

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion 2026-29

Approved: 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 Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. An advisory opinion rendered by the Commission, until amended or revoked by a majority vote of the Commission, is binding on the Commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, agency policy, ordinance, constitutional provision, charter provision, or canon of judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-5(a)

§ 36-14-5(b)

§ 36-14-5(d)

§ 36-14-6

§ 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