

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion 2026-32

Approved: September 29, 2026

Re: Julie M. Diep

QUESTION PRESENTED:

The Petitioner, a certified court staff interpreter employed by the Rhode Island Judiciary, a state employee position, who in her private capacity owns and operates Lozada Diep Interpreting Services, LLC, requests an advisory opinion regarding whether she is prohibited by the Code of Ethics from registering her private business as a vendor on the State of Rhode Island's Master Price Agreement list in order to provide language services to various non-state and state agencies, excluding the Rhode Island Judiciary.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a certified court staff interpreter employed by the Rhode Island Judiciary, a state employee position, who in her private capacity owns and operates Lozada Diep Interpreting Services, LLC, is not prohibited by the Code of Ethics from registering her private business as a vendor on the State of Rhode Island's Master Price Agreement list in order to provide language services to various non-state and state agencies, excluding the Rhode Island Judiciary.

The Petitioner has been employed by the Rhode Island Judiciary since 2006 and is currently serving as a certified court staff interpreter providing Spanish-English interpreting services for all state courts.¹ The Petitioner represents that her work hours are from 8:30 a.m. to 4:00 p.m., Monday through Friday. The Petitioner states that in her private capacity she is the sole owner of Lozada Diep Interpreting Services, LLC (business), which was established in September 2026. The Petitioner explains that, currently, she has no employees or clients but that her long-term goal is to build a professional language-services business employing multiple qualified interpreters providing clients with interpreting and translation services in various languages, including, but not limited to, English, Spanish,

¹ "By statute, the Rhode Island Judiciary (Judiciary) is a unified court system for purposes of administration consisting of six (6) courts: the Supreme Court; the Superior Court; the Family Court; the District Court; the Workers' Compensation Court; and the Rhode Island Traffic Tribunal." <https://www.courts.ri.gov/about/Pages/default.aspx> (last visited September 22, 2026).

Portuguese, Haitian Creole, Mandarin, Cantonese, Italian, Quiche, Russian, and French. The Petitioner informs that, eventually, she would like to provide interpreting and/or translation services through her business to, among others, Rhode Island state agencies, excluding the Judiciary in its entirety, and to non-state clients including, but not limited to, municipal school departments, private individuals, private attorneys, private hospitals, healthcare providers, and community and social-service organizations. The Petitioner states that she will not offer or provide any interpreting or translation services through her business to the Rhode Island Judiciary. She further states that any private work will be conducted entirely on her own time, with her own equipment, and without the use of any public resources. The Petitioner represents that she will not use her public position to solicit clients, obtain business opportunities, or benefit her business. Nor would she solicit her Judiciary colleagues to work for her business. The Petitioner represents that her private business would neither impair her independence of judgment regarding her official duties with the Judiciary nor require or induce her to disclose confidential information obtained during the course of her official duties. She further represents that her public duties do not include participating in the decision to select court interpreters, adding that she would not be required to, nor would she, appear before any of the state courts as part of her private business.

The Petitioner explains that she would like to register her business as a vendor on the state's Master Price Agreement (MPA) list through the Department of Administration, Division of Purchases. "An MPA provides for broad categories of goods and services for a specified period on a statewide basis. State agencies order their goods and services off relevant MPAs, as their agency needs arise. Statewide applicability (state law) permits quasi agencies, municipalities, and school districts to piggy-back the [s]tate's MPA pricing contracts, at the vendor's discretion." <https://ridop.ri.gov/master-price-agreements/mpa-faqs> (last visited September 21, 2026). Each state-issued MPA goes through a bid solicitation process and requires vendor bid submissions. *See id.* "Vendors who meet the requirements of the solicitation may be added to the MPA vendor pool. The MPA is a qualified list allowing agencies to seek quotes from the pool of vendors, and as such is not a guarantee that the vendor will be issued contracts for goods or services." *Id.* Further, "[a]n MPA provides for qualified vendors who meet the requirements for broad categories of goods and services for a specified period and threshold amounts." *Id.* Given this set of facts, the Petitioner seeks advice from the Ethics Commission regarding whether she is prohibited from registering her business as a vendor with the state in order to provide the language services described above.

The Code of Ethics provides that no state employee shall 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). Further, the Code of Ethics provides that a public employee shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction, or professional activity which is in

substantial conflict with the proper discharge of 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, no person subject to the Code of Ethics, nor any business entity in which said person has a 10% or greater equity interest or \$5,000 or greater cash value interest, may enter into a contract with any state or municipal agency unless “the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded.” R.I. Gen. Laws § 36-14-5(h). Section 36-14-5(h) further provides that “contracts for professional services which have been customarily awarded without competitive bidding shall not be subject to competitive bidding if awarded through a process of public notice and disclosure of financial details.” Further, 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). A “business associate” is defined as a “person joined together with another person to achieve a common financial objective.” R.I. Gen. Laws § 36-14-2(3). A “person” is defined as an “individual or a business entity.” § 36-14-2(7).

The Ethics Commission has consistently opined that public employees are not inherently prohibited from holding other employment that is secondary to their primary public positions, provided that the other 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 other employment. These factors include, but are not limited to, the nexus between the public official’s public duties and other employment; whether the employee completes such other work outside of their regular working hours and without the use of public resources; whether the employee is required to appear before their own agency as part of their other employment; whether such other work is to be conducted outside of the areas over which the person has decision-making jurisdiction; and whether the employee uses their public position to solicit business or customers for their secondary position. See General Commission Advisory No. 2009-4.

The Ethics Commission has previously, on numerous occasions, advised public employees who wished to engage in private secondary employment of their obligations under the Code of Ethics. For example, in Advisory Opinion 2025-48, the Ethics Commission reviewed a fact pattern identical to the one presented by the instant Petitioner. There, the Ethics Commission opined that a staff interpreter for the Rhode Island Supreme Court, who in her private capacity owned and operated SC Interpreting and Translation Services, LLC, was

not prohibited by the Code of Ethics from registering her private business as a vendor on the state's MPA list in order to provide language services to various non-state and state agencies, excluding the Rhode Island Judiciary. The Ethics Commission based its opinion on the facts that there appeared to be no evidence that the provision by her business of language services to various non-state and state agencies, excluding the Rhode Island Judiciary, would either impair her independence of judgment as to her state employment or create an interest that is in substantial conflict with her public duties. Additionally, there appeared to be no relationship between that petitioner's public duties as an interpreter for the Judiciary and her intended work as the owner and operator of an interpreting and language translation business, despite the similar skill set involved for each. Importantly, there the petitioner was going to complete her private work outside of her regular working hours for the state, without the use of public resources, and without using her public position to solicit business or customers for her business, or her Judiciary colleagues to contract with her to perform interpreting and language services. See also A.O. 2019-67 (opining that a Rhode Island Family Court investigator was not prohibited by the Code of Ethics from owning and operating a private investigation firm, provided that all of the work was performed on his own time and without the use of public resources or confidential information obtained as part of his state employment, that the petitioner did not use his public position to promote or advertise his private employment or list his public employment as part of the advertisement of his private work, and that the petitioner recused from any matter that came before him as a Family Court investigator that involved any of the attorneys or entities for which he either provided private investigative services or with which he contracted on a regular basis).

Similarly here, based upon the Petitioner's representations, there appears to be no evidence that the provision by her business of language services to various non-state and state agencies, excluding the Rhode Island Judiciary and all of its courts, would either impair her independence of judgment as to her state employment or create an interest that is in substantial conflict with her public duties. Additionally, there appears to be no relationship between the Petitioner's public duties as an interpreter for the Judiciary and her intended work as the owner and operator of an interpreting and language translation business, despite the similar skill set involved for each. Importantly, the Petitioner states that she would complete her private work outside of her regular working hours for the state and without the use of public resources. She further states that she would not be required to, nor would she, appear before the Judiciary as part of her other employment. Additionally, the Petitioner represents that she would not use her public position to solicit business or customers for her business; nor would she solicit her state colleagues to contract with her to perform interpreting and language services. Finally, her inclusion on the state's MPA list and her provision of interpreting and translation services to state and municipal agencies, other than the Judiciary in its entirety, through her inclusion on the state's MPA list, would be consistent with the provisions of § 36-14-5(h).

Accordingly, based upon the Petitioner's representations, a review of the applicable provisions of the Code of Ethics, and consistent with prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from registering her private business as a vendor on the state's MPA list in order to provide language services to various non-state and state agencies, excluding the Rhode Island Judiciary in its entirety. Finally, 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 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:

§ 36-14-2(3)
§ 36-14-2(7)
§ 36-14-5(a)
§ 36-14-5(b)
§ 36-14-5(d)
§ 36-14-5(h)
§ 36-14-7(a)

Related Advisory Opinions:

A.O. 2025-48
A.O. 2019-67
G.C.A. 2009-04

Keywords:

Secondary Employment