasonably foreseeable that such matters will have a direct financial impact on their business associates or themselves. See, e.g., A.O. 2019-60 (opining that the Town of New Shoreham's building official, who in his private capacity owned and operated a house watch service there, was required to recuse from any matters before his agency that involved or financially impacted his current business associates); A.O. 2005-1 (opining that a recent appointee to the Town of New Shoreham Motor Vehicles for Hire Commission could serve on the commission while holding a taxi license, but was required to recuse himself from participating in certain matters that were likely to result in a personal, financial impact).

The Ethics Commission has regularly concluded that under the very strict, but very clear, language of § 36-14-5(e) public officials may not appear before an agency of which they are a member or by which they are employed prior to the expiration of one year from the date of their separation from that agency, absent a substantial hardship if denied that opportunity. See, e.g., A.O. 2006-42 (opining that the former Rhode Island State Fire Marshal was not prohibited by the Code of Ethics from providing consulting services to private companies, national services, and schools provided that he did not represent his employer's or his business associate's interests before his former agency for a period of one-year following his official severance of employment, and did not disclose confidential

information obtained during the course of his state employment); A.O. 2000-35 (opining that a member of the New Shoreham Town Council could appear before that agency to provide information regarding his company's participation in the Department of Energy's (DOE) Small Wind Turbine Field Verification Program, in which the town would be invited to participate, given the Ethics Commission's determination that it would be a substantial hardship to the town if, because of the petitioner's status as a town council member, it were denied the opportunity to participate in the DOE's program; therefore, the petitioner could appear before the town council and other municipal boards to provide information and answer any questions about the program, but the petitioner was required to recuse from the town council's consideration of any matters regarding the program and/or his company).

Here, despite the likelihood that the Petitioner could service customers within the sewer district outside of his normal municipal working hours and without the use of public resources, the remaining factors employed when considering potential conflicts regarding other employment present insurmountable issues. The nexus between the Petitioner's public and proposed private duties is such that confusion would likely occur during the inevitable overlap of the two positions. For example, when the Petitioner is called in his public capacity to the home of a customer within the sewer district to identify a problem with a wet well or sewage tank, the Petitioner would then be the one to return in his private capacity to rectify the problem. The Petitioner acknowledges that, were he to identify the installation of the sewer connection as the source of a problem, the installer could allege that the fault was not with the installation, but with subsequent service to the system by the Petitioner. This would then require the Petitioner to inspect his own work, which is prohibited by the Code of Ethics. Furthermore, the work in which the Petitioner seeks to engage in his private capacity is directly within an area over which he has decision-making jurisdiction in his public capacity. As the sewer superintendent, the Petitioner is the municipal employee to whom proof of a two-year operation and maintenance service contract for a particular pumping unit must be submitted by the installer or dwelling owner before the Petitioner will even issue a permit for installation. Finally, use of his public position to solicit business or customers for his private company could become an unavoidable, albeit unintentional, consequence for the Petitioner.

The Ethics Commission is aware of the unique needs of the town of New Shoreham, given its remote location and low population. There is, however, no hardship exception for secondary employment. Hardship exceptions to the Code of Ethics' prohibitions identified herein are limited to § 36-14-5(e)'s representation of oneself before the state or municipal agency of which he is a member or by which he is employed. If this were instead, for example, a situation in which the Petitioner sought to leave his municipal position in order to start a private business to address the need for septic and related services in New Shoreham, an exception to the revolving door requirement that the Petitioner not appear before the sewer commission for a period of one year following the severance of his employment from that agency might be allowed. See A.O. 2014-5 (opining that a member

of the New Shoreham Town Council's private recycling management business was authorized to bid on new contracts through an open and public bidding process for services that it currently provided to the town, because the unique circumstances justified an exception to the Code of Ethics' Municipal Official Revolving Door Regulation).⁴

The Ethics Commission recognizes that allowing the Petitioner to provide services in his private capacity to customers within the sewer district could be of great convenience to those customers. However, the circumstances as described here do not appear to be temporary, and the Petitioner's private clients would become his business associates, which would expose him to even more potential conflicts of interest. Furthermore, service providers are available for true emergencies, and a number of customers within the sewer district and/or the contractors who install their sewer connections are required by municipal law to produce evidence of a two-year operation and maintenance service contract to the town in advance of a sewer connection installation. Also, the Petitioner has on at least one occasion been sent to address a sewer emergency in his public capacity. For these, and all of the foregoing reasons, and consistent with the applicable provisions of the Code of Ethics and prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is prohibited by the Code of Ethics from providing services in his private capacity to customers within the town's sewer district.

This Draft 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 judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-2(3)

§ 36-14-2(7)

⁴ In Advisory Opinion 2013-37, issued to the same petitioner who sought and received Advisory Opinion 2014-5, the Ethics Commission opined that the petitioner's business was prohibited from seeking or accepting new contracts with the town for the duration of the petitioner's service on the town council, and for a period of one year after his official date of severance from the town council. The petitioner resigned from the town council the day after the advisory opinion was issued. In allowing the exception to the Code of Ethics' municipal revolving door regulation, the Ethics Commission noted that the recycling business was the petitioner's primary source of income, he would not have sought election to the town council had he anticipated the problem, he immediately resigned when he learned of the conflict, and the petitioner's company would be bidding on contracts for services that he had been providing to the town for at least ten years.

§ 36-14-2(12)

§ 36-14-2(13)

§ 35-14-5(a)

§ 36-14-5(b)

§ 36-14-5(d)

§ 36-14-5(e)

§ 36-14-7(a)

520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016)

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

Related Advisory Opinions:

A.O. 2019-60

A.O. 2014-5

A.O. 2013-37

A.O. 2009-31

A.O. 2008-12

A.O. 2006-42

A.O. 2005-1

A.O. 2000-35

G.C.A. 2009-4

Keywords:

Business Associate

Conflict of Interest

Financial Interest

Private Employment

Representing Oneself or Others

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: July 1, 2025

Re: Priscilla Glucksman

QUESTION PRESENTED:

The Petitioner, the administrator of the Office of Child Support Services, a division of the Department of Human Services, a state employee position, requests an advisory opinion regarding whether the proposed alternate chain of command policy will sufficiently insulate her from potential conflicts of interest arising out of her position, given the recent hiring of the Petitioner's daughter as a child support enforcement agent in the same division.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the proposed alternate chain of command policy will sufficiently insulate the Petitioner, the administrator of the Office of Child Support Services, a division of the Department of Human Services, a state employee position, from conflicts of interest arising out of her position, given the recent hiring of the Petitioner's daughter as a child support enforcement agent in the same division.

The Petitioner is employed as the administrator of the Office of Child Support Services (OCSS), a division of the Rhode Island Department of Human Services.¹ In her role as administrator, the Petitioner assists the OCSS associate director with implementing the mission of the OCSS, which is to enhance the well-being of children by assuring that assistance in obtaining support, including financial and medical, is available to children through locating parents, establishing paternity, establishing support obligations, and monitoring and enforcing those obligations in the Rhode Island Family Court. The Petitioner identifies the chain of command at the OCSS in descending order as follows: associate director, administrator, two assistant administrators, three senior casework supervisors, and 39 child support enforcement agents who are divided into categories 1, 2, and 3, with category 3 agents being the most experienced.

¹ Originally hired in 1999 as OCSS legal counsel, the Petitioner was later promoted to the position of senior legal counsel and, eventually, to the position of deputy legal counsel. She was selected to become the OCSS administrator in May 2025.

The Petitioner represents that her daughter, a new college graduate, recently applied to become a category 1 child support enforcement agent at the OCSS in response to a posting that her daughter had seen on the State of Rhode Island's website. The Petitioner describes the position of child support enforcement agent 1 as entry level, requiring the balancing of a large caseload for which the agent is tasked with enforcing the child support obligations of the parents of minor children. The Petitioner states that the agent is required to engage in telephone calls with both custodial and non-custodial parents, document returns of service for subpoenas issued, make notes to files, respond to internal inquiries from members of the legal department and/or senior casework supervisors about the status of cases and, on a rotating basis, answer the phones and greet members of the public who visit the OCSS.

The Petitioner informs that the state's human resources department originally selected seven candidates who were already members of RI Council 94 AFSCME AFL-CIO (union) and for whom priority was to be given for this position.² She further informs that the three senior casework supervisors to whom all agents report rejected all seven candidates as lacking the required education to perform the job. The Petitioner represents that the state's human resources department then forwarded the applications of the remainder of the candidates, from which the senior casework supervisors selected six people to interview. The Petitioner further represents that three of those candidates withdrew from consideration and two did not appear for the interview. The Petitioner explains that her daughter was the remaining candidate and was interviewed by two of the three senior casework supervisors.

According to the synopsis prepared by an OCSS employee which was submitted to the OCSS associate director, the Petitioner's daughter was found to have possessed the required education and experience, "interviewed well, and was very articulate, demonstrating strong communication skills and clearly explained how her experience matched the skill set we were looking for." See Petitioner's advisory opinion request letter, page 3. The Petitioner states that the decision to submit her daughter's name to human resources for approval to hire was made by the two senior casework supervisors who interviewed her and that on May 29, 2025, the supervisors received approval to offer employment to the Petitioner's daughter. The Petitioner further states that at no time was she consulted or even notified by her colleagues that her daughter was being interviewed and that the Petitioner had no input in the process.³

² The Petitioner's daughter was not among those candidates.

³ The Petitioner explains that when her daughter applied for the position, the Petitioner was still part of the legal department. She further explains that, while the administrator does receive notice when a new agent is hired, the administrator is not typically involved in the interview process or the selection of a candidate for the position of agent.

The Petitioner represents that, as a new agent, her daughter will be required to join the union, and her salary will be determined by the union's collective bargaining agreement with the state, which the Petitioner has no role in negotiating. The Petitioner states that new agents seek instruction from members of the OCSS legal department of which the Petitioner is not a part. The Petitioner further states that other than perhaps running into her daughter in the building in which they will be working on separate floors, or the Petitioner's delivery of an occasional training to OCSS employees, or potentially consulting on a difficult case, interactions with her daughter will not likely occur.

The Petitioner offers that, in the event a disciplinary matter involving her daughter were to require intervention beyond the three casework supervisors and/or two assistant administrators who work under the Petitioner and who would ordinarily address such a matter as part of their official duties, the Petitioner would recuse from participating in all related discussions and decision-making, and the OCSS associate director, who is the Petitioner's direct supervisor, would act in the Petitioner's place. The Petitioner adds that if she were called upon to approve an accommodation request by her daughter for medical or other leave, the Petitioner would recuse from participation and the matter would be addressed by the OCSS associate director. The Petitioner states that both the associate director and his director superior, who is the senior associate director of the Child Care Assistance Program, Office of Rehabilitative Services, and the OCSS, are aware of and agree to this proposed alternate chain of command. It is in the context of these facts that the Petitioner seeks guidance from the Ethics Commission regarding whether the proposed alternate chain of command policy will sufficiently insulate her from potential conflicts of interest arising out of her position, given the recent hiring of the Petitioner's daughter to work as a child support enforcement agent.

The Code of Ethics provides that a public employee shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction, or professional activity 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 exists if the public employee has reason to believe or expect that any person within her family, among others, 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). Also, a public employee may not use her public position to obtain financial gain, other than that provided by law, for any person within her family, among others. § 36-14-5(d).

The Code of Ethics contains specific provisions aimed at curbing nepotism which are laid out in 520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism (36-14-5004) (Regulation 1.3.1). Pursuant to Regulation 1.3.1(B)(1), a public employee may not participate in any matter as part of her public duties if there is reason to believe or expect that any person

within her family is a party to or participant in such matter or will be financially impacted or obtain an employment advantage by reason of the public employee's participation. Additionally, Regulation 1.3.1(B)(2) prohibits a public employee from participating in the supervision, evaluation, appointment, classification, promotion, transfer, or discipline of any person within her family, or from delegating such tasks to a subordinate, except in accordance with advice received in a formal advisory opinion from the Ethics Commission. The phrase "any person within her [] family" expressly includes "daughter." Regulation 1.3.1(A)(2).

The Ethics Commission has issued numerous advisory opinions applying the provisions of the Code of Ethics to analogous questions involving family members. In those opinions, the Ethics Commission took the position that a public employee serving in a supervisory capacity would satisfy the conflict of interest and nepotism provisions of the Code of Ethics by recusing from participation in matters directly affecting his or her family member. For example, in Advisory Opinion 2023-25, in anticipation of his appointment to the position of director of the Rhode Island Department of Administration (DOA), the petitioner proposed an alternate chain of command for a determination by the Ethics Commission regarding whether it would suffice to insulate him from conflicts of interest, given that his spouse was employed by the same state agency as an analyst in the Office of Regulatory Reform (ORR). There, the organizational structure of the DOA was such that there were already three levels of supervision separating the petitioner from his spouse. Also, the petitioner's proposed alternate chain of command removed him from any decision-making relative to his spouse and transferred such responsibilities to the governor's senior advisor who was not a subordinate or otherwise under the supervision or authority of the petitioner, and who was closely familiar with the functions of the DOA and the ORR. See also A.O. 2009-34 (opining that the chief of the West Warwick Fire Department was not prohibited from serving in that position if his son-in-law was a successful candidate for a firefighter position within the same department, provided that certain procedures were followed so that the petitioner was removed from personnel decisions or other matters that particularly affected his family member, pursuant to an alternate chain of command proposed by the petitioner which effectively insulated him from decisions directly affecting his son-in-law); A.O. 2002-43 (opining that the daughter of the Newport schools superintendent could accept employment as a teacher at the Thompson Middle School in Newport, provided that the superintendent did not take action on personnel or other matters that affected her daughter financially).

Here, the Petitioner was not involved in creating the advertisement for the position to which her daughter applied, nor did she participate in the selection or interviewing of candidates or the decision to seek approval from the state to extend an offer of employment to her daughter. Also, as the OCSS administrator, the Petitioner is already insulated from the supervision of her daughter by two assistant administrators and three senior casework supervisors. Because her daughter will become a union member, her salary will be determined by a collective bargaining agreement which the Petitioner has no role in

negotiating. If a disciplinary matter involving her daughter were to reach the Petitioner, or if the Petitioner were called upon to approve request by her daughter for medical or other leave, the Petitioner has indicated that she would recuse and that her immediate supervisor, the OCSS associate director, would instead address the matter without the Petitioner's involvement.

Accordingly, in consideration of the Petitioner's representations, the applicable provisions of the Code of Ethics, and past advisory opinions issued, it is the opinion of the Ethics Commission that the proposed alternate supervisory chain of command described by the Petitioner is reasonable and sufficient to insulate her from apparent conflicts of interest regarding matters involving her daughter's employment as a child support enforcement agent, such as those related to her salary, benefits, or other terms of employment, and/or such tasks relating to the supervision, evaluation, appointment, classification, promotion, transfer or discipline of the Petitioner's daughter. The Petitioner is advised, however, to remain vigilant in identifying and avoiding any conflicts of interest that might arise given her position of authority over her daughter that are not addressed herein and is encouraged to seek further guidance from the Ethics Commission as needed.

This Draft 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 judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-5(a)

§ 36-14-5(d) `

§ 36-14-7(a)

520-RICR - 00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004)

Related Advisory Opinions:

A.O. 2023-25

A.O. 2009-34

A.O. 2002-43

Keywords:

Family: Public Employment

Family: Supervision

Nepotism