

# RHODE ISLAND ETHICS COMMISSION

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## Advisory Opinion No. 2026-12

Approved: May 5, 2026

**Re: Anthony M. Pompei, P.E., PMP**

### **QUESTION PRESENTED:**

The Petitioner, an assistant director for administrative services at the Rhode Island Department of Transportation, a state employee position, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from participating in the selection of a construction company to provide construction phase services on a bridge project and, potentially, from all other matters concerning the selected company for the duration of the project, given that his spouse's first cousin is employed by one of the companies that submitted a bid on the project.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, an assistant director for administrative services at the Rhode Island Department of Transportation, a state employee position, is not prohibited by the Code of Ethics from participating in the selection of a construction company to provide construction phase services on a bridge project and, potentially, from all other matters concerning the selected company for the duration of the project, notwithstanding that his spouse's first cousin is employed by one of the companies that submitted a bid on the project.

The Petitioner is employed by the Rhode Island Department of Transportation (RIDOT) as an assistant director for administrative services (project manager III). He states that he has worked for RIDOT for the last 22 years and has held his current position for the last two years. He further states that his duties include responsibility for overseeing the administration and management of various construction projects from initiation to closeout. The Petitioner informs that, as a project manager III, he is tasked with reviewing and scoring submitted proposals for construction projects. The Petitioner represents that there is one such project pending for which bids have been submitted in response to a request for proposal. The Petitioner states that one of the bids came from Green International Affiliates, Inc. (Green), a surface transportation, water resources, and

civil/site engineering firm based in Tewksbury, Massachusetts with an office in Lincoln, Rhode Island.<sup>1</sup>

The Petitioner states that his spouse's first cousin (spouse's cousin) has been employed by Green as a staff engineer for the last ten years. The Petitioner explains that his spouse's cousin, who is the Petitioner's first cousin-in-law, is not listed anywhere in the bid from Green, including the proposed organizational chart provided by Green identifying the team members that would work on the project. The Petitioner represents that his spouse's cousin is a salaried employee whose salary would not be impacted in any way in the event that Green is awarded the contract. Upon consultation with his spouse's cousin, the Petitioner informs that his spouse's cousin was not aware of the proposal process, the project, or his employer's interest in it. The Petitioner further informs that, if Green is awarded the project, his spouse's cousin does not expect to perform work related to it. The Petitioner clarifies that, if his spouse's cousin were to be asked to perform a task by his supervisor relating to the project, it would likely be an engineering plan review in the background as part of a larger task. The Petitioner adds that his spouse's cousin described his position with Green as fully technical and not involving direct interaction with clients. It is under this set of facts that the Petitioner seeks advice from the Ethics Commission regarding whether he is prohibited by the Code of Ethics from participating in the selection of a construction company to provide construction phase services on a bridge project and, potentially, from all other matters concerning the selected company for the duration of the project.

The Code of Ethics provides that a public official or 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 official or 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). A public official or employee has reason to believe or expect a conflict of interest exists when it is "reasonably foreseeable." Specifically, the probability must be greater than "conceivably," but the conflict of interest need not be certain to occur. 520-RICR-00-00-1.1.5 Reasonable Foreseeability (36-14-7001).

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<sup>1</sup> The Petitioner explains that in January 2025, Green was acquired by Lochner/Egis, an international consultancy firm active in architecture, consulting, construction engineering, operations, and mobility services. The Petitioner adds that Lochner/Egis operates in 100 countries, employing 20,500 people, including in the United States where the company has locations in 34 states, employing 1,400 people.

A public official or employee is further prohibited by the Code of Ethics from using his public office or position, or confidential information received through his position, to obtain financial gain, other than that provided by law, 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). Additionally, a public official or employee is required to recuse from participating in his official capacity from any matter when any person within his family appears or presents evidence or arguments before his public agency. 520-RICR-00-00-1.2.1(A)(1) Additional Circumstances Warranting Recusal (36-14-5002). The Code of Ethics also provides that a public official shall not participate in any matter as part of his public duties if he has reason to believe or expect that any person within his family is a party to or a participant in such matter or will derive a direct monetary gain or suffer a direct monetary loss, or obtain an employment advantage, as the case may be. 520-RICR-00-00-1.3.1(B)(1) Prohibited Activities – Nepotism (36-14-5004)(Regulation 1.3.1). “Any person within his [ ] family” includes a first cousin-in-law. Regulation 1.3.1(A)(2).

The Ethics Commission has previously opined that a person subject to the Code of Ethics could not prepare requests for proposals, review bids, or participate in the selection of vendors for construction projects when it was reasonably foreseeable that a family member, business associate, or employer of the person might be involved and/or directly financially impacted. See, e.g., A.O. 2019-17 (opining that a member of the Smithfield School Building Committee was prohibited by the Code of Ethics from participating in the school building committee’s selection of a construction manager for the elementary school reconfiguration project, given the reasonable foreseeability of financial impact upon his son, who was employed by a company that was expected to bid on the project and who, as the manager of business development for the company would not only be the one to make the presentation before the building committee as part of his employer’s bid on the project, but would also then become eligible for a monetary year-end bonus were he to be successful in helping to secure the contract for his employer).

The Code of Ethics does not, however, generally require a public official to recuse from participating in matters that involve or financially impact a family member’s business associate or employer unless there is also a corresponding benefit flowing to that family member. For example, in Advisory Opinion 2018-28, the Ethics Commission opined that a principal civil engineer with RIDOT could participate in RIDOT matters involving a contractor who often bid and was then providing services to RIDOT, notwithstanding that the petitioner’s first cousin-in-law was employed by the contractor. There, the petitioner did not oversee, inspect, or evaluate his family member’s job performance, nor would RIDOT’s award of a contract to the family member’s employer financially impact the family member or his employment. The Ethics Commission determined that there was nothing in the facts to indicate that it was reasonably foreseeable that the petitioner’s involvement in RIDOT matters involving the contractor would have a financial impact upon his first cousin-in-law as an employee of the contractor. See also A.O. 2019-40 (opining that a member of the Smithfield School Building Committee was not prohibited

by the Code of Ethics from participating in the review of a request for proposal for, and the selection of, a construction manager for an elementary school reconfiguration project, and from all other building committee matters concerning the selected construction manager, notwithstanding that his daughter was employed by a company that was expected to bid on the project, because the petitioner had no reason to believe or expect that his daughter would be financially impacted, directly or otherwise, by reason of his official activity, nor would she be involved in any aspect of the contract); A.O. 2008-69 (opining that a member of the Woonsocket Zoning Board of Review was permitted to participate in discussion and voting on a petition for a variance brought by CVS, notwithstanding that the petitioner's sister was employed as an accounting analyst with CVS, since his sister would not be financially impacted by the zoning board's decision regarding the petition).

Here, the facts as represented do not indicate that the Petitioner has any reason to believe or expect that his spouse's cousin would be directly financially impacted by reason of his official activity for RIDOT in relation to the selection of a construction company for the project or, in the event that Green is the selected bidder, in other matters concerning Green for the duration of the project. The Petitioner states that his spouse's cousin is a salaried employee whose compensation would not be impacted by the selection or non-selection of Green for the project. The Petitioner further states that, in the event that Green is selected for the project, his spouse's cousin would have no expectation of involvement in the project and that, if asked by his supervisor to perform a task, it would likely be an engineering plan review in the background as part of a larger task. The Petitioner represents that his spouse's cousin confirmed for him that his position with the company is fully technical in nature and does not involve direct interactions with clients.

Based on the Petitioner's representations, the applicable provisions of the Code of Ethics, and a review of prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from participating in the selection of a construction company to provide construction phase services on a bridge project and, potentially, from all other matters concerning the selected company for the duration of the project, notwithstanding that his spouse's first cousin is employed by one of the companies that submitted a bid on the project.

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 as represented above. The Petitioner is advised to remain vigilant about identifying potential conflicts of interest and to either recuse or 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:

§ 36-14-5(a)

§ 36-14-5(d)

§ 36-13-7(a)

520-RICR-00-00-1.1.5 Reasonable Foreseeability (36-14-7001)

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

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

Related Advisory Opinions:

A.O. 2019-40

A.O. 2019-17

A.O. 2018-28

A.O. 2008-69

Keywords:

Conflict of Interest

Family Member

Nepotism