

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion 2026-31

Approved: 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 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)

§ 36-14-7(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:

Conflict of Interest

Nepotism