STATE OF RHODE ISLAND
RHODE ISLAND ETHICS COMMISSION
40 Fountain Street
Providence, RI 02903
(401) 222-3790 (Voice/TT)
Email: ethics.email@ethics.ri.gov
Website: https://ethics.ri.gov

NOTICE OF OPEN MEETING

DATE:	Tuesday, October 20, 2026
TIME:	9:00 a.m.
PLACE:	Rhode Island Ethics Commission Hearing Room – 8th Floor 40 Fountain Street Providence, RI 02903
LIVESTREAM:	The Open Session portions of this meeting will be livestreamed at: https://us02web.zoom.us/j/86550236139 **This is an in-person meeting held at the physical location listed above. Livestream access is being provided only as a convenience, but it is not an official meeting place and we do not guarantee virtual access to view or participate in the meeting. If the livestream virtual broadcast of the meeting is interrupted or cut off for any reason, the meeting will continue in person.**

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AGENDA

14th Meeting

1. Call to Order.

2. Motion to approve minutes of Open Session held on September 29, 2026.

3. Director's Report: Status report and updates regarding:

   a.) Complaints and investigations pending;
   b.) Advisory opinions pending;
   c.) Access to Public Records Act requests since last meeting;
   d.) Financial disclosure; and
   e.) General office administration;

4. Advisory Opinions:

   a.) Shannon Massaroco, a former member of the board of trustees of Sheila C. "Skip" Nowell Academy, requests an advisory opinion regarding whether the Code of Ethics prohibits her from accepting employment with the academy as its director of Health and Wellness, given her former position on its board of trustees. [Staff Attorney Popova Papa]

   b.) Dennis Greenless, a fire safety technician with the Rhode Island Department of Corrections, who was formerly employed by the Office of the State Fire Marshal, and who, in his private capacity, is the sole owner and operator of a recently established fire safety consulting company, requests an advisory opinion regarding whether he may simultaneously operate his private business while employed with the Department of Corrections and what restrictions, if any, the Code of Ethics places upon him given his current employment with the Department of Corrections and his past employment with the State Fire Marshal's Office. [Staff Attorney Popova Papa]

c.) Marius Tarau, MD, the Chief Medical Examiner for the State of Rhode Island, requests an advisory opinion regarding whether, consistent with the Code of Ethics, he may operate a private consulting practice involving cases with no connection to the State of Rhode Island. [Senior Staff Attorney D'Arezzo]

5. Motion to go into Executive Session, to wit:

   a.) Motion to approve minutes of Executive Session held on September 29, 2026, pursuant to R.I. Gen. Laws § 42-46-5(a), (2), & (4).

   b.) In re: Larome Myrick, Complaint No. 2026-5, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4).

   c.) Litigation update re: K. Joseph Shekarchi vs. Rhode Island Ethics Commission, Superior Court C.A. No. PC-2026-03423, pursuant to R.I. Gen. Laws § 42-46-5(a)(2).

   d.) Motion to return to Open Session.

6. Motion to seal minutes of Executive Session held on October 20, 2026.

7. Report on actions taken in Executive Session.

8. New Business proposed for future Commission agendas and general comments from the Commission.

9. Motion to adjourn.

ANYONE WISHING TO ATTEND THIS MEETING WHO MAY HAVE SPECIAL NEEDS FOR ACCESS OR SERVICES SUCH AS A SIGN LANGUAGE INTERPRETER, PLEASE CONTACT THE COMMISSION BY TELEPHONE AT 222-3790, 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. THE COMMISSION ALSO MAY BE CONTACTED THROUGH RHODE ISLAND RELAY, A TELECOMMUNICATIONS RELAY SERVICE, AT 1-800-RI5-5555.

Posted on October 15, 2026

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: October 20, 2026

Re: Shannon Massaroco

QUESTION PRESENTED:

The Petitioner, a former member of the board of trustees of Sheila C. "Skip" Nowell Academy, a state appointed position, requests an advisory opinion regarding whether the Code of Ethics prohibits her from accepting employment with the academy as its director of Health and Wellness, given her former position on its board of trustees.

OPTION #1
RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a former member of the board of trustees of Sheila C. "Skip" Nowell Academy, a state appointed position, is prohibited by the Code of Ethics from accepting employment with the academy as its director of Health and Wellness until the expiration of one year following the date of her severance from her position on the board of trustees.

OPTION # 2
RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a former member of the board of trustees of Sheila C. "Skip" Nowell Academy, a state appointed position, is not prohibited by the Code of Ethics from accepting employment with the academy as its director of Health and Wellness within one year of leaving service on its board of trustees.

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The Petitioner represents that she was a member of the board of trustees of Sheila C. "Skip" Nowell Academy (academy or school)[1] from 2022 until her resignation on August 19, 2026. The academy is "a non-traditional state high school in the Downtown neighborhood of Providence."[2] It "was founded in 2013 to provide pregnant and parenting youth a pathway to earn a high school degree, and has since expanded to welcome other students who, for numerous and varied reasons, benefit from an alternative path to graduation."[3] The academy was initially established as a charter school but in June 2024, "cease[d] operating as an independent charter school" and, according to its enabling legislation, was "reconstituted and created as a public school and local educational agency." R.I. Gen. Laws § 16-114-1.

The academy is governed by a board of trustees that "shall have the powers and duties of a school committee." See § 16-114-4. Further, the persons serving as board members on the date the legislation passed, including the Petitioner, "constitute[d] the founding board of trustees of the academy." Id. While the Petitioner represents that her initial appointment to the charter school in 2022 was made through a vote of the then-sitting board members, the 2024 enabling legislation establishes that all new members of the board shall be appointed by the council on elementary and secondary education from nominations made by the commissioner of elementary and secondary education.[4] Id. Pursuant to the academy's bylaws,[5] the responsibility for carrying on the work of the academy is delegated to the board in conjunction with the executive director. The bylaws specify that the primary responsibilities of the board of trustees include, but are not limited to, hiring and annually evaluating the executive director, and authorizing contracts including annual hiring and nonrenewal of staff. The bylaws further specify that the executive director serves as the academy's principal executive officer who supervises, manages, and controls all of the business, staffing, and day-to-day affairs of the academy, subject to the oversight of the board.

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[1] The academy's website uses the term *board of directors,* whereas its enabling legislation uses the term *board of trustees*. See R.I. Gen. Laws § 16-114-4. The terms board of trustees or board will be used hereinafter.

[2] https://www.nowellacademy.org/about- (last visited September 14, 2026).

[3] Id.

[4] The chair of the academy explained that since the transition, there has been only one person appointed to the board.

[5] The bylaws were provided to the Ethics Commission's staff by legal counsel for the board of trustees. Legal counsel and the chairperson of the board note that the bylaws were adopted when the academy was organized as a charter school and have not yet been updated since its transition to a state school.

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The Petitioner represents that earlier in 2026, while she served on the board, the school publicly advertised a vacancy for the position of director of Health and Wellness for which she applied, interviewed, and was offered the position. During a telephone conversation with staff of the Ethics Commission, the academy's executive director explained that the position became available after the previous director left on August 12, 2026, a week before the start of the new school year. The executive director further explains that this position is a critical leadership position that involves, among other things, work with pregnant and parenting students; oversight of the social worker, the school nurse, and the external partners; and a good understanding of various resources available to the students, some of whom may be open to the Rhode Island Department of Children, Youth & Families (DCYF). The executive director states that, on August 13, 2026, the job opening was advertised[6] through SchoolSpring,[7] followed by an email to the board members informing them of the job opening, to which the Petitioner responded by emailing back her cover letter and resume. The executive director explains that the Petitioner was interviewed by the principal on August 14, 2026,[8] and that the executive director subsequently offered the position to the Petitioner on August 18, 2026. The Petitioner explains that following her acceptance of the position, she resigned from the board. She notes that the anticipated start date for the position was September 21, 2026. However, she explains that she was asked by the board to seek guidance from the Ethics Commission regarding whether she may accept the position, given her former position on the board.

The executive director states that the Petitioner's work experience, and engagement and familiarity with the academy, and its students and their needs made the Petitioner highly qualified and suitable for the position, with the ability to immediately take over critical tasks that, at the moment, are being temporarily fulfilled by various school employees such as the principal, the executive director, the social worker, and the supervisor of operations.[9] The executive director further states that, given the uncertainty regarding the applicability of the revolving door provisions of the Code of Ethics relative to the Petitioner's hiring, the job advertisement was never removed. The executive director informs that, following information from the Petitioner that she may not be allowed to serve as the director of

[6] The executive director explains that the position was advertised as open until filled.

[7] SchoolSpring is an online recruitment platform for teachers and school staff.

[8] The executive director believes that there was one additional candidate at that time.

[9] The executive director explains that the Petitioner was regularly involved in academy initiatives. The executive director notes that the Petitioner was invited to and participated in various academy events, such as Thanksgiving and holiday parties, family nights, graduations, and prom. Additionally, the executive director notes that the Petitioner chaperoned school trips, visited the school during the day, and donated gifts.

Health and Wellness, and given that the school year is already underway, the executive director did recently conduct additional interviews for the position. The executive director believes that there were approximately twelve (12) candidates in total, nine of whom expressed willingness to be interviewed, but that only six of those actually came in for interviews. The executive director represents that four of the six interviewed lacked the required qualifications specifically relating to managerial experience, one candidate was somewhat qualified, and the sixth candidate was fully qualified but was determined not to be a good fit for the academy.

The Petitioner states that the hiring of the director of Health and Wellness is not in the purview of the board and that the board did not participate in the recruitment, interview, or selection process. The executive director confirms that she has never sought the board's approval of her hiring decisions. The Petitioner states that, as a board member, she did not participate in the creation of the job description or in the hiring process. She confirms that the interview was conducted by the school's principal and that the executive director, who is responsible for all hires, offered her the position. The Petitioner notes that her service on the board was voluntary and she received no compensation. She states that she was unaware until she contacted the Ethics Commission that service as a board member amounted to a state or municipal appointed position subject to the revolving door provisions of the Code of Ethics. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether the Code of Ethics prohibits her from serving in the position of director of Health and Wellness.

I. The Petitioner is a State Appointed Official

The Code of Ethics defines a state appointed official as "any officer or member of a state . . . agency as defined herein who is appointed for a term of office specified by the constitution or a statute of this state . . . or who is appointed by or through the governing body or highest official of state or municipal government." R.I. Gen. Laws § 36-14-2(9). Commission Regulation 520-RICR-00-00-1.1.3(B) Additional Definitions (36-14-2002) (Regulation 1.1.3(B)) expands upon this definition to include "any officer or member of a state . . . agency as defined herein who is appointed to an office specified by the constitution or a statute of this state . . . or who is appointed by, through or with the advice and consent of a governing body, or any court, in state or municipal government, or highest official of state or municipal government."

Here, when the academy was reconstructed from a charter to a public school in 2024, the statute specifically appointed the board members who were already serving at that time, including the Petitioner, to serve as the founding board of trustees of the academy. The statute further specifies that all board members shall thereafter be appointed by the council on elementary and secondary education from nominations made by the commissioner of

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elementary and secondary education. Accordingly, the Petitioner is a state appointed official within the definitions of § 36-14-2(9) and Regulation 1.1.3(B).[10]

II. 520-RICR-00-00-1.5.1 Employment from Own Board (36-14-5006)

Commission Regulation 520-RICR-00-00-1.5.1 Employment from Own Board (36-14-5006) (Regulation 1.5.1) prohibits any elected or appointed official from accepting any appointment or election that requires approval by the body of which she is or was a member, to any position which carries with it any financial benefit or remuneration, until the expiration of one year after termination of her membership in or on such body, unless the Ethics Commission shall give its approval for such appointment or election, and, further provided, that such approval shall not be granted unless the Ethics Commission is satisfied that denial of such employment or position would create a substantial hardship for the body, board, or municipality.[11]

The legislative aim of the "revolving door" provisions of the Code of Ethics is to ensure that public officials and employees "adhere to the highest standard of ethical conduct, . . . avoid the appearance of impropriety and not use their position for private gain or advantage." R.I. Const. art. III, § 7. "The integrity of our government officials is quintessential to our system of representation." In re Advisory Opinion From the Governor, 633 A.2d 664, 671 (R.I. 1993). In general, "the purpose of revolving-door provisions is to prevent 'government employees from unfairly profiting from or otherwise trading upon the contacts, associations and special knowledge that they acquired'" during their tenure as public servants. Id. (quoting Forti v. New York State Ethics Commission, 75 N.Y.2d 596, 605, 554 N.E.2d 876, 878, 555 N.Y.S.2d 235, 237 (1990)).

[10] The Petitioner was likewise subject to the Code of Ethics while the academy was a charter school. See A.O. 2012-21 (opining that members of the governing body or board of directors of a charter school were persons subject to the Code of Ethics).

[11] Further, a person subject to the Code of Ethics may not participate in any matter in which she has an interest, financial or otherwise, which is in substantial conflict with the proper discharge of her duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest occurs if a person subject to the Code of Ethics 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). Finally, § 36-14-5(d) prohibits a public official from using her position or confidential information received through her position to obtain financial gain, other than that provided by law, for herself, her family member, her business associate, or any business by which she is employed or which she represents.

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Although the prohibition of Regulation 1.5.1[12] generally applies to situations where the employment being sought requires the approval of one's own board, in Advisory Opinion 2003-65 the Ethics Commission extended its application to a school committee member who, prior to his election to the school committee, provided sports officiating services to the school department and wished to apply to the athletic director to continue to do so after his election. Under those facts, sports officials were selected by the athletic director, who in turn was hired by the school committee. There, the Ethics Commission concluded that "[b]ecause the School Committee selects the Athletic Director, who in turn selects the sports officials, the petitioner's continued receipt of financial remuneration for his officiating services would violate the spirit if not the letter of Regulation [1.5.1]."

The Ethics Commission likewise applied Regulation 1.5.1 in Advisory Opinion 2010-24 opining that a member of the Coventry Housing Authority Board of Commissioners was prohibited from seeking or accepting employment from the housing authority as its maintenance director while serving on the board and for a period of one year thereafter, given that the board was responsible for hiring the executive director, who was then responsible for the day-to-day operation of the housing authority, and for hiring the other employees, including the maintenance director. The Ethics Commission noted that applying for and accepting the position of maintenance director would violate Regulation 1.5.1 and, more generally, would run counter to the intent of the revolving door provision. Contra A.O. 2012-19 (a member of the Rhode Island Contractors' Registration and Licensing Board could accept employment with the board as a senior state building code official, given that all employees of the board, including its executive director, were hired by the Department of Administration, the board did not participate in the process, and its members did not have supervisory, policy-making, hiring or fiscal authority with regard to the board's employees, including the executive director).

OPTION #1

Here, the board of directors, of which the Petitioner was a member until August 2026, hires the executive director of the academy, who in turn hires the rest of the employees. Accordingly, following the guidance in the above-cited prior advisory opinions, it is the opinion of the Ethics Commission that the Petitioner is prohibited by Regulation 1.5.1 from seeking or accepting employment with the academy while serving on the board and for a period of one year thereafter.

Additionally, Regulation 1.5.1's exception in cases of a "substantial hardship for the body" is not applicable here. "Substantial hardship" is not defined by the Code of Ethics; thus, the Ethics Commission determines whether a substantial hardship for the body exists on a

[12] Prior to the conversion to the Rhode Island Code of Regulations in 2018, Regulation 1.5.1 was known as Commission Regulation 36-14-5006 and is cited as such in the advisory opinions issued prior to the conversion.

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case-by-case basis considering the totality of the circumstances presented and has, in the past, considered the following factors: whether, after publicly advertising the position, there was a complete absence of applicants or a lack of qualified candidates to fill the position; whether the position required very specific and unique skills and qualifications; whether the board member had been involved in the hiring process or in the drafting of the request for proposals; whether the position had been vacant for a substantial period of time; and whether the employment was a temporary measure or was intended to be permanent. The key issue, however, in determining whether a hardship to a government body exists is not whether the subject candidate is the most qualified candidate among all applicants but, rather, whether other qualified candidates are currently available or may become available through additional advertisement of the posting.

For example, in Advisory Opinion 2026-6, the Ethics Commission opined that a substantial hardship existed and permitted a member of the Providence Tourism Council's (PTC) Board of Directors to be hired as the PTC's executive director, provided that he resigned from the board upon accepting the position and given that: 1) the PTC had been without an executive director since 2010; 2) during the vacancy, the petitioner had assumed increased responsibilities on a volunteer basis; 3) after extensive advertising, the PTC's personnel committee determined that only four applicants merited interviews; 4) the petitioner was the only applicant interviewed who possessed the requisite qualifications to perform the duties of the position; 5) significant scheduled events and programs might be eliminated without imminent appointment of a qualified executive director; and 6) the petitioner did not participate in the hiring process.

Also, in Advisory Opinion 2023-41, the Ethics Commission opined that a substantial hardship for the Tiverton Wastewater District existed and permitted a member of the Tiverton Wastewater District Board of Directors to accept an offer of employment by that board to become the executive director of the Tiverton Wastewater District, provided that he resigned from the board of directors upon accepting the position. The factors considered by the Ethics Commission included: 1) the sole candidate produced following the board's outreach to the program coordinator of the Rhode Island Department of Environmental Management's Wastewater Leadership Boot Camp rejected the offer; 2) the board's advertisement of the position with the Providence Journal, on Indeed.com, and on the district's website produced 15 applicants, only one of whom met the minimum requirements for the interview but, following that interview, was determined to be unqualified for the position; 3) the board's efforts to fill the position with the assistance of the League of Cities and Towns and three local and regional clean water groups did not produce a single applicant; 4) the position had been vacant for three months which, in consideration of a looming deadline for the completion of a major project within the wastewater district, was substantial; and 5) following a three-month search, the petitioner was the only qualified candidate for the position and, by necessity, had become uniquely familiar with the responsibilities of the position, having stepped in on a number of occasions to exercise those responsibilities.

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Here, it is the opinion of the Ethics Commission that there is not enough evidence to support the application of the hardship exception contained in Regulation 1.5.1. The position was only advertised for less than a week before the position was offered to the Petitioner. There is no evidence that the position has been extensively advertised on multiple platforms. Additionally, although the Petitioner is deemed to be the most qualified candidate by the executive director, there is currently at least one other qualified candidate available.

OPTION # 2

Here, the executive director represents that the director of Health and Wellness is a critical position that was left vacant only one week prior to the start of the new school year. The position involves work with students who may be pregnant and/or parenting and/or open to the DCYF and who may be in need of specific services. The position requires a good understanding of various resources available to the students and the oversight of several other employees who are essential to the well-being of the students, including the nurse and the social worker, and the external partners. The executive director represents that currently there are no fully qualified candidates that are suitable for the position. Whereas, the Petitioner is highly qualified for the position based on her work experience, and her engagement and familiarity with the academy, and the students and their needs. She would be in a position to immediately take over critical tasks that are currently being fulfilled by various employees. Further, the sole responsibility for the hiring of school employees belongs to the executive director, who is not a member of the board and who does not seek approval of her hires from the board. Neither the Petitioner nor the board participated in the creation of the job description or the hiring process. Thus, considering the particular nature of the position, the specific needs of the students, and the representations made herein, it is the opinion of the Ethics Commission that a strict application of the revolving door provisions of the Code of Ethics as applied to the prior advisory opinions issued by the Ethics Commission that are cited herein would lead to an unreasonable and unjust result under these unique circumstances. Without overturning any of the above-cited prior advisory opinions or any other advisory opinion related to this matter, it is the opinion of the Ethics Commission that, based only on the very specific and unique circumstances represented herein, the Petitioner may accept and serve in the position of director of Health and Wellness of Nowell Academy.

This Draft 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

DRAFT

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(9)
§ 36-14-5(a)
§ 36-14-5(d)
§ 36-14-7(a)
520-RICR-00-00-1.1.3 Additional Definitions (36-14-2002)
520-RICR-00-00-1.5.1 Employment from Own Board (36-14-5006)

Related Advisory Opinions:
A.O. 2026-7
A.O. 2026-6
A.O. 2014-18
A.O. 2012-19
A.O. 2010-24
A.O. 2003-65
A.O. 2023-41

Other Related Authority:
R.I. Const. art. III, § 7
In re Advisory Opinion From the Governor, 633 A.2d 664 (R.I. 1993)

Keywords:
Appointing Authority
Employment from Own Board
Revolving Door

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RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: October 20, 2026

Re: Dennis Greenless

QUESTION PRESENTED:

The Petitioner, a fire safety technician with the Rhode Island Department of Corrections, a state employee position, who was formerly employed by the Office of the State Fire Marshal, also a state employee position, and who, in his private capacity, is the sole owner and operator of a recently established fire safety consulting company, requests an advisory opinion regarding whether he may simultaneously operate his private business while employed with the Department of Corrections and what restrictions, if any, the Code of Ethics places upon him given his current employment with the Department of Corrections and his past employment with the State Fire Marshal's Office.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a fire safety technician with the Rhode Island Department of Corrections, a state employee position, who was formerly employed by the Office of the State Fire Marshal, also a state employee position, and who, in his private capacity, is the sole owner and operator of a recently established fire safety consulting company, may simultaneously operate his private business while employed with the Department of Corrections and must follow the restrictions described herein relative to his private interactions with his current employer, the Department of Corrections, and his former employer, the State Fire Marshal's Office.

The Petitioner is employed full-time by the Rhode Island Department of Corrections (RIDOC) as a fire safety technician. He states that he has been employed with the RIDOC since June 2026 and that his work hours are from 7:00 a.m. to 3:00 p.m., Monday through Friday. He explains that his duties include, but are not limited to, physical inspections of the RIDOC buildings within the Pastore Complex in Cranston to confirm that they comply with life safety and fire safety codes. The Petitioner further explains that he works with vendors, such as fire alarm and sprinkler system companies, to ensure that the buildings meet the safety standards set by the aforementioned codes and that all inspections, testing, and preventive maintenance of fire alarms and sprinkler systems are completed as required by law.

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The Petitioner represents that prior to his employment with the RIDOC, he served as a deputy state fire marshal at the Office of the State Fire Marshal. The Office of the State Fire Marshal is responsible for, among other things, "conducting fire investigations of all fires in Rhode Island where arson is suspected, the fire is undetermined by the fire department, and/or an injury or death has occurred."[1] The State Fire Marshal's Office is also responsible for "building permits and inspections of new and remodeled structures relating to fire safety and law compliance."[2] The Petitioner states that the State Fire Marshal's office has jurisdiction over all state and state-licensed buildings, whereas the jurisdiction over all other buildings is delegated to the municipal fire marshals. The Petitioner represents that the State Fire Marshal deputizes and oversees the municipal fire marshals. The Petitioner explains that the municipal fire marshals are not employees of the State Fire Marshal's Office but, rather, employees of the local municipalities and are ordinarily local firefighters. However, the Petitioner further explains that the municipal fire marshals are an extension of the State Fire Marshal's Office and fulfill the duties of the State Fire Marshal on a local level. The Petitioner notes that all fire marshals have joint training and organize monthly meetings together through the Rhode Island Association of Fire Marshals. The Petitioner represents that the State Fire Marshall may at times get involved with a municipal fire marshal matter where the matter is complicated or where his help has been requested by the municipal fire marshal.

The Petitioner states that he served as a deputy fire marshal from June 2021 to June 1, 2026, after which he immediately began his employment with the RIDOC. The Petitioner explains that as a deputy fire marshal, he appeared before the Rhode Island Fire Safety Code Board of Appeal and Review (Board of Appeals) when an unfavorable code enforcement decision was made by the State Fire Marshal's Office against a property owner and the property owner appealed the decision. The Board of Appeals is, among other things, "charged with the development and administrative review of a comprehensive fire safety code covering the State of Rhode Island."[3] The Board of Appeals also "sits as an independent adjudicatory body by providing both review of code enforcement decisions made by the State and local Fire Marshal's Offices and granting variances from strict compliance with the code in cases of unique circumstances or structural hardship."[4] The Petitioner states that the Board of Appeals is separate and distinct from the State Fire Marshal's office.

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[1] https://fire-marshal.ri.gov/ (last visited October 13, 2026).

[2] Id.

[3] https://fire-marshal.ri.gov/ (last visited October 13, 2026).

[4] Id.

DRAFT

The Petitioner represents that following his separation from his position with the State Fire Marshal's Office, he established a fire safety consulting company that currently has no employees or clients, pending the Ethics Commission's advice through this advisory opinion. The Petitioner states that, in that capacity, he will advise clients, who are either constructing a new building or renovating or modifying an existing one, on the requirements of the life safety and fire safety codes. The Petitioner explains that based on his advice, the clients will then work with their own design teams to prepare and/or draw a plan which will then be presented for approval to the state fire marshal or the municipal fire marshals as appropriate. The Petitioner states that while preparing his recommendation on life and fire safety, he may conduct a site visit, meet with the client's safety director, and communicate with local fire marshals in order to coordinate and implement the best safeguard measures. The Petitioner further states that as part of his private duties, he may prepare the following documents that may be included in a packet submitted by a client to the state or municipal fire marshals for approval: an evacuation plan, fire code narrative, and an NFPA 241 plan. The Petitioner represents that NFPA 241 plan establishes safeguards during construction, including during new construction or renovation of an existing building. The Petitioner further represents that NFPA 241 plan is required to be approved by the state or municipal fire marshals as appropriate.

Cognizant of the revolving door provisions of the Code of Ethics, the Petitioner states that during the one year following his separation from his position with the State Fire Marshal's Office, he will not represent private clients before that office nor will he work privately on projects that he has reviewed as part of his public duties as deputy state fire marshal. He further states that his private work will be performed outside of his normal working hours with the RIDOC and without the use of any public resources. The Petitioner represents that in his private capacity he will not work on RIDOC projects or facilities or retain or advise any RIDOC contractors. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether he may simultaneously operate his private business while employed with the RIDOC and what restrictions, if any, the Code of Ethics places upon him given his current employment with the RIDOC and his past employment with the State Fire Marshal's Office.

Secondary Employment

The Code of Ethics provides that no state employee shall accept other employment which will either impair his independence of judgment as to his official duties or require or induce him to disclose confidential information acquired by him in the course of, and by reason of, his official employment. R.I. Gen. Laws § 36-14-5(b). Additionally, 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 his 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 his duties in the public interest if he has reason to believe or expect

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that he, any person within his family, his business associate, or any business by which he is employed or which he represents will derive a direct monetary gain or suffer a direct monetary loss by reason of his official activity. R.I. Gen. Laws § 36-14-7(a). Additionally, the Code of Ethics provides that a public employee shall not use his public office or confidential information received through his holding public office to obtain financial gain for himself, any person within his family, his business associate, or any business by which he is employed or which he 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 advised public employees who wished to engage in private secondary employment of their obligations under the Code of Ethics. For example, in Advisory Opinion 2019-67, the Ethics Commission opined 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 with the Family Court. Further, that petitioner could not use his public position to promote or advertise his private employment, nor could he list his public employment as part of the advertisement of his private work. Additionally, that petitioner was required to recuse 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. See also A.O. 2025-48 (opining 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 Master Price Agreement list in order to provide language services to various non-state and state agencies, excluding the Rhode Island Judiciary, given that there appeared to be no relationship between that petitioner's public duties as an interpreter for

DRAFT

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; she 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).

Here, based upon the Petitioner's representations, there appears to be no evidence that his private business, where he would provide advice to private clients relative to the requirements of the life safety and fire safety codes, would either impair his independence of judgment as to his state employment or create an interest that is in substantial conflict with his public duties. Additionally, there appears to be no relationship between the Petitioner's public duties as a fire safety technician with the RIDOC and his intended work as the owner and operator of a fire code consulting business, despite the similar skill set involved for each. Importantly, the Petitioner states that he would complete his private work outside of his regular working hours for the state and without the use of public resources. The Petitioner also states that in his private capacity he will not work on RIDOC projects or facilities, or retain or advise any RIDOC contractors. 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 operating his private business, either in or outside Rhode Island, simultaneously with his current public employment, provided that he complies with the restrictions described herein, including that all of the work is performed on his own time and without the use of public resources or confidential information obtained as part of his state employment and that he not use his public employment to advertise or promote his private work or to recruit or obtain potential clients for his private consulting work.

Revolving Door

The Code of Ethics prohibits a public employee from representing himself or any other person before any state agency by which he is employed. R.I. Gen. Laws § 36-14-5(e)(1) & (2). This prohibition extends for a period of one year after the public employee has officially severed his position with the agency. § 36-14-5(e)(4). The "revolving door" language of § 36-14-5(e) is designed to prevent any undue influence that a current or recently departed employee may have over the agency and colleagues with which he works, or worked. Under the Code of Ethics, a person represents himself or another person before a state agency if he participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his own favor or in favor of another person. § 36-14-2(12) & (13); 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016). See also R.I. Gen. Laws § 36-14-2(7). Additionally, R.I. Gen. Laws § 36-14-5(c) prohibits the use and/or disclosure of confidential information received through one's public employment for pecuniary gain.

DRAFT

The prohibitions within § 36-14-5(e) are absolute and apply to the entire agency, including all of its offices, sections, programs, or divisions. See, e.g., A.O. 2020-7 (opining that the chief civil engineer of the Transportation Planning Division of the Rhode Island Department of Transportation (RIDOT) was prohibited by the Code of Ethics from preparing plans bearing his signature as the consulting engineer to be submitted by a private client to RIDOT, including any separate divisions thereof or entities therein, while he was employed by RIDOT and for a period of one year thereafter). Therefore, for purposes of this advisory opinion and the Ethics Commission's determination of the applicability of the relevant sections of the Code of Ethics, the Petitioner's former public employment with the Office of the State Fire Marshal and his current employment with the RIDOC will encompass each of the departments, offices, sections, programs, or divisions within those state agencies.

The Ethics Commission has issued numerous advisory opinions interpreting § 36-14-5(e)(4)'s requirements with respect to former state employees interacting with their former agencies during the one-year period following the severance of their state employment. For example, the Ethics Commission issued Advisory Opinion 2020-32 to the former senior projects review coordinator for the Rhode Island Historical Preservation & Heritage Commission, opining that he was prohibited from representing himself or others, including his private employer, or from acting as an expert witness, before that commission until the expiration of one year following the date of severance from his state employment. That petitioner was further prohibited from using or disclosing any confidential information he obtained while working as the senior projects review coordinator to financially benefit himself or his private employer. See also A.O. 2017-34 (opining that a former principal civil engineer in the Bridge Design Section of the Rhode Island Department of Transportation (RIDOT), while not prohibited from working for a private engineering firm upon his retirement, was prohibited by the Code of Ethics from representing himself or others, including his new private employer, or from acting as an expert witness before RIDOT for a period of one year following the date of severance from his state employment, and from using any confidential information he obtained while working for RIDOT for financial gain).

Activities that would constitute representation and/or acting as an expert generally include the presentation of information or arguments for the purpose of influencing the judgment of the agency on matters concerning the Petitioner and/or his private clients. Here, the Petitioner is prohibited, in his private capacity, from representing himself or his private clients or acting as an expert witness before the RIDOC, while he is employed there and for a period of one year thereafter, and before the Office of the State Fire Marshal during the one year following his severance from his position as the deputy state fire marshal. Given that the municipal fire marshals are deputized and overseen by the State Fire Marshal and are an extension of the Office of the State Fire Marshal, the Petitioner would likewise be prohibited from representing himself or others before Rhode Island's municipal fire

DRAFT

marshals for a period of one year after leaving his position with the Office of the State Fire Marshal. The Petitioner is not prohibited, however, from representing himself or others, including the RIDOC, before the Board of Appeals.

Notably, prohibited activities include, but are not limited to, submitting a document or recommendations that bear his signature, including, but not limited to, the NFPA 241 plans, acting as an expert witness on behalf of a client, or appearing on behalf of a client before the RIDOC, the Office of the State Fire Marshal, and Rhode Island's municipal fire marshals. The Petitioner is cautioned that prohibited interactions are not limited to business meetings, and could occur at a restaurant, on the phone, in an email, or at any social or political gathering. It is the content of a discussion, rather than its venue, that is most relevant in applying the Code of Ethics' post-employment revolving door restrictions. On the other hand, contacts involving purely personal or ministerial matters that do not involve discretion or decision-making on the part of the RIDOC or the Office of the State Fire Marshal or any of their departments are not prohibited.

Finally, this advisory opinion cannot anticipate every possible situation in which a conflict of interest might arise for the Petitioner and, thus, provides only general guidance as to the application of the Code of Ethics based upon the facts represented herein. The Petitioner is encouraged to seek additional advice, if needed, from the Ethics Commission in the future as more specific questions regarding potential conflicts of interest might arise.

This Draft 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)
§ 36-14-2(12)
§ 36-14-2(13)
§ 36-14-5(a)
§ 36-14-5(b)
§ 36-14-5(c)

DRAFT

§ 36-14-5(d)
§ 36-14-5(e)
§ 36-14-7(a)
520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016)

Related Advisory Opinions:
A.O. 2025-48
A.O. 2020-32
A.O. 2020-7
A.O. 2019-67
A.O. 2017-34
G.C.A. 2009-4

Keywords:
Revolving Door
Secondary Employment

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RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: October 20, 2026

Re: Marius Tarau, MD

QUESTION PRESENTED:

The Petitioner, the Chief Medical Examiner for the State of Rhode Island, a state employee position, requests an advisory opinion regarding whether, consistent with the Code of Ethics, he may operate a private consulting practice involving cases with no connection to the State of Rhode Island.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, the Chief Medical Examiner for the State of Rhode Island, a state employee position, is not prohibited by the Code of Ethics from operating a private consulting practice involving cases with no connection to the State of Rhode Island, provided that: all work is performed on his own time and without the use of public resources or confidential information obtained as part of his state employment; he does not use his public position to recruit or obtain potential clients; and he does not use his public position to advertise or promote his private work.

As the Chief Medical Examiner for the State of Rhode Island, the Petitioner states that he oversees the administrative and operational functions of the Office of the State Medical Examiner (OSME) within the Department of Health (RIDOH), performs medicolegal autopsies, testifies in court, and takes part in various public health advisory bodies. The Petitioner informs that he is considering opening a private consulting practice to provide case reviews, expert opinions on cause and manner of death, and per-diem coverage for out-of-state jurisdictions. The Petitioner represents that this private work would be strictly limited to cases that do not involve the state of Rhode Island. The Petitioner further states that the private work would be conducted entirely outside of his official state work hours and without the use of any public resources. The Petitioner advises that his DOH supervisor is aware of his prospective private work and has no objections. The Petitioner seeks guidance from the Ethics Commission as to the permissibility of engaging in such private work while serving as the Chief Medical Examiner.

DRAFT

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 business, 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 a public official or employee has reason to believe or expect that he, any person within his family, his business associate, or any business by which he is employed or which he represents will derive a direct monetary gain or suffer a direct monetary loss by reason of his official activity. R.I. Gen. Laws § 36-14-7(a). Also, no person subject to the Code of Ethics shall accept other employment that would impair his independence of judgment as to his official duties or require or induce him to disclose confidential information acquired by him in the course of and by reason of his official duties. § 36-14-5(b). Further, no person subject to the Code of Ethics shall use his public office or confidential information received through his public office to obtain financial gain for himself, any person within his family, his business associate, or any business by which he is employed or which he represents. § 36-14-5(d).

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

The Ethics Commission has specifically permitted public officials and employees to engage in secondary employment that was outside of their official public jurisdiction. In Advisory Opinion 2021-51, for example, the Ethics Commission opined that the supervising forensic scientist for the Rhode Island Department of Health (RIDOH) was not prohibited by the Code of Ethics from working as a private consultant on matters outside of, and with no relation to, the State of Rhode Island, 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 employment at the RIDOH. Nor could that petitioner use his public employment to recruit or obtain potential clients or advertise or promote his private work. See also A.O. 2015-36 (opining that an Assistant Medical Examiner for the State of Rhode Island was not prohibited from working as a private consultant medical examiner and/or expert witness on cases outside of Rhode Island, provided that, among

DRAFT

other things, she performed all private consulting work on her own time and without the use of state resources or equipment, and that she did not work on cases that were subject to the jurisdiction of any state or federal court in Rhode Island or involved decedents who were residents of Rhode Island at the time of their death); A.O. 2009-31 (opining that the Chief Plumbing Investigator for the Rhode Island Department of Labor and Training, who was also licensed as a master plumber and pipefitter, was prohibited from working as a plumber and pipefitter in the State of Rhode Island, but was not prohibited from performing such work outside of the State of Rhode Island, provided that such work was performed on his own time and without the use of public resources and that he did not use his state position to recruit potential clients).

Here, based on all of the above representations, and the review of the relevant provisions of the Code of Ethics and prior advisory opinions issued, it is the opinion of the Ethics Commission that there is no evidence that the Petitioner's proposed private consulting work would either impair his independence of judgment or create an interest in substantial conflict with his public duties as the Chief Medical Examiner. Accordingly, the Code of Ethics does not prohibit the Petitioner from simultaneously serving as the Chief Medical Examiner and operating a private consulting practice in the manner described above, provided that all of work is performed on his own time and without the use of public resources or confidential information obtained as part of his duties as Chief Medical Examiner and, further provided, that the Petitioner does not use his public position to advertise or promote his private work or to recruit or obtain potential clients.

This Draft 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)
§ 36-14-7(a)

DRAFT

Related Advisory Opinions:
G.C.A. 2009-4
A.O. 2025-2
A.O. 2021-51
A.O. 2015-36
A.O. 2013-20
A.O. 2009-31
A.O. 2006-58
A.O. 2005-48

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Private employment

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