

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2026-5

Approved: March 24, 2026

Re: Frank M. Brown Jr.

QUESTION PRESENTED:

The Petitioner, a member of the Coventry Town Council, a municipal elected position, requests an advisory opinion regarding whether his daughter's employment with the Coventry Tax Collector's Office would present a conflict of interest for him under the Code of Ethics.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the employment of the Petitioner's daughter with the Coventry Tax Collector's Office would not present a conflict of interest under the Code of Ethics for the Petitioner, a member of the Coventry Town Council.

The Petitioner is a member of the Coventry Town Council, having been elected to that position in November 2024. He states that his daughter, while navigating the online job search site Indeed, became aware of a posting seeking applicants for an open clerical position in the Coventry Tax Collector's Office. The Petitioner explains that his daughter applied and interviewed for the clerical position and is currently awaiting a decision about her candidacy.

The Petitioner informs that the tax collector's office is headed by the tax collector who is hired by, and reports to, the Coventry Town Manager. The Petitioner adds that the tax collector's office employs two clerks who each report directly to the tax collector. The Petitioner states that the duties of the tax collector clerks include collecting and processing tax payments from Coventry residents, answering telephones, and performing other general office tasks. The Petitioner represents that he does not have any hiring or supervisory responsibilities relative to the tax collector or the employees of the tax collector's office, and that any issues that might arise for employees in that office would not involve his participation. The Petitioner further represents that he did not participate in any aspects of the hiring process relative to the position for which his daughter has interviewed, including the creation of the job description. Finally, the Petitioner states that the budget for the tax collector's office is not a line item in the town's budget subject to review by the town

council. It is in the context of these facts that the Petitioner seeks guidance from the Ethics Commission regarding whether, if offered the position of clerk, his daughter's employment with the Coventry Tax Collector's Office would present a conflict of interest for him under the Code of Ethics.

The Code of Ethics provides that a public official shall not have any interest, financial or otherwise, direct or indirect, or engage in any 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 substantial conflict of interest exists if the public official has reason to believe or expect that he or any person within his family, among others, will derive a direct monetary gain or suffer a direct monetary loss by reason of the public official's official activity. R.I. Gen. Laws § 36-14-7(a). Also, a public official may not use his public position to obtain financial gain, other than that provided by law, for himself or any person within his family, among others. § 36-14-5(d).

Commission Regulation 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004) (Regulation 1.3.1) contains specific prohibitions aimed at curbing nepotism. Pursuant to Regulation 1.3.1's general "catch-all" provision, a public official may not participate in any matter as part of his public duties if any person within his family is a party or participant in such matter, or if his family member will be financially impacted or will obtain an employment advantage by virtue of the public official's official participation. Regulation 1.3.1(B)(1). More specifically, Regulation 1.3.1(B)(2) prohibits a public official from participating in the supervision, evaluation, appointment, classification, promotion, transfer, or discipline of any person within his family, and from delegating such tasks to a subordinate. The phrase "any person within his family" expressly includes "daughter." See Regulation 1.3.1(A)(2).

Through a long line of prior advisory opinions, the Ethics Commission has on numerous occasions reviewed and applied the Code of Ethics' nepotism provisions to the employment or potential employment of public officials' family members. The Ethics Commission has declined to adopt a blanket or absolute prohibition against one family member serving in a department, agency, or even municipality in which another family member has supervisory responsibilities. Rather, the Ethics Commission makes a determination on a case-by-case basis and has generally taken the position that a public official or employee serving in a supervisory capacity will satisfy the requirements of the Code of Ethics by recusing from participation in matters directly affecting their family member.

The facts of the instant request are similar to those found in Advisory Opinion 2023-1. There, the petitioner, who was the mayor of the City of Pawtucket, had inquired as to whether the employment of his daughter by the Pawtucket Housing Authority would present a conflict of interest for him. The petitioner's daughter, on her own initiative, had become aware of the external posting of the position, was interviewed, deemed qualified

for, and offered the position. The petitioner affirmatively stated that he did not have any supervisory responsibilities relative to the board of commissioners, the executive director, or the employees of the housing authority. Also, the housing authority was not subject to the mayor's direct control, and the appointment of the members of the board of commissioners was the only power that the mayor had over the housing authority. Further, the mayor did not participate in any aspects of the hiring process relative to the position for which his daughter was hired, including the creation of the job description. Finally, the housing authority was an autonomous body which stood fiscally independent from the city. See also A.O. 2007-7 (opining that Newport's city solicitor could, in place of the city manager, appoint seven individuals, including the city manager's son, who were candidates for employment with the Newport Police Department, provided that certain procedures were followed so that the city manager was completely removed from all personnel decisions or matters that particularly affected his son financially). Contra A.O. 2012-15 (opining that the Code of Ethics prohibited the petitioner's daughter from being hired as an intern in the Division of Infectious Disease and Epidemiology within the Department of Health given, among other things, that the petitioner was the Director of the Department of Health, his direct subordinate conducted the hiring process, the application process was competitive, and there were insufficient layers of insulation between the petitioner and his subordinate conducting the hiring process).

In the instant matter, the Petitioner's daughter, on her own initiative, became aware of the posting of the clerical position on the online job search site Indeed. She applied, was interviewed, and awaits a decision regarding her candidacy in the coming days. Additionally, the instant Petitioner affirmatively states that he does not have any hiring or supervisory responsibilities relative to the tax collector or the employees of that office, and that he would not be involved in the review of any employment concerns that arise for people working in that office. Further, the Petitioner states that he did not participate in any aspects of the hiring process relative to the position for which his daughter has applied, including the creation of the job description. Finally, the Petitioner represents that the budget for the tax collector's office is not a line item in the town's budget subject to review by the town council.

Accordingly, absent additional facts indicating a conflict of interest, it is the opinion of the Ethics Commission that the employment of the Petitioner's daughter with the Coventry Tax Collector's Office would not present a conflict of interest for the Petitioner. The Petitioner is advised, however, that if any of the facts change or any circumstances arise that may present a conflict of interest under the Code of Ethics relative to his daughter's employment, he should 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(d)

§ 36-14-7(a)

520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004)

Related Advisory Opinions:

A.O. 2023-1

A.O. 2012-15

A.O. 2007-7

Keywords:

Conflict of Interest

Nepotism