

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion 2026-25

Approved: August 4, 2026

Re: Joshua D. Ferreira

QUESTION PRESENTED:

The Petitioner, the deputy chief of the Tiverton Fire Department, a municipal employee position, who has been selected to become the town's fire chief, also a municipal employee position, requests an advisory opinion regarding whether the proposed alternate supervisory chain of command would sufficiently insulate him from conflicts of interest arising out of his anticipated new position, given that his mother is employed by the Tiverton Fire Department as its executive administrative assistant.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the proposed alternate supervisory chain of command would sufficiently insulate the Petitioner, the deputy chief of the Tiverton Fire Department, a municipal employee position, who has been selected to become the town's fire chief, also a municipal employee position, from conflicts of interest arising out of his anticipated new position, given that his mother is employed by the Tiverton Fire Department as its executive administrative assistant.

The Petitioner is an 18-year veteran of the Tiverton Fire Department. He began his career there in 2005 as a probationary firefighter and has earned several promotions throughout the years. The Petitioner states that his mother has been employed by the fire department for 26 years as an administrative assistant and is the fire department's only civilian employee. In February 2024 the Petitioner was promoted from the rank of captain to deputy chief of the fire department. At that time, the Petitioner's mother was a direct report to the fire chief. In anticipation of situations in which the Petitioner as deputy fire chief might need to assume the role of acting fire chief in the fire chief's absence, the Petitioner sought and received from the Ethics Commission Advisory Opinion 2024-6. That advisory opinion contained an approved alternate chain of command which provided that in situations where the fire chief was unavailable, and the deputy chief was acting as the fire chief's designee, the Petitioner's mother would report directly to the town administrator regarding all matters involving her supervision, evaluation, appointment, classification, promotion, transfer, or discipline. The Petitioner was further required to recuse from

participation in his public capacity in all situations where he had reason to believe or expect that his mother would be financially impacted or would obtain an employment advantage as a result of his participation. The Petitioner was advised that, in each of the situations from which he was required to recuse, he was to defer to the established alternate chain of command. The Petitioner states that since the issuance of Advisory Opinion 2024-6, he has been called upon to assume the role of acting fire chief no more than six times, primarily when the fire chief had taken short periods of vacation leave.

The Petitioner informs that the chief of the Tiverton Fire Department left his position at the end of 2025. The Petitioner, who has served as the acting fire chief since that time, states that he and the town administrator continue to adhere to the alternate supervisory chain of command previously approved by the Ethics Commission in 2024.¹ The Petitioner was recently selected by the town administrator to become the town's next fire chief, subject to the issuance of a favorable advisory opinion by the Ethics Commission.²

A copy of the job description for the fire chief position was included with the Petitioner's request for this advisory opinion. It states in pertinent part that the fire chief is responsible for "managing, directing, and coordinating" the fire department and reports directly to the town administrator. Pursuant to the job description, the fire chief plans, organizes, coordinates, manages, directs, and commands all office divisions, operations, personnel, and activities within the fire department; oversees payroll function and the purchasing of supplies and equipment; prepares budget estimates; documents tracking and evaluates department performance; participates in personnel actions such as hiring, termination, assignments, evaluation, and labor relations; and provides discipline as necessary. Additionally, the fire chief is tasked with supervising and coordinating the preparation and presentation of a proposed annual budget for the fire department to the town administrator.

A copy of the job description for the fire department executive administrative assistant position was also included with the Petitioner's request letter. Pursuant to that job description, the fire department's assistant "supports the daily operations of the Fire Department which include, but are not limited to, department payrolls, budget management, rescue billing, human resources, records management & department correspondence." The job description identifies among the administrative assistant's key responsibilities payroll and budget management, communications and correspondence, EMS billing, and human resource functions. The job description identifies the administrative assistant position as a direct report to the town administrator.

¹ The Petitioner informs that the Tiverton Town Council hired a new administrator in or about March of 2025.

² The town administrator informed Ethics Commission staff that the fire chief's contract must be ratified by the Tiverton Town Council.

The Petitioner's request letter also included a proposed alternate supervisory chain of command for the administrative assistant position.³ That document states, among other things, that the fire chief shall not supervise, evaluate, appoint, classify, promote, transfer or discipline the administrative assistant, and that the town administrator will serve as the immediate supervisor for the administrative assistant. Additionally, the town administrator will approve the work submitted by the administrative assistant including, but not limited to, payroll and the payment of monthly department invoices, and review and act on all leave requests for the administrative assistant. The proposed alternate supervisory chain of command states that all personnel files pertaining to the fire chief and the administrative assistant will be maintained by the town administrator. The document also states that the administrative assistant is a member of AFSCME Local 2670A, a separate union from the firefighters' union, and that the town administrator is responsible for the evaluation, appointment, classification, promotion, transfer, discipline, and any financial matter that impacts the administrative assistant. Additionally, the fire chief does not participate in any collective bargaining negotiations with the AFSCME Local 2670A or vote on whether to approve a collective bargaining agreement between that union and the town. The proposed alternate supervisory chain of command states that the fire chief will recuse himself in accordance with R.I. Gen. Laws § 36-14-6 from any discussions that may arise during the budget process that involve the line item relative to the administrative assistant's salary, and that the town administrator will discuss and/or answer any questions relating to it.

Ethics Commission staff spoke with the town administrator regarding the Petitioner's request for this advisory opinion.⁴ In response to staff's inquiry regarding the feasibility of the town administrator assuming the responsibility of the administrative assistant reporting directly to him, the town administrator explained that when he served as the town's chief of police he worked in, and continues to strive to work in, a chain of command-type management style. He noted the comparable environments of the fire department and the police department in that they both involve public safety and chains of command. The town administrator confirmed for staff that the assumption of the additional duty of supervising the fire department's administrative assistant would not impede the performance of his day-to-day duties as town administrator.

The Petitioner represents that his mother has worked as the fire department's administrative assistant for the last 26 years. The Petitioner further represents that approximately 95% of his mother's administrative duties are purely ministerial and do not involve the exercise of

³ The document is entitled, "Alternate Management Plan for the Town of Tiverton and the Tiverton Fire Department."

⁴ During that conversation, the town administrator relayed to staff that, prior to accepting his current position, the town administrator was a member of the Tiverton Police Department for 36 years, culminating in his service as police chief for the last seven years of his tenure.

discretion. Given the facts as represented, the Petitioner seeks guidance from the Ethics Commission regarding whether the proposed alternate supervisory chain of command submitted with his latest request letter would sufficiently insulate him from conflicts of interest arising out of his desired appointment to the position of fire chief.

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 substantial conflict of interest exists if the public employee 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 his official activity. R.I. Gen. Laws § 36-14-7(a). Also, a public employee 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).

The Code of Ethics contains specific provisions aimed at curbing nepotism which are laid out in 520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism (36-14-5004) (Regulation 1.3.1). Pursuant to Regulation 1.3.1(B)(1), a public employee may not participate in any matter as part of his public duties if there is reason to believe or expect that any person within his family is a party to or participant in such matter, or will be financially impacted or obtain an employment advantage by reason of the public employee's participation. Additionally, Regulation 1.3.1(B)(2) prohibits a public employee from participating in the supervision, evaluation, appointment, classification, promotion, transfer, or discipline of any person within his family, or from delegating such tasks to a subordinate, except in accordance with advice received in a formal advisory opinion from the Ethics Commission. The phrase "any person within his [] family" expressly includes "mother." Regulation 1.3.1(A)(2). Regulation 1.3.1(B)(3)(a) further prohibits a public employee from participating in discussion or decision-making relative to a budgetary line item that would address or affect the employment, compensation, or benefits of any person within his family or a household member. However, Regulation 1.3.1(B)(3)(c) provides that the public employee is not prohibited from participating in discussion or decision-making relative to approving or rejecting the entire budget as a whole, provided that the person within his family is impacted by the entire budget as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

Both prior to and since the issuance of Advisory Opinion 2024-6 to the Petitioner, the Ethics Commission has issued a number of advisory opinions to municipal fire chiefs who were employed by the same fire department as member of their family. For example, in Advisory Opinion 2025-17, the Ethics Commission opined that the alternate chain of command policy outlined by the town manager and the petitioner, who was the fire chief for the East Greenwich Fire Department, was sufficient to insulate the fire chief from conflicts of interest arising out of his position, given that his brother was a firefighter in

the same fire department. There, the alternate chain of command policy required the petitioner to recuse from any decisions that may financially impact his brother including, but not limited to, supervision, evaluation, work assignment, promotion, transfer, and discipline. See also A.O. 2024-10 (opining that the proposed alternate chain of command was sufficient to insulate the fire chief of the Cumberland Fire Department from conflicts of interest arising out of his brother's anticipated promotion to the rank of deputy fire chief in the same fire department, given that all responsibility for the direct and indirect supervision of the petitioner's brother would be handled by the Chairman of the Board of Fire Commissioners); A.O. 2009-26 (opining that the Code of Ethics did not prohibit the deputy chief of the Valley Falls Fire Department from serving in that position while his nephew simultaneously served as a firefighter within the same fire department because the recusal procedures and alternate supervisory chain of command approved by the fire chief and the Chairman of the Board of Fire Commissioners, whereby the fire chief would handle supervisory matters concerning the deputy chief's nephew, were reasonable and sufficient to insulate the deputy chief from apparent conflicts of interest); A.O. 2010-40 (opining that the chief of the Manville Fire Department, whose son was employed as a firefighter in the same fire department, would not violate the Code of Ethics because an alternate chain of command had been established where the fire chief recused from the supervisory chain of command in matters involving his son, and the chairperson of the Board of Fire Wardens had agreed to become the son's designated supervisor regarding all administrative matters such as the scheduling of work shifts and disciplinary actions).

Here, in consideration of the Petitioner's representations, the applicable provisions of the Code of Ethics, and past advisory opinions issued, it is the opinion of the Ethics Commission that the alternate supervisory chain of command outlined herein, and agreed upon by the Petitioner and the town administrator, would sufficiently insulate the Petitioner from conflicts of interest arising out of his promotion to the position of fire chief, given his mother's employment as the fire department's executive administrative assistant. Furthermore, because the proposed alternate chain of command designates the administrative assistant as a direct report to the town administrator, the Petitioner is removed from the chain of command altogether. The Ethics Commission acknowledges that where the administrative assistant was formerly a direct report to the fire chief, making the administrative assistant now a direct report to the town administrator presents as a satisfactorily efficient manner of proceeding under the circumstances.

Both the Petitioner and his mother have had significant parallel careers with the Tiverton Fire Department for decades. The Petitioner began his career as a probationary firefighter in 2005 and has achieved several promotions during the last 21 years, the most recent of which will be his elevation to fire chief. The Petitioner's mother has spent the last 26 years as the department's administrative assistant. For either the Petitioner or his mother to be told now that one of them must forfeit their career for the other would be punitive and unnecessary in light of the proposal to make the administrative assistant a direct report to the town administrator. The town administrator presents as amply qualified and prepared

to assume the role of direct supervisor for the fire department executive administrative assistant. The Petitioner is advised, however, to remain vigilant about identifying and avoiding any conflicts of interest that might arise given his anticipated new position that are not addressed herein and is encouraged to seek further guidance from the Ethics Commission as needed. Any recusal shall be exercised consistent with the provisions of § 36-14-6.

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, ordinance, constitutional provision, charter provision, or canon of professional ethics may have on this situation.

Code Citations:

§ 36-14-5(a)

§ 36-14-5(d)

§ 36-14-6

§ 36-14-7(a)

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

Related Advisory Opinions:

A.O. 2025-17

A.O. 2024-10

A.O. 2024-6

A.O. 2010-40

A.O. 2009-26

Keywords:

Family: Public Employment

Family: Supervision

Nepotism