

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-58

Approved: November 18, 2025

Re: Olinda Lissette Suchite-Mendez

QUESTION PRESENTED:

The Petitioner, the former minority business support director for the Rhode Island Commerce Corporation, a quasi-public state employee position, who is now privately employed as a small business services administrator with Skills for Rhode Island's Future, requests an advisory opinion regarding whether she may, within one year following the severance of her position with the Commerce Corporation, attend and participate in meetings with business owners who might be interested in working with Skills for Rhode Island's Future, given that those meetings are held at and hosted by the Commerce Corporation and, if so, whether and how the revolving door provisions of the Code of Ethics might otherwise apply to her current private employment.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, the former minority support director for the Rhode Island Commerce Corporation, a quasi-public state employee position, who is now privately employed as a small business services administrator with Skills for Rhode Island's Future, may, within one year following the severance of her position with the Commerce Corporation, attend and participate in meetings with business owners who might be interested in working with Skills for Rhode Island's Future, notwithstanding that those meetings are held at and hosted by the Commerce Corporation. The Petitioner is advised to follow any other guidance as outlined herein relative to application of the revolving door provisions of the Code of Ethics during the one-year period following the severance of her position with the Commerce Corporation.

The Petitioner states that she was employed by the Rhode Island Commerce Corporation as its minority business support director from February 2023 until June 2025. She further states that her employment with the Commerce Corporation ended due to the expiration of American Rescue Plan Act funding that supported her role. The Petitioner identifies among her former duties at the Commerce Corporation the following: managing relationships with technical assistance partners engaged by the Commerce Corporation to support minority- and women-owned business enterprises; promoting awareness of available federal and

state grant and assistance programs; assisting in the development of parameters, metrics, and structures for the Minority Business Accelerator grant program; reporting on program outcomes and representing the Commerce Corporation at stakeholder events; and administering and monitoring grants to external organizations.

The Petitioner states that in September 2025, three months after her public employment with the Commerce Corporation ended, she accepted an offer of private employment from Skills for Rhode Island's Future (SkillsRI) as a small business administrator within the Rhode Island Small Business Hub. The Petitioner identifies among her current duties at SkillsRI the following: overseeing strategy implementation and internal coordination among program coordinators supporting small business clients; guiding small businesses through governmental procurement and public contracting systems; providing direct services to small businesses, including technical assistance in certification readiness, procurement navigation, and access to capital through private lenders, community development financial institutions, and other municipal and state programs; and supporting the Small Business Opportunity Program (SBOP).¹

The Petitioner represents that her current work for SkillsRI is distinct in both function and purpose from her former work for the Commerce Corporation. She explains that her current position is direct-service oriented and focuses on helping small businesses access capital and funding. The Petitioner states that these activities are unrelated to those involving Minority Business Enterprise (MBE) certification administration or grant award management with which she was tasked during her employment with the Commerce Corporation. The Petitioner informs that SkillsRI was a grantee under the Commerce Corporation's MBE program which the Petitioner administered and monitored while employed by the Commerce Corporation. She emphasizes, however, that she has no role in the additional pursuit by SkillsRI of such grant funding, nor would such activity fall within her duties at SkillsRI.

The Petitioner states that local business owners seeking support from the Office of the Governor are regularly referred by that office to the Commerce Corporation for assistance. The Petitioner further states that, in response to an inquiry from such a business owner, a representative from the Commerce Corporation ordinarily will invite that business owner to a meeting at the Commerce Corporation, at which time the Commerce Corporation will inform the business owner of what services the Commerce Corporation can offer. The Petitioner explains that the Commerce Corporation also maintains a list of approximately 15 agencies that offer services to local business owners that the Commerce Corporation does not offer and will regularly invite those other agencies to attend and participate in these meetings.

¹ The Petitioner describes SBOP as a federally funded initiative administered by the Commerce Corporation, with SkillsRI serving as a sub-awardee under a U.S. Department of Treasury grant.

The Petitioner states that at these meetings with business owners, following an introduction by both the Commerce Corporation's director of outreach and engagement and its small business liaison regarding what the Commerce Corporation has to offer by way of assistance, representatives from the agencies who accepted the invitation to attend and participate in the meeting then relay to the business owner what opportunities their agencies have to offer. The Petitioner explains that topics of discussion at these meetings consist of improvement of access to capital for small businesses, including coordination with private banks, community development financial institutions, and municipal partners. The Petitioner explains that a business owner is free to select an agency to work with, if it so chooses, without any input from the Commerce Corporation. She further explains that the Commerce Corporation does not charge a fee to, or compensate, any agency for its participation in a meeting with a business owner; nor does the Commerce Corporation endorse or denounce a presentation by any agency to a business owner.

The Petitioner states that her duties at SkillsRI include attendance and participation at these meetings on behalf of SkillsRI. She further states that her participation in these meetings has no direct financial impact on her or SkillsRI, including the receipt or denial of grant funding from the Commerce Corporation or any other source. It is under this set of facts that the Petitioner seeks guidance from the Ethics Commission regarding whether she may, at this time, attend and participate in the above-described meetings and, if so, whether and how the revolving door provisions of the Code of Ethics might otherwise apply to her current private employment.

The Code of Ethics prohibits a public employee from representing herself or any other person before any state agency by which she is employed. R.I. Gen. Laws § 36-14-5(e)(1) & (2). This prohibition extends for a period of one year after the public employee has officially severed her position with the agency. § 36-14-5(e)(4). The "revolving door" language of § 36-14-5(e) is designed to prevent any undue influence that a current or recently departed employee may have over the agency and colleagues with which she works, or worked. Under the Code of Ethics, a person represents herself or another person 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 own 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). A "person" is defined as an individual or business entity. R.I. Gen. Laws § 36-14-2(7). Additionally, R.I. Gen. Laws § 36-14-5(c) prohibits the use and/or disclosure of confidential information received through one's public employment for pecuniary gain.

The prohibitions within § 36-14-5(e) are absolute and apply to the entire agency, including all of its offices, sections, programs or divisions. See, e.g., A.O. 2020-7 (opining that the chief civil engineer of the Transportation Planning Division of the Rhode Island Department of Transportation (RIDOT) was prohibited by the Code of Ethics from preparing plans bearing his signature as the consulting engineer to be submitted by a private

client to RIDOT, including any separate divisions thereof or entities therein, while he was employed by RIDOT and for a period of one year thereafter). Therefore, for purposes of this advisory opinion and the Ethics Commission's determination of the applicability of the relevant sections of the Code of Ethics, the Petitioner's former public employment with the Commerce Corporation will encompass each of the departments, offices, sections, programs or divisions within that state agency.

The Ethics Commission has issued numerous advisory opinions interpreting § 36-14-5 (e)(4)'s requirements with respect to former state employees interacting with their former agencies during the one-year period following the severance of their state employment. For example, the Ethics Commission issued Advisory Opinion 2020-32 to the former senior projects review coordinator for the Rhode Island Historical Preservation & Heritage Commission, opining that he was prohibited from representing himself or others, including his private employer, or from acting as an expert witness, before that commission until the expiration of one year following the date of severance from his state employment. That petitioner was further prohibited from using or disclosing any confidential information he obtained while working as the senior projects review coordinator to financially benefit himself or his private employer. See also A.O. 2017-34 (opining that a former principal civil engineer in the Bridge Design Section of the Rhode Island Department of Transportation (RIDOT), while not prohibited from working for a private engineering firm upon his retirement, was prohibited by the Code of Ethics from representing himself or others, including his new private employer, or from acting as an expert witness, before RIDOT for a period of one year following the date of severance from his state employment, and from using any confidential information he obtained while working for RIDOT for financial gain).

Activities that would constitute representation and/or acting as an expert generally include the presentation of information or arguments for the purpose of influencing the judgment of the agency on matters concerning the Petitioner and/or her new employer. Such prohibited activities include, but are not limited to, signing any responses to requests for proposals issued by the Commerce Corporation or any of its departments, and/or attending and participating in meetings between SkillsRI and the Commerce Corporation or any of its departments relative to the award of a contract or grant to SkillsRI. The Petitioner is cautioned that prohibited interactions are not limited to business meetings, and could occur at a restaurant, on the phone, in an email, or at any social or political gathering. It is the content of a discussion, rather than its venue, that is most relevant in applying the Code of Ethics' post-employment revolving door restrictions. On the other hand, contacts involving purely personal or ministerial matters that do not involve discretion or decision-making on the part of the Commerce Corporation or any of its departments are not prohibited.

Here, based upon the facts as represented, it is the opinion of the Ethics Commission that the Petitioner's proposed activity at meetings with business owners potentially seeking assistance from SkillsRI does not appear to violate the revolving door provisions of § 36-

14-5(e). Compare A.O. 2020-6 (opining that the vice president of business development at the Commerce Corporation was prohibited by the Code of Ethics from representing himself or his anticipated new private employer before the Commerce Corporation until the expiration of one year after the petitioner had officially severed his public employment including, but not limited to, serving as a liaison between his new employer and the Commerce Corporation relative to the new employer's adherence to a memorandum of understanding relating to a project in which the petitioner had been heavily involved while employed by the Commerce Corporation). The Petitioner is advised, however, that in consideration of the applicable provisions of the Code of Ethics, and consistent with our past advisory opinions addressing this issue, she is prohibited by the Code of Ethics from representing herself or others, including her new private employer, or from acting as an expert witness, before the Commerce Corporation and any of its departments, offices, sections, programs or divisions for a period of one year following the severance of her employment with that agency. Further, the Petitioner may not use any confidential information she obtained while working for the Commerce Corporation to obtain financial gain for herself or her new employer. Lastly, until the expiration of one year following the date of her departure from state service, the Petitioner is advised, when in doubt, to seek further guidance from the Ethics Commission regarding the Code of Ethics' potential application to her interactions with the Commerce Corporation.

This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. An advisory opinion rendered by the Commission, until amended or revoked by a majority vote of the Commission, is binding on the Commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. 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(7)

§ 36-14-2(12)

§ 36-14-2(13)

§ 36-14-5(c)

§ 36-14-5(e)

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

Related Advisory Opinions:

A.O. 2020-32

A.O. 2020-6
A.O. 2017-34

Keywords:

Post Employment
Private Employment
Revolving Door