

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-48

Approved: August 19, 2025

Re: Samantha Contreras

QUESTION PRESENTED:

The Petitioner, a staff interpreter for the Rhode Island Supreme Court, a state employee position, who in her private capacity owns and operates SC Interpreting and Translation Services, LLC, requests an advisory opinion regarding whether she is prohibited by the Code of Ethics from registering her private business as a vendor for the State of Rhode Island in order to provide language services to various non-state and state agencies, excluding the Rhode Island Judiciary.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a staff interpreter for the Rhode Island Supreme Court, a state employee position, who in her private capacity owns and operates SC Interpreting and Translation Services, LLC, is not prohibited by the Code of Ethics from registering her private business as a vendor for the State of Rhode Island in order to provide language services to various non-state and state agencies, excluding the Rhode Island Judiciary.

The Petitioner is employed full-time by the Rhode Island Supreme Court (RISC) as a staff interpreter and interprets for the judiciary. She has held this position since September 2022. The Petitioner states that she is tasked with providing English and Spanish interpreting services and that her work hours are from 8:30 a.m. to 4:00 p.m., Monday through Friday.

The Petitioner represents that in her private capacity she is the sole owner and lead interpreter for SC Interpreting and Translation Services, LLC (business). She further represents that she started the business in March 2025 and currently has no employees or clients. The Petitioner explains that she would like to contract with as many different interpreters as possible including, but not limited to, those who can translate the following languages: English, Spanish, Portuguese, Cape Verdean, Haitian, and Chinese. She adds that she does not currently maintain a list of interpreters and has yet to advertise for them. The Petitioner informs that, eventually, she would like to use the interpreters with whom she contracts to provide interpreting and/or translation services to, among others, Rhode Island state agencies, excluding the judiciary in its entirety, and to non-state agencies

including, but not limited to, municipal school departments and private hospitals and healthcare providers.

The Petitioner states that the business has no established hours of operation, but that she anticipates that requests could be made for interpreting and translation services any day of the week at any hour of the day or night. She further states that she does not expect to personally provide language services to her clients, but that she would be willing to do so as necessary outside of her regular working hours for the state and without the use of state resources. The Petitioner represents that she can think of no way in which engaging in her prospective other employment would impair her independence of judgment with regard to her official duties or require or induce her to disclose confidential information obtained during the course of her official duties. She further represents that her public duties do not include participating in the decision to select interpreters for the RISC, adding that all languages are currently covered in an exclusive vendor list kept and used by the RISC.

The Petitioner explains that she would like to register her business as a vendor on the state's Master Price Agreement (MPA) list through the Department of Administration, Division of Purchases. "An MPA provides for broad categories of goods and services for a specified period on a statewide basis. State agencies order their goods and services off relevant MPAs, as their agency needs arise. Statewide applicability (state law) permits quasi-agencies, municipalities, and school districts to piggy-back the [s]tate's MPA pricing contracts, at the vendor's discretion."¹ Each state-issued MPA goes through a bid solicitation process and requires vendor bid submissions. "Vendors who meet the requirements of the solicitation may be added to the MPA vendor pool. The MPA is a qualified list allowing agencies to seek quotes from the pool of vendors, and as such is not a guarantee that the vendor will be issued contracts for goods or services."²

The Petitioner represents that her business would provide the same services to state agencies, other than the judiciary, and to non-state agencies as she does in her capacity as a RISC employee. She clarifies that these services would not be performed in a courtroom. The Petitioner explains that assignments through her business would be made outside of her regular work hours for the state, such as during the evening for the following day. She states that she would not use her state employment to promote her business; nor would she solicit her RISC colleagues to work for her business. It is under this set of facts that the Petitioner seeks advice from the Ethics Commission regarding whether she is prohibited

¹ <https://ridop.ri.gov/master-price-agreements/mpa-faqs> (last visited August 4, 2025).

² Id.

from registering her business as a vendor with the state in order to provide the language services described above.³

The Code of Ethics provides that no state employee shall accept other employment which will either 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 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 her 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 her duties in the public interest if she 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, the Code of Ethics provides that a public employee shall not use her public office or confidential information received through her holding 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). 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 opined that public 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 public official’s public duties and other employment; whether the employee completes such other work outside of their regular working hours and without the use of public resources; whether the employee is required to appear before their own agency as part of their 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 their public position to solicit business or customers for their secondary position. See General Commission Advisory No. 2009-4.

The Ethics Commission has previously advised public employees who wished to engage in private secondary employment of their obligations under the Code of Ethics. For example, in Advisory Opinion 2019-67, the Ethics Commission opined that a Rhode Island

³ The Petitioner states that she has consulted with and received approval from her state supervisor to engage in the proposed secondary employment.

Family Court investigator was not prohibited by the Code of Ethics from owning and operating a private investigation firm, provided that all of the work was performed on his own time and without the use of public resources or confidential information obtained as part of his state employment with the Family Court. Further, that petitioner could not use his public position to promote or advertise his private employment, nor could he list his public employment as part of the advertisement of his private work. Additionally, that petitioner was required to recuse from any matter that came before him as a Family Court investigator that involved any of the attorneys or entities for which he either provided private investigative services or with which he contracted on a regular basis. See also A.O. 2019-53 (opining that a vocational rehabilitation counselor for the Rhode Island Department of Human Services, Office of Rehabilitation Services (ORS), was not prohibited by the Code of Ethics from working as a certified yoga instructor for young children and/or adults with disabilities, 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 at ORS and, further provided that the petitioner did not use her public position to promote or advertise her private employment, or list her public employment as part of the advertisement of her private work).

Here, based upon the Petitioner's representations, there appears to be no evidence that the provision by her business of language services to various non-state and state agencies, excluding the Rhode Island Judiciary, would either impair her independence of judgment as to her state employment or create an interest that is in substantial conflict with her public duties. Additionally, there appears to be no relationship between the Petitioner's public duties as an interpreter for the RISC and her intended work as the owner and operator of an interpreting and language translation business, despite the similar skill set involved for each. Importantly, the Petitioner states that she would complete her private work outside of her regular working hours for the state and without the use of public resources. She further states that she would not be required to, nor would she, appear before the RISC as part of her other employment and that her other work would not be something over which she would have decision-making jurisdiction as a state employee. Additionally, the Petitioner represents that she would not use her public position to solicit business or customers for her business; nor would she solicit her RISC colleagues to contract with her to perform interpreting and language services.

Accordingly, based upon the Petitioner's representations, a review of the applicable provisions of the Code of Ethics, and consistent with prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from registering her private business as a vendor for the State of Rhode Island in order to provide language services to various non-state and state agencies, excluding the Rhode Island Judiciary. Finally, this advisory opinion cannot anticipate every possible situation in which a conflict of interest might arise and, thus, provides only general guidance as to the application of the Code of Ethics based upon the facts represented above. The Petitioner is advised to remain vigilant about identifying potential conflicts of interest

and to either recuse or seek further guidance from the Ethics Commission in the future as warranted.

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 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)

§ 36-14-7(a)

Related Advisory Opinions:

A.O. 2019-67

A.O. 2019-53

G.C.A. 2009-04

Keywords:

Secondary Employment