



STATE OF RHODE ISLAND
RHODE ISLAND ETHICS COMMISSION
40 Fountain Street
Providence, RI 02903
(401) 222-3790 (Voice/TT)
Email: ethics.email@ethics.ri.gov
Website: <https://ethics.ri.gov>

NOTICE OF OPEN MEETING

DATE:	Tuesday, September 1, 2026
TIME:	9:00 a.m.
PLACE:	Rhode Island Ethics Commission Hearing Room – 8 th Floor 40 Fountain Street Providence, RI 02903
LIVESTREAM:	The Open Session portions of this meeting will be livestreamed at: https://us02web.zoom.us/j/88453136744 This is an in-person meeting held at the physical location listed above. Livestream access is being provided only as a convenience, but it is not an official meeting place and we do not guarantee virtual access to view or participate in the meeting. If the livestream virtual broadcast of the meeting is interrupted or cut off for any reason, the meeting will continue in person.



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AGENDA

12th Meeting

1. Call to Order.
2. Motion to approve minutes of Open Session held on August 4, 2026.
3. Director's Report: Status report and updates regarding:
 - a.) Complaints and investigations pending;
 - b.) Advisory opinions pending;
 - c.) Access to Public Records Act requests since last meeting;
 - d.) Financial disclosure; and
 - e.) General office administration;
4. Advisory Opinions:
 - a.) Katherine Lennon, a principal resource specialist employed by the Rhode Island Department of Children, Youth & Families, Licensing Division, requests an advisory opinion regarding whether she is prohibited by the Code of Ethics from simultaneously working in her private capacity as a residential supervisor in a group home for teenage girls that is owned and operated by Family Service of Rhode Island, an entity that provides services to the Rhode Island Department of Children, Youth & Families pursuant to a contract between the two entities. [Staff Attorney Papa]
 - b.) Jeffrey McCormick, the Department of Public Works Director for the Town of Burrillville, who is currently one of two final candidates for the position of Burrillville Town Manager, requests an advisory opinion regarding whether the proposed alternate supervisory chain of command would sufficiently insulate him from conflicts of interest if he is the successful

candidate for the town manager position, and what other restrictions, if any, the Code of Ethics would place upon him in carrying out his official duties, given that his sister is employed by the town as an administrative assistant to the town clerk. [Staff Attorney Radiches]

- c.) Bernard Lane, Jr., the chief financial officer for the Rhode Island Department of Public Safety, requests an advisory opinion regarding whether his daughter's potential employment with the Rhode Island State Police would present a conflict of interest for him under the Code of Ethics. [Staff Attorney Radiches]

5. Motion to go into Executive Session, to wit:

- a.) Motion to approve minutes of Executive Session held on August 4, 2026, pursuant to R.I. Gen. Laws § 42-46-5(a), (2), & (4).
- b.) In re: Gordon E. Rogers, Complaint No. 2026-4, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- c.) In re: Valarie J. Lawson, Complaint No. 2026-3, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).
- d.) K. Joseph Shekarchi vs. Rhode Island Ethics Commission, Superior Court C.A. No. PC-2026-03423, pursuant to R.I. Gen. Laws § 42-46-5(a)(2).
- e.) Motion to return to Open Session.

6. Motion to seal minutes of Executive Session held on September 1, 2026.

7. Report on actions taken in Executive Session.

8. New Business proposed for future Commission agendas and general comments from the Commission.

9. Motion to adjourn.

ANYONE WISHING TO ATTEND THIS MEETING WHO MAY HAVE SPECIAL NEEDS FOR ACCESS OR SERVICES SUCH AS A SIGN LANGUAGE INTERPRETER, PLEASE CONTACT THE COMMISSION BY TELEPHONE AT 222-

3790, 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. THE COMMISSION ALSO MAY BE CONTACTED THROUGH RHODE ISLAND RELAY, A TELECOMMUNICATIONS RELAY SERVICE, AT 1-800-RIS-5555.

Posted on August 27, 2026

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: September 1, 2026

Re: Katherine Lennon

QUESTION PRESENTED:

The Petitioner, a principal resource specialist employed by the Rhode Island Department of Children, Youth & Families, Licensing Division, a state employee position, requests an advisory opinion regarding whether she is prohibited by the Code of Ethics from simultaneously working in her private capacity as a residential supervisor in a group home for teenage girls that is owned and operated by Family Service of Rhode Island, an entity that provides services to the Rhode Island Department of Children, Youth & Families pursuant to a contract between the two entities.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a principal resource specialist employed by the Rhode Island Department of Children, Youth & Families, Licensing Division, a state employee position, is not prohibited by the Code of Ethics from simultaneously working in her private capacity as a residential supervisor in a group home for teenage girls that is owned and operated by Family Service of Rhode Island, an entity that provides services to the Rhode Island Department of Children, Youth & Families pursuant to a contract between the two agencies.

The Petitioner is a principal resource specialist with the Licensing Division of the Rhode Island Department of Children, Youth & Families (DCYF). She informs that her regular work hours are from 8:30 a.m. to 4:00 p.m., Monday through Friday. She has been serving in that position since 2020, but has been employed by the DCYF since 2007, initially as a social case worker. The Licensing Division is charged with the “licensing, monitoring, and enforcement of regulations in all foster homes, residential facilities, and for agencies who place children.”¹ The Petitioner states that the Licensing Division consists of several units that have their own distinct duties and responsibilities. The Petitioner further states that she is employed in the Recruitment, Development, and Support Unit and that her duties are unrelated to the licensing, monitoring, or enforcement of regulations in foster homes, residential facilities, or agencies who place children. The Petitioner represents that her

¹ <https://dcyf.ri.gov/services/licensing> (last visited August 20, 2026).

duties do include providing administrative support to her supervisors in organizing foster parent recruitment events, including maintaining a well-organized calendar to ensure the success of the scheduled events, making sure that foster parent recruitment events are well-staffed and organized, updating foster parent training materials, and receiving and processing foster parent applications.

The Petitioner informs that the DCYF recruits foster parents for children in its care and, to that end, contracts with seven community organizations, including Family Service of Rhode Island (FSRI), for among other things the processing of foster parent applications. She explains that ordinarily, individuals who wish to become foster parents could either apply directly to the DCYF for a license or apply to one of the partner organizations that would provide them with support and assistance with both the application and subsequent foster parent recertification. The Petitioner represents that her public duties relative to the foster parent applications made to DCYF are limited to receipt of the applications, and review of the application for completeness and whether all of the required supporting documents are enclosed. The Petitioner explains that if an application is missing any required information or supporting documents, she would return the application to the individuals or the community partner agency who had submitted it for completion and/or inclusion of the necessary documentation. The Petitioner further explains that if the application is complete, then she records it into a software system and forwards it to the appropriate unit within the Licensing Division for substantive review, the registering of the applicants for foster parent training, and ultimately determining whether the applicants are eligible to become foster parents. The Petitioner states that she does not participate in, nor does she oversee, DCYF employees who engage in the substantive review of foster parent applications and that she does not participate in the foster parent training or certification.

The Petitioner represents that she does not oversee any of the DCYF's community partner organizations or the renewal of their contracts with the DCYF. Additionally, the Petitioner states that she does not carry a caseload of children or families who are open to the DCYF. Nor does the Petitioner make referrals to, or supervise, any DCYF employees who make referrals for services provided by any of the community partner organizations that contract with the DCYF.

The Petitioner states that in September 2026, FSRI, one of the community partner organizations that contracts with the DCYF for the provision of various services, is expected to open a new residential facility (group home) for teenage girls who are in DCYF care and who cannot be cared for in a foster home. The Petitioner further states that she had applied for employment with FSRI and has been offered a position as a shift supervisor at the group home. The Petitioner clarifies that the group home is staffed with FSRI employees and not DCYF employees. The Petitioner states that FSRI is aware of her full-time state employment and that her anticipated private work hours with the group home would be outside of her regular work hours with the DCYF. More specifically, the Petitioner's work hours for FSRI would encompass the second or third shift, whichever

better fits the Petitioner's work schedule with the DCYF. The Petitioner further states that she expects to work approximately four shifts per week in her private capacity for FSRI. The Petitioner represents that her duties for FSRI would include, but not be limited to, general oversight of the staff that works with the teenage residents, addressing any work scheduling issues, and assisting staff as necessary during emergencies or incidents involving a group home resident. The Petitioner further represents that, as an FSRI group home supervisor, she would not be required to write reports that would be sent to the DCYF. She explains that following any incidents that might require official reporting, a report would likely be drafted by an FSRI clinician on duty. The Petitioner further explains that any communications between FSRI and the DCYF would be conducted on the part of FSRI by someone from FSRI's higher level administration and not by the Petitioner. The Petitioner emphasizes that as a DCYF employee, the extent of her interactions with FSRI are ministerial and limited to acceptance, initial review, and recording of the foster parent applications submitted to the DCYF through FSRI as described above. Given this set of facts, the Petitioner seeks guidance regarding whether she is prohibited by the Code of Ethics from holding both positions simultaneously.

The Code of Ethics provides that a public employee shall not 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). The Code of Ethics also 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).

The Ethics Commission has consistently opined that public officials and employees are not inherently prohibited from holding employment that is secondary to their primary public positions, provided that the private 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 secondary employment. These factors include, but are not limited to, the nexus between the public official or employee's public duties and desired private employment; whether the employee completes such work outside of her regular work hours and without the use of public resources; whether the employee is to

appear before her own agency; whether such work is to be conducted outside of the areas over which the person has decision-making jurisdiction; and whether the employee uses her position to solicit business or customers. See General Commission Advisory No. 2009-4.

The Ethics Commission has issued numerous advisory opinions addressing whether public employees could simultaneously hold public and private employments. In Advisory Opinion 2024-13, for example, the Ethics Commission opined that a social caseworker with the Rhode Island Department of Children, Youth, & Families (DCYF) was not prohibited by the Code of Ethics from accepting other employment as a clinician with The Inner You Counseling Center, a private entity, where she would perform therapeutic services to adolescents, 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 employment to advertise or promote her private work or to recruit or obtain potential clients for Inner You. Additionally, the petitioner could not appear before the DCYF in her capacity as a clinician for Inner You including, but not limited to, reporting to the DCYF on an Inner You client who became open to DCYF services following the start of therapy with the petitioner. That petitioner was further prohibited from representing the interests of Inner You and/or acting as an expert witness on behalf of Inner You before the DCYF. This included submission to the DCYF of documentation from Inner You that contained the petitioner's name, or which was identifiable as the petitioner's work product. Finally, for the duration of the petitioner's fee-for-service arrangement with Inner You, she was required to recuse from all DCYF matters in which Inner You or its authorized representative appeared or presented evidence or arguments and from all matters that would directly financially impact Inner You. See also A.O. 2019-27 (opining that a motor vehicle operator examiner for the Division of Motor Vehicles (DMV) could accept employment as a course administrator for the Driver Retraining Program at the Community College of Rhode Island, given that the petitioner's proposed private undertaking would neither impair his independence of judgement nor create an interest in substantial conflict with his public duties at the DMV; however, the petitioner was required to perform all of the work for the Driver Retraining Program on his own time and without the use of public resources or confidential information obtained as part of his state employment at the DMV); A.O. 2016-4 (opining that a probation and parole officer with the Rhode Island Department of Corrections was not prohibited by the Code of Ethics from working at the Rhode Island Batterer's Intervention Program as a facilitator of a court-mandated batterer intervention program, given that his caseload did not include, and was unlikely to ever include, a probationer who required a referral to a batterers intervention program and that his private employment would occur on his own time, without the use of public resources, equipment, or confidential information obtained as part of his public employment).

Here, the Petitioner, in her public capacity, does not have any supervisory or decision-making authority over the FSRI, or its contract with the DCYF or its renewal. Further, she

does not carry a caseload of children or families that are open to or in the care of the DCYF. The Petitioner also represents that she does not make referrals to or supervise any DCYF employees who make referrals to FSRI or other DCYF contractors. Additionally, in her private capacity, the Petitioner will not be required to represent FSRI before the DCYF or write reports that will be sent to the DCYF. Further, the Petitioner's description of her duties relative to processing a foster parent application submitted by the FSRI on behalf of a client appears to be ministerial and does not require or involve any discretion on the Petitioner's part. For this reason, the Petitioner's exercise of her public duties would not directly financially impact FSRI, her new private employer. See, e.g., A.O. 2026-11 (opining that a principal civil engineer with the Rhode Island Department of Transportation (RIDOT) who in his private capacity was a licensed professional engineer was not prohibited by the Code of Ethics from assisting, in his private capacity, ready-mixed concrete plants in Rhode Island with achieving National Ready Mixed Concrete Association certification and that his public duties relative to determining the adequacy of samples collected by his RIDOT colleagues from ready-mixed concrete plant, whereby he matched the results to those numbers identified in the Blue Book without exercising discretion, appeared to be ministerial in nature); A.O. 2024-7 (opining that the finance director at the Block Island School could carry out her duties relative to a request for proposal (RFP) which included editing dates associated with the RFP to accommodate her supervisor's work schedule and correcting the school's name prior to arranging for the RFP to be advertised, notwithstanding that her spouse was expected to submit a bid in response to the RFP relating to a project at the school, because the petitioner's limited duties relating to the project were ministerial in nature and would not directly financially impact her spouse).

Accordingly, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from working in her private capacity as a shift supervisor with the FSRI while simultaneously continuing to hold her position with the DCYF, as it does not appear that her private employment would either impair her independence of judgment or create an interest in substantial conflict with her public duties. However, although unlikely to occur, the Petitioner is required to recuse from matters in her public capacity that would financially impact FSRI. All instances of recusal should be made consistent with the provisions of R.I. Gen. Laws § 36-14-6. Additionally, the Petitioner must complete all private work outside of her regular work hours for the DCYF, without the use of public resources, and may not use her public position to solicit business or clients for her private employer. Finally, the Petitioner may not disclose confidential information acquired by her during the course of her public duties for the DCYF. This advisory opinion cannot anticipate every 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 on the facts represented herein. 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 Draft 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)
§ 36-14-6
§ 36-14-7(a)

Related Advisory Opinions:

A.O. 2026-11
A.O. 2024-13
A.O. 2024-7
A.O. 2019-27
A.O. 2016-4
G.C.A. 2009-4

Keywords:

Secondary Employment

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: September 1, 2026

Re: Jeffrey McCormick

QUESTION PRESENTED:

The Petitioner, the Department of Public Works Director for the Town of Burrillville, a municipal employee position, who is currently one of two final candidates for the position of Burrillville Town Manager, 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 if he is the successful candidate for the town manager position, and what other restrictions, if any, the Code of Ethics would place upon him in carrying out his official duties, given that his sister is employed by the town as an administrative assistant to the town clerk.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the proposed alternate supervisory chain of command, as amended consistent with the instructions herein, would sufficiently insulate the Petitioner, the Department of Public Works Director for the Town of Burrillville, a municipal employee position, who is currently one of two final candidates for the position of Burrillville Town Manager, also a municipal employee position, from conflicts of interest if he is the successful candidate for the town manager position, given that his sister is employed by the town as an administrative assistant to the town clerk. The Petitioner is advised to follow the additional general guidance outlined herein in order to avoid other conflicts of interest.

The Petitioner serves as the Department of Public Works Director for the Town of Burrillville. He has held this position for the last 17 years. He states that he is currently one of two candidates being considered by the members of the Burrillville Town Council for the position of town manager. The Petitioner further states that his sister is currently employed as one of three administrative assistants to the town clerk. He informs that the town clerk is responsible for the general assignment of work, supervision, and discipline of all three administrative assistants in her office. The Petitioner further informs that in the event of a disciplinary or grievance matter involving an administrative assistant which the clerk is unable to resolve in a timely and satisfactory manner, the matter would ordinarily

be brought to the town manager for resolution. The Petitioner states that, if he is selected to become the town manager, his duties would also include potentially making adjustments to and then submitting the annual budget to the town council.¹ The Petitioner further states that he would also be tasked with participating in collective bargaining which addresses and affects the employment, compensation, and benefits of a number of town employees, including the administrative assistants to the town clerk.²

Following a telephone conversation with Ethics Commission staff relating to his request for the instant advisory opinion, the Petitioner supplemented his request with a written proposed alternate supervisory chain of command for those duties that would otherwise have been performed by the Petitioner in his role as town manager but for his sister's employment as an administrative assistant to the town clerk.³ That document states that, for any matters involving the employment of the Petitioner's sister that would not in the ordinary course of business be addressed by the town clerk as her immediate supervisor, including but not limited to disciplinary measures and/or grievances, the Petitioner would recuse from all participation and the town council would designate a substitute to serve in place of the Petitioner. The proposed alternate supervisory chain of command further provides that the town's budget board, department heads, finance director, and treasurer have most of the responsibility associated with developing the town's annual budget, but that any adjustments to the proposed budget would be made by the town manager who would then submit the final budget to the town council for consideration. The Petitioner states that he would recuse himself from participating in any discussion or decision-making relating to a budgetary line item that would affect the employment, compensation, or benefits of his sister. Finally, the proposed alternate supervisory chain of command provides that, if the Petitioner's sister is still employed by the town when the next collective bargaining negotiations begin, the town council, the members of which ultimately vote to approve or reject the collective bargaining agreement, will designate a substitute to replace the Petitioner as a participant in those negotiations. The last sentence in paragraph 2 states as follows: "I as Town Manager would still have overall approval or denial of the contract that has been developed and negotiated by others." It is in the context of these facts that the Petitioner seeks guidance from the Ethics Commission regarding whether the proposed

¹ The Petitioner clarifies that the town's budget board, department heads, finance director, and treasurer have most of the responsibility for developing the annual town budget.

² The Petitioner informs that the first collective bargaining negotiations in which he would be called upon to participate if selected to become the town manager would not begin until March 2028.

³ The Petitioner states that those for whom signature lines have been designated on the proposed alternate supervisory chain of command agree to the document's contents and that the document will be fully executed if and when the Petitioner is selected by the town council to become the next town manager.

alternate supervisory chain of command and/or his proposed recusals would sufficiently insulate him from conflicts of interest if he is the successful candidate for the town manager position, given his sister's employment by the town as an administrative assistant to the town clerk.

Under the Code of Ethics, a public official may not participate in any matter in which he has an interest, financial or otherwise, that 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 official will have an interest that is in substantial conflict with the proper discharge of his public duties if it is reasonably foreseeable that a direct monetary gain or loss will accrue, by reason of his official activity, to any person within his family, among others. R.I. Gen. Laws § 36-14-7(a). Further, § 36-14-5(d) prohibits a public official from using his position, or confidential information received through his position, to obtain financial gain, other than that provided by law, for any person within his family, among others. The Code of Ethics includes "sister" in its definition of any person within one's family. R.I. Gen. Laws § 36-4-2(1); 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004)(A)(2).

In addition to the above-cited provisions, the Code of Ethics contains specific regulations aimed at curbing nepotism. Under the general nepotism provisions of 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004) (Regulation 1.3.1), 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, or any household member, is a party to or a participant in such matter, or will derive a direct monetary gain, suffer a direct monetary loss, or obtain an employment advantage. Regulation 1.3.1(B)(1). Notably, Regulation 1.3.1(B)(1) not only prohibits actions by a public official that would financially impact his family member but also applies when such actions involve a family member as a party or participant, regardless of the potential for financial impact. Further, under Regulation 1.3.1(B)(1), a public official is prohibited from participating in matters that may bestow an employment advantage upon a family member. Such an advantage, which might not appear to be a direct financial gain, could be some type of opportunity (such as an educational or travel experience) or resource (such as access to enhanced technology) that the family member would not otherwise have had.

The Ethics Commission has issued numerous advisory opinions approving an alternate chain of command in situations involving family members working in the same municipality or public agency. For example, in Advisory Opinion 2021-16, the Ethics Commission opined that the proposed alternate supervisory chain of command policy would sufficiently insulate the petitioner, the interim town manager for the Town of West Warwick, from conflicts of interest arising out of his position, given that his spouse was employed as the solid waste/recycling coordinator for the town. There, the petitioner offered, among other things, that in the event of a potential disciplinary matter relating to his spouse's employment, the matter would instead be brought before the town council president. See also A.O. 2025-44 (opining that the petitioner, the administrator of the

Office of Child Support Services (OCSS), a division of the Department of Human Services, would be sufficiently insulated from conflicts of interest arising out of her position, given the recent hiring of the petitioner's daughter as a child support enforcement agent in the same division because, among other things, in the event that a disciplinary matter involving her daughter were to require intervention beyond the three casework supervisors and/or two assistant administrators who worked under the petitioner and would ordinarily address such a matter as part of their official duties, the petitioner would recuse from participating in all related discussions and decision-making, and the OCSS associate director, who was the petitioner's direct supervisor, would act in the petitioner's place).

Regulation 1.3.1 also addresses a public official's participation in budget matters that could financially impact or involve the public official's family member. Specifically, a public official is prohibited 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." Regulation 1.3.1(B)(3)(a). However, Regulation 1.3.1(B)(3)(c) provides that a public official 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." See, e.g., A.O. 2020-44 (opining that a member of the Town of New Shoreham Town Council was prohibited from, among other things, participating in discussion and voting relative to any budgetary line item that would address or affect the employment, compensation, or benefits of his brother; however, that petitioner could participate in the town council's discussion and vote relative to approving or rejecting the entire budget as a whole); A.O. 2019-19 (opining that a member of the Warwick School Committee was prohibited from, among other things, participating in discussions and decision-making relative to any budgetary line items that addressed or affected the employment, compensation, or benefits of his mother, but could participate in the school committee's discussion and decision-making relative to approving or rejecting the entire budget as a whole). The basis for allowing participation relative to the budget as a whole is an assumption that a vote on the entire budget is sufficiently remote from most particular line items so as to not constitute a substantial conflict of interest in violation of the Code of Ethics.

Finally, Regulation 1.3.1(B)(4) addresses a public official's participation in collective bargaining/employee contracts. It specifically prohibits a public official from participating in negotiations related to an employee contract or collective bargaining which addresses or affects the employment, compensation, or benefits of any person within his family or a household member. Regulation 1.3.1(B)(4)(a). However, a public official may participate in a decision to accept or reject an entire employee contract or collective bargaining agreement as a whole, provided that the person within his family or his household member is impacted by the contract or agreement 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. Regulation 1.3.1(B)(4)(b). See, e.g., A.O. 2025-47 (opining that a member of the Cranston City Council was not prohibited by the Code of Ethics from participating in the city council's discussion and voting to accept or reject as a whole the collective bargaining agreement reached between the school committee and the Cranston teachers' union, notwithstanding that the petitioner's spouse was employed by the city's school district and was a member of the union, provided that his spouse would be impacted by the agreement 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). The basis for allowing such participation is an assumption that a vote on an entire contract, once negotiated by others, is sufficiently remote from individual contract issues impacting a family member so as to not constitute a substantial conflict of interest in violation of the Code of Ethics.

Here, it is the opinion of the Ethics Commission that, given the employment of the Petitioner's sister as an administrative assistant to the town clerk, if the Petitioner is appointed to the position of town manager, an alternate supervisory chain of command will be necessary.

Additionally, while the instant Petitioner properly anticipated that he would be prohibited from participating in discussion and voting relating to budgetary line items that would address or affect the employment, compensation, or benefits of his sister, the Petitioner would not be prohibited by the Code of Ethics from making adjustments to the budget that would not involve a budgetary line item that would address or affect the employment, compensation, or benefits of his sister before submitting the final budget to the town council for consideration, provided that his sister would be 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.

Finally, the proposed alternate supervisory chain of command appropriately provides that, if the Petitioner's sister is still employed by the town when the next collective bargaining negotiations begin, the town council will designate a substitute to replace the Petitioner as a participant in those negotiations. For this reason, and because it is the town council that votes to approve or reject the collective bargaining agreement, the last sentence of paragraph 2 of the proposed alternate supervisory chain of command, which affords the Petitioner (should he be hired as the town manager) "overall approval or denial of the contract that has been developed and negotiated by others" should be deleted. With the incorporation of this edit, the proposed alternate supervisory chain of command submitted with the Petitioner's request for this advisory opinion will be sufficient and should be promptly executed by each of the designated signatories and then followed. Notice of recusal in any instance would need to be filed with the Ethics Commission consistent with the provisions of R.I. Gen. Laws § 36-14-6.

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 encouraged to

seek additional advice from the Ethics Commission in the future as more specific questions regarding potential conflicts of interest arise.

This Draft 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)

§ 36-14-6

§ 36-14-7(a)

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

Related Advisory Opinions:

A.O. 2025-44

A.O. 2025-4

A.O. 2021-16

A.O. 2020-44

A.O. 2019-19

Keywords:

Family: Public Employment

Family: Supervision

Nepotism

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: September 1, 2026

Re: Bernard Lane, Jr.

QUESTION PRESENTED:

The Petitioner, the chief financial officer for the Rhode Island Department of Public Safety, a state employee position, requests an advisory opinion regarding whether his daughter's potential employment with the Rhode Island State Police 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 potential employment of the Petitioner's daughter with the Rhode Island State Police would not, in and of itself, present a conflict of interest under the Code of Ethics for the Petitioner, the chief financial officer for the Rhode Island Department of Public Safety, a state employee position.

The Petitioner serves as the chief financial officer for the Rhode Island Department of Public Safety, which includes the following six divisions: Central Management, E 9-1-1 Uniform Emergency Telephone System, Rhode Island Division of Sheriffs, Rhode Island Capitol Police, Municipal Police Training Academy, and the Rhode Island State Police. He states that his position is part of the Central Management division and that he reports directly to the major assigned to the Administrative Bureau of the State Police. The Petitioner has worked for the State of Rhode Island in various capacities for different agencies for the last 28 years and has held his current position for the last 6 years. He summarizes his professional duties as chief financial officer in general as responsibility for developing the capital and operating budget for the Department of Public Safety and ensuring that the department spends within the enacted budget. The Petitioner informs that on matters relating to the budget he reports to both the major assigned to the Administrative Bureau and to the colonel of the Rhode Island State Police.

The Petitioner informs that his daughter has applied to the Department of Public Safety for a project manager position in the Administrative Bureau of the State Police division. He explains that the position became vacant following the retirement of the previous project manager. The Petitioner included with his letter requesting this advisory opinion the job

description for the project manager position. The general statement of duties includes, in pertinent part, responsibility for the performance of duties related to the fleet of State Police vehicles, including such operations as the acquisition and distribution of those vehicles, responsibility for the procurement of repairs, preparation of vehicle registrations, and coordination with insurance companies and risk managers as necessary. The Petitioner informs that the project manager reports directly to the fleet administrator, who is a sergeant with the State Police. The Petitioner states that his position of chief financial officer is not within the chain of command for the project manager.

The Petitioner represents that he was unaware of his daughter's application for the position until after the advertisement for the position closed. The Petitioner further represents that he had no input into the creation of the advertisement for the position or the interview or selection process. The Petitioner states that his involvement with the fleet office is limited to the receipt of any requests for additional vehicles that would be initiated by the sergeant heading that office. The Petitioner explains that upon receipt of such a request, he would enter it into a database from which the major from the administrative bureau and the colonel could receive and make the decision about whether to grant the request. The Petitioner further explains that there is very little interaction between his office and the fleet office and that any discussions regarding the status of vehicle delivery, timely repairs to fleet vehicles, and the forecasting of expenditures would be between him and the sergeant from the fleet office. The Petitioner explains that any communication between him and the project manager, which is possible though not likely, would involve the exchange of ministerial information.

The Petitioner states that the project manager position is non-union, but that the compensation for the project manager is consistent with that of similarly situated union members. The Petitioner further states that he does not participate in any discussions or decision-making relating to employee contracts or collective bargaining agreements, adding that such activity is performed on the part of the department by the administrative bureau's major and the Department of Public Safety's legal team. Additionally, the Petitioner states that the budgetary line item for the fleet office, for which he would participate in discussion leading to decision-making by the major and the colonel, is limited to funding the purchase and maintenance of fleet vehicles and the attendant registrations, certifications, and the like. The Petitioner states that this budgetary line item does not include the salary of either the project manager or the sergeant assigned to the fleet office.

The Petitioner informs that, if his daughter is hired for the project manager position, they will be working on the same campus but in different buildings. The Petitioner further informs that he cannot think of a situation in which his public responsibilities would clash with those of the project manager. It is under this set of facts that the Petitioner seeks guidance from the Ethics Commission regarding whether his daughter's potential employment with the Rhode Island State Police would present a conflict of interest for him under the Code of Ethics.

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 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 or 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 the public official or employee's official activity. R.I. Gen. Laws § 36-14-7(a). Also, a public official or 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).

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 or employee 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 or employee's official participation. Regulation 1.3.1(B)(1). More specifically, Regulation 1.3.1(B)(2) prohibits a public official or employee 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 issued, 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 supporting the instant request are somewhat comparable to those from Advisory Opinion 2026-5. There, the petitioner, who was a member of the Coventry Town Council, had inquired as to whether the potential employment of his daughter with the Coventry Tax Collector's Office would present a conflict of interest for him. The facts were such that the petitioner's daughter, on her own initiative, had become aware of the external posting of the clerical position, applied and was interviewed, and was awaiting a decision about her candidacy. That petitioner affirmatively represented that the tax collector's office employed two clerks who each reported directly to the tax collector. That petitioner

described the duties of the tax collector clerks as collecting and processing tax payments from town residents, answering telephones, and performing other general office tasks. That petitioner stated that he did 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. Finally, that petitioner informed that the budget for the tax collector's office was not a line item in the town's budget subject to review by the town council. Based on those facts, the application of the relevant provisions of the Code of Ethics, and prior advisory opinions issued, the Ethics Commission determined that the potential employment of the petitioner's daughter with the tax collector's office would not present a conflict of interest for the petitioner. See also A.O. 2023-1 (opining that the employment of the mayor of the City of Pawtucket's daughter by the Pawtucket Housing Authority would not present a conflict of interest for the mayor because the mayor had affirmatively represented, among other things, that his daughter, on her own initiative, had become aware of the external posting of the position, was interviewed, deemed qualified for, and offered the position; that he did not have any supervisory responsibilities relative to the housing authority's board of commissioners, the executive director, or the employees of the housing authority; that the housing authority was not subject to the mayor's direct control; that the appointment of the members of the board of commissioners was the only power that the mayor had over the housing authority; and that he 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. 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 position in the fleet office. She applied, was interviewed, and awaits a decision regarding her candidacy following the issuance of a favorable advisory opinion. Additionally, the instant Petitioner affirmatively states that he does not have any hiring or supervisory responsibilities relative to the position for which his daughter has applied or the sergeant to whom his daughter would report in the fleet office, and that he would not be involved in the review of any employment concerns that arise for either of the 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, which had been created prior to the selection of the last person to hold the position. Finally, the petitioner informs that he does not participate in any discussions or decision-making relating to either the employee contracts or collective bargaining agreements that would impact the project manager's salary or employment, or the budgetary line item for employees assigned to the fleet office.

Accordingly, absent additional facts indicating a conflict of interest, it is the opinion of the Ethics Commission that the potential employment of the Petitioner's daughter with the Rhode Island State Police would not, in and of itself, 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 relating to his daughter's employment, he should seek further guidance from the Ethics Commission.

This Draft 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. 2026-5

A.O. 2023-1

A.O. 2012-15

Keywords:

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