

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion 2026-34

Approved: September 29, 2026

Re: Charlotte R. Spinkston

QUESTION PRESENTED:

The Petitioner, the interim executive director of the Rhode Island Commission on the Deaf and Hard of Hearing, an independent contractor position, who is also a registered vendor on the statewide Master Price Agreement list as an American Sign Language interpreter, requests an advisory opinion regarding whether the Code of Ethics prohibits her simultaneous service in both positions.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, the interim executive director of the Rhode Island Commission on the Deaf and Hard of Hearing, an independent contractor position, who is also a registered vendor on the statewide Master Price Agreement list as an American Sign Language interpreter, is not prohibited by the Code of Ethics from serving simultaneously in both positions because, as an independent contractor with a state agency, she is not subject to the Code of Ethics.

The Petitioner informs that she has been serving as the interim executive director at the Rhode Island Commission on the Deaf and Hard of Hearing (RICDHH) since July 2026 when she was hired by its Board of Commissioners. She anticipates that she will serve in this role until at least January 2027 when the search for a permanent executive director is expected to begin. The Petitioner represents that as the interim executive director, she receives a 1099 form and is an independent contractor and not an employee serving in the classified, non-classified, or unclassified service of the state.

The Petitioner explains that since June 2025, she has been a registered vendor on the state's Master Price Agreement (MPA) list through the Department of

Administration, Division of Purchases to provide sign-language interpreter services.¹ The Petitioner seeks advice from the Ethics Commission regarding whether the Code of Ethics prohibits her simultaneous service in both positions.²

The Code of Ethics provides that the following groups of individuals shall be subject to the Code of Ethics: “(1) State and municipal elected officials; (2) State and municipal appointed officials; and (3) Employees of state and local government, of boards, Commissions, and agencies.” R.I. Gen. Laws § 36-14-4. Employees of state and local government include “full-time or part-time employees in the classified, non-classified and unclassified service of the state.” R.I. Gen. Laws § 36-14-2(4). However, the Ethics Commission has consistently opined that independent contractors of a state or municipal government are neither “employees” nor appointed officials subject to the provisions of the Code of Ethics. See A.O. 2001-60 (opining that the petitioner who served both as the district solicitor for the Union Fire District of Wakefield and legal counsel to the State Labor Relations Board, and was neither elected nor appointed to her positions, but served in both capacities as an independent contractor, did not fall under the jurisdiction of the Ethics Commission and was not covered by the conflict of interest provisions contained in the Code of Ethics)(citing Suzanne Worrell Gemma, et al. v. Rhode Island Ethics Commission (C.A. No. 94-3404, filed Sept. 17, 1994) (concluding that an attorney contractually retained by the State was not an employee, but an independent contractor and, accordingly, was not subject to the revolving door provisions set forth in R.I. Gen. Laws § 36-14-5(o)).

Here, based upon the Petitioner’s representations that she serves as an independent contractor with RICDHH and not as an employee serving in the classified, non-

¹ 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 State’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. “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.” Id.

² The Petitioner also seeks advice on the applicability of the procurement code of ethics under <https://rules.sos.ri.gov/regulations/part/220-30-00-3>. However, the Petitioner is advised that the Commission does not have jurisdiction over the procurement code of ethics and that this opinion is limited to application of the Rhode Island Code of Ethics to the facts as presented.

classified, or unclassified service of the state, she is not subject to the Code of Ethics or its restrictions, if any, on her simultaneous service as the interim executive director of RICDHH and as a registered vendor on the statewide MPA as an American Sign Language interpreter.

However, in the event that the Petitioner applies for and is offered the position of permanent executive director of RICDHH, she then will be considered a state employee and will be subject to the provisions of the Code of Ethics. The Petitioner is advised that under those circumstances, she should seek additional guidance from the Ethics Commission regarding the applicability of the Code of Ethics to her position as a state employee and to any private work in which she wishes to engage.

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

§ 36-14-4

520-RICR-00-00-1.1.3 Additional Definitions (36-14-2002)

Related Advisory Opinions:

A.O. 2001-60

Keywords:

Code Jurisdiction

Independent Contractor