

# RHODE ISLAND ETHICS COMMISSION

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## Advisory Opinion No. 2025-63

Approved: December 16, 2025

**Re: Glorisbel Marte**

### **QUESTION PRESENTED:**

The Petitioner, a business officer with the Rhode Island Department of Labor and Training, Business Affairs Unit, a state employee position, who in her private capacity owns and operates a business that provides tax preparation, bookkeeping, and related financial services to several individuals and small businesses in Rhode Island, requests an advisory opinion regarding whether she is prohibited by the Code of Ethics from continuing to operate her private business, given her current state employment.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a business officer with the Rhode Island Department of Labor and Training, Business Affairs Unit, a state employee position, who in her private capacity owns and operates a business that provides tax preparation, bookkeeping, and related financial services to several individuals and small businesses in Rhode Island, is not prohibited by the Code of Ethics from continuing to operate her private business, notwithstanding her current state employment.

The Petitioner is employed full-time by the Rhode Island Department of Labor and Training (RIDLT) as a business officer in the Business Affairs Unit. She has held this position since August 2025. The Petitioner describes the RIDLT as a statewide executive agency that is responsible for workforce development, unemployment insurance, temporary disability programs, and the regulation of certain employment and business compliance matters within the State of Rhode Island. The Petitioner identifies among her responsibilities the following: receiving licensing documentation for which she issues receipts, makes deposits, and records journal entries; preparing daily reports identifying unemployment and temporary benefit amounts to be issued to people and circulating those reports among RIDLT managers; and generally supporting internal financial operations through correspondence with managers from the RIDLT's Cash Management Unit. The Petitioner states that her work hours are from 8:30 a.m. to 4:00 p.m., Monday through Friday. She further states that the performance of her public duties does not involve interaction with members of the public.

The Petitioner represents that in 2021, in her private capacity as an accountant, she began performing tax preparation, bookkeeping, and related financial services such as preparation of balance sheets and profit and loss statements for several individuals and small businesses in Rhode Island. She further represents that she performs this work out of her home and has no employees. The Petitioner explains that she has a total of nine clients for whom she performs work between the hours of 5:00 p.m. and 7:00 p.m. three evenings per week and for two hours each Saturday without the use of public resources. She adds that, if allowed to keep conducting her private business, she would continue to do so outside of her regular work hours and without the use of public resources. She further explains that she has a website which is dormant and that she does not advertise her business. The Petitioner states that after she accepted her position with the RIDLT, she informed her private clients that she would no longer be able to service them after September and offered to refer them to another accountant. The Petitioner further states that, in response to requests from her clients, she later informed them that she would continue to work for them through the remainder of the year, if possible.

The Petitioner represents that, after she was hired, she inquired of her RIDLT supervisor as to whether she must cease operation of her private business in light of her new state employment. The Petitioner informs that her supervisor noted no conflict under the circumstances. The Petitioner states that she would like to consider continuing to provide accounting services to her private clients after this year if doing so would not violate the Code of Ethics. The Petitioner is not aware of any matters before the RIDLT involving her private clients and, though she believes such a situation is unlikely to occur, would be prepared to recuse from participation in any RIDLT matters that would involve or directly financially impact one of her private clients. The Petitioner states that she would not be required to, nor would she, appear before or submit her work to the RIDLT as part of her private employment and that her private accounting work would not be something over which she would have decision-making jurisdiction as a state employee. Finally, the Petitioner states that she would not use her public position to solicit business or customers for her accounting business. It is under this set of facts that the Petitioner seeks the advice of the Ethics Commission regarding the continuation of her secondary private employment.

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 2025-48, the Ethics Commission opined that a staff interpreter for the Rhode Island Supreme Court, who in her private capacity owned and operated an interpreting and translation business, was 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. See also A.O. 2019-67 (opining that a Rhode Island 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, that the petitioner did not use his public position to promote or advertise his private employment or list his public employment as part of the advertisement of his private work, and that the petitioner recused 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); A.O. 2019-53 (opining that a vocational rehabilitation counselor for the Rhode Island Department of Human Services, Office of Rehabilitation Services, 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 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 her continued provision of accounting services to her private clients 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 a business officer at the RIDLT and her intended continued accounting work for her private clients. Importantly, the Petitioner states that, if allowed to keep conducting her private business, she would continue to complete her private work outside of her regular work 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 or submit her work to the RIDLT as part of her private employment and that her private 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 customers for her private business.

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 continuing to operate her private business, notwithstanding her current state employment. 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 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. 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(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. 2025-48

A.O. 2019-67

A.O. 2019-53

G.C.A. 2009-04

Keywords:

Secondary Employment