

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion 2026-30

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

Code Citations:

§ 36-14-5(a)

§ 36-14-5(d)

§ 36-14-6

§ 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