

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2026-36

Approved: 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.

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

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 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(b)

§ 36-14-5(d)

§ 36-14-7(a)

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

Keywords:

Private employment