

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-60

Approved: November 18, 2025

Re: Jeffrey Wolfsberg

QUESTION PRESENTED:

The Petitioner, an administrator at the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities & Hospitals, a state employee position, requests an advisory opinion regarding whether the Code of Ethics prohibits him from accepting private, part-time employment as a recovery coach/peer support specialist with Tipping Point Recovery, an addiction recovery intervention company.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, an administrator at the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities & Hospitals, a state employee position, is not prohibited by the Code of Ethics from accepting private, part-time employment as a recovery coach/peer support specialist with Tipping Point Recovery, an addiction recovery intervention company.

The Petitioner is employed by the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH) in the position of administrator. He represents that in that capacity he serves as both program liaison to the Recovery Housing program and program director for the Recovery Friendly Workplace initiative. The Petitioner states that his work hours are from 8:30 a.m. to 4:00 p.m., Monday through Friday. The Petitioner explains that the BHDDH contracts with private individuals and non-profit entities to provide a safe living environment for individuals pursuing recovery from addiction. He adds that the BHDDH is currently under contract with 41 recovery houses. The Petitioner represents that, in his capacity as program liaison to the Recovery Housing program, among other things, he ensures that the above-referenced contracts are adhered to, that invoices are paid on time, and that people are receiving the help they need in pursuit of their recovery. The Petitioner explains that, as program director for the Recovery Friendly Workplace initiative, he works with private and public employers to assist them with developing and implementing practices and responses in support of employees who are in treatment or recovery, or in need of treatment due to mental health challenges or addiction.

The Petitioner states that he has an opportunity to engage in secondary, part-time employment with Tipping Point Recovery (Tipping Point) as a recovery coach/peer support specialist. He represents that Tipping Point is a private, nationwide recovery intervention company that provides guidance and support to families who have members battling addictions. The Petitioner explains that, following the completion of treatment, Tipping Point offers peer support provided by a recovery coach. The Petitioner represents that, as a recovery coach, he would be working four to six hours per week through remote virtual audio and video communication. He further represents that his work would be completed outside of his normal working hours with the BHDDH, during the evenings and weekends, and without the use of any public resources. The Petitioner informs that he does not expect to be working with Rhode Island residents.

The Petitioner states that in his public capacity, he does not have a caseload of individuals seeking or undergoing treatment for addiction or mental health problems or who are in recovery, and thus, he does not refer persons needing help with addiction or mental health problems to treatment providers. Nor does he oversee employees making those types of referrals. The Petitioner further states that Tipping Point is not one of the state-approved vendors with whom the BHDDH contracts to provide addiction recovery services to people in need of them. The Petitioner explains that if someone reaches out to him for assistance with an immediate crisis related to mental health or addiction, he will ordinarily advise the person to call 988, a suicide and crisis lifeline designed to provide immediate assistance to a person in crisis. The Petitioner informs that he has been advised by his superior to seek the instant advisory opinion. Therefore, given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether the Code of Ethics prohibits him from accepting part-time employment with Tipping Point.

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. R.I. Gen. Laws § 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). The Code of Ethics also provides that a public employee shall not 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. § 36-14-5(b).

The Code of Ethics further prohibits a public employee from representing himself or any other person, or acting as an expert witness, before a state or municipal agency of which he is a member or by which he is employed. § 36-14-5(e)(1)-(3). These prohibitions extend for a period of one year after the public employee has officially severed his 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 his business associate or employer appears or presents evidence or arguments before his state 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 employment that is secondary to their primary public positions, provided that the private 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. See, e.g., A.O. 2016-4 (opining that a probation and parole officer with the Rhode Island Department of Corrections was not prohibited by the Code of Ethics from working at the Rhode Island Batterer's Intervention Program as a facilitator of a court-mandated batterer intervention program, given that his caseload did not include, and was unlikely to ever include, a probationer who required a referral to a batterers intervention program and that his private employment would occur on his own time, without the use of public resources, equipment, or confidential information obtained as part of his public employment); A.O. 2017-40 (opining that a probation and parole supervisor for the Rhode Island Department of Corrections was not prohibited by the Code of Ethics from working, in his private capacity, as an adjunct professor at Rhode Island College, provided that all work and preparation for his classes was performed on his own time and without the use of public resources or confidential information obtained as part of his state employment).

Here, given the Petitioner's representations, the analysis 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 there is no evidence that the Petitioner's private, part-time employment as a recovery coach/peer support specialist with Tipping Point would either impair his independence of judgment or create an interest in substantial conflict with his public duties as a BHDDH employee. Accordingly, the Code of Ethics does not prohibit the Petitioner from working in his private capacity as a Tipping Point recovery coach/peer support specialist, provided that all of the work is performed on his own time and without the use of public resources or confidential information obtained as part of his state employment with the BHDDH and, further provided, that the Petitioner does not use his public employment to advertise or promote his private work or to recruit or obtain potential clients for Tipping Point. In the event that any changes occur with regard to the Petitioner's public and/or private employment that would present a potential conflict of interest under the Code of Ethics, the Petitioner is advised to seek further guidance from the Ethics Commission.

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:

§ 36-14-5(a)

§ 36-14-5(b)

§ 36-14-5(d)

§ 36-14-5(e)

§ 36-14-7(a)

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

Related Advisory Opinions:

A.O. 2017-40

A.O. 2016-4

Keywords:

Secondary Employment