

# RHODE ISLAND ETHICS COMMISSION

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## Advisory Opinion No. 2026-1

Approved: January 20, 2026

**Re: Bert Rodrigues**

### **QUESTION PRESENTED:**

The Petitioner, a civilian clerk with the Bristol Police Department, a municipal employee position, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from seeking election to and, if elected, serving as a member of the Warren Town Council while maintaining his municipal employment with the Bristol Police Department.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a civilian clerk with the Bristol Police Department, a municipal employee position, is not prohibited by the Code of Ethics from seeking election to and, if elected, serving as a member of the Warren Town Council while maintaining his municipal employment with the Bristol Police Department.

The Petitioner is employed as a civilian clerk with the Bristol Police Department and is currently assigned to the Detectives Division.<sup>1</sup> He describes among his duties the following: providing comprehensive administrative, clerical, and accreditation support to the police department; assuming primary responsibility for detective division court records, prosecution coordination, expungements, subpoenas, and interagency liaison work; assisting with accreditation as needed by drafting directives, maintaining compliance documentation, and monitoring standards; performing records management, background checks, dispatch coverage as needed; and exercising additional miscellaneous duties assigned to support departmental operations and law enforcement standards. The Petitioner states that his regular work hours are from 7:00 a.m. until 3:00 p.m., Monday through Friday.

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<sup>1</sup> The Petitioner states that he began his career with the Bristol Police Department in 2005 as a police dispatcher. He further states that he was elevated to the position of civilian clerk in 2017 and assigned to support the Accreditation Division. He was assigned to his current position in the Detectives Division in 2020.

The Petitioner is a resident of Warren, where he currently serves as a member of that town's zoning board. Initially appointed by the Warren Town Council in November 2024, the Petitioner has served continuously since. The Petitioner states that he is not compensated for his service on the zoning board. The Petitioner represents that he would like to seek election to the Warren Town Council in November 2026. The Petitioner explains that, if elected, his service on the town council would carry with it a stipend. The Petitioner seeks advice from the Ethics Commission regarding whether, given his position with the Bristol Police Department, he is prohibited by the Code of Ethics from seeking election to and, if elected, serving as a member of the Warren Town Council.<sup>2</sup>

Pursuant to the Code of Ethics, 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 or employment 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 or employment 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). The Code of Ethics also prohibits a public employee from accepting other employment that would impair his independence of judgment as to his official duties or require or induce him to disclose confidential information acquired by him in the course of his official duties. § 36-14-5(b). Finally, the Code of Ethics provides that a public employee may not use his office, or confidential information received through 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).

The Code of Ethics does not create a blanket prohibition against municipal employees running for elective office, whether at the state or municipal level. Rather, a matter-by-matter evaluation is required to determine whether substantial conflicts of interest exist with respect to the exercise by a public official or employee of his or her duties in the public interest. See, e.g., A.O. 2008-51 (opining that a Burrillville police officer, who was also a candidate for a position on the Pascoag Board of Fire Commissioners, was not prohibited by the Code of Ethics from simultaneously serving in both positions, if elected); A.O. 2008-33 (opining that a custodian employed by the North Providence School Department was not prohibited by the Code of Ethics from seeking election to and, if elected, simultaneously serving as a member of the North Providence City Council); A.O. 2003-48 (opining that a part-time instructional aide at two public schools in Little Compton, who was also a substitute school bus driver in that town, could seek election to and, if elected,

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<sup>2</sup> The Petitioner clarifies that if he is elected to the Warren Town Council, he would resign from his position on the zoning board prior to being sworn in as a member of the town council.

serve as a member of the Little Compton Beach Commission while simultaneously holding her municipal employment in the same town). Here, the Petitioner's duties as a civilian clerk for the Bristol Police Department and his potential duties as a member of the Warren Town Council, if elected, would be separate and distinct and do not appear to overlap. Thus, consistent with the advisory opinions cited herein, it is the opinion of the Ethics Commission that the Petitioner is not prohibited from seeking election to and, if elected, serving as a member of the Warren Town Council while maintaining his municipal employment with the Bristol Police Department, as doing so does not, in and of itself, present an inherent conflict of interest under the Code of Ethics.

The law does provide, however, that persons subject to the Code of Ethics may not use their public positions for private gain or financial advantage and may not participate in public decisions when their independence of judgment has been impaired because of a private interest. See §§ 36-14-5(a), (b), and (d). The Petitioner is reminded that the Code of Ethics prohibits him from using public time or resources to support his candidacy. All campaign-related activity must be conducted on his own time and without the use of any Bristol Police Department resources. The Petitioner is encouraged to seek further guidance from the Ethics Commission if facts not anticipated by this advisory opinion arise that could present a conflict of interest.

**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)  
§ 36-14-7(a)

Related Advisory Opinions:

A.O. 2008-51  
A.O. 2008-33  
A.O. 2003-48

Keywords:

Candidate

Dual Public Roles